

High Council of Resistance

H.C.R.

PARIS AGREEMENTS

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I – PROTOCOL OF AGREEMENTS INITIALED AT PARIS

PREAMBLE

Meeting in Paris from September 5 to 27, 1994, under the auspices of the OAU Mediator, His Excellency, Kemoko KEITA, Guinean Ambassador to Ethiopia, representing the Secretary General of OUA, and the international observers, their Excellencies:

Henri RETHORE, Ambassador, French (host country) representative; Alphonse NIANGOULA, Ambassador, representative of Congo; Richard ADJAHO, Ambassador, representative of Benin; Volker BERRESHEIM, Embassy counsellor, representative of Germany and the European Union; Giles POIRIER, Political Counsellor to the Embassy of Canada in Paris, representative of Canada.

Wishing to preserve peace and national unity, in the greater interest of the Nation;

Concerned with strengthening the Rule of Law to guarantee fundamental liberties, in which citizens are equal before the law with rights and responsibilities;

Concerned with preserving the achievements of the National Conference, and notably political pluralism and alternating power as virtues of all democratic systems, including the one established in Gabon since that conference;

Noting that the elections organised since the National Conference in 1990 and 1993 have not been uncontested and that this situation has created a climate of social tension with damaging consequences for the functioning of organisations and for economic and social activity, effects made worse by the devaluation of the Central African CFA franc;

Deciding, in the greater interest of the Gabonese Nation in particular, and the African continent in general, to end, by democratic dialogue, this climate of latent confrontation:

The delegation of the Executive (hereinafter known as the Executive) led by the Honourable Jean-Francois NTOUTOUME EMANE, Deputy of the Parliamentary majority, mandated by His Excellency, El Hadj Omar BONGO, President of the Republic, head of state, and the delegation of the opposition, grouped within the High Council of Resistance (HCR), led by Mr Pierre Louis AGONDJO OKAWÉ, Deputy of the Opposition, Vice-President of the HCR, have agreed:

CHAPTER I: PURPOSE

Art. 1. – to resolve their differences by dialogue;

Art. 2. – to organise prenegotiations at Libreville with the aim of easing the social and political climate before the negotiations proper;

Art. 3. – to open in France the negotiations sanctioned by the agreements initialled in Paris and signed in Libreville; in accordance with articles 14 and 15 of the internal regulation for the negotiations;

Art.4. – to adopt an internal regulation on the organisation of the negotiations and on the conditions for implementing the agreements, a regulation adopted on September 7, 1994;

Art.5. – to take afterwards all decisions in accordance with the clauses annexed to the present protocol and which, acquiring a normative value after signature, according to the procedure in article 15 of the internal regulation, and after ratification by the National Assembly, shall be binding on all signatory parties, and shall confer on the institutions of the Republic the duty to transform them into legislative or regulatory measures.

CHAPTER II: DECISIONS

Under the auspices of the mediator and the international observers, the two parties, in accordance with the clauses annexed to the present protocol, have decided to:

Art.6. – Electoral problems

- organise transparent elections, notably by revising the Electoral Code and setting up a National Electoral Commission, with jurisdiction throughout the national territory, and chaired by a magistrate, president of one of the three Courts (judicial, administrative and accounts);
- establish an electoral calendar fixing the date for local elections at 12 months and legislative elections at 18 months from the date of formation of the Government for Democracy;

Art.7. – Rule of Law

- ensure the independence and effectiveness of the constitutional institutions;
- restore the authority of the Republican State;
- recognise all political parties while discouraging fantasy or clan-based parties, and respecting the fundamental principles of democracy;
- finance not only the campaigns, but also the party operations for those parties with at least one deputy in the National Assembly, while retaining the principle of placing a ceiling on campaign funds;
- adopt a statute for former Presidents of the Republic;
- adopt an ethical code for journalists, to transform the media into autonomous public services, to revise the laws governing the press, etc.;
- define the remit of the different security forces and, in particular, restore each unit to its conventional remit;

- transform the Presidential Guard (Garde présidentielle, GP) into a Republican Guard (Garde Républicaine, GR);
 - attach the police to the Ministry of the Interior;
 - attribute maintenance of order to the Police and the Gendarmerie, except where they are overloaded, in which case forces from the third category may be needed;
 - create a National Council for Democracy, a consultative organ with moral authority;
 - revise the Nationality Code in order to open up the conferment of Gabonese nationality while taking care to preserve national cultural identity and privileging selective immigration;
 - undertake a law programme on the damage suffered during the demonstrations between 1990 and 1993;
 - enact a law on decentralisation before organising national elections;
 - reorganise State Auditing by abolishing the Ministry in charge and making this a service dimension attached to the Prime Minister;
 -
- Art.8. – The Government for Democracy and the interim programme
- form a Government for Democracy following signature of the Paris Agreements at Libreville;
 - implement the measures foreseen in the interim programme;
 - develop a timetable for setting up transparency instruments;
 - examine in Paris the results of the work of the Libreville joint monitoring committee;
 - specify in Paris the signature ceremony of the Paris agreements at Libreville.

CHAPTER III: MISCELLANEOUS PROVISIONS

Art. 9. – The clauses annexed to the present protocol shall be signed by the co-chairs of each committee, the two delegation leaders and by the Mediator;

Art. 10. – The minutes of each committee and those of the plenary assemblies shall be annexed as clauses to the present protocol and transmitted to the National Assembly, to the Government for Democracy, to the Constitutional Court, to the National Council for Democracy and to each of the two parties, that is the Executive on one hand, and the opposition HCR, on the other.

Art.11. – The agreements between the signatory parties shall be entitled “Paris Agreements” and commit these parties, until a government is formed following the next legislative elections.

Art. 12. – Where one of the parties fails to observe the terms of the present protocol, the other party may refer for arbitration to the International Monitoring Committee foreseen in article 16 of the internal regulation for the negotiations.

Done at Paris, September 27, 1994

PERSONS INITIALLING

For the Executive, the Head of the Delegation: Jean-Francois NTOUTOUME EMANE

For the Opposition HCR, the Head of the Delegation: Pierre Louis AGONDJO OKAWE

The Mediator, Ambassador representing the Secretary General of the OUA: Kemoko KEITA

The Observers

H.E. Henri RETHORE, Ambassador, representative of the Republic of France

H.E. Alphonse NIANGOULA, Ambassador, representative of the Republic of Congo

H.E. Richard ADJAHO, Ambassador, representative of the Republic of Benin

H.E. Volker BERRESHEIM, Embassy counsellor, representative of the Federal Republic of Germany and the European Union

H.E. Gilles POIRIER, Political Counsellor to the Embassy of Canada in Paris, representative of Canada.

SIGNATORIES

For the Executive:

For the Democratic Party of Gabon (PDG), the Interim General Secretary: Honourable Leonard ANDJEMBE

For the Unity People's Party (PUP), the President: M Louis Gaston MAYILA

For the Socialist Union of Gabon (USG), the First Secretary: Dr. Serge MBA BEKALE

For the Gabon Association for Socialism (APSG), the President: Victor MAPANGOUC MUCANI MUETSA

For the Liberal Reform Convention (CLR), the President, Honourable Jean Boniface ASSELE

For the Opposition HCR

POLITICAL PARTIES

For the Democratic & Republican Alliance (ADERE), the President, Gaston Noel MBOUMBOU NGOMA

For the African Forum for Reconstruction (FAR), the First Secretary, Honourable Leon MBOU YEMBI

For the People's Socialist Emancipation Movement (MESP), the Secretary General, Alfred ANTYUWE WORA

For the National Recovery Movement (MORENA), the President, Honourable Simon OYONO ABA'A

For the Independent Centre Party of Gabon (PGCI), the President, Jerome OKINDA

For the Progress Party of Gabon (PGP), the President, Me Pierre Louis AGONDJO OKAWE

For the Democratic Justice Congress (CDJ), the President, Marc Saturnin NAN NGUEMA

For the Radical Independent Republican Party (PARI), the President, Honourable Anacle BISSIELO

For the Social Democratic Party (PSD), the President, Pierre Claver MAGANGA MOUSSAVOU

For the United People's Party (PUP-CRISE), the President, Paulin NSOME

For the National Assembly of Foresters (RNB), the President, Pere Paul MBA ABESOLE

For the Gabon People's Union (UPG), the President, Pierre MAMBOUNDOU

POLITICAL GROUPS

Group: Jules Aristide BOURDES OGOULIGUENDE

Group: Leon MEBIANE

Group: Alexandre SAMBAT

Group: Di Djob DIVUNGUI DI NDING

Group: Jean-Pierre LEMBOUMBA LEPANDOU

International Observers

For the Republic of France

For the Republic of Congo

For the Republic of Benin

For the Federal Republic of Germany and the European Union

For Canada

The Mediator: H.E. Kemoke KEITA, Ambassador of Guinea, representing the Secretary General of the OUA

His Excellence El Hadj Omar Bongo, President of the Republic, Head of State

Libreville, Cité de la Démocratie, 7th October, 1994

II SYNTHESIS OF WORK AND CLAUSES

COMMITTEE I: ELECTORAL PROBLEMS AND PERSPECTIVES

Considering the inadequacies observed in the organisation and conduct of the legislative elections of 1990 and the presidential elections of 1993,

Wishing to preserve and consolidate the peace needed for nation-building and social and economic development in Gabon,

Determined to create the conditions needed to establish the Rule of Law, while respecting the principles underlying the Rule of Law,

The signatory parties:

I – Agree to commit the National Assembly to the adoption of projects or proposals to reform the Electoral Code, conferring the organisation and administration of elections on a National Electoral Commission;

II – Establish as follows, the remit, structure, composition, and operation and resources, of the above-mentioned NATIONAL ELECTORAL COMMISSION (Commission Nationale Electorale, CNE).

A) REMIT

- Practical organisation of the elections;
- Verification, with the help of a central statistical file, of the electoral lists of the polling stations, and of the general list of each commune, department and province;
- Specification of the polling stations, in relation to the provincial, departmental and communal councils;
- Printing and distribution of voting cards, ballot papers, and forms for minutes;
- Ordering, receiving and distributing electoral material (urns, ballot boxes, ink, etc.);
- Setting up a training programme for agents in charge of running elections;
- Setting up and running a civic education campaign for voters;
- Supervising the voting process;
- Counting and centralising the election results.

B) STRUCTURE

The CNE is made up of:

- 1) An office consisting of:

- a president,
- two vice presidents,
- a general rapporteur,
- a deputy general rapporteur,
- two rapporteurs.

2) Representatives of:

- the technical ministries,
- the political parties,
- for a presidential election, the candidates.

The same structure shall apply in the provinces, departments and communes.

C) COMPOSITION

1) At the national level

- The President shall be chosen, for each election, from among the presidents of the Administrative, Judicial and Accounts Courts, in rotation, by the Superior Council of the Magistrature.
- The opposition and the majority shall each select one of the two Vice-Presidents.
- The general rapporteur is the general secretary or the general director of the Ministry of the Interior.
- The general rapporteur is the general director of Statistics.
- The opposition and the majority shall each select one of the two rapporteurs.
- The members are: a representative of the Ministry of Finance, a representative of the Ministry of Planning (Census Directorate), a representative of the Ministry of National Education, a representative of the Ministry of Defence, a representative of the Ministry of Justice, a representative of the Ministry of Communication, a representative of the Ministry of the Interior, an equal number of representatives from each of the political parties, and a representative of each candidate for the presidential election.

2) At the provincial level

- The president of the Provincial Electoral Commission (la Commission Electorale Provinciale, CPE) shall be a magistrate chosen by the CNE from among the magistrates in the regional capital.
- The opposition and the majority shall each select one of the two vice-presidents.
- The general rapporteur is the general secretary of the province.

- The deputy general rapporteur is the provincial treasurer.
- The opposition and the majority shall each select one of the two rapporteurs.
- The members are appointed by the technical Ministries (Finance, Planning, National Education, Justice, Defence, Communication, the Interior), an equal number of representatives from each of the political parties, and the candidates for the presidential election.

3) At the departmental level

- The president of the Departmental Electoral Commission (la Commission Electorale Départementale, CDE) shall be a magistrate chosen by the CNE from among the magistrates in post in the provincial capital. Where necessary, he shall be chosen from among the magistrates in post in a neighbouring province or failing this, from among the Libreville magistrates
- The opposition and the majority shall each select one of the two vice-presidents.
- The general rapporteur is the general secretary of the prefecture.
- The deputy general rapporteur is the departmental treasurer.
- The opposition and the majority shall each select one of the two rapporteurs.
- The members are appointed by the technical Ministries, one per Ministry (Finance, Planning, National Education, Justice, Defence, Communication, Interior), an equal number of representatives from each of the political parties, and the candidates in the case of a presidential election.

3) At the communal level

- The president of the Communal Electoral Commission (la Commission Electorale Communale, CCE) shall be a magistrate chosen by the CNE from among the magistrates in post in the provincial capital. Where necessary, he shall be chosen from among the magistrates in post in a neighbouring province or failing this, from among the Libreville magistrates.
- The opposition and the majority shall each select one of the two vice-presidents.
- The general rapporteur is the general secretary of the prefecture.
- The deputy general rapporteur is the communal tax collector.
- The opposition and the majority shall each select one of the two rapporteurs.
- The members are appointed by the technical Ministries, one per Ministry (Finance, Planning, National Education, Justice, Defence, Communication, Interior), an equal number of representatives from each of the political parties, and the candidates for the presidential election.

5) At the level of the polling station:

The presidents of the polling stations shall be appointed in the commune by the CCE and in the department by the CDE.

Each polling station shall consist of, in addition to the president:

- two vice-presidents, one from the opposition and one from the majority;
- equal numbers of assessors appointed by the opposition and the majority;
- representatives of the candidates or the candidates' lists shall have the status of observer. Their observations shall be minuted.

D) THE ELECTORAL PROCESS

a) Decision-making within the electoral commissions shall be by consensus, or failing this by voting. In the latter case, only members of the office may vote, the president having the casting vote.

b) The minutes and other documents shall be signed by all members of the commission, and the president shall record any reservations or reasons for refusal to sign.

c) Election results shall be publicly announced:

- after the vote count at the polling station by its president in the presence of the other members;
- at the town hall by the mayor in the presence of members of the CCE;
- at the prefecture by the prefect in the presence of members of the CDE;
- at the governorate by the governor in the presence of members of the CPE;
- at CNE headquarters by the Minister of the Interior in the presence of members of the CNE.

d) The minutes of the proceedings in each province shall be transmitted to the Constitutional Court and to the CNE by the CPE presidents.

After announcing the results, the CNE president shall transmit copies of the minutes to the Constitutional Court and the National Council for Democracy.

E) RESOURCES

The material and financial resources needed for the operations of the CNE, the CPEs, the CDEs and the CCEs shall be provided by the State and shall be covered by the budget.

III – It is agreed that electoral disputes shall be referred to:

- the administrative jurisdiction for elections to municipal and departmental councils.

Complaints shall be lodged with the administrative jurisdiction within 15 days of the governor's announcement of results. It shall rule within a month of referral. The Constitutional Court shall announce the results.

- the Constitutional Court for the election of members of Parliament, the election of the President of the Republic or a referendum.

Complaints shall be lodged with the Constitutional Court within 30 days of the governor's or Minister of the Interior's announcement of results, for legislative elections, the presidential election or a referendum. It shall rule within a month of referral. After examining the referrals it shall announce the results.

IV – It is agreed that in order to prepare electoral lists:

Electors shall register at their polling stations. The CCE shall prepare the general list for the commune; the CDE for the Department; the CPE for the province and the CNE shall prepare the national electoral list.

Voting cards shall be sent to voters by the CCE or CDE respectively.

V - The timetable for the elections and for setting up the transparency instruments shall be as follows:

- Local elections: 12 months after formation of the Government for Democracy.
- Legislative elections: 18 months after formation of the Government for Democracy.
- Formation of the Government for Democracy: immediately after signing the protocol of agreement.
- The other instruments of transparency, namely the Constitution, the Electoral Code, the National Council for Democracy, the status of leaders and political and trade union personalities, the media, the Code of Nationality, boundaries of electoral constituencies, the law on decentralisation, reorganisation of State Auditing, shall be put in place at the latest 3 months before the local elections.

VI – The sums for electoral deposits shall be as follows:

- Presidential election = no more than 5 million F CFA
- Election of deputies = 350,000 F CFA
- Election to the Municipal Council = 250,000 F CFA per list
- Election to the Departmental Council – 150,000 F CFA per list.

VII – The ballot for candidates for membership of the municipal and departmental Councils shall continue to be by proportional representation, while recommending adoption of a simpler method of calculation.

In case of the resignation of any member(s) of the Council, a by-election shall be organised under the same conditions to replace the resigning member(s).

VIII – For elections of mayors and their deputies in the communes organised in districts, the elections shall take place on two successive Sundays, the first Sunday being for a communal election, and the second Sunday for a district election.

MEMBERS OF THE COMMITTEE

For the Executive

President: MAPANGO MOUCANI MUETSA

Rapporteur: David-Desire BENONI

Members:

Louis Gaston MAYILA,

Guy NZOUBA NDAMA

Jean-Raymond ZASSI MIKALA

Basile MOUTELE NGUELET

Joseph NDONG OBIANG

Jean Boniface ASSELE

Chil Jean Baptiste MBIKA MBONGUILA

For the opposition HCR

President: Pierre Claver MAGANGA MOUSSAVOU

Rapporteur: Louis ISSEMBE

Members:

Leon MBOU YEMBI

Max REMONDO

Laurent MINKO BENGONE

Firmin M'BONDOUKWE

Pierre Claver MVELE

Pierre Claver KESSANY

COMMITTEE II: RULE OF LAW

Committee no II Rule of Law met from Saturday September 10 at 11.30 to Monday September 26, 1994, in rooms 614 and 603 in the Palais des Congrès in Paris.

The delegation of each party was made up as follows:

For the Executive:

President: Leonard ANDJEMBE

Rapporteur: Louis Charles BIPECKA

Members:

Calixte NSIE

Guy Christian OSSAGOU

Samuel MBAYE

MOUBAMBA BAGWANGUI

Patrice MOULENGUI MOUELE

Jean Remy PENDY BOUYIKI

Serge MBA BEKALE

For the Opposition HCR:

President: Simon OYONO ABA'A

Rapporteur: Théophile MANGALA

Members: Luccheri GAHILA

Gaston Noel MBOUMBOU NGOMA

Albert YANGARI

MOUANGUE MBADINGUE

Paulin NSOME

Max MEBALE

Sebastien MAMBOUNDOU MOUYAMA

The agenda included the following points, grouped in three sections in accordance with the recommendations of the mediator and international observers.

I – INSTITUTIONAL QUESTIONS

01 - Independence and efficacy of constitutional institutions;

02 - Restoring the authority of the Republican State;

03 – The National Council of Democracy;

04 - Reorganisation of State Auditing.

II – INDIVIDUAL AND STATUTORY QUESTIONS

01 – The political parties:

- recognition;

- financing.

02 – The status of leaders and political and trade union personalities;

03 – The media;

04 – Security forces and the protection of goods and property.

III – LEGISLATIVE QUESTIONS

01- the Nationality Code;

02 - the law programme on damage suffered during the demonstrations between 1990 and 1994;

03 – Decentralisation.

The work, which was carried out calmly and with mutual respect, delivered the following results:

I – INSTITUTIONAL QUESTIONS

Point 1 - Independence and effectiveness of constitutional institutions

Considering the need for a consistent and effective implementation of the “Paris Agreements”;

The two parties have agreed the following:

1. Article 39 of the Constitution shall be modified and replaced by a new article 39, worded as follows:

“New article 39: There shall be no imperative mandate.

However, in the case of resignation or exclusion under statutory conditions of a member of Parliament from the political party to which he belonged at the time of his election, and if this party presented his candidature, his seat becomes vacant at the time of his resignation or exclusion.

A by-election shall follow, within two months at the latest.

The right to vote of members of Parliament is personal.

The regulations of each chamber may exceptionally authorise delegated voting.

No one may act as delegate for more than one term.”

2. The fourth point of the first paragraph of article 84 of the Constitution shall be modified and shall henceforth read as follows:

“New fourth point: the regularity of presidential and parliamentary elections and of referenda for which it announces results.”

3. The Administrative Tribunals shall rule on the regularity of elections of members of local collectivities.

Where there is no Administrative tribunal, the Tribunal of First Instance shall replace it.

4. The current mandate of the National Assembly shall be extended for six months.

5. During the period between signing of the “Paris Agreements” and renewal of the National Assembly:

- the National Assembly may not be dissolved;
- the Government for Democracy may not be overthrown, nor dismissed, following a vote of confidence by the National Assembly;
- in case of resignation or death of a member of the Government, he shall be replaced from the party to which he belonged.

6. The provisions in the first two paragraphs of article 39 of the new constitution cited above shall apply equally to the advisers of local collectivities.

Point 2 - Restoring the authority of the Republican State

Noting the need for all the Gabonese people and particularly the senior personalities of the State to respect the laws of the Republic;

Noting the tendency to devalue the public function and to water down the responsibilities of the public and semi-public sectors, as well as the difficulties in developing administrative careers;

Conscious of the difficulties encountered by local enterprises in view of late payments by the State to these enterprises;

The two parties, reaffirming the principle of the neutrality of the State and the administration, have agreed the following:

- 1) Competence and high moral standards shall govern appointments to the highest public functions;
- 2) The Government for Democracy shall carry out a genuine administrative reform which shall privilege technical competence over any subjective considerations;
- 3) It shall take urgent measures to regularise its debts with local enterprises.

Point 3 – The National Council of Democracy

Having noted the numerous blockages in the process of democratisation of Gabonese society, since the end of the National Conference;

Noting the need for better relations between:

- the political parties and the administration;
- the political parties and certain institutions of the Republic;
- the political parties;

Wishing to preserve the achievements of the National Conference and to help pluralist democracy bloom in Gabon;

The two parties have agreed to create a consultative organ called the National Council for Democracy.

The National Council for Democracy shall be tasked with:

- elaborating a Code of Good Conduct to be used by members of the national political class;

- mediating disputes between political parties and the administration, political parties and certain institutions of the Republic, and between the political parties themselves;
- ensuring respect for the "Paris Agreements", together with the International Monitoring Committee.

The National Council for Democracy shall receive the minutes of the National Electoral Commission.

The composition and functioning of the National Council for Democracy shall be defined and specified by particular texts, within the framework of measures to implement the "Paris Agreements".

Point 4 - Reorganisation of State Auditing

Wishing to develop Gabon economically and socially;

Conscious of the need to improve the public finances of the State;

Noting the persistence of the misappropriation of public goods;

Supporting the principle of devolution and decentralisation of the management of public affairs;

Considering that effective management is less important than implementing rigorous control mechanisms;

Considering that the organisation of the resources of the Ministry of State Audit are not adequate for the objectives listed above;

The two parties have agreed to:

1. Abolish the Ministry of State Audit and to establish a General State Audit, in synergy with the Court of Accounts;
2. Attach this organ to the Prime Minister's services;
3. Allocate human, material and financial resources to this organ, adequate for the size of its task;
4. Create a professional accounting service;
5. To develop, within the time period established for implementation of the Paris Agreements, the statutes relating to the personnel of this organisation;
6. Train and provide specialised training for the agents tasked with managing the decentralised and devolved services;
7. Strengthen the cabinets of provincial governors with competent and qualified civil servants, notably from the E.N.A.. In parallel, prefects, provincial, prefecture and sub-prefecture general secretaries, should be selected from graduates of E.N.A., of E.P.C.A. (A2 cycle) or any other similar establishment;
8. Living and working conditions of managers of devolved services shall be improved to enhance the status of these functions.

II – INDIVIDUAL AND STATUTORY QUESTIONS

Point 1: Political parties

Wishing to promote and consolidate political pluralism in the current political system in Gabon;
Considering the role assigned by the Constitution to the political parties in enacting universal suffrage, the two parties have agreed the following:

A) GENERAL PROVISIONS

The parties and the political groups shall compete for votes.
They shall be free to form, and carry out their activities, within the framework established by law and according to the principles of a multiparty system.
They shall express themselves by democratic means and shall respect the Constitution and the laws of the Republic.
Freedom of expression, to meet and to demonstrate peacefully, shall be recognised for all legally recognised parties, provided that public order is respected.
Access to public service media shall be guaranteed for all legally recognised parties in accordance with current legislation.
The right to form political groups shall be guaranteed in accordance with the conditions established by law for associations.
Political groups may present candidates for any political election, however they shall not benefit from financial support by the State.

B) RECOGNITION

1 – Provisions relating to the recognition of political parties in law 004/91 of April 3, 1991, shall remain in force.
2 – Political groups formed exclusively from legally recognised political parties shall be automatically recognised.
3 – The State shall protect the legal status of legally recognised political parties.
4 – Members who resign or are excluded properly and in accordance with statutory provisions, from a legally recognised political party, may not use the name, sign, emblem (logo), nor enjoy the legal status of that party.
The texts for implementation of the provisions on declaring and recognising political parties must be prepared within the same timescale as those for implementing the transparency instruments.

C) OPERATION

The current legal provisions relating to political party accounts (Section VI of law 004/91) shall be maintained, and their implementation shall be specified by regulation.

D) FINANCING

The State has a duty to contribute to the financing of political parties. The measures for this financial contribution have been decreed as follows:

- 1 – Annual operating subsidies allocated to legally recognised political parties and represented by at least one deputy in the National Assembly.
- 2 – Campaign subsidies allocated to all legally recognised political parties presenting candidates during political elections.
- 3 – Subsidies for referenda campaigns to all legally recognised political parties.
- 4 – On a temporary basis and until the next National Assembly is set up, operational and campaign subsidies shall be allocated to all legally recognised political parties and those in the process of being legally recognised, whose dossiers have been signed before the date of signing the Paris Agreements, notably M.E.S.P., P.A.R.I. and MODIGA.

E) MISCELLANEOUS PROVISIONS

Finance for electoral campaigns shall be limited to a ceiling to be specified in the implementation legislation.

This shall be preceded by an inventory of goods of the former single party not yet transferred to the State.

ANNEX TO POINT 3 CONCERNING POLITICAL PARTIES

1 – Groups

Definition: A group is formed when two or more legally recognised parties carry out their political activities within a well-defined structure, while maintaining their separate identity. When forming a group, legally recognised political parties shall continue to use their names, signs, emblems (logos), while being bound by the rules of the group.

The furnishings and property acquired by the political parties shall remain the property of those parties.

2 – Mergers

Definition: A merger takes place when two or more legally recognised political parties agree to combine in one single entity, with a mutually agreed name.

Effects of the merger

The political party formed from the merger of two or more legally recognised political parties shall be automatically recognised.

In merging, the legally recognised political parties may no longer use their former names, signs, or emblems (logos).

The only legal personality which the merging political parties may use shall be that of the new party formed from the merger.

Absorption merger

An absorption merger takes place when two or more legally recognised parties decide to merge within one of the parties who are merger candidates, and renounce their former names, signs, and emblems (logos), but keep the names, signs, and emblems (logos) of the absorbing party, or only one of the identifying elements of this party.

- The only legal personality which the merging political parties in this absorption merger may use shall be that of the party which absorbs it.
- All the furnishings and property acquired by the political parties who are candidates of the absorption merger shall become the property of the party into which they are absorbed.

3 – Splits

Definition: A split takes place when there is an organic separation between members or political tendencies within a legally recognised political party.

Reasons for a split: a split within a legally recognised party may be caused by:

- failure to respect the ideals of the party;
- divergence in political choices.

Effects of the split

- The party congress is the only authority which may sanction the split after identifying the members or the tendency who are/is responsible.
- The members or the political tendency identified by the congress as responsible for the split may only enjoy the recognised rights of legally recognised political parties if they make a formal request to be legalised in accordance with the legislation on political parties.
- The members or the political tendency identified by the congress as responsible for the split may not use the name, sign, or emblems (logo), nor the property of that party. Where a serious dispute arises, this may be referred to the courts.

Point 2: Status of political and trade union leaders and personalities

Considering the important role which leaders, political and trade union personalities, as well as other senior State personalities, are called upon to play in national life;

Considering that, in order to discharge this role fully and effectively, the State must improve their working conditions;

The two parties have agreed the following:

A) POLITICAL LEADERS

1 - Leaders of political parties shall be consulted by the President of the Republic, the government, the Parliament; they shall reply to invitations from the President of the Republic, the government and the Parliament.

2 - Leaders of political parties shall, upon request, be provided with a bodyguard, at the expense of the State. They shall be entitled to a diplomatic passport.

B) MEMBERS OF THE GOVERNMENT

1 –The number of members of the government shall be reduced in line with current financial constraints;

2 – They shall be entitled to a car and accommodation, property of the State.

C) CONSTITUTED BODIES

Accommodation and a service vehicle shall be provided for each president of a Constituted Body.

D) MEMBERS OF PARLIAMENT

The Government for Democracy shall examine their working and living conditions with a view to enhancing the parliamentary role.

E) SENIOR OFFICERS OF THE MAJOR ARMED FORCES

The State shall provide accommodation and a service vehicle for each of these officers, as well as for unit commanders.

F) ADMINISTRATIVE AUTHORITY LEADERS

A service vehicle and accommodation, property of the state, shall be provided for administrative authority leaders (provincial governors, prefects and sub-prefects).

G) TRADE UNION LEADERS AND MEMBERS

1) current legislation on trade union organisations remains in force;

2) Trade union members shall negotiate their own status.

H) STATUS OF FORMER PRESIDENTS OF THE REPUBLIC

1) A specific status for former Presidents of the Republic shall be adopted;

2) The detail of the proposals of the Commission on this status is provided in Annex.

ANNEX I: Provisions relating to the status of members of the Executive, Diplomatic Corps, Parliament, Security Forces and political parties (National Sovereignty Fund)

Conscious of the responsibilities and duties of the President of the Republic, the Prime Minister and members of the Government;

Wishing to restore the authority and prestige of the senior leaders of the State both within and outside Gabon;

The two parties agree on the need to release national sovereignty funds for allocation to:

- the President of the Republic;

- the Prime Minister;

- members of the Government;
- the office of the Senate;
- the office of the National Assembly;
- the parliamentary groups;
- Gabonese foreign diplomatic representatives;
- the special security services.

The measures to constitute and distribute these funds shall be as follows:

A) CONSTITUTION

- the National Sovereignty Fund shall be funded from State income;
- it shall be covered by the State budget, voted by Parliament and deposited in the public Treasury in special accounts administered by the Treasury Paymaster General.

B) DISTRIBUTION METHOD

These funds shall be allocated between the different institutions listed above, using a distribution key to be determined by the competent authorities.

ANNEX II: Complimentary provisions on the status of members of the government (service vehicles)

Conscious of the responsibilities of members of the government;

Wishing to restore the authority and prestige of the ministerial role;

The parties have agreed the following:

Members of the government shall have access to accommodation and a service vehicle conforming to the characteristics in terms of attribution and use to be detailed in specific texts.

ANNEX III: Status of former presidents of the Republic

Conscious of the responsibilities of a president of the Republic;

Conscious of the fact that, even after the end of his mandate as Head of State, a president of the Republic should not be treated as an ordinary citizen;

Wishing to preserve the dignity and honour of the former Presidents of the Gabonese Republic;

The two parties have agreed to adopt a particular status for former presidents of the Republic, for which the principle provisions are presented below:

A) GENERAL PROVISIONS

- In accordance with article 89 of the Constitution, former presidents of the Republic shall be honorary members of the Constitutional Court;
- They shall also be honorary members of the National Council for Democracy.

B) RIGHTS OF FORMER PRESIDENTS OF THE REPUBLIC

1. – Former presidents of the Republic shall be entitled to a pension in accordance with current legislation;
2. – The state shall provide the following for former presidents of the Republic;
 - domestic staff;
 - a guard consisting of ten elements;
 - an official car with a driver. (The State shall be responsible for the related charges.)
3. - Former presidents of the Republic shall be entitled to a diplomatic passport.

C) DUTIES OF FORMER PRESIDENTS OF THE REPUBLIC

1. Former presidents of the Republic shall refrain from commenting on any questions regarding the sovereignty of the Gabonese State;
2. – They shall, upon pain of being stripped of their status, refrain from any activity or manoeuvre which may affect the internal and external security of the State;
3. – They shall refrain from any affront towards the authorities who embody the institutions of the Republic;
4. – They shall refrain from any interference in the proper functioning of democracy.

D) COMPETENCE OF THE COURTS REGARDING FORMER PRESIDENTS OF THE REPUBLIC

1. – Only the High Court of Justice shall be qualified to be informed of any infractions committed by former presidents of the Republic during their time in office;
2. - Former presidents of the Republic may not appear before any other court as witness, accomplice, author or co-author of any infraction during their time in office;
3. – For infractions committed during their time in office, former presidents of the Republic may not be pursued for a period equal to two presidential mandates after ending their office.

E) MISCELLANEOUS PROVISIONS

The present statute applies only to former presidents of the Republic, for provisions other than those concerning the pension.

ANNEX IV: Retirement of former Prime Ministers

Conscious of the responsibilities of a Prime Minister;

Wishing to preserve the dignity and honour of former Prime Ministers;

The two parties have agreed the following:

1. Former Prime Ministers shall receive a pension in line with the services they have provided to the Gabonese nation;
2. The State shall allocate a pension to former Prime Ministers, in accordance with current legislation;

3. The State shall provide former Prime Ministers with a chauffeur-driven car and two bodyguards;
4. Former Prime Ministers shall have a diplomatic passport.

Point 3: The media

The two parties to the negotiations:

- Conscious of the need to promote a system of free, pluralist and independent communication in Gabon, in accordance with the guidance of the prenegotiations in Libreville;
- Wishing to reconcile the enjoyment of freedoms with the need to protect public order and the private life of citizens, in accordance with the principles of the Rule of Law;
- Have agreed on the following provisions:

- 1) Creation of an autonomous public radio and television service, of a production company (already planned by the government), and of a Gabonese audiovisual centre;
- 2) Development of an ethical code for the journalism profession and a legal regime for the legal deposit and archives;
- 3) Reorganisation of the Gabon Press Agency to increase its effectiveness;
- 4) Development of a statute for the written press;
- 5) Regulation of the specialist press for young persons;
- 6) Regulation of access to the archives;
- 7) Taking measures to reaffirm the principle of the presumption of innocence and respect for the honour of defendants;
- 8) Enacting measures to specify the relationship between the press and the security forces;
- 9) Regulation of opinion polls and publicity;
- 10) Development of statutes and requirements specifications for private radio and television;
- 11) Fair distribution of broadcasting time (between legally recognised political parties);
- 12) Reorganisation of the National Cinema Centre to improve its effectiveness;
- 13) Development of the printing sector in order to promote freedom of expression;
- 14) Establishment of an ad hoc Committee tasked with Monitoring the Paris Agreements in the area of communication.

Point 4: The Security Forces and the protection of persons and property

Wishing to see the security of persons and property maintained in an efficient way in a system of pluralist democracy; noting in addition the weaknesses in the security forces in this area; noting that these weaknesses relate as much to the confusion of roles as to the lack of human, material and financial resources, as well as a tendency towards their politicisation, the two parties agree to:

- 1) Redefine the specific remit delegated to each unit, namely:
 - maintenance of order and security by the police force and national gendarmerie;
 - defence of the territory by the national armed forces;

- 2) Increase the number of personnel in the security and defence forces;
- 3) Train and provide specialised training for the members of these forces;
- 4) Implement obligatory military service;
- 5) Increase the material and financial resources of the defence and security forces;
- 6) Attach the police to the Ministry of the Interior;
- 7) Convert mobile security into a unit of the national police;
- 8) Reaffirm the duty of reserve for members of the security and defence forces;
- 9) Prohibit any political propaganda activities directed towards, or within, the security and defence forces;
- 10) Prohibit any organisation of groups of persons into private militia or paramilitary groups;
- 11) Include specific provisions for security companies in business law;
- 12) Systematic supervision of all public demonstrations by the security forces;
- 13) Assessment of the general situation in each unit of the security and defence forces;
- 14) Adoption of a general amnesty law for offences related to or following the political events of February 1964, on the date of signature of the Paris Agreements.

Discussion shall take place within the Government for Democracy on a possible extension of this measure to non-political offences, as well as on the principle of rehabilitation and of compensation for damages.

CONCERNING THE PRESIDENTIAL GUARD

- The two parties have agreed to extend its current remit to protect the president of the Republic and other senior State personalities, to the protection of foreign personalities visiting Gabon, as well as political leaders and public buildings.
- They note the information that several high State authorities have already begun a reform to transform the Presidential Guard to a Republican Guard.
- In accordance with the common will of the two parties to see the remit of this unit of the security and defence forces adapt to the new socio-political context in Gabon, the two parties agree on this necessary transformation into a Republican Guard, whose primary remit shall be to protect public personalities and property.
- The Republican Guard, as for the other 3rd category forces, shall not intervene in the maintenance of civil peace unless the 1st and 2nd category forces are overwhelmed (Gendarmerie and National Police).

III) LEGISLATIVE QUESTIONS

Point 1: Nationality Code

Considering the demographic characteristics of the autochthonous Gabonese population;
Taking into account the countries which send immigrants to Gabon;
Considering the high number of Gabonese citizens born to a foreign parent;
Wishing for the cohesion and future of the Gabonese Nation;
The two parties have agreed to revise the Code of Gabonese Nationality, to make it more open, particularly concerning:

- 1) dual nationality to recognise foreign partners of Gabonese citizens, as well as of children who have a Gabonese parent and a foreign parent;
- 2) easing the naturalisation process for children of immigrants born in Gabon and whose parents have been living in Gabon for at least ten (10) years;
- 3) simplifying the naturalisation process for immigrants who have invested in Gabon and lived there for at least ten (10) years;
- 4) the obligation on all persons of foreign origin, who wish to obtain Gabonese nationality, to provide proof of:
 - the legality of their entry into Gabon;
 - the legality of their residence situation (fixed place of residence, rent invoices, or failing this salary slips, patents and invoices relating to artisanal, commercial or industrial activity, certificates of good behaviour and conduct, etc.)

In any event,

Noting the lack of any immigration policy able to reconcile the need to open Gabon to its African brothers and friends and those from the rest of the world, with the problems which may result from tensions between immigrants, Gabonese people by adoption, and Gabonese people in origin;

The two parties have agreed on the urgent need to design and implement a policy of selective immigration, taking into account the objectives for development and management of the country, including its wish to share the moral and socio-cultural values of the country amongst all the people living in Gabon.

The development of this huge intercultural project shall be entrusted to a State organisation, to be created within the implementation framework for the Paris Agreements.

In order to preserve national identity, the selective immigration project shall be accompanied by a genuine pro-natalist policy, with pre-natal subsidies, paid maternity and breast-feeding leave, family allowances of between 10,000 and 20,000 francs per child, and, of course, satisfactory measures for the protection of mothers and children, as well as a good education system.

Point 2: Law programme on damage suffered during the demonstrations between 1990 and 1994

- Noting the destruction of a large amount of public, collective and private property since the end of the National Conference of March, April 1990;
- Noting that throughout the last four years, public demonstrations have often been the occasion of pillage and depredation of all kinds affecting at the same time the national collectivity, local collectivities, businesses, industry and private persons;
- Wishing to restore investors' confidence in Gabon;
- Wishing to protect private property;
- Wishing to preserve the national heritage;

The two parties have agreed:

- 1) to adopt a law programme in order to compensate the victims of the riots between 1990 and 1994;
- 2) to set up a Committee of Inquiry in order to establish the reality and extent of the damage suffered by the plaintiffs;
- 3) to have all permitted public demonstrations supervised by the security forces in future.

Point 3: Law on decentralisation

Considering the deep desire of Gabonese men and women to live in harmony, unity and national concord within the framework of a democratic and republic Rule of Law;

Considering that the people's aspirations can never be met as long as Gabon's economic and social under-development persists;

Noting that the economic and social policy pursued until now has rather accentuated inequalities between urban areas on one hand, and semi-urban and rural areas on the other;

Wishing to promote economic and socio-cultural development for the greatest number, the two parties agree to:

- 1) Move away from the policies which have resulted in unequal development of the different provinces of Gabon;
- 2) Make each province, department and village of Gabon an active development unit;
- 3) Make every man and woman in Gabon an active agent of development as soon as possible;
- 4) Redefine and reorganise administrative and development structures throughout the national territory;
- 5) Transform each village of at least one hundred inhabitants into a rural commune;
- 6) Make the commune the basic unit for managing the country and promoting development;
- 7) Decentralise the human, material and financial resources of the State for the benefit of provinces, departments and communes;
- 8) Allocate substantial annual budgetary resources to departments and communes;
- 9) Devolve some stages of education, some health, sport and sociocultural institutions, as well as some environmental protection agencies.

Measures for transferring competences to the provinces shall be defined in the decentralisation law.

This law shall be adopted within the timescale required by the National Electoral Commission before organising the next local elections.

COMMITTEE III: GOVERNMENT AND INTERIM PROGRAMME

The work of Committee No 3 was carried out in room no 622 of the Palais des Congrès in Paris from Saturday 10 to Monday 26 September, 1994, by the delegations of the Executive on one hand, and the opposition HCR, on the other. The committee was made up as follows:

For the Executive:

Chair: Paul BONGUE BOMA

Rapporteur: François ENGONGAH OWONO

Members:

Alfred MABIKA

André MBA OBAME

Yves NYOUNDOU MOUKAGA

Fabien OVONO NGOUA

Paul TOUNGUI

For the Opposition HCR:

Chair: Alexandre SAMBAT

Rapporteur: Ferdinand MBADINGA MOMBO

Members:

Joachim BOUSSAMBA MAPAGA

Thomas EHYA OBIANG

Albertine MAGANGA MOUSSAVOU

Gaston MOZOGO OVONO

Jean Pierre NZOGHE NGUEMA

After agreeing the operational procedures of the committee, the two delegations proceeded to adopt and examine the agenda formulated below:

1) the Government for Democracy

a) remit

b) duration

c) resources

- institutional resources
 - administrative and financial resources.
- 2) Interim programme
 - a) current situation
 - b) objectives.
 - 3) Examination before initialling of the work of the Libreville Monitoring Committee
 - 4) Signing ceremony for the protocol of the agreements and closure of the negotiations

Point 1 – the Government for Democracy

A) REMIT

The remit entrusted to this government shall include:

- implementation of the Paris Agreements;
- setting up the instruments of transparency;
- organising the elections;
- implementation of emergency economic and social measures.

B) DURATION OF THE MANDATE OF THIS GOVERNMENT

On this point, each of the delegations stated their positions as summarised below:

The opposition HCR considered that the mandate of this government should run until the end of the present legislature. Hence, the duration of this mandate should not exceed twelve (12) months.

For its part, the Executive delegation proposed a duration of twenty-four (24) months, to give the government enough time to set up the transparency instruments (census of the general population, electoral districts, preparation of electoral lists) and for evaluation of the impact of emergency economic and social measures.

Finally, the two delegations agreed to relate the resolution of the problem to the conclusions of Committee I, in charge of developing the timetable for setting up the transparency instruments.

Following the intervention of the mediator and the international observers, the two parties agreed on a period of eighteen (18) months.

C) GOVERNMENT RESOURCES

- Institutional resources:

The two parties agreed to revise some of the provisions of the Constitution in accordance with the Paris Agreements.

- Administrative and financial resources:

The two parties agreed to simplify administrative and financial procedures in order to increase the government's effectiveness.

D) GOVERNMENT STRUCTURE

The number of ministerial departments, was fixed at twenty (20), listed below not in order of importance:

- 1- Foreign Affairs and Cooperation
- 2- National Defence
- 3- Justice, Lord Chancellor
- 4- Interior
- 5- Health
- 6- Labour, Employment, Professional Training and Human Resources
- 7- National Education, Higher Education and Scientific Research
- 8 - Economy and Finance
- 9 - Planning and Territorial management
- 10 - Habitat, Land Registry and Urbanism
- 11- Communication and Culture
- 12- Mines, Energy and Oil
- 13- Equipment and Construction
- 14- Tourism and Environment
- 15- Agriculture and Livestock
- 16- Water and Forests
- 17- Transport (roads, railways, air, sea, river and lake)
- 18- Commerce, Industry, PME/PMI
- 19- Public Function

20- Youth, Sport and Leisure

E) FORMATION MEASURES

The two parties agree:

- to form a limited team for reasons of credibility and efficacy.
- after mediation, to fix the number of members of the government agreed at 26 + 1.
- the appointment of the Prime Minister shall be at the discretion of the President of the Republic, Head of State;

This Government shall be formed by the President of the Republic and the Prime Minister, in agreement with the opposition HCR and the majority.

Point 2 – The interim programme of the Government

The two parties agreed to implement a government programme consisting of eleven chapters (administrative measures, strengthening and improving government finances, employment and reducing unemployment, sorting out the semi-public sector, agriculture and improving purchasing power, youth and sports). The aim is to create a shock wave capable of providing the beginnings of an answer to some of the population's current preoccupations.

Since the middle of the Eighties, Gabon has endured the longest and most serious economic crisis in its history. This crisis has highlighted its weakness and structural imbalances.

The current economic situation in the country is heavily affected by economic and social tensions which constitute both short and medium-term challenges.

Amongst the immediate concerns of the population are:

- unemployment;
- reduced purchasing power;
- health and social protection;
- education;
- habitat;
- living conditions of rural populations;
- insecurity.

The future depends on how we are able to overcome these crises together.

It is in this perspective that the opposition grouped under the HCR and the Executive have agreed, within the framework of the Paris Agreements, to put in place an interim programme of government focussed on:

- implementing the Paris Agreements;
- establishing the Rule of Law and conditions of transparency;
- organising elections;
- implementing measures for economic and social regulation.

These emergency measures, which must take into account the agreements concluded between Gabon and the international financial institutions within the framework of adjustment programmes (IMF, IBRD, CFD, ADB) concern the following areas:

Administration, public finances, employment and reducing unemployment, sorting out the semi-public sector, habitat, transport, health and social protection, education and training, youth and sport, agriculture and improving the purchasing power of the Gabonese people.

1 – ADMINISTRATIVE MEASURES

- Restoring the authority of the State, through implementing laws, controls and sanctions.
- Decentralisation.

2 – STRENGTHENING AND IMPROVING PUBLIC FINANCES

Improving public finances requires action on income and expenditure.

A – INCOME

The objective shall be to increase income by:

- selective reduction in taxation for businesses in line with specific performance criteria (job creation, market capture, relocation, etc.);
- reducing the informal sector;
- strict application of the principle of a single exchequer;
- improving collection of taxes and customs duties.

More specifically, procedures for collecting and managing oil revenue shall be improved.

In addition, procedures for collecting and managing other mineral revenue (gold, diamonds, etc.) shall be improved.

B – EXPENDITURE

Action on expenditure must involve a substantial reduction in the State's "lifestyle" and improvement in the capacity of the economy to be self-financing.

It should involve three approaches:

B 1 – A reduction in operating costs, notably those for goods and services, in relation to income. To this end, a general census of the agents paid by the State (nationals and expatriates) should be carried out again with three objectives:

- to redefine organigrams;
- to adapt functions to these organigrams and to role profiles;
- to rigorously implement career progression regulations.

B 2 – Increase investment expenditure

B 3 – Identify a sustainable solution to the debt problem. To this end, the State shall seek to negotiate debt cancellation with its creditors and increase liquidation and regulation of its internal debt.

In general terms, the following reforms shall be carried out:

- application of the principle of a single auditor and increasing the responsibilities devolved to the credit controller in developing and implementing the State budget.

C- Control

- restructuring the State's control systems (audits, financial controls...)

3 - EMPLOYMENT AND THE FIGHT AGAINST UNEMPLOYMENT

- restore the operations of the National Employment Agency;
- strengthen the mechanisms for the re-training and introduction of the unemployed in the labour market;
- measure regional employment potential and strengthen support for the creation of businesses by the young unemployed;
- allocate public employment to Gabon nationals, particularly in education;
- Improve business recruitment conditions by 'Gabonisation', fiscal bonuses and a revision of the investment code;
- target the Diversified Investment Fund (Provision pour Investissements diversifiés, PID) on the financing of small Gabonese businesses (PMI-PME) in priority sectors (agriculture, stock-breeding, fishing, forestry...);
- prioritise access to public procurement for Gabonese small businesses (PMI-PME).

4 - REFORM OF THE SEMI-PUBLIC SECTOR

- institute a limitation to the mandate of Presidents of Boards, Director Generals and their deputies, to three years, renewable only once depending on the results of the enterprise

- immediate application of Ordinance 11/88 on the remuneration of personnel of semi-public enterprises;
- adopt a timetable to restructure these enterprises on a case-by-case basis. This restructuring should take into account three imperatives: profitability, protection of employment and conservation of the national heritage.

5 - HABITAT

- creation of housing and re-housing zones with effective assignment and occupation according to urban plans;
- reactivation of social housing construction by reducing construction materials costs and the re-appraisal of local materials;
- Relaunch of housing finance organisations (BGD, CREFOGA, FNH...).

6 – TRANSPORT

- immediate creation of an urban transport company at Libreville and Port-Gentil;
- regulation of urban and inter-urban transport to improve the security of users;
- introduction of security measures at airports not managed by Asecna.

7. HEALTH AND SOCIAL PROTECTION

A – HEALTH

- amalgamation of the health and social security systems;
- redefinition of statutory health provision;
- undertake an inventory and rehabilitation of existing buildings and their distribution;
- assessment of health personnel and equipment requirements;
- creation of a national medicines agency;
- restoration of mobile centres in villages;
- urgent construction of a mental health centre.

B- SOCIAL PROTECTION

- creation of a national health fund;
- free preventive health care;
- strengthening of maternal and infant protection;
- creation of reception centres for abandoned children.

8 - EDUCATION AND TRAINING

- removal of payments of educational insurance by parents and the complete assumption of these charges by the State;
- creation of training centres for minor trades;

- pursue the rehabilitation of schools in order to accommodate pupil/classroom ratios suitable for modern methods of teaching;
- improvement of the teaching function (training, working conditions, rotation);
- restructuring of professional training policy by on-the-job-training.

9 - YOUTH AND SPORTS

- creation of leisure centres for young people;
- relaunch of school and university competitions;
- restoration and construction of sports infrastructure in large urban centres and the creation of a 'sports for all' policy.

10 - AGRICULTURE

- drawing up and implementing an urgent plan for the financing, production and marketing of agricultural products with a particular emphasis on foodstuffs;
- incentivisation of the creation of SMEs for marketing local produce.

11 - IMPROVEMENT IN PURCHASING POWER

- implementing a strategy to incentivise production and marketing of local services and assets;
- fighting inflation and better informing consumers.

CONCLUSION

This list of programme components is neither exhaustive nor exclusive. It provides a general view. The definition of these measures remains the responsibility of the government and relevant public administrations; it should equally involve consulting with professional and social associations. A timetable for implementation of the actions needs to be put in place. In particular, it should be verified whether the actions listed would already be implemented within the framework of the Finance Act 1995.

Point 3 – Examination before initialling of the work of the Libreville Joint Monitoring Commission

Objective:

During the pre-negotiation phase, in the 6th meeting (7/6/94), the two parties had agreed to set up a Joint Monitoring Committee to monitor the unresolved subjects at the closing date of that phase.

The results of the Committee's work are the following:

Individual cases:

- 39 of the 60 cases have been resolved or are in process of being so;
- 12 cases relate to the negotiating phase;

- 5 cases were referred to the work tribunals;
- 4 cases have not been pursued due to lack of information.
-

Compensations:

The stage report of the 'Bureau Veritas' not yet being available, the government was encouraged to strengthen the mandate of this organisation for its investigations. The plaintiffs, for their side, have been invited to collaborate fully.

Mbigou Case

The regulatory investigation is not yet complete. The Government has been invited to accelerate this process in order to establish the actual extent of the damages and identify the beneficiaries to be compensated.

An ad-hoc sub-committee shall be created in the case of a lack of investigative resources.

Cases to be re-examined:

BIFOUN: enquiry into the outcome of arms reported missing;

OYEM/BITAM: to obtain the list of the 14 detained persons together with the principal accusers

Mme MAMBOUNDOU nee BALOUKI: passport problem – put an end to her assignment;

MAMBOUNDOU MOUYAMA: contractual engagement (agriculture, plan, SME);

EYEGHE: file to be reviewed;

NDONEMEGWE: file to reviewed after the work and SOTEGA tribunal;

NGUEMA MBA Jean-Marie: file to be reviewed;

MONSARD Adolfe: Gabonese diplomat in poste in Paris (difficult relations with the administration).

Point 4: Signing ceremony of the agreements protocol and closure of the negotiations

The two Parties have agreed the following:

1. – The formal signing ceremony shall be broadcast live on radio and television
2. – Around 700 individual invitations will be allocated as follows:

Government	- 37
National Assembly	- 120
Organising body	- 50
Diplomatic corps	- 20
Security forces	- 20
Unions and business	- 50
Delegates to the negotiations and prenegotiations	- 70
Opposition HCR	- 115
Executive	- 115

3. The practical organisation and formalities of the ceremony will be entrusted to the State Protocol Office which shall be monitored and assisted by the negotiations organisation committee.
4. The ceremony shall be placed under the aegis of the mediator of the OAU.

5. 4 speeches are planned, by:
 - the representative of the international observers
 - the head of the opposition HCR delegation
 - the head of the delegation of the Executive
 - the Mediator, Chair of the Negotiation committee
6. The ceremony will take place at the Cité de la Démocratie, Libreville

For the international observers:

The representative, S E Alphonse NIANGOULA, Ambassador of Congo

The mediator, S E Kemoko KEITA, Ambassador of Guinea, representative of the Secretary General of the OAU.

ANNEXES TO THE PARIS AGREEMENTS

1. Final report of the negotiations
2. Internal regulation of the negotiations
3. Minutes of the plenary sessions (Nos 1,2,3,4,5,6,7,8)
4. Final report of the Libreville Joint Monitoring Committee
5. Speeches
 - Representative of the host country
 - Mediator
 - Head of the Executive delegation
 - Head of the HCR delegation

Minutes of the plenary assemblies:

Minute no.1 (5th Sept. 94)

Minute no.2 (6th Sept. 94)

Minute no.3 (8th Sept. 94)

Minute no.4 (9th Sept. 94)

Minute no.5 (10th Sept. 94)

Minute no.6 (16^h Sept. 94)

Minute no.7 (21st Sept. 94)

Minute no.8 (27th Sept. 94)

III FINAL REPORT OF THE NEGOTIATIONS BETWEEN THE EXECUTIVE AND THE OPPOSITION HCR

Final report of the negotiations between the Executive on one hand, and the Opposition HCR, on the other

In the year nineteen hundred and ninety-four from September 5 to 27, at the Palais des Congrès in the city of Paris and in the presence of their Excellencies:

- Kemoko KEITA, Ambassador of Guinea, representative of the Secretary General of the OUA, Mediator
- Henri RETHORE, Ambassador, French representative, Observer
- Alphonse NIANGOULA, Ambassador, representative of Congo, Observer
- Richard ADJAHO, Ambassador, representative of Benin, Observer
- Volker BERRESHEIM, Ambassador's counsellor, representative of Germany and the European Union
- Giles POIRIER, Political Counsellor to the Embassy of Canada, Observer

the conference for political negotiations between the delegations of the Executive and of the Opposition HCR (Haut Conseil de la Résistance HCR) took place.

The two delegations to the negotiations were lead respectively by:

- The honourable Jean Francois Ntoutoume EMANE, for the Executive
And by
- The honourable Pierre Louis Agondjo OKAWE, for the Opposition HCR

These were composed of:

For the Executive:

Chair: Honourable Jean-François Ntoutoume EMANE

Vice-chair: Honourable Ali BONGO

Rapporteurs: Mr André MBA OBAME, Mr Calixte NSIE

Members: Mrs. Louis Gaston MAYILA, Honourable Guy NZOUBA NDAMA, Victor MAPANGO
MOUCANI MUETSA ZASSI MICKALA, Basile MOUTELE NGUELET, Joseph NDONG OBIANG, Dr. David
Désiré BENONI, Honourable Jean Boniface ASSELE, Guy Christian OSSAGOU, Louis Charles BIPECKA,
Samuel MBAYE, Leonard ANDJEMBE, Dr. Serge MBA BEKALE, Jean Remy PENDY BOUYIKI, François
ENGONGAH OVONO, Honourable Patrice MOULENGUI MOUELE, Christian MOUBAMBA
BANWANGUI, Alfred MABIKA, Fabien OVONO NGOUA, Paul TOUNGUI, Yves NYOUNDOU MOUKAGA,
Honourable Paul BONGUE BOMA

For the opposition HCR:

Chair; Honourable Pierre Louis AGONDJO OKAWE

Vice-chair; Honourable Pierre ANDRE KOMBILA

Reporters: Ms. Sébastien MAMBOUNDOU MOUYAMA, Gaston MOZOGO OVONO

Members: Pierre Claver MAGANGA MOUSSAVOU, Louis ISSEMBE, Honourable Leon MBOU YEMBI, Max REMONDO, Laurent Minko BENGONE, Firmin M'BONDOUKWE, Pierre Claver MVELE, Pierre Claver KESSANY, Simon OYONO ABA'A, Théophile MANGALA, Luccheri GAHILA, Gaston Noel MBOUMBOU NGOMA, Albert YANGARI, Albert TOUNG ONDO, General Thomas EHYA OBIANG MOUANGUE MBADINGUE, Paulin NSOME, François NGUEMA EBANE, Max MEBALE, Alexandre SAMBAT, Ferdinand MBADINGA MOMBO, Honourable Albertine MAGANGA MOUSSAVOU, Jean Pierre NZOGHE NGUEMA, Joachim BOUSSAMBA MAPAGA

For the first plenary session, the negotiating team was constituted as follows:

Chair: His Excellence KEMOKO KEITA, Ambassador of Guinea, representing the Secretary General of the OUA, Mediator

Vice-chairs:

For the Executive: Honourable Jean Boniface ASSELE

For the Opposition HCR side: Honourable Albertine MAGANGA MOUSSAVOU

Rapporteurs:

For the Executive: Mr Calixte NSIE, Mr Guy Christian OSSAGOU

For the Opposition HCR: Ms. Sebastien MAMBOUNDOU MOUYAMA, Gaston MOZOGO OVONO

After three days of discussion at the plenary session, the internal regulations and agenda for the negotiations were successively adopted. The agenda was fixed as follows:

I ELECTORAL PROBLEMS

1. Assessment of the elections for 1990 and 1993
2. Perspectives
3. Organisation of elections
4. Electoral timetable

II RULE OF LAW

1. The independence and efficiency of the constitutional institutions
2. The restoration of authority of the republican state
3. Political parties: Recognition and Financing
4. Status of the leaders, and political and trade union personalities
5. The media
6. National security forces and the protection of persons and property
7. The National Council for Democracy
8. The Nationality Code
9. The law programme on damages incurred in the public demonstrations of 1990 to 1994
10. Devolution
11. Reorganisation of State Audit

III GOVERNMENT FOR DEMOCRACY AND THE INTERIM PROGRAMME

IV TRANSPARENCY INSTRUMENTS AND IMPLEMENTATION TIMETABLE

V EXAMINATION BEFORE INITAILLING OF THE WORK OF THE LIBREVILLE JOINT MONITORING COMMITTEE

VI SIGNING CEREMONY OF THE AGREEMENT PROTOCOL

The internal regulations are attached in Annex.

Discussion of the agenda points has been entrusted to three committees with the following compositions:

Committee I: Electoral Problems

Executive delegates

1. Louis Gaston MAYILA,
2. Guy NZOUBA NDAMA,
3. Victor MAPANGO MOUCANI MUETSA, (co-chair)
4. ZASSI MICKALA,
5. Basile MOUTELE NGUELET,
6. Joseph NDONG OBIANG,
7. David Desire BENONI,(co-rapporteur)
8. Jean Boniface ASSELE,

Opposition HCR delegates:

1. Pierre Claver MAGANGA MOUSSAVOU, (co-chair)
2. Louis ISSEMBE, (co-rapporteur)
3. Leon MBOU YEMBI,
4. Max REMONDO,
5. Laurent MINKO BENGONE,
6. FIRMIN M'BONDOUKWE,
7. Pierre Claver MVELE,
8. Pierre Claver KESSANY,

Agenda

Assessment of the elections for 1990 and 1993

Perspectives

- a) Organisation of elections
- b) Electoral timetable

COMMITTEE II: RULE OF LAW

Executive delegates

1. Leonard ANDJEMBE, (co-Chair)

2. Guy Christian OSSAGOU,
3. Patrice MOULENGUI MOUELE
4. Calixte NSIE
5. Louis Charles BIPECKA, (Rapporteur)
6. Samuel MBAYE,
7. Serge MBA BEKALE,
8. Jean Remy PENDY BOUYIKI,
9. Christian MOUBAMBA BANWANGUI,

Opposition HCR delegates:

1. Simon OYONO ABA'A, (co-Chair)
2. Théophile MANGALA, (Rapporteur)
3. Luccheri GAHILA,
4. Gaston Noel MBOUMBOU NGOMA,
5. Albert YANGARI,
6. Mouangue MBADINGUE,
7. Paulin NSOME,
8. Sebastien MAMBOUNDOU MOUYAMA
9. Max MEBALE,

Agenda

1. The independence and efficiency of the constitutional institutions
2. The restoration of authority of the republican state
3. Political parties: Recognition and Financing
4. Status of the leaders, and political and trade union personalities
5. The media
6. National security forces and the protection of persons and property
7. The National Council for Democracy
8. The Nationality Code
9. The law programme on damages incurred in the public demonstrations of 1990 to 1994
10. Devolution
11. Reorganisation of State Audit

COMMITTEE III: GOVERNMENT FOR DEMOCRACY AND THE INTERIM PROGRAMME

Executive delegates:

1. Paul BONGUE BOMA (co-chair)
2. ENGONGAH OVONO,
3. Alfred MABIKA,
4. Fabien OVONO NGOUA
5. Paul TOUNGUI
6. Andre MBA OBAME
7. NYOUNDOU MOUKAGA

Opposition HCR delegates:

1. Alexandre SAMBAT (co-chair)
2. Ferdinand MBADINGA MOMBO (co-rapporteur)
3. Mrs. Albertine MAGANGA MOUSSAVOU
4. Jean Pierre NZOGHE NGUEMA
5. Joachim BOUSSAMBA MAPAGA
6. Gaston MOZOGO OVONO
7. General Thomas EHYA OBIANG

Note: The chair and vice-chair of each delegation will act as coordinators for the work of the different committees.

Agenda

- I) GOVERNMENT FOR DEMOCRACY AND THE INTERIM PROGRAMME*
- II) TRANSPARENCY INSTRUMENTS AND THEIR IMPLEMENTATION TIMETABLE*
- III) REVIEW BEFORE INITIALLING OF THE RESULTS OF THE LIBREVILLE JOINT MONITORING COMMITTEE*
- IV) SIGNING CEREMONY OF THE AGREEMENT PROTOCOL*

The work of the committees extended over three weeks in a spirit of mutual understanding, courtesy and flexibility.

The points relating to the re-run of the Presidential Election of December 5, 1993 and the revisions to the Electoral Code (Committee I), the suspension or revision of the Constitution (Committee II) together with points relating to the duration and effectiveness of the 'Government for Democracy', and the allocation of posts within the Government for Democracy, were the main obstacles during these sessions (cf. minutes of the General Plenary Sessions).

The mediator and the international observers, in accordance with the internal regulations of the negotiations, were charged with aligning the positions of the Parties on these questions, and resolving other obstacles.

After mediation on the above issues, it was resolved:

- 1) Concerning the re-run of the Presidential election, this was no longer envisaged in view of a judgement by the Constitutional Court following a petition by the Opposition HCR.
- 2) Concerning the revision of the Electoral Code, the requirement to revise the Code is accepted by both Parties, in order to guarantee neutrality and impartiality.
However, there were some disagreements as to which bodies should do this.

Whilst the two delegations agree on the creation of a National Electoral Commission, for the Executive this should be under the authority of the Ministry of the Interior, whilst for the opposition HCR, it should be an independent commission headed by a judge. This latter approach was adopted after consultation on the organisation of elections in France and Canada and after intervention from the mediator and international observers.

3) Concerning the suspension or revision of the Constitution.

The discussion on this point held up the work of Committee II for three days. Two conflicting approaches emerged: suspension, or drafting a new Constitution based on first principles, the point of view of the opposition HCR; the other view after rejecting this, being a possible revision of certain constitutional provisions if some specific clauses made this necessary.

This latter position was adopted after mediation.

4) On the Government

A) DURATION OF THE MANDATE:

For the HCR, this should not exceed 12 months in order to align with the constitutional provisions relating to the duration of the mandate of the National Assembly; arguing that in order to set up the transparency instruments and the State budget, and to establish a credible Government, the Executive opted for a minimum duration of 24 months. After discussion and mediation, the two delegations agreed to limit the term to eighteen months, during which time the elections should be organised, whilst local elections would be called six months earlier in order to test the electoral system agreed between the Parties.

B) THE GOVERNMENT TEAM:

After agreeing on a government structure of 20 departments, a considerable development occurred relating to the size of the government team. The opposition HCR delegation proposed twenty ministries whilst the Executive proposed thirty; after mediation the Parties agreed twenty-seven ministries, including that of the Prime Minister.

C) DIVISION OF RESPONSIBILITIES:

The expectations of the two Parties were immediately made clear.

For the Opposition HCR, its participation in the Government was conditional on an equal division of ministerial responsibilities. For the Executive, the existence of a majority in the National Assembly meant that it could not agree to this.

The debate then addressed the opposition's view on equality of number of observers, for which the number increased to eight.

Addressing this point of blockage, the mediator and the international observers suggested that the two Parties agree to a qualitative parity whilst leaving flexibility to the constitutional authorities with authority for the final decision.

Points other than the above were resolved rapidly between the Parties.

The minutes supporting this text are attached in annex.

The agreements reached between the Parties shall be inserted in a document initialled in Paris, for signing in Libreville.

The clauses agreed between the Parties are annexed to the agreement protocol.

Paris, 27th September, 1994

The rapporteurs:

For the Executive: Calixte Nsie

For the Opposition HCR: Sebastien Mamboundou Mouyama

INTERNAL REGULATIONS FOR THE NEGOTIATIONS BETWEEN THE OPPOSITION HCR AND THE EXECUTIVE

CHAPTER I: PURPOSE

Art.1. - The present internal regulations define the organisation of the negotiations between the opposition – grouped in the High Council of Resistance (HCR) on the one hand, and the Executive on the other, as well as the functioning of the related bodies.

CHAPTER II: ORGANISATION

Art.2 - There are four negotiating organs:

- The office;
- The general assembly;
- The committees;
- The mediator, observers, International persons or institutions;

The role of the Chair will be assumed by the Mediator, being the secretary general of the OUA.

Art.3 The office is composed of:

- A Chair;
- 2 Vice-Chairs;
- The mediators and international observers;
- 4 rapporteurs.

The role of chair shall be assumed by the mediator representing the Secretary General of the OAU.

The role of vice-chair shall be assumed by a representative of the Opposition HCR and a representative of the Executive.

The functions of rapporteur shall be assumed by two representatives of the opposition HCR and two representatives of the Government.

Art.4 The general assembly is composed of a panel of representatives of the Opposition and the Executive with up to 25 members per delegation.

Art.5 The Committees are composed of members of the two delegations. Each committee shall have equal numbers of representatives of the Opposition HCR and the Executive.

Art.6 The Mediator and the international observers are chosen by agreement between the Parties.

CHAPTER III: OPERATION

Art.7 The chair of the office is assisted by two vice-chairs, the international observers and four rapporteurs. His function is to preside over the general assembly.

Art.8 The chair of the office convenes and presides over the signing ceremony and the closing of the negotiations.

Art.9 The general assembly is the decision-making organ of the negotiations.

Art.10. The mediator and the observers note the points of disagreement and give advice on them.

Art.11 The general assembly prepares the Agreement to be negotiated. Decisions shall be reached by consensus.

Art.12 The committees are responsible for studying and preparing reports on the business entrusted to them on the agenda. Each committee will designate a team comprising a chair and a secretary from each of the Parties.

Art.13 At the start of each session, the minutes of the previous session will be agreed.

Art.14 The Agreement will be initialled in Paris by the mediator, the international observers, and the leaders of both delegations and all the delegates of both parties.

Art.15 During the formal signing ceremony and closing of negotiations at Libreville, the Agreement will be signed by the mediator, the international observers, the heads of the majority parties having taken part in the negotiations, the heads of parties and the former opposition candidates grouped in the HCR, the Prime Minister, head of Government, and the President of the Republic, head of State.

Art.16 the decisions of the negotiations initialled in Paris impose an obligation on the Parties to implement them. To this end, an International Monitoring committee will be created, comprising the Mediators, the International Observers, and representatives of the Opposition HCR and the Executive.

Art.17 No later than one month after the signing date, the Agreement clauses shall be ratified by the National Assembly where they relate to laws, or by decrees issued by the Council of Ministers in the case of regulations.

CHAPTER IV: MISCELLANEOUS PROVISIONS

Art.18 The practical organisation of the negotiations shall be done by a committee composed of representatives of the two parties. The costs of the negotiations shall be settled by the State.

Art.19 During the negotiations, the two Parties commit to prohibit the publication of the details of the debates, whether via the press or TV, or to exploit the information for political purposes. During this period, only the mediator and the two heads of the delegations may make statements to the press.

Paris, 7th September, 1994

For the opposition HCR, head of the delegation, Pierre Louis AGOND-JO OKAWE

For the Government, head of the delegation, Jean-Francois NTOUTOUME EMANE

For the Bureau, the Chair, mediator representing the secretary General of the OUA, His Excellency
KEMOKO KEITA

MINUTES OF THE PLENARY SESSIONS

NEGOTIATIONS BETWEEN THE EXECUTIVE AND THE OPPOSITION HCR

Minute no. 1

The official opening of the negotiations between the Executive and the Opposition HCR took place at the Palais des Congrès in the city of Paris, in the year nineteen hundred and ninety four, on Monday 5th September at 16.30, in the presence of their Excellences:

The representative, S E Alphonse NIANGOULA, Ambassador of Congo

- Kemoko KEITA, Ambassador of Guinea, representative of the Secretary General of the OUA, Mediator
- Dieudonné KUMBO YAYA of the Political Department of the General Secretariat of the OUA
- Henri RETHORE, Ambassador of France, Observer
- Poirier GILLES, Political Affairs Counsellor of the Embassy of Canada in Paris, representing Canada, Observer

These negotiations constitute the second phase of the discussions committed to in Libreville in Gabon between the Executive, and the opposition grouped in the HCR since 26th May 1994, the first phase (pre-negotiations) having been agreed on 25th August 1994, by signing the final report.

The two delegations were led respectively by Jean Francois NTOUTOUME EMANE, spokesman for the Executive, on the one hand, and by the Honourable Jean François NTOUTOUME EMANE, spokesman for the Combined Opposition HCR.

The opening ceremony proceeded in the following order:

- Welcome speech by Henri RETHORE, Ambassador of France, host country and observer
- Speech by Ambassador Kemoko KEITA, Mediator, representative of the Secretary General of the OUA
- Speech by Pierre Louis AGONDJO OKAWÉ, head of the Opposition HCR delegation
- Speech by Jean Francois NTOUTOUME EMANE, head of the Executive delegation

This was followed by a suspension of the session whilst the two delegations, in the presence of the mediator and the international observers, acted at the request of the mediator, to:

- Examine and agree the agenda;
- Review the organisation of the proceedings.

In addition the mediator invited the heads of the two delegations to comment on the following points.

In the first place, the head of the Executive delegation, in view of time constraints, proposed that the session be limited to the constitution of the office and the development of a precise timetable.

It being noted that the presence of experts from the HCR challenged the principle of parity between the two delegations, the Honourable NTOUTOUME EMANE wished that only those delegates duly mandated and within the agreed quota of the parties, should take part in the proceedings.

In response to these observations, the head of the HCR delegation, who believed it reasonable to bring reserve delegates equivalent to the Executive delegation, proposed for his part that the initial discussions should examine the terms of reference of the negotiations.

After having assessed the different approaches, the mediator reminded the meeting that draft internal regulations drafted by the opposition HCR already existed, and could serve as a base for discussions between the two parties. As a result, he proposed an adjournment of the session in order to permit the heads of the two delegations to align their views.

From this dialogue, it was agreed that the parity of a maximum of 25 delegates per delegation should be respected at each session, whilst permitting the option to review the composition of delegations in order to have the relevant experts available for the specific subjects being discussed.

The mediator took the opportunity to invite both parties to communicate to him their official lists of delegates and definitive list of experts.

In addition, by common agreement, the discussion concerning the internal regulations was deferred until the following session. However, with a view to efficiency, the Parties met to agree the composition of the office, structured as follows:

- A chair
- Two vice-chairs
- The mediators and international observers
- Four rapporteurs.

An adjournment of the session was necessary to permit each party to designate their representative to the office.

The supervision of the work was agreed unanimously to be the mediator representing the Secretary General of the OAU, who in assuming these functions decided the composition of the office as follows:

Chair: S E the Ambassador Kemoko KEITA (mediator)

Vice-Chairs: the honourable Albertine MAGANGA-MOUSSAVOU (HCR), the Honourable Jean Boniface ASSELE (Executive)

Observers: Germany and the European Union, Benin, Canada, Congo and France

Rapporteurs:

For the account of the Executive: Mr Calixte NSIE, Mr Guy Christian OSSAGOU

For the account of the HCR: MM Sebastien MAMBOUNDOU MOUYAMA, Gaston MOZOGO OVONO.

The assembly explicitly affirmed this office team.

Prior to closing the session at 19.30, the mediator called the attention of the delegates to executing the negotiations with the greatest diligence, and with regard to the expectations of the Gabonese people in particular and of Africa in general.

The following working session was fixed for Tuesday 6th September 1994, at 09.00 sharp.

Signed in Paris, 6th September, 1994.

The rapporteurs

For the Executive: Calixte NSIE, Guy C OSSAGOU

For the opposition HCR: Sebastien MAMBOUNDOU MOUYAMA, Gaston MOZOGO OVONO

NEGOTIATIONS BETWEEN THE EXECUTIVE AND THE OPPOSITION HCR

Minute no. 2

In the presence of their Excellencies:

Kemoko KEITA, Ambassador of Guinea, representative of the Secretary General of the OUA, Mediator.

Henri RETHORE, Ambassador, French representative, Observer

Alphonse NIANGOULA, Ambassador, representative of Congo, Observer

Richard ADJAHO, Ambassador, representative of Benin, Observer

Volker BERRESHEIM, Ambassador's counsellor, representative of Germany and the European Union

Giles POIRIER, Political Counsellor to the Embassy of Canada, Observer

The second plenary session within the framework of the negotiations between the Government and the Opposition HCR took place on Tuesday, 6th September 1994 starting at 09.20 at the Palais des Congrès, in the city of Paris.

Opening the session, the mediator, representative of the Secretary General of the OAU, proposed the following agenda to the delegates:

1. Agenda
2. Internal regulations
3. Organisation of the work

Having been invited by the mediator to comment on the suggestion, the two heads of the delegations, presented firstly a proposal for the agenda, and second a proposal for the session.

As such the Honourable NTOUTOUME EMANE had presented the proposed agenda for the negotiations, of the Executive team, in nine points.

Taking the floor, the head of the opposition HCR delegation, after insisting on the need to examine the negotiating framework, prior to taking the question of the agenda, himself proposed the following revised proposal to the mediator:

1. Discussion on the internal regulations of the negotiations
2. Discussion of the agenda for the negotiations
3. The composition of the Committees
4. The establishment of a timetable for the work.

An agreement having been reached on the latter proposal, the following discussion was devoted exclusively to the internal regulations of the negotiations, based on a proposal presented by the Opposition HCR.

The Executive delegation presented a counter-proposal for the attention of the office and the Opposition HCR delegation.

After the resolution of the points of order, a change to the composition of the office, a redefinition of the role of the mediators and international observers, the side-by-side presentation of the two documents enabled a solution to be found for the form and content of the majority of the internal regulations

It was noted that the propositions of the Executive containing elements designed to guarantee the execution of the items agreed in the negotiations, were accepted by the two parties. Regarding the prohibition on making statements to the press and interviews, this was amended after discussion. Likewise it was agreed that if such public statements were required, only the mediator and international observers would make them.

The fundamental differences linked essentially to the 'Summit Meeting' as the decision-making body, were dissolved as a result of political consultations within opposition HCR.

To that end, at the request of the head of the HCR delegation, and after intervention by the mediator, the head of the Executive delegation recognised that it was legitimate for the delegates of the HCR to consult their colleagues in Libreville, funded by the budget allocated to the negotiations and under the control of the head of their delegation.

Nevertheless it was emphasised that the agreement reached and initialled in Paris by the office, and all of the delegates could not in any way be modified at a later date.

The Agreement would be directly submitted for signature to the political authorities and personalities in Libreville and at the 'Cite de la Démocratie' during an official; ceremony entitled "Formal signing ceremony of the Agreement and closure of the negotiations".

It was also agreed that this ceremony would include three speeches by the mediator and the two heads of the delegations respectively.

The office, after taking stock of the different points of agreement and disagreement within the provisions of the two documents, proposed the production of a summary document for the two parties. This summary document was approved article by article prior to being adopted and edited in a final form, on Wednesday, 7th September, 1994, at 16.25.

At the end of the session, Mr Gilles POIRIER, observer representing Canada, spoke to congratulate the principal political figures of Gabon for having decided to resolve their differences by means of dialogue. He was honoured by the vote of confidence of the country in their politicians. Nevertheless he regretted that his other engagements, did not permit him to attend further sessions as he had intended.

NB: Six suspensions of the discussion were necessary during the session.

Paris, 8th September, 1994

For the HCR delegation, the secretaries: Sebastien MAMBOUNDOU MOUYAMA, Gaston MOZOGO
OVONO

For the Government delegation, the secretaries: Calixte NSIE, Guy Christian OSSAGOU

NEGOTIATIONS - THE EXECUTIVE AND OPPOSITION HCR

Minute No.3

In the presence of their Excellencies:

- Kemoko KEITA, Ambassador to Guinea, representing the Secretary-General of the OAU, Mediator;
- Henri RETHORE, Ambassador, representing France, Observer;
- Alphonse NIANGOULA, Ambassador, representing Congo, Observer;
- Richard ADJAHO, Ambassador, representing Benin, Observer;
- Volker BERRESHEIM, Embassy Counsellor, representing Germany and the European Union;
- Gilles POIRIER, Counsellor for Political Affairs at the Canadian Embassy in Paris, representing Canada, Observer;

The second meeting forming part of the framework of negotiations between the Executive, on one hand, and the Opposition HCR, on the other, was held at the Palais des Congrès of the City of Paris on Thursday the 8th of September 1994 beginning at 0930.

The agenda comprised three points, namely:

- 1) Reading and approval of minutes no.1 and no.2
- 2) Discussion of the agenda for the negotiations
- 3) Beginning of discussions on the organisation of the work

Point 1

Minute no.1 of the meeting on Monday September 5 was approved without amendment by the plenary assembly.

Minute no.2, its written form notwithstanding, was the object of an approval in principle after the following amendments on page 3:

- a) read: "solemn ceremony for the signing of the memorandum of understanding and the closure of negotiations", in place of "solemn signing ceremony"
- b) insert the N.B. relating to taking account of the political consultation fees of the Opposition HCR in the body of the text.

Point 2

The discussion of this point had been started at the end of the previous session with the presentation of the draft agenda of the negotiations in nine points made by the Executive, namely:

- 1) Electoral questions;
- 2) Independence and efficacy of justice;
- 3) Restoring the authority of the Republican state and the respect due to those who embody it;
- 4) Status of the political leaders and the political figures as a whole;
- 5) Financing of political parties legalised and represented in Parliament;
- 6) The ethics of the journalistic profession;
- 7) Access of political parties to the State media;
- 8) The adoption of an electoral timetable compatible with present demands;
- 9) Contribution to the ongoing process of economic and social recovery.

Discussions were undertaken by an exchange of written documents between the two parties.

Intervening first on this point, the Honourable AGONDJO OKAWÉ, head of the Opposition HCR delegation, emphasised that contrary to the judgement of the Executive, his delegation attached particular importance to electoral disputes, which justified his inclusion of this in Section I in his proposal for the agenda in six points:

I - Electoral Disputes;

II - Rule of Law;

III - The government and the interim programme;

IV - Instruments of transparency and the timetable for their implementation;

V - Assessment before initialling of the results of the work of the Libreville Joint Monitoring Committee;

VI - Signing ceremony for the memorandum of understanding.

Having taken into consideration the proposal of the Opposition HCR and after consulting among his delegation, the Honourable NTOUTOUME-EMANE presented, on behalf of the Executive, a counter-proposal in the six following points:

I - An assessment of the election and perspectives;

II - Consolidation of the Rule of Law;

III - The government and the interim programme;

IV - Instruments of transparency and the timetable for their implementation;

V - An assessment of the results of the work of the Libreville Joint Monitoring Committee;

VI - Signing ceremony for the agreement protocol.

The tabling of these two proposals for the agenda enabled an understanding to be reached on both substance and form, with some points of disagreement, notably:

- on point I, the Opposition HCR maintained the term “electoral disputes” instead of “assessment of the election and perspectives” proposed by the Executive;
- on point II, in refusing to qualify the Rule of Law, the Opposition HCR rejected the proposal of “Consolidation of the Rule of Law” made by the Executive, likewise the sub-point (6) of the second title was a sticking point between the two parties; the Opposition HCR hoped to debate questions of “defence and security” while the delegation of the Executive hoped to debate the “safety of people and property”;
- on point III relating to government and to the interim programme, the two parties had to debate the nature of the government to be put in place, with the Opposition HCR opting for an interim government, and the Executive suggesting talks for a government either of national reconciliation, national unity, or of consolidation of Democracy.

It was noted that over the course of this exchange of proposals, two new elements were introduced under section II relating to the Rule of Law, with one by the Executive pertaining to decentralisation, and the other by the Opposition HCR pertaining to the reorganisation of State control.

On the element pertaining to decentralisation, the two parties agreed to make the organisation of the next local elections conditional on a vote and on the promulgation of a law on decentralisation.

At midday, the consensus mentioned below notwithstanding, there were still definite risks of deadlock as a result of the intransigence of the two sides on the naming of points I, II, and III. Thus, in accordance with the role they had been given, the mediator and the international observers were tasked with reconciling the viewpoints of the two delegations by inviting their leaders to a brief discussion under their mediation.

This resulted in some proposals which enabled the creation of a summary document with six points entitled:

I - Electoral problems;

II - The Rule of Law;

III – The Government for Democracy and the interim programme;

IV - Instruments for transparency and a timetable for their implementation;

V - Assessment before initialing of the results of the work of the Libreville Joint Monitoring Committee;

VI - Signing ceremony for the memorandum of understanding.

This document, having become the agenda for the negotiations, was adopted by acclamation.

Point 3

Recalling before adjourning the meeting that two points remained in the programme of this session, namely the formation of committees and the organisation of works, the mediator asked that the two parties make concrete proposals relating to the allocation of tasks between the committees to be put in place, and the organisation of these works in committees.

He was reminded of a proposal made by the head of the Opposition HCR delegation that it would be composed of three committees, the movement of members between which would be permitted.

It was noted for the record that this proposal comprised:

- a committee for electoral problems
- a committee for the Rule of Law with three sub-committees
- a committee for the Government for Democracy and the interim programme.

The mediator finally suggested that the committees meet from 0900 to 1300 in the morning and from 1500 to 1900 in the afternoon with the possibility of nighttime sessions.

He also invited the two parties to make a decision on the timeline for the execution of the committee works.

Over the course of the works, the session was suspended three times to allow for discussions within the delegations.

The next plenary assembly was arranged for the next day, the September 9, 1994, at exactly ten o'clock.

For details of the contributions to the drafting of the agenda, refer to the documents listed in the appendix.

The agenda having been completed, the session was adjourned at 2020.

The session was suspended three times over the course of the works.

The rapporteurs for the HCR were: Sébastien MAMBOUNDOU MOUYAMA, Gaston MOZOGO OVONO

The rapporteurs for the Executive were: Calixte NSIE, Guy Christian OSSAGOU

NEGOTIATIONS BETWEEN EXECUTIVE AND THE OPPOSITION HCR

Minute no. 4

In the presence of their Excellencies:

- Kemoko KEITA, Ambassador to Guinea, representing the Secretary-General of the OAU, Mediator;
- Henri RETHORE, Ambassador, representing France, Observer;
- Alphonse NIANGOULA, Ambassador, representing Congo, Observer;
- Richard ADJAHO, Ambassador, representing Benin, Observer;
- Volker BERRESHEIM, Embassy Counsellor, representing Germany and the European Union;
- Gilles POIRIER, Counsellor for Political Affairs at the Canadian Embassy in Paris, representing Canada, Observer;

the two delegations at the negotiations met for the 5th time at the Palais des Congrès of the City of Paris on Friday the 9th of September 1994 starting at 1206. Three points were included in the agenda for this meeting, namely:

- Point 1: Reading of minute no.3
- Point 2: The composition of the committees
- Point 3: The organisation of the work in the committees

Point 1: Minute no.3 was presented in its written form. Although it was the object of an amendment, its adoption was deferred to allow it to be put into its finalised form. The amendment pertained to the N.B., whose content must be inserted into the body of the text.

Point 2: After a discussion between the mediator and the two heads of delegation, a summary document confirming the previous agreement on the number of committees to be formed (three) was presented to the plenary assembly.

Overall this text sets out a structure for the agenda of the negotiations in three points, as follows:

COMMITTEE NO.1

I - Electoral problems

II - Instruments for transparency and the timetable for their implementation

COMMITTEE NO.2: THE RULE OF LAW

COMMITTEE NO.3

I - The Government for Democracy and the interim programme.

II - Assessment before initialling of the results of the work of the Libreville Joint Monitoring Committee

III - Signing ceremony for the agreement protocol.

This document was passed in its entirety.

Point 3: Organisation of the work in committees

In order to allow the committees to organise themselves and the delegations to finalise their documents, the Honourable AGONDJO OKAWÉ, head of the Opposition HCR delegation, suggested to the office that the afternoon of Friday the 9th of September be granted to the delegations.

This proposal met with the approval of the Honourable NTOUTOUME-EMANE, head of the delegation of the Executive, who nevertheless hoped that a session dealing with the question of the formation of the committees would be resolved.

Taking the floor again, the mediator reiterated his proposal for the schedule of work including the possibility of night-time sessions.

He also revealed the next proposal of the mediator and of the international observers, relating to the timetable and deadlines given to the committees:

- Saturday September 10, 1994: Beginning of the work in committees.
- Sunday September 11, 1994: Free time.
- Monday September 12, 1994: Work in committees.
- Tuesday September 13, 1994: End of the first phase of work in committees.
- Wednesday September 14, 1994: Hearing of the committees in plenary assembly during the afternoon.
- Thursday 15th and Friday 16th September 1994: Continuation of work in committees.
- Saturday September 17, 1994: Plenary assembly, adoption of the reports and closure of the negotiations.

Having been invited to make a statement on this proposal, the two heads of delegation gave their assent for a first plenary session on Wednesday the 14th September 1994. The head of the delegation of the Executive adhered to the proposal of the September 17, 1994 as the date for the closure of the negotiations, while his counterpart in the Opposition HCR eventually agreed to this date only on the condition that it remain merely a tentative arrangement.

Overall it should be noted that the plenary assembly for the closure of the negotiations could take place during the afternoon of Saturday 17th September 1994.

Taking note of the significant progress made in the negotiations and the determination of the two parties, the observer representing the Federal Republic of Germany and the European

Union, Mr. Volker BERRESHEIM, intervened to reaffirm the need to reach a robust and durable agreement to win the trust of the Gabonese people, beyond personal and partisan interests.

He also participated actively in the formation of the “Rule of Law” committee.

The documents mentioned in this minute are listed in the appendix.

It was agreed that at the beginning of the plenary assembly of Saturday the 10th of September 1994 the two parties would exchange the lists of their respective commissioners.

The agenda having been completed, the session was adjourned at 1330.

Done at Paris on the 10th of September 1994

The rapporteur for the delegation of the Executive: Calixte NSIE

The rapporteurs for the delegation of the Opposition HCR: Sébastien MAMBOUNDOU
MOUYAMA, Gaston MOZOGO OVONO

NEGOTIATIONS BETWEEN THE EXECUTIVE AND THE OPPOSITION HCR

Minute No. 5

In the presence of their Excellencies:

- Kemoko KEITA, Ambassador to Guinea, representing the Secretary-General of the OAU, Mediator;
- Henri RETHORE, Ambassador, representing France, Observer;
- Alphonse NIANGOULA, Ambassador, representing Congo, Observer;
- Richard ADJAHO, Ambassador, representing Benin, Observer;
- Volker BERRESHEIM, Embassy Counsellor, representing Germany and the European Union;
- Gilles POIRIER, Counsellor for Political Affairs at the Canadian Embassy in Paris, representing Canada, Observer;

the sixth meeting in the framework of negotiations between the Executive on one side, and the Opposition HCR on the other side, was held on Saturday September 10, 1994 at 1025 at the Palais des Congrès in the City of Paris.

The agenda comprises three points, namely:

- 1 - Formation of the committees and exchange of lists of commissioners;
- 2 - Reading and adoption of Minute No.3;
- 3 - Miscellaneous.

Point 1: One after the other, the two heads of delegation made public the assignment of members of their delegation to the three (3) committees agreed upon at the session on September 9, 1994.

At the same time they conveyed the joint composition of the offices of each of the committees, which comprise: a chair and a rapporteur representing each delegation.

At the conclusion of this exchange, the Honourable AGONDJO OKAWÉ was obliged to specify that, for the Opposition HCR, before ensuring the coordination of the works the chairs and vice-chairs of the delegation could not sit permanently on one committee in particular.

Taking his turn to speak, the Honourable NTOUTOUME EMANE observed that the number of delegates of the opposition HCR within the different committees was in flagrant violation of articles 4 and 5 of the internal regulations of the negotiations, concerning parity, and that this imbalance had persisted since the first plenary assembly.

In order to allow the modification suggested by the head of the opposition HCR delegation, after his intervention, the Honourable NTOUTOUME EMANE agreed to the idea by which the

chairs and vice-chairs of the delegations would not have to be attached to one committee in particular.

Regarding parity within the plenary assembly and the committees, the head of the opposition HCR delegation took note of the observation made by his counterpart. In proposing that the two delegations be attentive to the aforementioned provisions, he suggested that in the future it would be submitted systematically to the verification of terms at the beginning of the meetings.

Furthermore, with regard to the work in committees, under a proposal of the Honourable AGONDJO OKAWÉ, it was agreed that in accordance with the subjects under discussion, and on the condition of having adhered to the rule on parity, an expert would be able in a timely manner to substitute for a commissioner.

In order to take account of these remarks and suggestions, the two delegations presented modified lists. A workroom was allocated at this point to each committee. They were as follows:

- Committee I in Room 620;
- Committee II in Room 614;
- Committee III in Room 622.

Point 2: The Minute No.3 dated September 8, 1994, approved in its written form during the course of the session on September 9, 1994, was adopted. It was however requested that the rapporteurs ensure the correction of some minor typological errors on pages 1, 2 and 3.

Point 3: Under the heading miscellaneous, the Honourable AGONDJO OKAWÉ, after a remark made by a journalist from Africa No. 1 whom he perceived to be biased, requested that the mediator use his authority to call the Libreville media to order, in the hope of making a statement to restate the facts.

At this point, the head of the delegation of the Executive, recalling that he had proposed that the media have the greatest possible freedom during these negotiations, observed that journalists were free and were the only ones responsible for their remarks, and that as far as the journalist in question was concerned, he was not negative in his first remark. Also, to prevent any slippage he proposed that the two heads of delegation both limit themselves to only those press conferences which were necessary. This proposal did not meet with the assent of the head of the Opposition HCR delegation.

Drawing conclusions from this discussion, the mediator recalled the provisions of the internal regulations which allowed the heads of delegation and himself to give interviews to the press. He also regretted the blunders reported on Africa No.1, while taking the opportunity to remind the correspondent of this organisation that his duty was to inform and not to interpret facts.

Addressing the secretarial problems pointed out by the head of the delegation of the Opposition HCR, the mediator, for the sake of efficiency, was obliged to limit access for each delegation to only the chairs and vice-chairs of the delegation as well as to the rapporteurs and

to a member of the organisation Team; at the request of the Honourable AGONDJO, the same opportunities were granted to the heads and rapporteurs of the committees.

Concerning the secretarial staff, the head of the delegation from the Executive and the majority informed the office and its two delegations that a group of three secretaries was henceforth at their disposal.

The mediator suggested that a handler be present for printing work.

The lists of the commissioners and the composition of the offices are listed in the appendix.

The agenda having been completed, the session was adjourned at 1115.

Concluded at Paris on the 15th of September 1994

The rapporteurs for the Executive: Calixte NSIE, Guy Christian OSSAGOU

The rapporteurs for the delegation of the Opposition HCR: Sébastien MAMBOUNDOU
MOUYAMA, Gaston MOZOGO

NEGOTIATIONS BETWEEN THE EXECUTIVE AND THE OPPOSITION HCR

Minute No 6

In the presence of their Excellencies:

- Kemoko KEITA, Ambassador to Guinea, representing the Secretary-General of the OAU, Mediator;
- Henri RETHORE, Ambassador, representing France, Observer;
- Alphonse NIANGOULA, Ambassador, representing Congo, Observer;
- Richard ADJAHO, Ambassador, representing Benin, Observer;
- Volker BERRESHEIM, Embassy Counsellor, representing Germany and the European Union;
- Gilles POIRIER, Counsellor for Political Affairs at the Canadian Embassy in Paris, representing Canada, Observer;

The plenary assembly of the negotiations between the Executive, on one hand, and the opposition HCR, on the other, met on Friday September 16, 1994, at 19.30 at the Palais des Congrès in Paris.

Included in the agenda was the point on working in committees.

Opening the session, the mediator proposed to the chairs of the different committees that they summarise their work before their respective rapporteurs read the minutes relating to it.

On this proposal, the Honourable AGONDJO OKAWE, head of the delegation of the opposition HCR, said that given the state of progress of work in the committees, he considered it more appropriate to limit these interventions to the co-chairs only.

Taking this observation into account, Ambassador Kemoko KEITA invited the opposition HCR co-chair of Committee no 1 to take the floor.

Committee No 1

According to Mr MAGANGA MOUSSAVOU, the debates in the "Electoral Problems" Committee related essentially to appraisal of the 1990 to 1993 elections.

In terms of the elections of 1990, the two parties agreed on the poor organisation and inefficiency of the administration of these elections; which he considered justified calling a third round of voting. As a result, the two parties considered that future elections should be better organised, in order to avoid any problems.

Analysing the conduct of the presidential election of 1993, the HCR co-chair for this committee, after making the same observation about lack of organisation, asked whether

this weakness reflected the immaturity of the administration or the interference of the political parties in electoral operations.

He replied by observing that the political parties were only involved in the different electoral commissions as observers and that the inflation of the registered populations in the commune of Libreville, Haut-Ogooué and Ogooué-Lolo was certainly the fault of the administration.

In addition, regarding the commune of Libreville, Mr MAGANGA MOUSAVOU confirmed that the results for the 4th and 5th districts had not yet arrived at the National Committee on Centralisation when its president decided to announce the provisional results, and that his was in itself a reason for annulment of these results.

The opposition HCR representatives to this committee moved towards the position of repeating the presidential election of December 1993.

On this point, taking into account the position of the Executive, which consisted of rejecting this proposal on the basis of the authority of the point being discussed, following an annulment requested of the Constitutional Court by the opposition HCR, Mr MAGANGA MOSSAVOU recognised that this represented a point of disagreement.

However it is noted that the committee agreed on the principle of revision of the electoral code, despite differences of approach relating to the wish of the opposition HCR to confer the organisation of elections to an independent commission, while the representatives of the Executive opted for maintaining the sovereign right of the administration as defined in the Electoral Code in force.

The opposition HCR co-chair reported that because of these differences, a consultation to examine the French electoral code and documentation on the organisation of elections in Canada would therefore be necessary.

Taking the floor after his homologue, the Honourable NZOUBA NDAMA, replacing Mr MAPANGO MOUCANI MUETSA, delayed, observed that the report that had just been made was not a faithful record of the content of the discussions.

While acknowledging the poor organisation of the elections and the inexperience of the administration, the Executive co-chair attributed responsibility for this to the opposition political parties already implicated, by virtue of their seventeen requirements for election having been satisfied, and by their permanent interference in the preparation of elections. For him, the political parties were partly responsible for the failures noted.

In his intervention he made the following points:

- confirmed rejection of the proposal to rerun the presidential election of December 5 and confirmed the argument of the Executive on this subject;

- support for the principle of revising the Electoral Code;
- rejection of the Independent Electoral Commission;
- confirmation of the roll of the administration by maintaining the electoral commission under the authority of the Ministry of the Interior;
- creation of two electoral sub-commissions in which the political parties would have rights of membership.

After his intervention, the Honourable NZOUBA NDAMA noted his surprise at the decision of representatives of the opposition HCR to suspend their participation in the work of the Committee.

The mediator, after hearing the reports, congratulated all on the work done and hoped that examination of the documents on elections in France and Canada would assist this committee to start anew.

The mediator, after noting the points of agreement and disagreement, emphasised that while the points of agreement were very important, nevertheless there were persistent points of disagreement.

Following the mediator, and replying to the suggestion of the latter to meet the two delegation leaders in the presence of the observers, Mr MANGA MOUSSAVOU proposed that this meeting be extended to the two co-chairs and their respective rapporteurs.

COMMITTEE No II

Proceeding to the Committee on the Rule of Law, the mediator following the same procedure invited the two co-chairs to take the floor.

Intervening first, the Honourable ANDJEMBE, the Executive co-chair on the committee, observed that the agenda for this committee was very detailed, with eleven points grouped in three sections. He informed the assembly that this committee had encountered a blockage, following the demand by the opposition HCR to suspend the Constitution and the refusal by the Executive delegation to agree to this.

For the Executive this proposal constituted neither a desirable approach, nor conformed with the mandate entrusted to the Committee by the plenary assembly. The persistence of disagreement between the two delegations led the parties, at the proposal of the opposition HCR delegation, to freeze point (a) relating to institutional questions.

Also, the Honourable ANDJEMBE reported on progress on discussions of point (b) on individual and statutory questions, as follows:

On the political parties, the points of agreement and disagreement, based on documents exchanged by the two parties, were able to be noted in writing.

Aspects related to the status of leaders and political and trade union personalities and to “security services and protection of persons and property” were the subject of an exchange of documents.

Proceeding to the first summary of this discussion, the mediator informed the assembly that because of an agreement reached between the two delegation leaders which accepted by consensus the principle of revising the Constitution, discussion of the first section preceding the freeze was now possible. He also proposed, on one hand, that when a document is presented by one party, this may serve as a basis for working, and on the other, in case of difficulties in formulating clauses, jurists may be asked to assist.

Intervening in his turn, Mr OYONO ABA’A, co-chair for the opposition HCR delegation, noted that there were differences in both form and substance. He illustrated this with the example of the Executive’s proposal that each political party be obliged to collect two hundred signatures in at least five provinces. He also underlined the need for mediation in Committee 2. Mr OYONO ABA’A also, to conclude his intervention, regretted that the problem of a second room for committee 2 had not been resolved, this being necessary if the committee split into two sub-committees by virtue of its very detailed agenda.

Retaking the floor, the mediator agreed that the fundamental problems be referred for mediation in the presence of the delegation leaders, their deputies and rapporteurs, while supporting the request for a second room for committee no 2 to the delegation leader of the Executive.

On this particular question, the Honourable NTOUTOUME EMANE, delegation leader for the Executive, replied to the mediator reassuring him that a second room would be made available to committee 2 the following day.

Taking the floor finally, the mediator remarked that after three days of consultation, committee 2 encountered no further delays and congratulated it on the new methodology adopted.

COMMIITTEE III

Taking the floor first, Mr SAMBAT, co-chair for the opposition HCR, listed the points in the agenda of his committee, namely:

- the Government for Democracy;
- the interim programme;
- examination before initialling of the work of the Libreville Joint Monitoring Committee;
- the signature ceremony for signature of the agreements and closure of the negotiations.

On the point concerning the government, the opposition HCD co-chair first described the methodology adopted by the committee, before describing the substance of the discussion

on the remit, duration, resources, organisation structure and measures for forming the Government for Democracy.

On its remit, Mr SAMBAT mentioned the agreement reached by the two parties that this government be charged with:

- implementation of the Paris Agreements;
- setting up the instruments of transparency in view of the next elections;
- implementation of emergency economic and social measures;
- organising the next legislative elections.

On the duration of the Government's mandate, the opposition HCR co-chair noted disagreement between the two parties, the opposition HCR opting for a maximum duration of twelve (12) months, and the Executive preferring a duration of twenty-four (24) months.

On resources, agreement was reached on institutional aspects. Hence the two parties agreed to revise certain provisions in the Constitution. Agreement was also reached on administrative and financial aspects, notably on simplifying procedures for budgetary implementation and monitoring.

On government structure, Mr SAMBAT noted an agreement in principle on twenty (20) main ministerial departments.

On measures to form the Government, the Executive proposed that the two parties simply had to provide guidance to the constitutional authorities who usually take decisions in this area.

There were differences between the two parties concerning the political allegiance of the head of Government, on one hand, and on the distribution of government posts: hence the Executive proposed a distribution of 2/3 for the majority, 1/3 for the opposition, while the opposition stated there should be parity.

One other disagreement was signalled on the number of government members: 20 according to the opposition HCR, thirty according to the Executive.

On these two points, Mr SAMBAT noted that the discussion had not been concluded.

Addressing the interim programme, the HCR co-chair said that his delegation linked this point to parity within the Government.

On the results of the Libreville Joint Monitoring Committee, Mr SAMBAT noted that his committee had stated the view that at least two members of this committee should come immediately to Paris. On this point, the Honourable NTOUTOUME EMANE indicated that they would arrive imminently.

Taking the floor next, the Honourable BONGUE BOMA, the Executive co-chair, argued in favour of his delegation's position on the duration and methods of forming the Government, these relating to the time needed to set up the transparency instruments and in implementing emergency economic and social measures, delays in implementing the budget and the existence of a majority in the National Assembly.

Considering the points of agreement and disagreement listed above, the mediator invited the two co-chairs to make proposals to align their respective positions.

In conclusion he hoped for an agreeable continuation of the work of the three committees, and requested an indicative end date for the work of the committees, in order to fix a date for the next plenary session. This was agreed as Wednesday September 21, 1994.

The agenda having been completed, the meeting ended at 22.25.

Done at Paris, September 21, 1994

The rapporteurs

For the Executive: Calixte NSIE, Guy Christian OSSAGOU

For the opposition HCR: Sébastien MAMBOUNDOU MOUYAMA, Gaston MOZOG OVONO

NEGOTIATIONS BETWEEN THE EXECUTIVE AND THE OPPOSITION HCR

Minute No 7

In the presence of their Excellencies:

- Kemoko KEITA, Ambassador to Guinea, representing the Secretary-General of the OAU, Mediator;
- Henri RETHORE, Ambassador, representing France, Observer;
- Alphonse NIANGOULA, Ambassador, representing Congo, Observer;
- Richard ADJAHO, Ambassador, representing Benin, Observer;
- Volker BERRESHEIM, Embassy Counsellor, representing Germany and the European Union;
- Gilles POIRIER, Counsellor for Political Affairs at the Canadian Embassy in Paris, representing Canada, Observer;

The plenary assembly of the negotiations between the Executive, on one hand, and the opposition HCR, on the other, met on Friday September 21, 1994, at 19.30 at the Palais des Congrès in the City of Paris.

Included in the agenda for this meeting:

- 1) State of progress on the committees' work;
- 2) Reading and adoption of Minute No 6.

Point 1

After recalling the procedure adopted during the first plenary session for the work, and in accordance with this procedure, the mediator invited the different co-chairs of the committees to speak in turn, in order to report on the state of progress in their committees in the following order:

1. Committee No III;
2. Committee No I;
3. Committee No II.

Committee No III

Mr SAMBAT, co-chair for the opposition HCR, spoke first based on the summary document distributed to members of the plenary assembly, stating that point 2 of the agenda of his committee, concerning the interim programme for the Government, would be the subject of a different document. He also limited his discussion to aspects related to the Government for Democracy, notably those which had not been addressed in the agreements of September 16, 1994, date of the last plenary session. It should be recalled that an agreement had previously been reached on the remit of the Government, its administrative,

institutional and financial resources, as well as a planned structure of twenty (20) ministerial departments.

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.... the last proposal of the opposition HCR, on the numerical composition of the Government. On this point, M. BONGUE BOMA indicated that instead of a range of 20 to 25 ministers, the HCR delegation proposed a figure of 25 members of government, including the Prime Minister.

The plenary assembly, by the intervention of the two delegation leaders, addressed this question of the size of the Government team to be formed. Finally, on the advice of the mediator, it was recommended to Committee III members that they agree on a range rather than a precise number of ministerial portfolios, in order to leave some room for manoeuvre to the constitutional authorities authorised to take the final decision.

Before ending examination of the work of Committee no III, congratulating its members for the work done and encouraging them to continue at the same pace, the chair of the session proposed that any differences of approach be the subject of negotiations and where necessary, mediation before each plenary session. Such a procedure would enable the committees' work to progress.

Committee No I

The HCR co-chair, Mr MAGANGA MOUSSAVOU, speaking first on the work of Committee No I, informed the plenary assembly of the blockage encountered during discussion of the project to revise the electoral code, notably concerning the process for organising elections, counting of votes and communication of the electoral results.

According to Mr MAGANGA MOUSSAVOU, the opposition HCR proposed that three committees be formed, namely:

- a National Committee tasked with the material organisation of elections;
- a National Committee tasked with monitoring elections;
- a National Committee tasked with centralising the election results.

The proposal for composition of the three Committees is as follows:

1) National Committee tasked with the practical organisation of elections

- Chair: a magistrate (the Executive preferring the Minister of the Interior);
- 2 vice-chairs representing the majority and the opposition, the Executive preferring to make the vice-chair of this committee a magistrate;
- 1 general rapporteur: general secretary or director general of the Ministry of the Interior;
- 2 rapporteurs, representing the majority and the opposition;
- Members:

- a) Ministries involved in organising elections, namely: Interior, Finance, Planning, National Education, Justice, Communication, National Defence;
- b) representatives of the political parties or candidates contesting the elections;
- c) NGOs and international observers on a consultative basis.

2) National Committee for Electoral Supervision

- Chair – a magistrate;
- 2 vice-chairs, representing the opposition and its majority;
- 1 general rapporteur (director general of statistics or his representative);
- Members:
 - a) the Ministries cited above;
 - b) representatives of political parties and candidates contesting elections;
 - c) NGOs and international observers on a consultative basis.

3) National Committee for Centralisation of Results

- Chair – 1 magistrate;
- 2 vice-chairs, representing the opposition and its majority;
- 1 general rapporteur: 1 magistrate
- Members:
 - a) the Ministries cited in the national committee for practical organisation;
 - b) representatives of political parties and candidates contesting elections;
 - c) NGOs and international observers on a consultative basis.

On this third committee, Mr MAGANGA MOUSSAVOU indicated the disagreement between the two parties, because of the counter-proposal formulated by the delegation of the Executive, namely that the centralisation of the results should be done by a technical committee under the authority of Ministry of the Interior, made up of magistrates and agents of the Directorate General of Statistics.

The NHCR co-chair also indicated the disagreement on the measures for fixing the level of deposit to be paid by each election candidate. The opposition HCR proposed that these sums be decided in advance in the electoral law, while the Executive consider that the two parties should use the regulatory approach, as foreseen in the Electoral Code currently in force.

Mr MAGANGA MOUSSAVOU, while requesting the mediator and the observers to intervene for the noted blockages, nevertheless concluded his intervention by recognising that there was one point of agreement in Committee No I; it relates to the direct transmission to the Constitutional Court of the votes cast and made public at the level of provinces, by the governors.

Giving his account of the work done in Committee No I, the Executive co-chair, Mr MAPANGOU MOUCANI MUETSA claimed responsibility for the proposal to create several electoral committees.

This proposal relates to the following four (4) committees:

- 1) Committee on practical organisation;
- 2) Committee on supervising electoral lists;
- 3) Committee on centralising results;
- 4) Committee on counting votes.

According to Mr MAPANGO, while the two parties had already agreed on the creation of the four committees, the co-chair representing HCR went back on this agreement and re-opened the question of the National Committee for the centralisation of electoral results. This turnaround of his colleague affected the minutes of the session during which this agreement was reached, because of the hesitations of the co-chair representing the HCR.

Mr MAPANGO MOUCANI acknowledged that the two parties had agreed that at the level, of departments and provinces, the counting of bundles of votes and announcement of results would be done by magistrates.

In addition, the Executive delegation proposed that the provincial committees send the results to the Ministry of the Interior, where a technical committee would be based, made up of two (2) magistrates and agents for the General Directorate of Statistics and reporting to the Minister of the Interior. The centralisation of results and the calculation of the votes made and the different percentages would be entrusted to the statisticians, supervised by the two magistrates. For the Executive, the role of the Minister of the Interior would be limited to announcing the results thus calculated.

According to Mr MAPANGO, such was the solution proposed by the Executive, to resolve the problem of the centralisation of electoral results.

In terms of the electoral deposit, the Executive co-chair agreed with the proposals of his HCR homologue. Thus, based on article 46 of the Constitution, the majority agree that this question absolutely belongs to the prerogatives of the Government; it therefore belongs to the regulatory rather than legislative domain.

Mr MAPANGO MOUCANI also described the discussion on obtaining the votes of Gabonese residents abroad, indicating the opposition HCR position on the following two questions that had evolved greatly:

- on procuring the vote, the HCR initially only wished to grant a vote to bedridden invalids; now it agrees that they be extended to Gabonese citizens who can prove their unavailability on the day of the vote;
- on the votes for Gabonese residents abroad, initially the opposition was categorically opposed to this, but then made its agreement dependent on state financing for representation of each political party, or each candidate, in the different diplomatic and consular missions in Gabon.

On this point, the Executive said that this condition could no longer be justified, as from now on political parties shall request the state to provide subsidies for their election campaigns.

Another disagreement was indicated by Mr MAPANGO. It related to the voting method for municipal and departmental elections, the opposition HCR wishing that this be by majority vote, for both technical and democratic reasons, while the Executive proposed proportional representation to give more chance to all political parties to be represented in the municipal and departmental councils.

Finally, on the resolution of electoral disputes, the Executive co-chair indicated the difficulty his delegation had in agreeing with the first proposal of the HCR to use the administrative tribunals where results are disputed, given that there is only one administrative tribunal, which sits in Libreville.

The second HCR proposal consisted, according to Mr MAPANGO, to use simultaneously, the Constitutional Court, the Administrative Court, and the Judicial Court, combined in one college of "United Courts". This proposal was also rejected by the Executive, who argued that because of the seniority of the Constitutional Court compared to the others, these would be uniting in a college with the highest judicial body in the country.

Having taken note of the account of the work of Committee No I and noted the points of disagreement, the session chair reminded the committee members that they should align their respective positions, and resolve any basic disagreements before any intervention by the mediator or observers.

Calling on everyone to be more flexible, he recognised that the revision of the Electoral Code was a fundamental question, in light of the suspicions which affected the mood at the outset of these negotiations.

Before reopening the debate on the fundamental disagreements, the mediator asked the members of Committee No 1 to reflect on the contested points. Responding to the wish of Mr MAGANGA MOSSAVOU, HCR co-chair, Ambassador KEITA had been able to obtain guarantees of significant advances before pronouncing on this proposal.

In response to the mediator's request, the Honourable NTOUTOUME EMANE, after recalling that the Executive had already made an effort on the number of members of the Government for Democracy and on almost all of the key provisions of the Electoral Code, made the following new proposals:

A) CENTRALISATION OF ELECTORAL RESULTS

Appointment of 2 to 4 representatives of political parties to the technical committee to be placed under the authority of the Ministry of the Interior. Equal majority/opposition representation shall be observed in this committee.

B) PROPORTIONAL REPRESENTATION

Drawing the attention of the other party to the need to take account of the current state of evolution of Gabonese society, as well as to the dangers of a policy of exclusion at the level of local collectivities, above all given that the majority and the opposition have agreed to form a common government, the Executive delegation leader suggested that proportional representation be maintained, while keeping a minimum threshold of 5 to 6% of votes cast to prevent the risk of instability within municipal councils.

C) ELECTORAL DEPOSITS

The Honourable NTOUTOUME EMANE first remarked that the 10 million F CFA required of candidates for the Supreme Court did not seem to have constrained the freedom of citizens, given that thirteen (13) candidates had been registered for presidential election of December 1993. He then proposed, while maintaining the regulatory provisions currently in force, that the two parties agree on the upper threshold for each election.

Taking the floor in his turn, the Honourable AGONDJO OKAWE, leader of the HCR delegation, thanked the Executive for the advances promised by his homologue, notably his proposal to include political party representatives in the technical committee for centralising results, even though the HCR considers that the limited number of its representatives could present problems for the opposition and for the majority.

The HCR delegation leader, in light of the unfortunate experience of the legislative election of 1990 and the presidential election of 1993, repeated his delegation's wish to see the supervision of this technical committee removed from the Minister of the Interior.

With regard to the efforts described by the Executive delegation leader, Mr AGONJO noted the HCR had made the most significant concession, because its fundamental proposition related to the "anglo-saxon" autonomy of the Electoral Commission.

Regarding proportional representation, the HCR delegation leader repeated his delegation's reservations on this method of voting. He concluded by approving of the progress made on the level of deposits, while hoping that this would be established well in advance of each election, to enable potential candidates to prepare for this.

Following this debate of the proposals between the two delegation leaders, and approving in his turn the advances made and the conciliatory spirit shown by all, the session chair, before giving the floor to members of Committee No II, announced a mediation for Committee No 1, on Thursday September 22, 1994, at 15.30.

COMMITTEE No II

The Honourable ANDJEMBE, the Executive co-chair, drew the assembly's attention to Committee No II's delays in progressing its work, due to two blockages following the debate on constitutional institutions, problems related to methodology and the detailed agenda for this committee.

The Executive co-chair noted that despite all the problems experienced, the committee had made some progress, registering more points of agreement than disagreement.

Mr MBOUMBOU NGOMA, taking the floor in his turn, HCR co-chair in the absence of Mr OYONO ABA'A, delayed, confirmed the proposals of his homologue, describing the points already discussed by the committee. These relate to:

- political parties (recognition and financing);
- the status of leaders and political and trade union personalities;
- the media;
- security forces and the protection of peoples and property.

As for the points grouped under legislative questions in accordance with the suggestions of the mediator, these had already been debated in a verbal exchange of proposals between the two leaders.

Taking the floor again, the mediator expressed his appreciation for the efforts of Committee No II. He acknowledged its merit and thanked it.

Point 2: Reading and adoption of Minute No 6.

The minute authoring the first plenary assembly to assess the work of the committees was adopted after several drafting changes.

The agenda having been covered, the session ended at 22.30.

Done at Paris, September 26, 1994

The rapporteurs

For the opposition HCR: Sébastien MAMBOUNDOU MOUYAMA, Gaston MOZOG OVONO

For the Executive: Calixte NSIE, Guy Christian OSSAGOU

NEGOTIATIONS BETWEEN THE EXECUTIVE AND THE OPPOSITION HCR

Minute no.8

In the presence of the Excellences:

- Kemoko KEITA, Ambassador of Guinea in Ethiopia, representative of the Secretary General of the OUA
- Henri RETHORE, Ambassador, French (host country) representative, Observer
- Alphonse NIANGOULA, Ambassador, representative of Congo, Observer
- Richard ADJAHO, Ambassador, representative of Benin, Observer
- Volker BERRESHEIM, Embassy counsellor, representative of Germany and the European Union
- Giles POIRIER, Political Counsellor to the Embassy of Canada in Paris, Observer

The plenary session of the negotiations between the Executive and the Opposition HCR took place on Tuesday, 27th September 1994 starting at 12.00 at the Palais des Congrès, Paris.

Agenda:

1. Review and adoption of the summary reports of the work of the committees
2. Review and adoption of the draft 'Paris Agreement'
3. Any other business

1. Review and adoption of the summary reports of the work of the committees

The Chair of the negotiation office invited the co-chairs of the three committees to speak, in the following order:

Committee II

Committee I

Committee III

Committee II

The honourable ANDJEMBE, co-chair for the Executive proceeded to read the summary working committee report for Committee II. At the end of the reading, the following amendments or extracts were noted:

The agenda of the committee had been reformulated, which had produced a consequential re-ordering of the points.

I Institutional questions

Point 1: The independence and efficiency of the constitutional institutions

Proposition no.1

3rd paragraph:

Deletion of the phrase:

“It is the same for councillors of local groups”.

Proposition no.3

The end of the phrase “...the competent authority..ad-hoc jurisdiction” is replaced by “The Tribunal of First Instance will deputise for it”.

Proposition no.4

Keep this proposition whole but clarify that for the HCR, this means six months exactly.

Proposition no.5

Deletion of the 2nd bullet relating to the conditions for replacement delegates to enter the Government.

Point 2: Restoration of the State’s authority

Adopted without modification.

Point 3: The National Council for Democracy (CND)

This point, after deletion of the last paragraph relating to the disagreement concerning the need to require a judgement from the CND on the democratic character of laws and the frequency of election, was adopted in its entirety.

However, the opposition HCR expressed reservations over the refusal to include, within the powers of the CND, those relative to disputes between the administration and the population, and between the opposition and the Executive.

- A minor modification to the third paragraph was adopted which now reads as follows:

“Wishing to.....national and in order to promote the development of a pluralist democracy in Gabon”

Point 4: Reorganisation of State Audit

The 6th paragraph, after modification, now reads as follows:

“Considering that the current organisation and resources of the Ministry of State Audit are not adequate for the tasks envisaged above”

Proposition no.1

The wording finally adopted is one concerning a General State Audit rather than a general provision to audit administrative and financial affairs.

Proposition no.2

This now reads: “The attachment of the Prime Minister’s office to that department”

Proposition no.4

After the deletion at the end of the phrase “ ... attached to the General Inspection”, the proposed text now reads: “the creation of a professional accounting service”

II Individual questions and statutes

Point 1: Political parties

B RECOGNITION

Proposition no.1: Write “leave in the State....” In place of “...leave to the State”

Proposition no.4: Write “.....legal recognition...” in place of “ ...public recognition...”

C OPERATION

Delete the first sentence.

D FUNDING

- Insert a third proposition, titled as follows: “Subsidy of the referendum campaigns for all legally-recognised political parties”.

On this point, the honourable NTOUTOUME EMANE, head of the Executive delegation, expressed reservations. The previous proposition no.3 became no.4.

Annexe to point 3: reordering, mergers and divisions

II) Mergers

- Merger absorptions (take-overs)
- Paragraph 1, last line, write “.... People identifying with the said Party”. Delete “.... Previously cited”.
- Last paragraph, write “ ... the property of the Party that absorbs them”.

III) Divisions

Definitions:

Write “... The fact of a division”

The causes of the split:

- Last bullet, write: “... Property” instead of “Property”

Point 2: Status of political and union personalities

(write in the title ‘union’ rather than “unionists”)

A) ON POLITICAL LEADERS

Proposition no.1: delete “the same”.

Proposition no.2: delete the last paragraph.

B) ON MEMBERS OF THE GOVERNMENT

- delete proposition no.2
- The previous proposition 3 becomes no.2
- Insert a paragraph D

On the members of Parliament, described as follows:

The Government for Democracy will examine their living and working conditions, with the objective of revaluing the parliamentary role.

- The previous paragraph D) becomes E), completing as such the following: “the State foresees..., property of the State....as well as to unit commanders”.

Annexes to Point II

Annex 1

- Last line of the chapter, write “the method of constitution and disbursement of such funds...”

A) CONSTITUTION

- Last bullet, write “...within the special accounts...” instead of “... within a special account...”

B) METHOD OF UTILISATION: - delete paragraph.

Annex 1 bis:

- 3rd line, write “ the two Parties have agreed the following”.

- Merge propositions no.1 and no.2 in one, worded as follows: “ the members of the Government shall benefit from accommodation and a car of the same characteristics and with the same allocation and utilisation as specified in the relevant regulations”.

Annex 2: Status of the former presidents of the Republic

- In the last paragraph of the chapter, write “the two Parties have agreed on the adoption of a specific status....”

A) GENERAL PROVISIONS

- At the first bullet, 2nd line, write “honorary members of the Constitutional Court” instead of “members by rights of the Constitutional Court”.
- At the 2nd bullet, write “honorary members of the National Council for Democracy”

B) RIGHTS OF FORMER PRESIDENTS OF THE REPUBLIC

- Within proposition no.1, delete the term ‘special pension’; this clause now reads: “the previous presidents of the Republic have rights to a pension conforming....”

Proposition No. 2

- At the first bullet, delete “an official residence and....”
- At the second bullet, write “.... around 10 elements” instead of “around 20 elements”.

Proposition no.3

- Delete the part of the sentence relating to free circulation within and outwith Gabon.
- As such the proposition becomes: “the former presidents of the Republic have a right to a diplomatic passport”.

C) OBLIGATIONS OF FORMER PRESIDENTS OF THE REPUBLIC

- Within proposition no.1. 2nd line, delete the adjective “sensitive” relating to questions concerning the sovereignty of the State.
- Insert a proposition no.4 titled as follows: 4^o They should refrain from hindering the proper conduct of democracy.

D) THE COMPETANCE OF THE COURTS WITH RESPECT TO FORMER PRESIDENTS OF THE REPUBLIC

- **Proposition no.1:** replace “crimes or wrongs” by offences.
- **Proposition no.2:** idem
- **Proposition no.3:** idem

On this point, recalling that Gabon has ratified and adopted various human rights charters (Universal Declaration of Human Rights, etc.), Professor KOMBILA expressed reservations, in the name of the HCR.

Insert a paragraph E) titled as follows:

E) OTHER MATTERS

This status is given only to former presidents of the Republic for all clauses except that which relates to the pension.

Annex IV: Retirement of former Prime Ministers

Proposition no. 2:

- Delete the qualification “special” relating to the pension allocated to former Prime Ministers
- Delete the 1st bullet
- Delete the 2nd bullet

The proposition no.2 becomes as follows:

2° / The State will allocate a pension to former Prime Ministers, following the legislation currently in force.

Point 3: The media

Proposition no.2: replace “trade of journalist” by “profession of journalist”.

Proposition no.4: replace “judicial regime for the press” by “statute for the press”.

Proposition no.10:

- This proposition, after amendment, reads as follows:

10) The formulation of regulations applicable to private radios and televisions.

- insert, after proposition no.11, two propositions as follows:

12) The reorganisation of the national cinema centre to improve its efficiency

13) Favour the development of the printing sector with a view to promoting freedom of expression.

- the previous proposition no.12 after amendment, becomes proposition no.14.

Point 4: The security forces and the protection of people and property

Proposition no.11: replace “the necessity” by “the necessity”

Proposition no.14: the second paragraph, after amendment, is worded as follows: “the discussion on the possibility to extend this measure to areas other than political, together with the reduction and removal of prejudices should be pursued vigorously by the Government for Democracy”.

Concerning the Presidential Guard

- 2nd paragraph, 2nd line, write “reform going in the direction of...” instead of “reform going in the directions of...”.

III Legislative questions

Point 1: The Nationality Code

The last paragraph of this chapter, after amendment, now reads: “ the two Parties commit to a revision of the Gabonese Nationality Code, in order to widen it with respect to...”.

Point 2: Legislative programme concerning the damage caused by public demonstrations from 1990 to 1994

- 7th line of the chapter, amended, now reads: “wishing to protect private property”.
- At the 9th line of the chapter, write “the two Parties have agreed” instead of “the two Parties are committed”.
- The proposition no.3, after amendment, is titled as follows: 3) systematic supervision by the security forces for regular public demonstrations.

Point 3: Devolution law

- At the 2nd paragraph of the chapter, 2nd line, write, “ ... the state of under-development...” instead of “...the state of sub-under development”.
- Proposition no.5, after amendment, is now worded as follows: 5^o/ the transformation of each village with less than 100 inhabitants in rural communes.
- Proposition no.8, as amended, reads as follows: 8^o/ the attribution of the annual budget relevant to departments and to communes.

On this point, M.MAGANGA MOUSSAVOU, member of the HCR delegation, expressed reservations, stating he would personally prefer proposition no.8 to be detailed as follows: “the attribution of an 8th of the state budget to the provinces of Gabon”.

COMMITTEE III

A) DOCUMENT TITLED, “COMMITTEE no.3, SUMMARY OF PROCEEDINGS”

I – On the Government for Democracy

4 – The structure of the Government

Write “the number of ministerial departments named below, is fixed at twenty (20), without order of precedence:

5 – Training programmes

- At the 2nd bullet, 2nd line, write “...is fixed at 26+1”, instead of “...is fix at 26+1”.
- Replace the last bullet with the following paragraph, “The Government shall be formed by the President of the Republic, and the Prime Minister, after consulting with the Executive delegation and the opposition HCR delegation.

B) DOCUMENT TITLED “SUMMARY REPORT OF COMMITTEE No.3”

I – The Government for Democracy

1) Remit

- Write, “The objectives that shall be entrusted to this government shall be amongst others ...” instead of “The objectives that will be entrusted to this government are summarised below...”

3) Resources

- The 2nd bullet, after amendment, reads as follows: “the possible rejection of the Paris Agreement by the Constitutional Court”

4) Structure

2- write, “National Defence” instead of “National Defence and Immigration”

3- write, “Justice, Lord Chancellor” instead of “Justice and Lord Chancellor”

5) Training programmes

On this point, notably concerning the appointment of a new Prime Minister, M. Max MEBALE has expressed reservations on behalf of his Party, MORENA: which prompted the President of the PSD, M.MAGANGA MOUSSAVOU, to say that he disapproved of this objection.

Review of the work of the Joint Monitoring Committee of Libreville prior to initialling

This part of the summary report of Committee no.3 was adopted after two amendments concerning the matters left for review or follow-up:

1. Case of Mme BALOUKI: in practice Mme MAMBOUNDOU nee BALOUKI Augustine
2. Case of NDONG MEWEY
 - Write “NDONGMEGWE”, instead of “NDONG MEWEY”
 - File to review via the Labour Courts and SOTEGA.

Signing ceremony and closure of negotiations for the Agreement

Concerning the speeches during this ceremony, the order of the interventions is fixed as follows:

1. The representative of the international observers;
2. The head of the opposition HCR delegation;
3. The head of the Executive delegation;
4. The mediator, chair of the negotiation office.

Note: delete the passages referring to point 5 of the agenda for the review of the Committee III (5-other matters).

THE INTERIM GOVERNMENT PROGRAMME has already been the subject of a detailed review prior to the plenary session of 27th September, 1994. It was adopted without amendment.

COMMITTEE I

Document titled "Clause of Committee No I – Electoral problems and timetable for setting up transparency instruments".

This document was adopted with the following amendments:

- 1st line, write "...the inadequacies found in the organisation..." instead of "...the notorious inadequacies found in the organisation...".
- Reformulate paragraph (I) of the clauses, with a view to removing the ambiguity of the transitory character of the reformed Electoral Code.
- Paragraph (I) as restructured, reads as follows:

It is proposed to call the National Assembly in order to adopt the drafts and propositions of the reform of the Electoral Code, conferring the organisation and administration of the elections to a National Electoral Commission

C) THE COMPOSITION (of the CNE) (National Electoral Commission)

1) At National Level

- 1st bullet, write "The President of the CNE is chosen" instead of "the President of the CNE is appointed..."

2) At the provincial level

- 4th bullet, write "the deputy secretary and the provincial treasurer", instead of "the deputy secretary and the provincial tax collector".

3) At the departmental level

- 4th bullet, write "the deputy secretary and the departmental treasurer", instead of "the deputy secretary and the departmental tax collector".

- At paragraph III (referring to electoral problems):
- Last paragraph, 1st line, write “the Constitutional Court shall seek help during the 30 days that follow the declaration of the results... where this concerns legislative elections, presidential elections or referendums....., it shall declare the results”.

The list of representatives of the Opposition HCR on the Commission was modified, as a result of comments from Professor KOMBILA, who participated in the work of the commission only as a coordinator.

Prior to proposing the review of protocol of the Paris Agreements, he asked the secretaries of the different Committees, together with the secretaries of the negotiation office, to proceed to delete all the dates placed at the end of each series of clauses examined during each session.

II) Review and adoption of the draft of the Paris Agreement protocol

The draft of the Paris Agreement document was adopted after the following amendments:

In the preamble:

1st paragraph

2nd line, rectify the spelling of the name of the mediator.

8th line, rectify the spelling of the representative of Germany and the European Union.

9th line, write, “Federal Republic of Germany” instead of “Republic of Germany”.

5th paragraph:

Delete the reference to the rest of Africa concerning the conduct of elections from 1990.

1st Chapter: Objective

Art. 3, write “..to open the negotiations in France....” instead of “to open in Paris...”.

Art. 5:

1st line, write “ to afterwards take all decisions...”.

4th – 5th lines, write “...imposed on all the signatory Parties and submitting the institutions of the Republic to their duty to transform themselves...”.

Art.6:

Last line, detail, after “...one of the three Courts” “Judicial, Administrative and Accounts” in brackets.

Art.7:

7th bullet, write “....each organisation within its traditional role” instead of “....each organisation within its initial role”.

- Write “to attach the police and immigration to the Ministry of the Interior”

9th bullet, write “to revise the nationality code in order to open it up.

Art. 8:

- Insert , after the 1st bullet, a 2nd bullet, as follows: “setting up of measures foreseen by the interim programme”

Last page (initials)

- rectify the spelling of the name of the mediator.
- rectify the spelling of the representative of Germany and the European Union.
- write, Federal Republic of Germany.

III) OTHER MATTERS

Three questions were debated within ‘other matters’. They concern principally the mandate of the Joint Monitoring Committee of Libreville, which should terminate after the signing of the Paris Agreement and the formation of the Government for Democracy.

The signature of the Paris Agreement has been fixed for Tuesday 4th October, 1994 at 16.00 hours at the ‘Cite de la Démocratie’

Regarding the formal ceremony to initial the Paris Agreement protocol in the presence of the French Minister for Cooperation, this has been fixed for the same day, Wednesday 27th September at 18.30, at the Palais des Congrès in Paris.

The agenda having been covered, the session was closed at 16.15.

Paris, 27th September 1994

The rapporteurs:

For the Government: Calixte NSIE

For the HCR: Sebastien MAMBOUNDOU MOUYAMA

JOINT MONITORING COMMITTEE – FINAL REPORT

The work of the Joint Monitoring Committee between the Executive and the Opposition HCR took place at the Hotel Intercontinental Okoume Palace in Libreville between 31st August and 17th September 1994.

The two delegations were lead respectively by:

M.Louis ALEKA-RYBERT, head of the Executive delegation;

Dr. Alphonse LOUMA, head of the HCR delegation

And taking part:

For the Executive:

Chair: M.Louis ALEKA-RYBERT

Rapporteurs: Mr Jean-Pierre MBA-ALLOUMBA, Mr François LOUBA

Members: Mme Pauline ANGOUMA, Mr Ludovic MATANGOYE, Mr Christophe LINDZODZO MAMBANYA, Mr Augustin NDONG MBA, Mr Norbert OKOUMA

For the HCR:

Chair: Dr. Alphonse LOUMA

Rapporteurs: MM.Paulin BOUTAMBA MOULOINGUI, Marcel DIKOUBA, replacing M MBOULOU MVE

Members: MM.Jean-Joseph EKOMIE, Eugene REVANGUE, Jean-Pierre NDINGA KASSA, MBOULOU MVE (1), Emmanuel MEZUI M'YE (1)

NB. MBOULOU MVE , Emmanuel MEZUI M'YE attended only three working sessions

And also taking part was Mme Denise MASSARD, member of the Joint Monitoring Committee, with responsibility for logistics.

The files submitted for review by the Joint Committee were listed as follows:

A/ Points 3 and 5

Review of 60 personal and professional cases.

B/ Point 6

Compensation for the following incidents:

- Radio Liberté ;
- Radio Fréquence Libre ;
- Résidence Jules MBAH BEKALE ;

- Résidence Père Paul MBA ABESOLE ;
- Mbigou ;
- Bifoun ;
- Ebel Abanga.

C/ Point 7

Legal affairs

- Case of M Pierre MAMBOUNDOU;
- Case of the detainees at Libreville, Oyem, and Bitam;

The detailed review and investigations directed by the administrative services and relevant organisations for the aforementioned files, have had the following results:

A - Point 3 and 5

1/ Cases resolved

- Bruno BAKOUMANGOYE
- Maxime BOUSSOUGOU BOUSSOUGOU
- Edzang AMVANE
- Valentin ITOUDI
- Ferreol IVAZZA
- Pierre KESSANY
- Marguerite MAKAGA
- MAMBOUNDOU MIHINDOU
- MANDOGO
- MANEMBE
- MBA BITOME
- MBADINGA MATSIENDI
- Gaston MBOUMBOU NGOMA
- Basile MEYONG
- Guy NANG BEKALE
- Joachim NDONGO MOUSSOUTOU

- Gregoire NGBWA MINTSA
- NTSITSIENE
- NZENG ALLOGO
- Terence NZOGHE
- Gilbert ONDZIKA
- Jean-Louis YEMBIT

For all these cases the Joint Monitoring Committee has decided that their nomination to a position (the purpose of their claim) will depend on the discretionary power of the hierarchical authority.

2/ Other resolved cases

- BIDZOMBANE
- Daniel ETHO
- Georges MOUBANDJO
- Marguerite MVOU, married OFOUNDA
- OBIANG MORE
- OCKOUMA MENGANDZI
- Daniel J NGUEMA
- OBAME EMANA
- Dieudonné NDONGO
- NDONG NGOUME
- Anicet TCHICAYA
- MAGNANGA MAGNANGA
- Pauline NYINGONE
- Firmain BONDOUKOUE

3/ Cases in progress

- MOUSSAVOU MABOUNDA
- Fatou FOUNGA
- Max MEBALE

4/ Cases to be reviewed

These cases have been formally reviewed by the competent authorities. Their final resolution rests with the negotiators.

- MENGUE-MVOLO

Recommendation: If internal appeal is accepted, reintegration into the OPT (within his original brigade) with a secondment: if the internal appeal is rejected, acceptance into the public service (except the OPT).

- ESSONO MENGUE

Recommendation: The party must produce his letter of nomination and proof of joining.

- Blaise IVANGA

Recommendation: The commune must engage with the Ministry of Public functions to terminate the secondment of the party, given his return to his original function

- Pierre AMOUGHE MBA

Recommendation: Taking into account his profile, he should be integrated into the Ministry of Culture

- Dr Alphonse LOUMA

Recommendation: Withdrawal of the text making him available, and change of role.

- BOUTAMBA MOULOUNGUI

Recommendation: Return to Air Gabon with effect from his joining the service or other employment

- Augustine BALOUKI, married to MAMBOUNDOU

Recommendation: Reintegration in her original brigade; review of the file on pay and proof of joining.

- Pierre MAMBOUNDOU

Recommendation: Terminate his secondment to the ACCT: reintegration in the OPT pending clarification of the legal position.

- MAMBOUNDOU MOUYAMA

Recommendation: Contractual engagement in Planning, Agriculture, PME

- MOUSSAVOU MABICKA

Recommendation: Should contact his supervising Ministry.

- Andre EYEGHE

Recommendation: Similar treatment to the other rehabilitated officers. File to be reviewed.

- Joseph Marie NGUEMA MBA

Recommendation: The responsibility of the Board of OPRAG. File to be reviewed.

5/ Cases linked to the Labour Tribunals

- DIANGA MANFOUMBI (Africa no.1)
- EDOU EYENE (Africa no.1)
- MVEANG NZOGHE (Oetra)
- Luc MESSIE BEKALE (OPT)
- NDONEMENGWE (Sotega)

6/ Cases where the Committee has had insufficient information

- Jean Marie TCHICAYA
- IBOUILI
- Michel NANGA
- J. Bernard VOUMA

B – Point 6

1/ Compensation for the matters allocated to the Bureau Veritas as described below.

The state of progress of the files that appeared in the opening report of the Bureau Veritas does not permit the Joint Monitoring Committee to offer precise advice on the compensation amounts.

Therefore, the Joint Committee has proposed the following recommendations:

1) Regarding the Executive

- The Executive should grant more powers to the Bureau Veritas to permit it to deepen its investigations by referral from the relevant administrations and bodies: in particular:
 - o The National Communications Board (CNC), the Customs authority, the suppliers concerning the Radio Liberté and Radio Fréquence Libre cases
 - o The vehicle suppliers, grey card service providers for the province involved with the cases of Jules MBAH BEKALE

2/ Regarding the High Council of Resistance (HCR)

- The HCR must ask its petitioners to provide the most complete proof to the Bureau Veritas in order to best use the latter's expertise

These points principally concern:

- Relevant to the case of the house of Jules MBAH BEKALE, the evidence concerning the vehicles stolen;
- Relevant to the case of the house of Paul MBA ABESOLE, the specific characteristics of the damaged property.

2/ Bifoun incident

The Joint Committee has reviewed the account provided by the bailiff to the plaintiffs and the disappearance of the firearms belonging to individuals.

Recommendations: the Joint Monitoring Committee recommends to the negotiators:

- The Committee should enquire of the Ministry of Defence which type of small arms disappeared following the intervention of the Gendarmerie;
- To obtain the return of the arms for those retained by the Gendarmerie, provided that adequate documentation is presented (purchase permission, permission to carry arms, etc.)

3/ Ebel Abanga incident

The Joint Monitoring Committee having only a list of the victims plus the valuation of the amounts lost by each recommends the plaintiffs' accounts are taken on trust and that these sums are returned to them.

4/ Mbigou case

The investigation by the Ministry of the Interior not being completed, the Joint Committee could not determine the amount of compensation.

Recommendations:

- Accelerate the completion of the investigation with the objective of a) establishing the exact nature of the damages suffered, and b) to identify the beneficiaries of the funds given by the head of State to make the compensation payments;
- Send a delegation from the Joint Monitoring Committee to the area if the investigation proves to be inadequate.

5/ Other cases registered due to rioting after 1990

Taking into account time limitations, the Joint Committee has not been able to examine these cases. It cannot take up these unless the negotiators renew their mandate for a further period.

Recommendation: Registration of the files in accordance with the pre-negotiations.

6/ Legal programme concerning the damage suffered during the public demonstrations between 1990 and 1994.

An assessment of the files has not been made.

Recommendation: Carry out the assessment and make an estimate of the amount of compensation required which should be allocated to the programme.

C/ point 7 Legal Affairs

1 – File of Pierre MAMBOUNDOU

In view of the legal and political specifics of the case, the status quo shall prevail.

Recommendation: Bring forward a legal amnesty which would permit the individual to recover his legal rights.

2 – Detainees at Oyem and Bitam

Following a review of the file, 28 of the 42 detainees have been released whilst 14 are following the normal legal process.

In accordance with the objectives laid down by the prenegotiators, the Joint Committee has only enquired as to the status of these cases in order to avoid interfering in the legal process.

3 – Detainees at Libreville

As a result of judicial holidays, the Joint Committee has not received information on the progress of this file.

These are, Ladies and Gentlemen, the results of the work of the Joint Monitoring Committee.

Libreville, 17th September, 1994

The chairs

For the Executive: Louis ALEKA-RYBERT

For the HCR: Dr Alphonse LOUMA

The rapporteurs

For the Executive: Jean-Pierre MBA ALLOUMBA, Francois LOUBA

For the HCR: Marcel DIKOUBA, Paulin BOUTAMBA MOULOINGUI

FINAL SPEECHES

CLOSING SPEECH AT THE NEGOTIATIONS FOR THE PARIS AGREEMENTS BY THE REPRESENTATIVE OF THE SECRETARY GENERAL OF THE ORGANISATION OF AFRICAN UNITY

Your Excellency the Minister of Cooperation for the Republic of France,
Sir, the Head of the delegation for the Executive,
Sir, the Head of the delegation for the opposition HCR,
Your Excellencies the Ambassadors,
Your Excellencies the Observers,
Ladies and Gentlemen,

We have arrived at the end of the Paris negotiations, the inexorable result of a common will to bring about a veritable Rule of Law by consolidating democracy and its institutions.

Permit me to praise once again your approach which has been both intelligent and brave.

Intelligent, because, you have understood that, whatever the barriers, and sometimes the thoughts which separate people, only the route of dialogue and a search for what unites more than it separates, is what counts. This most certainly constitutes a fine example for the whole of Africa.

Brave, because it requires courage to overcome obstacles, mistrust, animosities and bitterness to come out of one's shell, to agree to negotiate.

I would like to underline here our appreciation of the exemplary conduct of the negotiators, which has prevailed throughout this work.

I would also like to emphasise our appreciation of their sense of responsibility and their willingness to work, mindful of the general interest of Gabon and all the Gabonese people.

What remains to be done, is to implement the Protocol of the Paris Agreement. And we wish to insist here on the need to respect the decisions you have taken in all liberty. Here also, you will need all your intelligence and courage, and we are confident in their successful outcome.

I would like to end this brief speech by expressing our satisfaction that we have participated in these negotiations as mediators and observers in the names of our respective countries.

The Organisation of African Unity, for which I am personally representing the Secretary General, Dr SALIM AHMED SALIM, deeply appreciate the confidence that the Gabonese

authorities and the Gabonese opposition have placed in it, by inviting it to participate in these negotiations.

I would like to most sincerely thank, in the name of the Secretary General of the OAU, the Gabonese authorities and the Gabonese opposition.

I declare these Paris negotiation's closed and I invite you to Libreville to sign the Protocol of the Paris Agreement.

Thank you.

**CLOSING SPEECH AT THE PARIS NEGOTIATIONS BY THE CHIEF OF THE HCR DELEGATION,
MR AGONDJO OKAWÉ PIERRE LOUIS**

Minister,
Sir, the Mediator, representative of the Secretary General of the OAU,
Your Excellencies, the International Observers,
Ladies and Gentlemen, members of the delegations of the HCR, and of the Executive,
Ladies and Gentlemen, Dear Compatriots,

In my speech to open the negotiations, I began by explaining why it was necessary to negotiate; today I am going to explain how we have negotiated: to negotiate is to sit together around a table, it is to agree to give and to take, it is to agree to make concessions to the other, it is the art of confrontation, of pretending and of being flexible, while taking account of the mandates of the two camps and the advice of the mediator and the international observers. This is how we have conducted ourselves during these negotiations.

The problem of the Constitution blocked negotiations in the second committee for three days, that of the electoral commission and the repeat of the presidential elections for more than three days in the first committee, etc.

Negotiation is also the art of negotiation in one's own camp, aligning the points of view in one's own delegation. Here in Paris, several types of plenaries have been necessary: plenaries of the delegation within single committees and plenaries of the whole HCR delegation, in addition numerous verbal, telephone and fax consultations with HCR members who have not participated directly in the negotiations. We even sent an envoy in the person of Elder OYONO ABA'A to Libreville to provide information on the negotiations of September 21, 1994.

The results obtained are therefore consensual agreements, which can never be perfect because they issue from reciprocal concessions, but which in our view most importantly have produced electoral transparency.

The question which must be asked is what exactly has been obtained by the opposition during these negotiations?

For the point of view of the opposition HCR, the outcome of the negotiations is positive overall. We shall not provide all the detail of our achievements during these negotiations, rather the most important results:

1) The negotiating organs

We obtained, following the prenegotiations, parity throughout: committees, negotiating offices, plenaries, etc.

HCR had asked for several international observers to be present during the negotiations. Officially there is only one mediator, the OAU, the others are observers, but in reality these observers did the work which HCR expected from mediators. Not only did they sit as full members of the negotiations office, they also advised and made proposals when there was a blockage, they did not hesitate to come to committees when they were needed, and they were always attentive, active, and pragmatic. They are still present in Gabonese electoral committees. Our presence in Paris has enabled the HCR to work with French consultants, important professors of law, and specialists in electoral law consulted by many foreign countries. One of them, Professor Yves LECOQ, prepared a note and made a presentation to the two delegations, which has enabled us to develop a good approach to the electoral commission, and understanding of the organisation of elections in France.

II) Organisation of the negotiations and conditions for implementation of the agreements

We ensured that these negotiations were chaired by the OAU mediator assisted by international observers; the international guarantee which we sought was ensured not only at for the negotiations themselves, but also for the organisation of elections in Gabon and the implementation of the agreements.

Article 16 of the internal regulation protected us from the nasty surprise of seeing the agreements questioned by one of the parties after their initialling in Paris, while article 17 guarantees the implementation of the agreements by the National Assembly and the Government for Democracy, and the other institutions of the Republic, which shall avoid the sad outcome of the decisions of the National Conference.

III) Protocol of agreement and clauses

All of the important decisions in the protocol of agreement, which is based on the clauses adopted in plenary by the committees.

A) ELECTORAL PROBLEMS

The two parties agreed that the outcome of the elections of 1990 to 1993 was negative, thereby justifying our contesting of those elections. The two parties also agreed an electoral calendar which is usually prepared by the Ministry of the Interior.

B) RULE OF LAW

Without a majority in the National Assembly, the opposition risked seeing the Government for Democracy being overturned by a motion of censure and unable to implement the interim programme, nor implement the instruments of transparency; its proposals for revision of the Constitution were accepted by the opposing party: no motion of censure will be presented during the mandate of this government nor may it be dissolved by the President of the Republic or the rest of the National Assembly.

Although the HCR delegation has approved the principle of restoring the authority of the State, the State for its part must begin by respecting the law, protecting its citizens, acting neutrally, not appointing to positions of authority inappropriate and non-qualified persons, etc.

On the political parties, the HCR was able to introduce other measures for recognising political parties than those currently in force, while obtaining the financing not only of campaigns but also party operations. HCR also got agreement that leaders and political and trade union personalities shall have a status recognised and protected in law.

Our proposals on the media (ethical standards of journalists, revision of press legislation, creation of printing businesses, etc.) were accepted and constitute clauses which should establish multiparty democracy in Gabon.

Now concerns regarding the security forces have been addressed. From now in the presidential guard shall become a republican guard with a specific remit, enabling the police and the gendarmerie to focus on maintaining order, with the police from now on reporting to the Ministry of the Interior.

The creation of a National Council of Democracy is a step forward on the road to democratisation of Gabon, in its role of mediation, consultation and arbitration, a beacon of democracy.

The Nationality Code shall be revised at our request, in order to make it more rational and to provide a better solution to the problem of foreigners in Gabon.

If we have not been able to reach a definitive solution to the problem of the damages of the victims of the demonstrations of 1990 to 1993, the Joint Monitoring Committee, the International Monitoring Committee and the Government for Democracy should resolve this problem by implementing a programme law.

Our request to relate the local elections to a law on decentralisation was favourably received, and we have got agreement to harmonisation of legislation on municipal and departmental council vacancies.

The Ministry of State Audit, at our request, has been transformed into a public service, with abolition of the Ministry.

C) THE GOVERNMENT FOR DEMOCRACY AND THE INTERIM PROGRAMME

The transformation of the interim government into a Government for Democracy is most fortunate, because the first formulation implies temporality: the duration of the government; the second is based on a political idea which is at the heart of our discussions: democracy.

We did not have any difficulties in adopting the interim programme by consensus.

The implementation timetable for the transparency instruments did not pose any major problems either, but the most important advance relates to the independent national electoral commission which has two components.

D) NATIONAL INDEPENDENT ELECTORAL COMMISSION

- A national component divided into provincial, communal and departmental committees. It shall be chaired by a senior magistrate from one of the courts and no longer by the Minister of the Interior who shall no longer receive minutes transmitted directly to the Constitutional Court. The minister shall only announce results transmitted directly to him by the commission. He shall no longer be able to announce results before the commission has completed the count, not to manipulate them. Governors and prefects shall not chair provincial or departmental councils and shall no longer be able to commit fraud: they shall not transmit any minutes and shall also announce the results of their constituency before the minister, supervision being ensured by the commission alone at the local and national level.

- An international component, the international monitoring committee, which shall supervise and monitor the national electoral commission and its provincial, communal and departmental committees.

We would not be here if the legislative elections of 1990 and the presidentials of 1993 had been organised properly. This independent national electoral commission shall be the foundation of democracy in Gabon, but perhaps also in other African states which have encountered the same difficulties as Gabon.

Minister, Excellencies, Ladies and Gentlemen, for HCR, the outcome of these negotiations is positive overall.

It remains to implement the agreements, to translate into reality everything which has been agreed by common accord in Paris.

Ladies and Gentlemen, the negotiators, you are the primary guarantors of the application of these agreements; it is incumbent on each of you, within your own camp, to explain the merits and the imperative necessity of implementing them, and of doing so correctly, completely, and objectively, in the greater interests of the nation and perhaps the whole continent.

Excellencies, representatives of the international community, you are the second guarantors of the implantation of the Paris Agreements, your presence during these negotiations has been precious to us. Would we have been able to achieve these results alone, among ourselves the Gabonese, without your mediation which has enabled us to make concessions and to overcome our subjective positions? I do not think so. I take the liberty, to simply

remind your Excellencies, that your role has not ended, and shall be even more important in implementing the agreements because your mediation committee shall become an international monitoring committee.

Minister, Your Excellency the Ambassador to France, please request the authorities and the French Government on our behalf, to provide their effective and efficient support in implementing these agreements.

Sir, the OAU Mediator, you have honoured our continental institution, the OAU, by coming to help us overcome our present difficulties. The eminently positive role played by the OAU in these negotiations condemns, in light of the large number of electoral contestations in Africa, to use this first Gabonese experience to progress policy for conflict prevention in Africa.

Sir, the Mediator, you have succeeded in your mediation; all the people of Gabon expect you to repeat this by this constantly monitoring implementation of the agreements, until the legislative elections, to ensure their effective application.

Henceforth, you shall no longer be known as the Mediator, rather as the Regulator. Good luck.

Thank you.

**ADDRESS OF MR JEAN-FRANCOIS NTOUTOUME EMANE,
HEAD OF THE DELEGATION OF THE EXECUTIVE
TO THE PARIS NEGOTIATIONS**

Closing Ceremony

Paris, September 27, 1994

Mr President,
Representative of the Secretary General of the OAU,
Excellencies,
Ladies and Gentlemen,
My Dear Compatriots,

I would like first of all in the name of my delegation, to warmly thank Mr ROUSSIN, French Minister of Cooperation, who was kind enough to absent himself temporarily from his heavy obligations, to come and increase the splendour of this closing ceremony.

We see this not only as a sign of the affectionate interest Mr ROUSSIN has taken in our continent for many years, but also as evidence of the supportive attention of France to the political evolution of our countries, decreed, as we know, by history.

The Minister's presence here honours the Gabon led by President Bongo and reassures us in the mission we are here to accomplish in Paris, city of infinite enlightenment.

We are immeasurably grateful to him.

Mr President,

The annals of the History of Nations shall record for future generations, without any doubt, that on the threshold of the twenty-first century, and in the halls of the Palais du Congrès in the city of Paris from September 5 to 27, 1994, the negotiation conference took place between the principal actors on the Gabonese political scene, represented on one hand by the Executive, mandated by His Excellency El Hadj Omar BONGO, president of the Republic, Head of State, and on the other, by the opposition grouped in the High Council of Resistance.

For not having attained perfection (which is in any case not of this world) in the agreement protocol which shall be initialled in a few moments, we must agree with the Gabonese Nation, our ultimate mandator and principal beneficiary of these agreements, both present generations and those to come, that in our perpetual quest for balance, the negotiation doors shall not close following our conclusions of the moment, but shall remain permanently open.

A work of compromise therefore, some of the clauses in this protocol will undoubtedly not fully meet our initial expectations; however, as a common work of both parties, these latter without frustration or resentment, should, based on the confidence and generosity which all beginnings and new beginnings authorise, work each day and pragmatically, while respecting the rules of good conduct by which we are bound. This so that a new dawn breaks over the people, united in harmony and concord, and creates a passion which sweeps us towards the Rule of Law, towards the majority-rule, sharing and civilised democracy that we hope for.

The delegation of the Executive, welcomes not only the fact that an agreement protocol will be initialled with the opposition HCR, but also the number of clauses it contains, evidence of the seriousness with which the delegates of the two parties have approached their work over three weeks.

In fact, the number of our points of agreement and their quality, encapsulate very clearly two things: that the points which unite the Gabonese are more numerous than those which may temporarily divide them; and also that the pertinence of these premises of Pascal has rarely been so clearly demonstrated, namely that in any discussion, all points of view should be considered, because normally the other is rarely wrong from his point of view.

Following the extended hand of the President of the Republic, His Excellency El Hadj Omar BONGO, Head of State, we, the holders of power, the Executive, have clearly responded to the peace of the brave, and to the call for a reduction in tension from our compatriots in opposition.

Holders of power, we knew that we should not come to the negotiating table if we are not ready to compromise and therefore to make mutual concessions.

Conscious that in response to one step taken by the opposition, we should respond with another, or even two, we have very often during the course of these discussions shown our capacity for anticipation, this in the clear understanding of the interests of the Gabonese people.

There is no doubt that the two parties should be legitimately proud of the successful conclusion of these negotiations that, several months ago were still only hypothetical; but we know that what remains to be done is not the most easy, at the moment when not only the Gabonese people but also Africa and the international community, today more than ever, want to believe in the capacity of the political class to overcome their egotism and dogma, and to privilege dialogue, and thereby transcend the clichés, which unfortunately characterise the African continent in the eyes of many .

In this regard, we must recognise that the least merit of these negotiations is not that they have enabled the dialogue interrupted several months ago to resume; do they not say that those who speak do not kill?

We would like with all our hearts to believe this....

Without wishing to make complicated calculations, we believe we must highlight at the end of our work that the legality of the Head of State is no longer contested by the opposition HCR, who allowed the removal of the election contestation from the agenda in our negotiations, because we had replaced this with the point on electoral problems.

We also recall that in its report on the presidential election of December 5, 1993, the African American Institute unequivocally concluded that the majority and the opposition shared equal responsibility for the poor organisation of this election. This is why we looked for transparency and efficiency in creating the basis for a new electoral code, together with the need for neutrality and objectivity.

Have we spoken too soon? This was surely the case because the Executive had a majority proposed to the opposition HCR that the status of political leader be developed. Admittedly, because our compatriots did not agree with this proposal, there is no clause for this, which we deeply regret.

Finally, I am pleased to announce that our democracy which aspires to be pre-emptive and convivial shall be enriched with a consultative organ, the National Council of Democracy, a true bodyguard for democracy, in keeping with our communal behavioural essence.

Excellencies, Ladies and Gentlemen, of course I would not wish to end my speech without thanking those who have placed their talent, their competence, their friendship and their patience at our disposal to accompany us in these negotiations, particularly in those precarious moments where rupture at times seemed imminent. It is incumbent on us then to thank, here, in the name of the Gabonese people and in the name of His Excellency El Hadj Omar BONGO, their Excellencies:

Konoko KEITA, Ambassador of Guinea, representing the Secretary General of OAU, mediator;
Henri RETHORE, Ambassador, representing France, observer;
Richard ADJAHO, Ambassador, representing Benin, observer;
Volker BERRESHEIM, Embassy Counsellor, representing Germany and the European Union;
Gilles POIRIER, Counsellor for Political Affairs at the Canadian Embassy in Paris, representing Canada, observer;

I must also thank all those anonymous men and women, who through their collaboration have contributed to the successful outcome of these negotiations.

Long live the Gabonese nation in unity and peace for its development.