

## **Briefing Paper: The UNESCO-Obiang Prize, Corruption, and Abuse in Equatorial Guinea**

*Prepared by the Open Society Justice Initiative*

### **The Prize**

The UNESCO-Obiang Nguema Mbasogo International Prize for Research in the Life Sciences was established in 2008 when the Executive Board of the United Nations Educational, Scientific and Cultural Organization (UNESCO) accepted \$3 million from President Teodoro Obiang Nguema Mbasogo of Equatorial Guinea to endow an award in his name.<sup>1</sup>

The prize was scheduled to be awarded in June but was delayed for reconsideration by the Executive Board in its upcoming session from October 5 to 21, 2010.

### **The Problem**

Creating a UNESCO prize to recognize scientists for “improving the quality of human life”<sup>2</sup> that is named for and funded by President Obiang discredits UNESCO and bolsters the reputation of a corrupt dictator. President Obiang’s record of serious human rights violations and corruption is antithetical to UNESCO’s mission and values, and inconsistent with the objective of the prize itself.

Promotion of “sustainable development encompassing observance of human rights, mutual respect, and the alleviation of poverty” is supposed to be central to UNESCO’s efforts. Teodoro Obiang, however, has ruled Equatorial Guinea for more than 30 years by suppressing dissent and maintaining tight control over the country’s wealth. Thanks to his leadership, Equatorial Guinea’s people endure grinding poverty, while oil money flows into private bank accounts of Obiang family members and their affiliates.

By honoring an oppressive regime, the prize undermines UNESCO’s important work on freedom of expression and the prestige of the Cano World Press Freedom Prize. The prize also undermines the efforts of current Director General Bokova to “enhance the visibility and prestige” of UNESCO’s programs and the organization’s “transparency and integrity” during her mandate.<sup>3</sup>

Furthermore, the propriety and legality of the money provided to fund the UNESCO-Obiang Prize is in question. President Obiang and his close associates are subjects of ongoing criminal proceedings related to alleged money laundering and corruption. An inquiry with UNESCO’s Internal Oversight Service Investigation Section has revealed that UNESCO currently has no process to screen funds to prevent money laundering, and may have accepted funds that are the proceeds of corrupt practices.

A September 2010 report by the UNESCO Working Group on Prizes also highlighted that the organization currently has no procedures to screen the integrity of private or

individual donors (involved in about two thirds of all UNESCO prizes) and may need to be “more discerning” in the way it names prizes.<sup>4</sup>

## **The Solution**

UNESCO Director-General Bokova and Executive Board Members should use the October board session to cancel the UNESCO-Obiang Prize definitively.

They should also establish effective policies and procedures for vetting prizes, their donors, and their sources of funding to avoid similar situations in the future. This could include an “in-depth feasibility study,” including consideration of the “integrity and identity” of the donor, to be carried out by director general before creating any future prize, as recommended by the Working Group on Prizes in its report.<sup>5</sup>

Prominent individuals including Archbishop Desmond Tutu, several additional Nobel laureates, and other UNESCO prize winners from around the world have expressed outrage at the establishment of the prize and called for its cancellation. Various governments and parliamentarians have also registered serious concern about the prize. A broad coalition of human rights, press freedom, anticorruption, and public health organizations are campaigning for UNESCO to pull the award.

Along with cancelling the UNESCO-Obiang Prize, UNESCO should act to ensure that the funds in question are used to promote basic education and address other needs of the people of Equatorial Guinea.

## **Background**

### **Widespread Poverty Despite Vast National Wealth**

The disparity between Equatorial Guinea’s vast national wealth and its widespread poverty is unmatched anywhere in the world according to recent UN figures. As sub-Saharan Africa’s third largest oil producer, sparsely populated Equatorial Guinea boasts the highest per capita GDP in Africa—\$30,627. This is higher than that of Italy or New Zealand, and more than three times that of most of its African neighbors.<sup>6</sup> Yet under President Obiang’s rule, Equatorial Guinea has some of the lowest health and education levels in the world.<sup>7</sup> Most of the population is mired in desperate poverty, with more than 60 percent living on less than \$1 per day according to the United Nations Development Assistance Framework.<sup>8</sup> Indeed, in the UNDP’s 2009 Human Development Report, Equatorial Guinea was the worst governed country of all surveyed, as measured by the disconnect between available wealth and development.<sup>9</sup>

### **Oppression and Human Rights Abuses**

In August 2010, President Obiang’s government executed four political dissidents after kidnapping them from exile in neighboring Benin and convicting them in a summary military trial. According to Amnesty International, their confessions were extracted under torture. This was not an isolated instance. In January 2010, the UN Special Rapporteur on Torture, Manfred Nowak, “found that torture [was] systematically used by the police forces against persons who refuse to ‘cooperate’—persons suspected of political crimes as well as suspects of common crimes...” and

noted that some prisoners suspected of political crimes were being held in solitary confinement for up to four years, almost always shackled at the legs.<sup>10</sup>

### **Corruption: Ongoing Investigations and Cases**

The corruption causing the discrepancy between Equatorial Guinea's considerable wealth and its pervasive poverty is well-documented. Past and ongoing investigations by reliable government authorities in the United States, France, and Spain into the activities of President Obiang and his close associates help substantiate what many have suspected: a small group at the top of Equatoguinean society and government diverts to itself most of the country's billions in oil revenues and other natural resource earnings.

Equatorial Guinea is also the subject of a complaint before the African Commission on Human and Peoples' Rights for alleged spoliation of the country's natural resources by high level officials.

#### United States

Landmark investigations by the United States Senate in 2004 and 2010 found that large sums of Equatorial Guinea's oil income and other resource revenues ended up in private bank accounts in the United States, Spain, Luxembourg and elsewhere, or were squandered on mansions and other extravagances for senior officials and their families. Leaked U.S. Immigration and Customs Enforcement documents inventoried a \$35 million mansion in California, a \$36 million jet, and several luxury cars and boats belonging to President Obiang's eldest son, who also serves as the Minister of Forestry with a reported official salary of approximately \$60,000.<sup>11</sup>

#### Spain

Following the 2004 U.S. Senate report, investigations by the Spanish NGO Asociación pro Derechos Humanos de España (APDH) and the Open Society Justice Initiative uncovered strong indications that as much as \$26 million of Equatoguinean Treasury funds may have been applied to the purchase of real estate in Spain for the account of President Obiang and top government officials. These allegations are now under investigation by instructing magistrates in Grand Canary, Spain.<sup>12</sup>

#### France

Following a complaint filed by the French NGOs Association Sherpa and Transparence International against President Obiang and his associates for concealment of diversion of public funds ("*recel de détournement de fonds publics vise par les articles 321-1 et 432-15 du Code pénal français*"),<sup>13</sup> a police investigation commenced in June 2007<sup>14</sup> that confirmed President Obiang's ownership of a high-end residence in Paris and found eight luxury automobiles belonging to his son Teodorin, including two Ferraris, two Bugattis, two Maseratis, a Maybach, and a Rolls Royce, for a total value of over €4 million.<sup>15</sup> The case is now before the *Cour de cassation*, pending a decision on standing of the NGOs.

African Commission on Human and Peoples' Rights

In October 2007, APDHE, the Open Society Justice Initiative, and EG Justice (a U.S.-based rights organization) filed a complaint alleging that the diversion of oil wealth from government coffers to private accounts—of which the Spanish and French cases illustrate one strand in a complex web of suspected corruption and laundering—violates Article 21 the African Charter on Human and Peoples' Rights by preventing the Equatoguinean people from freely disposing of their natural wealth.<sup>16</sup> The complaint argues that the Equatoguinean government engages in corruption, undue control over the judiciary, and violent suppression of dissent to facilitate the spoliation of the country's natural resources.<sup>17</sup>

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<sup>1</sup> Establishment of the UNESCO-Obiang Nguema Mbasogo International Prize for Research in the Life Sciences, 180 EX/57, Paris, 29 September 2008, pp. 1-2. The establishing resolution states both that the “government” proposed to fund the Prize, *and* that the donor is the Obiang Nguema Mbasogo Foundation for the Preservation of Life, yet there is no publicly available explanation as to the identity of the Foundation which is seemingly unknown to the public.

<sup>2</sup> *Id.* (The prize-creating document states “[t]he purpose of this Prize is to reward the projects and activities of an individual, individuals, institutions, other entities or non-governmental organizations for scientific research in the life sciences leading to improving the quality of human life.”)

<sup>3</sup> See *Report by the Director-General on the Assessment of the Effectiveness of the Overall Strategy for UNESCO Prizes*, 185 EX/38, September 10, 2010, para 4.

<sup>4</sup> *Ibid.*, paras 17 & 20.

<sup>5</sup> *Ibid.*, paras 20 & 23.

<sup>6</sup> See United Nations Development Programme (UNDP), Human Development Report 2009 (hereafter, “UNDP 2009 Report”), Table H (“Human development index 2007 and its components”), pp. 171-175, available at [http://hdr.undp.org/en/media/HDR\\_2009\\_EN\\_Indicators.pdf](http://hdr.undp.org/en/media/HDR_2009_EN_Indicators.pdf). UNDP put Equatoguinean per capita GDP for 2007 at \$30,627.

<sup>7</sup> See *Corruption and its Consequences in Equatorial Guinea, an Open Society Justice Initiative Briefing Paper*, Updated March 2010, p. 4. Available at [http://www.soros.org/initiatives/justice/focus/anticorruption/articles\\_publications/publications/eqbriefing\\_20090721](http://www.soros.org/initiatives/justice/focus/anticorruption/articles_publications/publications/eqbriefing_20090721).

<sup>8</sup> República de Guinea Ecuatorial y Sistema de las Naciones Unidas, *Balance Común de Pais (CCA), Versión Validada* (September 2006), p. 7. See also Système des Nations Unies, *Cadre d'assistance des Nations Unies pour le développement (UNDAF) en Guinée Equatoriale pour la période 2008-2012* (hereafter, “UNDAF 2007 Report”) (February 12, 2007), p. 7, available at [http://www.undg.org/docs/7228/undaf%20version%20finale%20\(FR\)%2020-02-2007.doc](http://www.undg.org/docs/7228/undaf%20version%20finale%20(FR)%2020-02-2007.doc).

<sup>9</sup> UNDP 2009 Report, Table H, p. 172. See last column, GDP per capita rank minus HDI rank.

<sup>10</sup> United Nations Human Rights Council, Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak, Addendum: Mission to the Republic of Equatorial Guinea, A/HRC/13/39/Add.4 (January 7, 2010)

<sup>11</sup> Ken Silverstein, “U.S. Government Documents Crime Spree by Dictator's Son: Why no action by the feds?” *Harper's* (November 16, 2009), available at <http://harpers.org/archive/2009/11/hbc-90006022>.

<sup>12</sup> Information on the Spanish case, including Spanish and English language versions of the complaint, is available at <http://www.soros.org/initiatives/justice/litigation/obiangfamily>.

<sup>13</sup> *Plainte avec constitution de partie civile (Criminal Complaint)*, Transparence International, France et Gregory Ngbwa Mintsa, Tribunal de grande instance de Paris (December 2, 2008).

<sup>14</sup> See *The Independent*, “Paris judge to examine African leaders' finances,” (May 7, 2009), available at: <http://www.independent.co.uk/news/world/europe/paris-judge-to-examine-african-leaders-finances-1680808.html>.

<sup>15</sup> See, e.g., *Jeune Afrique*, “Le détail des biens présumés mal acquis de Bongo, Sassou et Obiang” (May 7, 2009), available at <http://www.jeuneafrique.com/Article/ARTJAWEB20090507150950/-justice-Denis-Sassou-Nguesso-Teodoro-Obiang-Omar-Bongo-Le-detail-des-biens-presumes-mal-acquis-de-Bongo-Sassou-et-Obiang-.html>.

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<sup>16</sup> See Communication to the ACHPR (October 12, 2007), 1-3; see also, *The Social and Economic Rights Action Center for Economic and Social Rights v. Nigeria*, African Commission on Human and Peoples' Rights, Comm. No. 155/96, (2001), paras. 56-60.

<sup>17</sup> *Id.*