Abusing UNESCO: President Teodoro Obiang of Equatorial Guinea

FEBRUARY 2012

THIS BRIEFING PAPER EXAMINES the on-going effort by President Teodoro Obiang of Equatorial Guinea to abuse the reputation and standing of the United Nations Educational, Scientific and Cultural Organization (UNESCO) by

- Using the establishment of a UNESCO science prize to launder the image of his regime, which is accused of extensive human rights abuses, and which has several senior officials who are subjects of at least three separate anti-corruption investigations in the US and Europe; and
- Appointing his son as Equatorial Guinea’s Deputy Permanent Delegate to UNESCO, which could endow him with diplomatic immunity in the face of criminal money laundering investigations in France.
The UNESCO-Obiang Prize

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

The prize was scheduled to be awarded in June 2010, but was suspended indefinitely by the UNESCO Executive Board in October 2010 due to a lack of consensus among members as to whether to proceed with the prize in light of significant allegations of human rights abuses and corruption relayed by civil society and government leaders.

Following a failed attempt to reinstate the prize in May 2011, President Obiang, then chairman of the African Union, secured an AU resolution calling for implementation of the prize in June 2011.\(^2\) UNESCO again deferred decision on the prize in October 2011, creating a working group to deliberate and come to a final conclusion at the next Executive Board meeting, February 27 to March 10, 2012.\(^3\)

Problems with the Prize

- President Obiang’s record of serious human rights violations and corruption is antithetical to UNESCO’s mission and values, and inconsistent with the stated humanitarian objective of the prize itself.

- The propriety and legality of the money provided to fund the UNESCO-Obiang Prize is in question, with official prize establishing documents contradictorily attributing funding of the prize to both a previously unknown foundation and the government of Equatorial Guinea.\(^4\) President Obiang and certain of his family members and close associates are subjects of ongoing criminal and civil proceedings related to alleged money laundering and corruption in France, Spain and the US.

- Inquiries with UNESCO’s Internal Oversight Service Investigation Section (IOS) reveal that UNESCO currently has no process to screen funds to prevent money laundering, and so cannot ensure it does not accept funds that are the proceeds of corrupt practices. IOS declined to investigate a formal complaint filed by the Justice Initiative and three partner civil society organizations in June 2010 which documented these concerns.\(^5\)

Solution: Cancel the Prize

- UNESCO Director-General Bokova and Executive Board Members should, at the February-March 2012 board session, cancel the UNESCO-Obiang Prize definitively.

- UNESCO 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 should include consideration of the “integrity and identity” of the donor, as recommended by the UNESCO Working Group on Prizes.\(^6\)
Prominent individuals including Archbishop Desmond Tutu, author Chinua Achebe, several Nobel laureates such as Wole Soyinka, Mario Vargas Llosa, J.M.G. Le Clézio, Claude Cohen-Tannoudji and John Polanyi, and UNESCO prize winners from around the world have expressed outrage at the establishment of the UNESCO-Obiang prize and called for its cancellation. Various governments and parliamentarians have also registered serious concern about the prize and a broad coalition of human rights, press freedom, anticorruption, and public health organizations are campaigning for UNESCO to pull the award.\textsuperscript{vii}

**Teodorin and UNESCO**

On October 13, 2011, Equatorial Guinea (EG) President Teodoro Obiang announced his eldest son Teodorin would serve as Equatorial Guinea’s Permanent Deputy Delegate to UNESCO.\textsuperscript{viii} The move swiftly followed a clear indication by French authorities that the *biens mal acquis* criminal money laundering case initiated by French NGOs Association Sherpa and Transparence International France\textsuperscript{ix} would reach Teodorin: per an order from an investigating magistrate on the case, the French National Police seized 11 of Teodorin’s “supercars” in Paris just weeks before, on September 27.\textsuperscript{x} Videos of the lavish parade of automobiles spread rapidly on the internet.\textsuperscript{xi}

Diplomatic immunity is provided to UNESCO delegates, and might therefore shield Teodorin from ongoing criminal investigations, particularly in France.

On February 14, 2012, when French National Police searched the Obiangs’ luxurious Avenue Foch mansion, a lawyer for the EG government reportedly sought to stop the search claiming it was a violation of Teodorin’s diplomatic immunity as Equatoguinean representative to UNESCO.\textsuperscript{xii}

This is not the first time that UNESCO diplomatic status has been employed in an effort to foil anticorruption proceedings. During the Angolagate corruption scandal in France, international arms dealer Pierre Falcone was appointed Angolan ambassador to UNESCO -- a strategy that ultimately failed in part because of Falcone's French citizenship.\textsuperscript{xiii}

**Background: Widespread Poverty despite Vast National Wealth**

Teodoro Obiang has ruled Equatorial Guinea for more than 30 years by suppressing dissent and maintaining tight control over the country’s wealth. Under his leadership, Equatorial Guinea’s people endure grinding poverty, while oil money flows into the private bank accounts of Obiang family members and their affiliates.

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 Gross National Income (GNI) in Africa—$17,608. Yet under President Obiang’s rule, Equatorial Guinea has some of the lowest health and education levels in the world.\textsuperscript{xiv} 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.\textsuperscript{xv} Indeed, in the UNDP’s 2011 Human Development Report, Equatorial Guinea was the worst governed country of all surveyed, as measured by the disconnect between available wealth and development.\textsuperscript{xvi}
In the face of widespread national poverty, the Equatoguinean government has recently invested heavily in building showcase luxury infrastructure projects. In June 2011, the government completed the $830 million Sipopo, a luxury resort built to host the African Union Summit. Sipopo, covering over 3 million square meters, features a private mile-long artificial beach, 52 beach-front villas, an 18-hole golf course and the country’s first spa. This year, Equatorial Guinea co-hosted the high profile Africa Cup of Nations. The total cost of the tournament is not publicly known, but renovating one stadium, building another and constructing a road to it cost $100 million alone, according to the government’s own reporting. The country, with a population barely reaching 700,000, also boasts more than half a dozen luxury presidential palaces (built or under construction).

Oppression and 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, based on confessions that, according to Amnesty International, had been extracted under torture. 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.

Civil rights and political freedoms within the country are heavily repressed. In November 2011, human rights groups complained that a referendum to amend the constitution and strengthen Obiang’s rule was “deeply flawed” and was marred by numerous irregularities and voter fraud. In a supposed multi-party democracy, only a single opposition party, Convergence para la Democracia Social (CPDS), has representation in parliament -- holding only one of the parliament’s 100 seats. CPDS campaigners frequently face intimidation and harassment by police and are limited by the ruling party’s monopoly on power, funding and access to media. In 2003, state radio described President Obiang as “the country’s God…[with] all power over men and things.” The President’s son, Teodorin, owns the only private broadcast media.

Corruption: Ongoing Investigations and Cases

Grand corruption in Equatorial Guinea 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 much of the country’s billions in oil revenues and other natural resource earnings.

United States

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. In October 2011, the US Department of Justice filed civil forfeiture complaints against approximately $70.8 million in real and personal property belonging to Teodorin, alleging crimes of money laundering, and extortion, theft, embezzlement and/or misappropriation of public funds. According to the complaint, despite an official government salary of less than $100,000 per year, Teodorin amassed more than $100
million as one of the few, near-exclusive beneficiaries of the extraction and sale of Equatorial Guinea’s natural resources.xxv

Spain

Following the 2004 U.S. Senate report, investigations by the Spanish NGO Asociación pro Derechos Humanos de España (APDHE) and the Open Society Justice Initiative uncovered evidence suggesting 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.xxvi

France

Pursuant to a complaint filed by Transparency International France against President Obiang and his associates for concealment of diversion of public funds, xxvii a police investigation commenced in June 2007xxviii that confirmed Obiang family 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.xxix

After a four-year long legal battle, in November 2010, the Cour de Cassation granted admissibility of the complaint and opened a judicial investigation. On September 27, 2011, while the Obiang prize was being debated at the UNESCO board, French police seized 11 luxury cars in Paris belonging to Teodorin pursuant to these investigations.

During the week of February 14, 2012, the police seized tens of millions of dollars worth of antiques, art works and other luxury goods from the Obiangs’ Avenue Foch residence, including a €1.5 million Louis XIV desk. The building itself is reportedly worth more than €500 million.xxx

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1 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 was being debated at the UNESCO board, French police seized 11 luxury cars in Paris belonging to Teodorin pursuant to these investigations.


3 Ibid, paras 20 & 23.


4 See “French police search flat of E. Guinea president’s son,” Agence France Presse (February 14, 2012), available at: http://www.google.com/hostednews/afp/article/ALeqM51XOixK9JQhBxVNUx7iriZePsw?docid=CNG.020ah95fd734a2034432628f6c269a72a1.


8 UNDP 2011 Report, Table 1, p. 129. See second to last column, “GNI per capita rank minus HDI rank.” Equatorial Guinea’s value is -91.


18 Information on the Spanish case, including Spanish and English language versions of the complaint, is available on the Open Society Foundations website, at: http://www.soros.org/initiatives/justice/litigation/obiangfamily.

19 Plainte avec constitution de partie civile (Criminal Complaint), Transparence International, France et Gregory Ngbwa Mintsa, Tribunal de grande instance de Paris (December 2, 2008).


ABUSING UNESCO:

29 SEPTEMBER 2008
OBIANG PRIZE ESTABLISHED

The $3 million UNESCO-Obiang Nguema Mbasogo International Prize for Research in the Life Sciences, proposed by Equatorial Guinea’s President Obiang, is established to reward “scientific research in the life sciences leading to improving the quality of human life”[1].

26 MAY 2010
SCIENTISTS CALL TO ABOLISH PRIZE

Public health and science professionals ask UNESCO to abandon the Obiang Prize, stating that “health indicators [in Equatorial Guinea] reflect shockingly poor governance and widespread suffering... [President Obiang] is cynically attempting to use UNESCO to legitimate his abusive regime.”[2]

JUNE 2010
UNESCO MISSION TO EG

A high-level UNESCO mission visits President Obiang Nguema Mbasogo in Equatorial Guinea in order to reach an agreement to postpone the awarding of the prize[3].

10 JUNE 2010
NGOS ASK UNESCO TO INVESTIGATE

Concerned that UNESCO may have accepted money representing proceeds of corruption, the Open Society Justice Initiative and other NGOs submit a request to UNESCO’s Internal Oversight Service to investigate the funding for the prize[4].

11 JUNE 2010
DESMOND TUTU CRITICIZES PRIZE

Archbishop Desmond Tutu calls on UNESCO to withdraw the Obiang Prize, writing: “UNESCO is a beacon for hope and development around the world. I am appalled that this organisation, which holds such promise, is allowing itself to burnish the unsavory reputation of a dictator.”[5]

21 OCTOBER 2010
OBIANG PRIZE SUSPENDED

UNESCO Executive Board indefinitely suspends the Obiang Prize[6].

11 OCTOBER 2010
AFRICANS DENOUNCE PRIZE

African voices including those of Nobel Laureate Wole Soyinka and author Chinua Achebe express their opposition to the Obiang prize, stating “the continued existence of this prize is inimical to UNESCO’s mission and an affront to Africans everywhere who work for the betterment of our countries.”[7]

27 SEPTEMBER 2010
EQUATORIAL GUINEA ADDRESSES UN

EG Minister of Foreign Affairs addresses the UN General Assembly, asserting that “this prize is still blocked simply because it is an initiative of an African leader... Equatorial Guinea denounces the manipulation and maneuvers of the new UNESCO administration against [this] humanitarian initiative.”[8]

15 JUNE 2010
UNESCO REACTS

UNESCO Director-General Irina Bokova expresses concern about the Obiang prize and decides to bring the matter before the Executive Board[9].

11 OCTOBER 2010
OBIANG PRIZE DEFERRED AGAIN

Decision on the Obiang prize and conclusion by Spring 2012[10].

14 SEPTEMBER 2011
IMPLEMENTATION OF 180 EX/DECISION 57


11 JUNE 2011
EQUATORIAL GUINEA BUILDS RESORT TO HOST SUMMIT

The Equatorial Guinea government builds the $830 million luxury resort Sipopo to host the African Union Summit[11].

10 OCTOBER 2011
AFRICANS SECURE AU RESOLUTION ON PRIZE

Obiang’s Avenue Foch residence and son of President Obiang, Teodorin, ambassador to UNESCO establishes a working group to reach a conclusion by Spring 2012[12].

14 FEBRUARY 2012
UNESCO DECISION

UNESCO is slated to make a decision on the Obiang Prize[13].

17 FEBRUARY 2012
PARIS POLICE SEIZE LUXURY GOODS WORTH MILLIONS FROM OBIANG MANSION

French police raid Obiang mansion belonging to Teodorin, including a $35 million Malibu mansion, all allegedly representing proceeds of corruption[14].

25 OCTOBER 2011
US INVESTIGATION OF TEODORIN

US Investigation of Teodorin opens an investigation in France against President Obiang and his son Teodorin, President Obiang announces Teodorin will serve as Equatorial Guinea’s Permanent Deputy Delegate to UNESCO, a position his son Teodorin, President Obiang announces Teodorin will serve as Equatorial Guinea’s Permanent Deputy Delegate to UNESCO[15].

13 OCTOBER 2011
EG MINISTER OF STATE OF AGRICULTURE NAMED NEW DELEGATE PERMANENT ADJUNCT AT UNESCO


14 NOVEMBER 2010
FRANCE RULES ADMISSIBILITY OF A CRIMINAL COMPLAINT


9 NOVEMBER 2010
OPEN SOCIETY JUSTICE INITIATIVE SUBE A REQUEST TO INVESTIGATE THE FUNDING OF THE PRIZE

Other NGOs submit a request to investigate the funding of the prize[3].

21 OCTOBER 2011
OPEN SOCIETY JUSTICE INITIATIVE AND OTHER NGOs SUBMIT A REQUEST TO INVESTIGATE THE FUNDING OF THE PRIZE

UNESCO accepts money representing proceeds of corruption[16].

5 NOVEMBER 2011
US INVESTIGATION OF TEODORIN

Open Society Justice Initiative and other NGOs submit a request to UNESCO’s Internal Oversight Service to investigate the funding for the prize[4].

15 OCTOBER 2011
EBREY JSI Profits Against African Dictator


11 JUNE 2010

3 SEPTEMBER 2010
IMPLEMENTATION OF 180 EX/DECISION 57


26 MAY 2010

19 OCTOBER 2011
ENSIERINK, MARTIN, “SCIENTISTS JOIN PROTESTS AGAINST AWARD IN HONOR OF AFRICAN DICTATOR”, SCIENCE INSIDER, 27 MAY 2010, AVAILABLE AT: SCIENCEMAG.ORG

11 OCTOBER 2010
ABUSING UNESCO:

UNESCO REACTS

UNESCO Director-General Irina Bokova expresses concern about the Obiang prize and decides to bring the matter before the Executive Board[9].
PRESIDENT TEODORO OBIANG OF EQUATORIAL GUINEA

9 NOVEMBER 2010
FRENCH CRIMINAL INVESTIGATION

French Cour de cassation grants admissibility of a criminal complaint filed by NGO Transparence International France against President Obiang and opens a judicial investigation.

JUNE 2011
OBIANG SECURES AU RESOLUTION ON PRIZE

The Equatorial Guinea government builds the $830 million luxury resort Sipopo to host the African Union Summit, where Obiang secures an AU resolution calling for implementation of the prize.

27 SEPTEMBER 2011
LUXURY CARS SEIZED

In Paris, French National Police raid the Obiangs' Avenue Foch residence and seize 11 "supercars" belonging to the son of President Obiang, Teodorin, totaling over €4 million.

OCTOBER 2011
OBIANG PRIZE DEFERRED AGAIN

UNESCO Executive Board again defers decision on the Obiang prize and establishes a working group to reach a conclusion by Spring 2012.

13 OCTOBER 2011
TEODORIN AMBASSADOR TO UNESCO

In the face of ongoing criminal proceedings against his son Teodorin, President Obiang announces Teodorin will serve as Equatorial Guinea's Permanent Deputy Delegate to UNESCO, a position which could give him diplomatic immunity.

SPRING 2012
UNESCO DECISION

UNESCO is slated to make a decision on the Obiang Prize at the 189th session of the Executive Board.

14 FEBRUARY 2012
FRENCH POLICE RAID OBIANG MANSION

French police again raid the Obiangs' 101-room, €500 million Avenue Foch mansion, hauling out truckloads of luxury goods as suspected proceeds of corruption, including a Louis XIV desk worth €1.5 million.

25 OCTOBER 2011
US INVESTIGATION OF TEODORIN

US Department of Justice files civil forfeiture complaints targeting approximately $70.8 million of assets belonging to Teodorin, including a $35 million Malibu mansion, all allegedly representing proceeds of corruption.

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The Open Society Justice Initiative uses law to protect and empower people around the world. Through litigation, advocacy, research, and technical assistance, the Justice Initiative promotes human rights and builds legal capacity for open societies. Our staff is based in Abuja, Amsterdam, Bishkek, Brussels, Budapest, Freetown, The Hague, London, Mexico City, New York, Paris, Phnom Penh, Santo Domingo, and Washington, D.C.