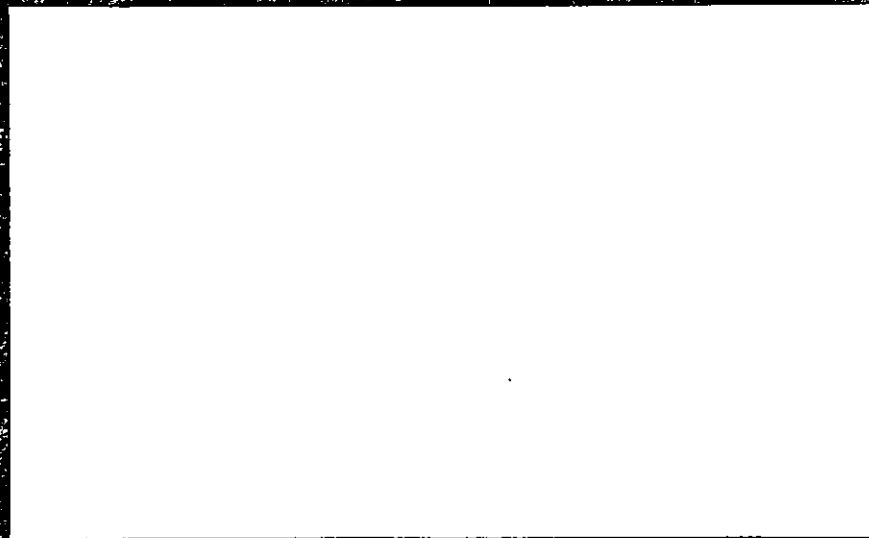


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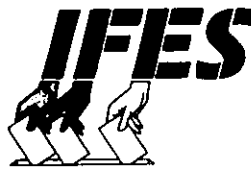
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IFES EQUATORIAL GUINEA ASSESSMENT REPORT

November 1997

Joe C. Baxter, IFES Senior Advisor for Election Administration
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I. INTRODUCTION

In February 1996, the International Foundation for Election Systems (IFES) sent a team of international observers to observe the February 25th Presidential elections. The election process in Equatorial Guinea was beset with numerous problems. The IFES observation report detailed these problems and made a number of recommendations for improvement in the election process in particular and the democratic process in general.

In an effort to determine whether there had been any substantial improvement in the democratic conditions in the country and to assess whether there is any opportunity for the international community to assist the process of democratic consolidation, the IFES sent a two-member team to Equatorial Guinea in November 1997. The team consisted of Juan Rial, a political scientist from Uruguay with broad experience in democratic transitions in Latin America, and Joe Baxter, IFES' Senior Advisor for Election Administration, who has extensive experience in election administration in transitional democratic elections.

The team spent one week in Malabo speaking with many people about the state of democracy in the country. Their conversations included interviews with officials of the top three political parties, government officials, journalists, representatives of the international community and others. The interviews covered the events leading up to the current political situation and also the prospects for the future of democracy in Equatorial Guinea. This report provides a summary of their findings.

While noting the lack of democratic space and the absolute dominance of political life by the ruling Democratic Party of Equatorial Guinea in the country, the team found that there exists opportunities for the government, the political parties, and the international community to work together to increase the democratic space. The report begins with the recent political history of the country, discusses the 1996 Presidential election and the events following the election, and provides an overall assessment of the political situation in Equatorial Guinea today. Finally, the report provides the assessment team's recommendations for international assistance to the democratic process and opportunities for increasing the democratic space.

Legislative elections are tentatively scheduled for September 1998. In those elections all 80 members of the National Assembly will be elected. Prior to those elections a new electoral census (voter registration) will be conducted. These two events represent the major milestones in Equatorial Guinea's electoral calendar in 1998.

II. BACKGROUND

A. *Political History*

Equatorial Guinea is a Spanish colony known as Spanish Guinea from 1778 until the country gained independence in 1968. With independence came an elected government under Macias Nguema Biyogo as President.

The Macias regime is widely regarded as the worst period in Equatorial Guinea since independence in terms of lack of political freedoms and violations of basic human rights. Within one year of becoming president, amidst economic and political struggles with Spain and intensifying tribal rivalries (predominantly between Fang and Bubi tribes), Macias seized emergency powers. In response, a coup attempt was made on the Macias regime. The result of the failed attempt was a crackdown that included arrests and mass executions, and the flight of most of the Spanish population. A single-party government was instituted and Macias named himself president for life in 1972.

In April 1979, President Macias' nephew, Lt. Col. Teodoro Obiang Ngeume Mbasogo, led a coup that finally ousted Macias. A month later Macias was executed. In what was considered a move toward democratization, a new constitution was adopted by referendum on August 15, 1982, and Obiang was confirmed as President for a seven year term; this was followed in 1983 by National Assembly elections. In 1987, the *Partido Democratico de Guinea Equatorial* (Democratic Party of Equatorial Guinea, PDGE) was formed. Obiang continued to talk about democratization, but did not introduce a multiparty system; instead in 1989 single-party presidential elections were held. Finally in 1991, a democratic constitution was approved, and by the spring of 1992, political parties were legalized.

Notwithstanding these advances made in the area of electoral democracy, allegations of human rights abuses mounted, including reports of torture and intimidation. The situation deteriorated through 1993 when the US Ambassador was pulled back to Washington after alleged threats on his life by government forces.

Legislative elections in November 1993 were widely considered fraudulent by opposition parties. The PDGE won 68 of 80 seats, after the Coalition of Opposition Parties (POC) boycotted the elections. The United States and Spain denounced the elections, and in 1994, Spain suspended aid to Equatorial Guinea pointing to President Obiang's failure to fulfill his promise of democratization.

B. *1995 Municipal Elections*

Elections were held on September 17, 1995 to elect a mayor and council in each of the country's 27 municipalities. Mayors are elected every four years.

The Government of Equatorial Guinea brought in technical assistance for their first multiparty municipal elections. It was provided through United Nations Development Program (UNDP) in the form of Luis Luna Raudes, a technical consultant.

In his report, the technical consultant pointed to a number of administrative and procedural shortcomings in the municipal elections. These include, but were not limited to:

- ▶ failure to use indelible ink to prevent “double voting”, even after the use of ink was approved by the Election Board and provided by the international community (the requirement for the use of ink was withdrawn at 10:00 am on the day of the election);
- ▶ an incomplete electoral census (registry) that was not made public until the day of the election, which prevented public scrutiny of the lists (contrary to the electoral law). There were also questions whether the census was an accurate reflection of the electorate; opposition parties claimed that the government had eliminated names of eligible voters and added other names of ruling party members in their stead. It was clear that the credibility of the registry was irreparably damaged;
- ▶ the vote was not conducted in a secret manner. Instead, voters were compelled in many polling areas to cast their vote publicly.

Finally, the most contentious part of the election was the vote count and tabulation. Opposition parties claimed that immediately after the election, an opposition parallel count showed that opposition parties won twenty of the twenty-seven municipalities. The government was much slower in coming out with official results. The counting and tabulation took eleven days, at which point the government announced victory for the opposition in only nine municipalities throughout the country. The opposition parties felt the government had “stolen” their rightful gains by manipulating the results and announcing numbers that did not accurately reflect the total of ballots cast.

C. Decision to Hold Elections in February 1996

On January 11, 1996, the President of the Republic announced that the country’s first multiparty presidential elections would take place on February 25, 1996. The date was chosen in light of the fact that the President’s mandate was to expire on June 25, and the February date “permits a 45-day pre-election period as specified in the Constitution,” as indicated in a letter to IFES from the Government. The day of the announcement counted as the first of the 45 days. The government was confident that the opposition parties were in full agreement with the date chosen, since all “of the country’s main opposition parties...have presented the credentials of their party leaders to the National Electoral Board, signifying their intent to participate in the upcoming election.”

IFES learned that, in fact, the opposition did not feel that 45 days was enough time to organize an effective electoral process, especially for the opposition to mount an effective campaign in a first-ever multiparty presidential election. They brought this to the attention of the government and the *Junta Electoral Nacional* (JEN) (National Electoral Board) on a number of occasions, as did the international community resident in Malabo. Each time the government countered with the 45-day time limitation in the Electoral Law. According to Articles 49-51 of the Electoral Law, presidential elections are to be held once every seven years, on a date approved in the Council of Ministers and announced by decree. But rather than the strict language suggested by the government about the time frame, Article 34 of the Constitution states that “the elections take place forty five days before the expiration of the powers of the president, *or at the latest, within the sixty days following that date.*” Similarly, Article 50 of the Electoral Law states that “The vote will be verified 45 days before the expiration of the powers of the President, or at the latest, within sixty days following that date.” Nowhere was a 45-day pre-election period mentioned.

The calling of the elections for February 25, given the expiration of Presidential powers on June 25, 1996, was not required in the Constitution or the Electoral Law. In fact, if a strict reading of the Constitution was followed, it could be found that an election *before* forty-five days preceding the expiration of the powers of the President (May 12) may be unconstitutional. This was an important point because, among other Constitutional issues, the 45-day period exerted a tremendous amount of pressure on the opposition parties, who needed as much time as possible to raise funds, plan campaign strategies, and to campaign effectively. In any first-time multiparty election, one of the biggest challenges is the achievement of a level playing field of opportunities and resources for all political parties; the ruling party has an immediate advantage over smaller parties mounting a presidential campaign for the first time. Extra time would have allowed those parties opportunity to “catch up” with PDGE in terms of funding and other support.

III. STRUCTURAL CONTEXT OF THE 1996 PRESIDENTIAL ELECTION

In order for an election commission in any country to maintain its credibility as a non-partisan, disinterested administrative body, it was essential that it maintain some distance from government influence. If it does not, then there is no separation between partisan interests and neutral election administration. In Equatorial Guinea, the *Junta Electoral Nacional* (JEN) was by law presided over by the Minister of the Interior and maintained its headquarters in the Ministry of the Interior building. The membership included judges, secretaries of state, ministers and other administrators, all designated by either the Supreme Court (which was designated by the President) or directly by the President of the Republic. Each political party was given one seat on the *Junta*. For the 1996 presidential election, opposition representation was outnumbered by Government representation 3:1. That the *Junta* lacked popular credibility as a neutral body was clear to IFES observers in February 1996 who were told repeatedly by opposition members and other citizens that they felt the *Junta* represented only government and PDGE party interests.

The Government does have an important role to play in the electoral process: it is the State's responsibility not only to protect the rights of the voter, the candidates and the political parties, but also to see that a smoothly-functioning mechanism is in place to organize and carry out democratic elections. These organizational responsibilities include:

- ▶ implementation of a program of civic and voter education, to ensure that the population is familiar with election procedures and issues;
- ▶ measures to ensure that the election is conducted with adequate transparency;
- ▶ the provision of adequate security to voters, candidates and election material; and
- ▶ the effective and timely resolution of election-related disputes.

The mechanisms that the Government creates or calls upon to carry out these responsibilities include an electoral law, an election authority (e.g., a commission), and the judicial system. In a democracy, it is the State's responsibility to endow these mechanisms with sufficient resources to carry out their mandates; in this sense it is appropriate for a Government--indeed it is its responsibility--to maintain close ties with its election authority. The election commission implements the responsibilities above, and should serve as the arbiter of a level playing field for the entire election exercise (especially of the campaign and access to media), and should oversee the overall transparency of the process.

It is not unprecedented for an election commission to be presided over by a Minister of government; nor is it uncommon for the Supreme Court and the President of a country to designate certain members of an electoral commission. However, in a country that has had single party rule for so long and where there is little distinction between State and ruling party, there is a special responsibility on the part of the State to strive for neutrality in the administration of its elections. In Equatorial Guinea, the perception of the JEN as a credible, neutral institution would

have been greatly enhanced if there was a separation between the JEN and the State, and if opposition parties had played a greater role in all aspects of the decision making process.

A. *Composition of the Junta Electoral Nacional (JEN)*

The election commission of Equatorial Guinea, the *Junta Electoral Nacional* (JEN), was a body made up of twelve members plus a representative of each contending political candidate. The President of the JEN was also the Minister of the Interior of the Republic. Authority was centralized in him, and he made all decisions on every level from policy to administrative issues. The JEN headquarters was inside the Ministry of the Interior. There was no administrative independence of the *Junta Electoral Nacional* from the State.

The makeup of the JEN and the district-level boards is outlined in the Electoral Law. At the National level, members were:

- ▶ Six judges or magistrates designated by the Supreme Court (which was itself named by the President of the Republic)
- ▶ Six representatives of the Administration designated directly by the President of the Republic
- ▶ One representative from each of the parties fielding a presidential candidate.

At the Provincial level, the *Junta* was composed of:

- ▶ A President who was the Provincial Governor
- ▶ One district judge
- ▶ Three magistrates designated by the President of the Supreme Court
- ▶ Four representatives of the Administration designated by the President of the Republic
- ▶ One representative from each of the parties fielding a presidential candidate.

The Provincial *Junta* was to be located in the Provincial Government headquarters.

At the District level, the *Junta* was composed of

- ▶ A President who was the Government's district delegate
- ▶ One regional representative (*comarcal*)
- ▶ One representative designated by the President of the Supreme Court
- ▶ Four representatives of the Administration designated by the President of the Republic
- ▶ One representative from each of the political parties fielding candidates.

The District *Junta* was to be located in the office of the Government Delegation.

A representative of the electoral census (statistical bureau) had a seat but no vote in every level JEN, as did a JEN secretary.

The responsibilities of the national level JEN are listed in Article 26 of the Electoral Law. They include, but are not limited to :

- ▶ resolving any issues or disputes that arise at the Provincial and District levels;
- ▶ assuring that *Juntas* at all levels understand and apply electoral norms in a standard fashion;
- ▶ directing and supervising the conduct of an electoral census at election time;
- ▶ resolving any complaints that may arise in accordance with the Law;
- ▶ keeping copies/samples of the final voters lists in sufficient numbers;
- ▶ designating inspectors to supervise and oversee the progress of the elections in each district and province.

B. Political Parties

There were five parties running candidates in the 1996 Presidential elections.

- ▶ **PDGE** (*Partido Democratico de Guinea Ecuatorial*), the Equatorial Guinean Democratic Party, which is the ruling party.
Candidate: President Obiang Ngueme Mbasogo.
- ▶ **PP** (*Partido del Progreso*), the Party of Progress (also referred to as the People's Party)
Candidate: Severo Moto Nsa.
Moto has close ties to Spain, and was reported to have made the statement before the election that he would bring Spaniards into the cabinet if he were elected. He was also reported to have received funding for his campaign from outside of Equatorial Guinea with the tacit approval of the Government. The PP was considered the biggest challenge to the PDGE.
- ▶ **UP** (*Union Popular*), the Popular Union Party
Candidate: Andres-Moises Mba Ada
UP had perhaps the second largest opposition following after the PP party. The UP withdrew from the election in a concerted effort with the PP.
- ▶ **PCSD** (*Partido de la Coalicion Social Democrata*), the Party of the Social Christian Coalition
Candidate: Buenaventura Meswi m' Asumu
The PCSD withdrew from the election, but their withdrawal was never made public nor answered by the Government and JEN. The candidate spent the immediate election period in Bata, and was unavailable to IFES observers.

- ▶ **PCSDP** (*Partido de la Convergencia Social Democrata y Popular*), the Social Democratic and Popular Convergence Party
Candidate: Secundino Oyongo Aguong Ada
Secundino is the only one of four opposition parties not to withdraw from the election. He is unavailable to IFES until after February 25, at which point he was adamant that what happened on February 25 was not "real" elections, and that the Government had made it impossible for any party to effectively oppose the PDGE.

C. The Electoral Calendar

The decision to hold the presidential election within the questionable 45 day time frame suggested in the Electoral Law has been discussed in Chapter III. Given this condensed time frame, the JEN produced a calendar that took as its first day the announcement of the decision to hold elections (January 11) and ended with the announcement of results sometime in the first twenty days of March. The schedule announced was as follows:

DATE	ACTIVITIES	OFFICE IN CHARGE OF IMPLEMENTATION
January 11	Meeting of the Council of Ministers to approve the Decree of the Presidential Elections	Government
January 13-17	Communication to the Minister of the Interior of the Members of the Electoral Boards	President of the Government and the Supreme Court
January 13-17 (inclusive)	Communication to the National Electoral Board of the establishment of the pacts of Electoral Coalitions	Political Parties
January 22	Exposition of current electoral lists (see dispositions from the Ministry of the Economy, number 2/1996)	Delegations from the Government, Town Halls, Embassies and Consulates
January 13-17	Presentation of Candidates	Political parties, coalitions and independent candidates
January 13-February 1	Publication of Candidacies	National Electoral Commission

January 13-February 1	Designation of Representatives of the Candidates before the Electoral Commissions	Political Parties, Coalitions and independent candidates
January 13-February 1	Onset and development of the Electoral Campaign	Political Parties, Coalitions and independent candidates
January 27	Publication of Voting Places	District Electoral Commissions
February 6-10	Designation of members of the Voting Places	Government Delegations
February 1-15	Designation of party poll watchers for the polling places	Political parties, coalitions, and independent candidates
February 15	Designation of party poll watchers	National Electoral Commission
February 23	End of electoral campaign	Political parties, coalitions and independent candidates
February 25	Voting for the President of the Republic	Electoral College
February 28	District vote count	District Electoral Commissions
February 26-March 4	General vote count	National Electoral Commission
March 5-19	Announcement of results	Constitutional Tribunal

The calendar was produced by the Government, without input from opposition candidates. Given the benefit of hindsight, had the Government brought the opposition leadership in on the decision making about the calendar, some of the miscommunication that played a large part in the opposition withdrawal from the elections might have been avoided. Until the last moment--and publicly through the February 17 Bata communique --the opposition pressed for a postponement of the election. Though a postponement would have fallen within the parameters of the Electoral Law, the Government and JEN would not entertain a postponement for a variety of reasons. In the earliest days of the process those reasons centered on the legal argument (45-day period); then shifted to the fact that, according to the President of the JEN and others, too much time and money had been put into the effort by that time; that international observers were already planning on coming or were already on the ground; and that some materials, including ballots, had already been distributed.

It was clear that the condensed time frame made it difficult for opposition parties to gather their resources and move forward effectively. The start of the campaign, scheduled for two days after

the announcement of the election itself, put the opposition parties in a weakened position vis-a-vis the ruling party which had immediate access to resources unavailable to others. The parties did not receive their subsidies from the Government until after the start of the campaign, which slowed their progress considerably. A week before the end of the campaign period the JEN agreed to give the parties additional financial support, but it was too late at that point to make a positive impact on the parties' campaigning.

IV. WITHDRAWAL OF PARTIES FROM THE PRESIDENTIAL ELECTION

On 17 February 1996, the four opposition candidates, Andres-Moises Mba Ada (*Union Popular*), Severo Moto Nsa (*Partido del Progreso*), Buenaventura Meswi m' Asumu (*Coalicion Social Democrata*) and Secundino Oyongo Aguong Ada (*Convergencia Social D.P.*) submitted a joint letter to President Obiang in Bata. The letter outlines the parties' criticism of Government conduct related to the presidential elections, and made a series of statements and demands on the Government, including a reiteration of their call for a postponement of the vote. The communique included the following points:

1. About the census: that the PDGE forced voters to sign a pledge to vote for the PDGE and erased from the registry those who refused;
2. The prohibition, enforced by threats and other intimidation, on car owners from renting or selling their vehicles to opposition candidates making their campaigns;
3. That the JEN is "trapped" by the government and as such does not allow free access to the representatives from parties other than the PDGE, which has turned the JEN into a pot "of monumental fraud that the government is cooking up clandestinely;"
4. The escalating incidence of detentions, physical abuse, abuse of human rights, persecutions and displacement of citizens away from their voting locations until after election day;
5. The "crazy" multiplication of new polling places in military barracks, official and private offices, public and private enterprises, and in the high schools. "And the threat that the government is sowing to force the people to vote openly and publicly in frank violation of Article 2" of the Electoral Law;"
6. The general climate of intimidation, threats, and prohibitions that local governors, their delegates, military chiefs and others are carrying out at the behest of the government which is producing an atmosphere of fear and causing people to flee the borders of Equatorial Guinea;
7. The throwing in jail of citizens and opposition party faithful with the intention of freeing them only after the elections;
8. The dubious presence of international observers in the development of the election process since the law regulates the conduct of their observation and it is filled with prohibitions.

Considering these points and indicating a general climate of tension in the electoral process, the candidates agreed on the following points:

- i. To make the government aware of its “systematic violation” of the Constitution and the Electoral Law, naming a total of 31 articles;
- ii. To stop the campaign until guarantees were given to “normalize the situation”;
- iii. To ask the government for a postponement of the election;
- iv. To demand freedom of movement for all the candidates, their representatives and the party faithful without restrictions of any kind;
- v. To demand that the government do away with the recently created barriers all over the country;
- vi. To demand that the government put at the disposition of the candidates two carefully chosen bodyguards;
- vii. To request additional funds above the 10,000,000 CFA subventions, or be given the freedom to seek funding from outside of the country, and for this reason to open the borders;
- viii. To request the rehabilitation of the polling place in Libreville, Gabon and to allow all Equatorial Guineas living there to register to vote;
- ix. To lift the monopoly the PDGE has on the media, which they have had since the beginning of the campaign, and to cease the campaign to discredit and defame the opposition candidates which has been carried out by PDGE representatives;
- x. There is special emphasis put on the electoral census, from which many citizens were excluded....There should be an exhaustive revision of the census as is specified in agreements with government, parties, and donors given that we find ourselves in a transitional phase.

The Government responded in Bata by giving the parties an additional 5,000,000 CFA in subventions, bodyguards, removing restrictions on renting vehicles, and promising to give them copies of the registry, which IFES observers were told it did days later. The government did not heed the demand for a postponement of the elections, however, which severely limited the usefulness of the other concessions.

On Friday, February 22, both Moto and Moises, with their parties, submitted letters of withdrawal to the JEN indicating their unwillingness to take part in an exercise that did not meet minimum standards for transparency or other basic requirements for a free and fair election.

The JEN and the President of the Republic refused to accept the withdrawals, and stated their position regarding the Moto and Moises withdrawals in a resolution dated February 23. The parties backed their withdrawals up with calls on *Radio Exterior de Espana* for no participation; they called on their party faithful to abstain from voting and vowed not to send party pollwatchers (*interventores*) to the polling places on the 25th.

V. THE 25 FEBRUARY 1996 PRESIDENTIAL ELECTION

Despite the withdrawal of two of the five presidential candidates, the election went ahead as scheduled. The International Foundation for Election Systems observation report on the 25 February 1996 Presidential Election dated 5 April 1996 provides a comprehensive overview of the campaign and election process. The report is replete with the many problems and abuses that took place in the run up to the election and on election day. In summary, the evaluation report stated the following about the 25 February 1996 Presidential Election in Equatorial Guinea:

“Many of the minimum standards were not met in Equatorial Guinea. The integrity of the election process is marred by an electoral census whose creation and use is perceived universally as lacking credibility, by lack of an equal distribution of resources including funding, mobility, and access to the media to all political parties, and by the fact of a “public vote.”¹

The report made several recommendations concerning the conduct of future elections in Equatorial Guinea. These recommendations can be found in Appendix E of this report.

¹Reeves, Pamela R. 1996 Presidential Elections in Equatorial Guinea, IFES Observation Report, International Foundation for Election Systems, March 1996, Page 1.

VI. EVENTS SINCE THE 1996 ELECTIONS

Several important events have taken place since the 1996 Presidential Elections that bear on the democratic process in Equatorial Guinea and will directly affect the conduct of the legislative elections expected in September 1998.

A. *National Agreement(s)*

On 18 February 1993 the government entered into an agreement with the political parties to open the democratic space in the Equatorial Guinea. The agreement, known as the *Pacto Nacional Vinculante* (National Linking Agreement), was, as the IFES observation team discovered, ignored for the most part by the Equatorial Guinean government in the run-up to and during the Presidential elections in 1996. In February and April of 1997 a series of meetings were held to review the Agreement and make recommendations for revision and implementation of its provisions. This *Acuerdo de Evaluación* (Agreement of Evaluation) (Copy in Appendix A) committed the government to, *inter alia*:

- ◆ Guarantee freedom of conscience and opinion;
- ◆ Guarantee freedom of movement through the country;
- ◆ Respect human rights;
- ◆ Request technical assistance from the international community for the legislative elections;
- ◆ Create a Media Commission with party representatives;
- ◆ Provide each party with 5,000,000 CFA (about \$25,000);
- ◆ Establish a new electoral census (voter register);
- ◆ Establishment of a Special Electoral Commission that includes representatives of the political parties to verify the transparent character of the electoral census;
- ◆ Reform the Law with Respect to Political Parties;

B. *Presidential Decrees*

For its part, the government contends that it is implementing the *Acuerdo*. Opposition political party leaders with whom the IFES team spoke were unanimous in their opinion that the pact was not being implemented even though the President had issued several decrees. The decrees include:

- No. 73/1997 Prohibits the establishment of police check points and the cancellation of passports and visas and abolishes extrajudicial confinement.
- No. 74/1997 Creates a fund for democracy. The government also paid the political parties the 5,000,000 CFA promised in the pact.

- No. 75/1997 Creates a commission to promote civic education and a democratic, pluralistic and tolerant society and prohibits contributions to the Democratic Party of Equatorial Guinea from public employees, contracted public employees and employees of private companies not affiliated with the PDGE.
- No. 76/1997 Prohibits members of the Armed Forces, State Security, Judges, Magistrates from active participation in politics.
- No. 77/1997 Establishes an Ad-Hoc Commission on the return of Equatorial Guineans residing abroad.
- No. 78/1997 Establishes a Media Commission that is to guarantee equal access of political parties with representation in the national assembly to state-owned media. However, membership on the Commission is limited to only those parties that currently have representation in the national assembly. This provision disqualifies major opposition parties.
- No. 87/1997 Establishes a Mixed Special Commission to verify the transparency of the electoral census (voter registration).

It is laudable that the President would issue the above decrees. It must be noted, however, that, according to all persons with whom the team spoke, none of the decrees are being implemented. For example, even the PDGE secretary general admitted that his party was still collecting donations from public employees, and public employees with whom the IFES team spoke confirmed that a large portion of their salaries was deducted as a donation to the party. It was obvious from watching the government-owned television station that the Media Commission was not functioning. News consisted of reiterations of government policies and PDGE activities. No mention was made in any news report monitored by the team of any criticism of the government or PDGE by opposition parties or politicians. Although they freely criticized both in their discussions with the IFES team.

C. Mixed Special Commission/New Electoral Census

The compilation of a new electoral census is something that the government and the political parties all agree is needed. In fulfillment of the national pact, the President issued Decree No. 87/1997 establishing the Mixed Special Commission. According to the opposition political parties, however, nothing has been done to implement the decree; despite agreement that the census would begin in October 1997. One party was unaware that the decree had been issued. The government is alleged to have made no effort to formally establish the Commission by seeking the names of the political parties' nominees and calling a meeting of the Special Commission. It was made clear to the team by the Minister of Interior that the Mixed Special Commission would have no authority over how the electoral census would be conducted or who

would conduct the census. The census would be planned and carried out by the Ministry of Planning through the Statistics Directorate -- the staff of which are all government employees and members of the PDGE. The purpose of the Commission is to verify that the census was conducted in a transparent manner.

The Statistics Directorate has already drafted a plan and budget for the conduct of the census, developed a calendar of activities (Appendices B & C) beginning in October 1997. The IFES team reviewed the plans and calendar and found them to be fairly complete. The fact that the plans were drawn up without any input from the Special Commission or the political parties and that the budget only provides CFA 975,000 (about \$2,000) out of a total of CFA 375,219,610 (about \$750,000) for political party observers of the process is evidence of the government's lack of commitment to involve the political stakeholders in developing a credible electoral census. There is little technical assistance that the international community could provide to this electoral census process if the government has already decided what the procedures will be and who will conduct the census and is unwilling to develop a meaningful partnership with political parties. The team was unable to obtain a satisfactory explanation as to why the census did not start as scheduled. The Director of Statistics told us he was waiting for approval and funds from the Ministry to proceed.

D. Planning for the Legislative Elections

Planning for the legislative elections has not begun. Focus has been on the creation of the new electoral census. According to the Minister of Interior, the legislative elections will be held in accordance with the electoral law adopted in 1993. The term of the Special Electoral Commission created for the electoral census will not cover the election itself. The Commission that will oversee the legislative elections will be structured along the same lines as the one that oversaw the presidential election where government members outnumbered opposition 3 to 1. It is unclear at this point on what date the election will be held. All persons with whom the team spoke agreed, however, that the elections would take place sometime in September. The law requires the election to be held with 60 days prior to the expiration of the current legislature. The legislature is expected to meet in September for a period of 90 days -- ending in November.

VII. CURRENT POLITICAL SITUATION

President Theodoro Obiang Nguema Mbasogo, in power for nearly nineteen years, has proved capable of undertaking exercises of moderation and accommodation among factions in order to maintain his regime. He has created an enabling environment to allow an opposition to exist without permitting them much influence. The regime's human rights record, however, is poor, according to Amnesty International and US Government Human Rights Reports. It has been known to take harsh measures against those who oppose or threaten it seriously.

Obiang belongs to the clan of Mongomo as did his uncle and predecessor Macías. Both belong to the same family clan, the *essangui* and come from the same village Mongomo. They are part of the Fang tribe. The presence of the Fang (who originate from the mainland) on the island of Bioko is resented by the native Bubis. The Prime Minister is normally a Bubi. Several people told the team that the Prime Minister has shown a measure of dissidence toward Obiang. It is unclear, however, whether this is a result of ethnic or political differences. The protocol office which arranged most of the IFES team's interviews with government officials could never manage to arrange for a meeting with the Prime Minister. Most important members of Government belong to the clan of Mongomo and are loosely related to the President as part of his extended family. Clientelism is a key mechanism within the public administration.

A formal meritocratic and multiparty structure coexists with these forms of traditional patronage. In the course of an interview, the Minister of the Interior pointed out that the Minister of Energy is a member of PSDGE; the Minister of Housing belongs to *Convergencia Liberal Democrática* (Liberal Democratic Convergence); the Vice-Minister of Agriculture is a partisan of the *Partido Liberal* (Liberal Party); the Minister of Culture belongs to *Unión Democrática Nacional* (UDENA) (National Democratic Union) and the Minister of Labor to the *Unión Democrática Socialista* (Socialist Democratic Union).

Other members of the opposition accuse these parties of being mere fronts created by the regime to give outsiders the illusion that a multiparty system thrives in the country. However, being a member of even a tame opposition drives professional politicians to certain degrees of autonomous action.

Certain rewards and advantages seem to be associated with taking the risk of being a tolerated member of the opposition. The Minister of Labor, for instance, is Vice-president of a company, *APEGESA*, that provides the labor force to oil companies².

² A 1997 issue of one of the few non-government papers, *La Gaceta de Guinea Ecuatorial*, accused *APEGESA* of having the monopoly of this sort of hires. It further maintained that the company collected the salaries of the personnel hired through their good services and kept 70% of the pay. The firm published a press release in the same newspaper denying the

The effects of State patronage on the opposition are multi-faceted. A central concern of many of the opposition leaders is money: how to get a greater share of the money they should receive from the State; and how to convince the international community to deposit funds in a "Democracy Fund" to facilitate the process of democratization in Equatorial Guinea.

A. *Political Parties*

Even though there are 13 opposition political parties in Equatorial Guinea, their presence has little impact. The team interviewed officials from the two largest opposition groups (*Union Popular* and *Partido de la Convergencia Social Democrata y Popular*) plus the PDGE. The National Pact forms the basis of the relationship between the government and opposition parties.

The opposition's strongest showing was in the September 1995 municipal elections. Even the official but disputed results from that election (Appendix D) evidences widespread dissatisfaction with the Obiang regime. In the official results, the PDGE won in 18 out of 27 municipalities but took only a little over 50.2% of the total vote. Only in Monogomo and Mengomeyen, the President's home area, did the party obtain almost 100% of the vote against a coalition of opposition parties. A coalition of opposition parties took 34.3% of the vote while the *Union Popular* party took 11.4%. It has been widely speculated that it was the results of the municipal elections which resulted in the overt manipulation of the 1996 Presidential elections and the passing of an electoral law that lowered the standard for election to the presidency from an absolute majority of valid votes cast, as stated in the constitution, to a simple relative majority (plurality). The Obiang government has recently (1 December 1997) banned election coalitions in the legislative elections to be held next year. This could seriously affect the ability of opposition party candidates to gain the 15% of the vote threshold needed to obtain a seat in the national assembly.

Despite the relatively strong showing of the opposition in the 1995 elections, the fact remains that the PDGE is the only party with a national presence and coverage. The party ID card (more technically sophisticated than the national ID card issued by the Ministry of Interior) continues to be the single most relevant piece of identification in the country.

While the political parties are able to keep their headquarters open to the citizenry and opposition leaders have relative freedom of action, their capacity to really influence the political process is extremely limited. The opposition is deeply divided; it tends to engage in battles of mutual recrimination. The so-called radicals consider that conditions are not propitious and tend to boycott any form of more unified political action. They consider the other opposition groups as mere collaborators.

accusations of wrong doing. Some members of the opposition continue to insist on the veracity of the *La Gaceta* article.

Fraught with internal dissensions and further enfeebled by a regime that makes good use of "carrot and stick" tactics, the opposition has, at best, little impact and relevance. Furthermore, for some, belonging to the opposition is merely a sound business practice. Many of the discussions within the opposition and of the opposition with government are centered on a key issue: money.

The May 1997 attempted *coup d'état* by the most important opposition leader, Severo Moto Nsa, of the *Partido del Progreso* (Party of Progress) gave a new margin of maneuver to President Obiang. It is not clear what Moto's intentions were when he brought a small contingent of mercenaries to Equatorial Guinea. In an interview he gave to the Spanish tabloid *Interviú*, Moto did not address this fundamental question, preferring to denounce the regime. Condemned for treason *in absentia* on August 18, 1997, and with his party legally dissolved, Moto now leaves in exile in Spain. This is the third time Moto has been condemned for his political activities³.

Another setback for the opposition was the imprisonment in Buenos Aires, accused of narcotrafficking, of the leader of the opposition who won the September 1995 election for Mayor Municipality. Equatorial Guinea has become in recent years a transit zone for drugs coming from Latin America and going to Europe. Malabo is used along this route as place where drugs change hands and are transported by fresh *mules* to Europe. Apparently, the leader of the *Alianza Democrática Progresista*⁴ decided to travel to Buenos Aires instead of following his usual route to Barcelona. In Buenos Aires, he was caught trafficking with drugs.

In this context, the majority of the opposition feels dispirited and lacks the necessary motivation to engage in actions that could force the government to seriously consider further steps towards opening of the democratic space. Of the opposition parties with which the IFES team spoke, only the members of the *Unión Popular* believe that, with the help of massive international observation and with a real capacity of control, they would be able to reverse this situation.

In February and April 1997, the government and the opposition reinitiated "a dialogue to achieve democracy." The signed agreement recognizes the role of the President as a moderating force who can orient the democratic process. The agreement also states that: "The Government and the Political Parties, having evaluated the Second Agreement of the National Pact (of 1993) declare their satisfaction for the exact execution of said agreement." Through the signing of the agreement, the opposition accepted the course of action taken by the Government. This course of action included the release of prisoners of conscience.

At least on paper, everything seems to be in order. Following this Agreement, the Government promulgated several laws and decrees. However, the legal framework concerning the legislative

³ On two previous occasions, he was amnestied.

⁴ The *Alianza Democrática Progresista*, in alliance with the *Partido del Progreso* of Severo Moro, constituted the *Partido Opositor Coaligado*.

elections further institutionalizes the lack of relevance of the opposition. Government representation on the *Junta Electoral Nacional* is likely to outnumber opposition members as it did in the 1996 Presidential election. In addition, the allocation of District seats in the national assembly will not reflect the current population distribution. The following table shows how the seats are distributed in accordance with the Electoral Law of 1992, along with population estimates in 1997⁵ and what the possible seat allocation could be based on 1997 population estimates. As can be seen, the disproportionality between the population and the number of seats allocated by District favors rural areas. According to the September 1995 municipal Election results, much of the opposition supports is in the urban areas of the country. This distribution of power contained in the electoral system was not, according to the Minister of Interior, objected to by any of the members of the opposition. It will therefore be valid for the next election in 1998.

If the process is to continue, the opposition will have to reassure the Government that the opening of the democratic process does not necessarily imply total lack of control. The opening is at a very preliminary stage and will require a more vocal and organized opposition to continue. It will also require greater degrees of modernization of the political and social systems. At this stage, however, it is important to support and sustain electoral and political systems that can create, in the future, the enabling environment for a strong democracy to thrive.

Allocation of Seats by District in the National Assembly

	Seat Allocation (Current)	% of Total	1997 Pop. Estimate	% of Total	Possible Seat Allocation Based on Population
Malabo	9	11.3%	70295	15.9%	13
Baney	3	3.8%	11671	2.6%	2
Luba	4	5.0%	10083	2.3%	2
Riaba	2	2.5%	3630	0.8%	1
Annobon	3	3.8%	3076	0.7%	1
Bata	8	10.0%	77794	17.6%	14
Mbini	3	3.8%	15412	3.5%	3
Cogo	3	3.8%	15935	3.6%	3
Evinayong	7	8.8%	23294	5.3%	4
Niefang	4	5.0%	29844	6.7%	5
Acurenem	3	3.8%	12688	2.9%	2
Mongomo	7	8.8%	25916	5.8%	5
Añisok	4	5.0%	24668	5.6%	4
Nsork	3	3.8%	7662	1.7%	1
Aconibe	3	3.8%	9889	2.2%	2
Ebibeyín	7	8.8%	49696	11.2%	9
Micomeseng	4	5.0%	32676	7.4%	6
Nosk Nsomo	3	3.8%	18840	4.3%	3
Totals	80		443069		80

⁵Population estimates are taken from statistics provided by the Statistics Directorate in the Ministry of Interior. See Appendix F.

is at a very preliminary stage and will require a more vocal and organized opposition to continue. It will also require greater degrees of modernization of the political and social systems. At this stage, however, it is important to support and sustain electoral and political systems that can create, in the future, the enabling environment for a strong democracy to thrive.

B. The Media

The media are almost non-existent. Equatorial Guinea's TV can be watched in urban centers, only eight hours a day. The basic fare is cultural programs, some films and long newscasts minutely covering the activities of President Obiang and the Democratic Party of Equatorial Guinea. Using parabolic antennas, CNN and French TV from Cameroon can also be watched. There are very few radio stations and the content of their programs is mostly music. As to the press, there are no newspapers, only bulletins of erratic publication. With the exception of the periodical *Gaceta de Guinea Ecuatorial* that sometimes contains critical editorials, the rest of the publications belong to the Democratic Party of Equatorial Guinea, the Presidency or the Armed Forces. Even the *Gaceta*, however, operates within the specific limitations imposed by the regime⁶.

⁶ The *Gaceta de Guinea Ecuatorial* is published by a Spanish pharmaceutical entrepreneur; its editor-in-chief is the Secretary General of the Democratic Party of Equatorial Guinea.

VIII. RECOMMENDATIONS FOR ACTIVITIES TO ASSIST THE DEMOCRATIC CONSOLIDATION IN EQUATORIAL GUINEA

Assistance to the democratic process in Equatorial Guinea may not be an easy task. Despite the government's verbal and written pronouncements that it wants an open and fair process, the lack of progress in implementation of the National Agreement and the recent ban on party coalitions in the legislative elections may suggest otherwise. The government of Equatorial Guinea seems willing to accept technical and commodities assistance for the electoral census and election processes. (The National Agreement requires it to seek such assistance.) However, technical and material assistance provided by the international community should be coupled with the program for civic education, establishment of the resource center and its related activities, assistance to the Media Commission and election observation activities. To provide technical and/or commodity assistance and not facilitate the opening of democratic space in other areas would only serve to perpetuate a closed undemocratic system and contribute to its legitimacy. The joining of technical assistance to the other efforts to increase the democratic space is critical.

The refusal of entry by members Amnesty International staff as reported in its October 14, 1997 press release evidences the difficulty in working in Equatorial Guinea. Delays in the opening of the Democracy Resource Center offices and in the admittance of consultants and Democracy Resource Center workshop facilitators should not be allowed to develop with respect to electoral assistance and the implementation of recommended DRC activities. Acceptance of electoral assistance must go hand in glove with the establishment a civic education program, the resource center, assistance to the Media Commission and election observation and the broadening of the democratic space.

Despite the slow progress in consolidating democratic governance in Equatorial Guinea, the IFES team feels that with the upcoming legislative elections in September 1998, there is an opportunity for the international community to assist in broadening the democratic space through a series of discrete and targeted programs.

These programs include:

A. *Technical Assistance to the Electoral Process*

Technical assistance to the electoral process that both enhances the capacity of Equatorial Guinea to administer technically credible elections and elections that are transparent and produce results that are accepted by winners and losers alike should focus in the following areas:

1. Electoral Census (Voter Registration)

As already noted, the Statistical Department already has plans in place for compilation of the electoral census. The plans, however, contemplated starting the census in October

1997. It is unclear when the census will actually begin although by law it should begin in January 1998. To the extent that time permits, the team recommends that an experienced election administrator be contracted to work with the Statistical Department to fine tune its plans for the electoral census. The election administrator would not only assist the department in refining its plans, he/she would also be responsible for assisting the department in developing a high quality training program that will be essential to the success of the census, as well as developing material and logistics requirements for the conduct of the legislative elections and guidelines for the participation of political party and other domestic organizations in the process to ensure that the results of the census have wide acceptance.

2. Legislative Elections

Electoral assistance in the form of consultant experts in the area of election administration, civic education and training should be provided to the *Junta Electoral Nacional* early enough to have an impact on the development of the administrative process for the management of the legislative elections. These individuals would be instrumental in the reform of the election process by providing ongoing assistance and advice on accepted international procedures for the conduct of elections, the implementation of training programs and the development and implementation of civic education programs.

3. Election Commodities

To the extent that it is needed, the international community should also consider the provision of election commodities to the *JEN* for the conduct of the election. This assistance should take the form of materials and forms but not computers, vehicles or other items that will simply revert to the Ministry of Interior following the election. If Equatorial Guinea establishes an independent election commission, this issue should be revisited.

4. Implementation of IFES Observation Report Recommendations

The 19 recommendations made by the International Foundation for Election Systems as outlined its report on the February 1996 Presidential election (Appendix E). The Democracy Resource Center through its various activities should be made available to facilitate the necessary conditions for these reforms.

B. Civic Education

Civic education cuts across all sectors of society and should not be tied to any electoral event *per se*. While increasing awareness of electoral events, the civic education program should have the broader scope of increasing the average citizen's knowledge about democracy and his or her

broader scope of increasing the average citizen's knowledge about democracy and his or her rights and responsibilities under a democratic government. However, because the electoral census and the election are planned for 1998, major attention should be given to these two events.

If the electoral census is to be successful a comprehensive voter/civic education program must be put in place to educate the public in all aspects of the census process. The last electoral census was suspect in many people's minds. The voter education program must place emphasis on what is being done to ensure a credible voter register and remove many of the misconceptions that exist with regard to voting in Equatorial Guinea. The program should also be viewed as a tool to educate the public on what the political parties and government have agreed to in the national pact. To ensure a well designed and comprehensive program, the team also recommends that a specialist in voter/civic education be contracted to work with the Ministry and the JEN in the development of a non-partisan voter/civic education plan that encourages every citizen to register during the census and explains citizens' rights and responsibilities. The voter/civic education program should be in several languages and utilize print, and electronic media, traditional means, and workshops and community meetings throughout the country.

For the election, educating the voting public about the election process, the right to a secret ballot, the candidates, the issues and the process for voting will be critical. The team recommends a comprehensive civic/voter education campaign with the assistance of consultant specialist as outlined for the electoral census.

C. Establishment of a Democracy Resource Center

Availability of information and the exchange of ideas are two of the essential elements for the democratic process to grow. One of the most glaring deficiencies the team found in Equatorial Guinea was the lack of information about democracy and democratic governance. There were no bookstores nor independent newspapers, radio or television. While political leaders were eager to discuss the political situation in Equatorial Guinea, there was little opportunity for them to do so outside of private conversations. There is a clear need in Equatorial Guinea for more information about democracy and democratic governance. The team strongly recommends that a Democracy Resource Center (DRC) be established in Malabo with a branch facility in Bata on the mainland. The purpose of the resource center would be to provide non-partisan information about democracy, the democratic process and democratic governance to a wide spectrum of people in Equatorial Guinea. The DRC should be managed by an internationally recognized organization that has experience in the administration of such centers in other countries and with the capacity to draw on a wide range of human resources to facilitate the work of the center. The organization should have no ties to either the opposition or government in Equatorial Guinea and maintain a neutral stance with regard to the politics within the country. The center would focus its activities in the following four areas:

As has already been noted in other sections of this report, there is a dearth of information in Equatorial Guinea on democracy and the democratic process. The resource center would house a variety of both printed information and information in electronic format in these topics. When the technology becomes available in Equatorial Guinea over the next year, an Internet connection should be established as well.

2. Dialogue Facilitation

The DRC should also be a source of information exchange and discussion. Workshops and seminars on the democratic process should be held both in Malabo and on the mainland under the auspice of the resource center. The DRC would bring in outside facilitators and resource persons from western democracies and other African democracies to lead discussions about democracy. The DRC could also facilitate meetings between political parties and government and provide a forum for review of the electoral law.

3. Political Party Building

Political parties in Equatorial Guinea have demonstrated a lack of knowledge of basic techniques of organizing a political campaign. The team proposes that the DRC sponsor political party training workshops to enhance political party capacity to actively compete in the upcoming elections. The workshops would be open to all political parties and be structured around basic campaign and party building techniques. Both the Democratic National Committee and the Republican National Committee in the United States and the Labor and Conservative Parties in Britain, for example, have excellent programs that could be adapted with assistance from party officials from other African countries to Equatorial Guinea.

The center should also sponsor a program for the training of party agents for the electoral census and candidate agents for election day.

4. Legislative Strengthening

Following a successful legislative election the team recommends the DRC provide training for members of the national assembly in their role as legislators. This could be accomplished through workshops, seminars and the provision of experts in the field of legislative strengthening to provide ongoing support to assembly members.

D. Assistance to a Media Commission

The team recommends that assistance be provided a media commission, if established, to assist it in the development, implementation and enforcement of guidelines for the equal access of political parties and candidates to state-owned media including equal and fair coverage in news broadcasts.

E. International and Domestic Observation

The team recommends the provision of a small number of international observers for the September 1998 legislative elections. A major effort should be put into locating and training domestic observers for both the electoral census and the legislative elections. International observers can provide short term observation but domestic observers can provide longer and broader coverage, and have a better understanding of the political environment and have a greater impact on the post-election environment.

F. Fund for Democracy

The National Agreement provides for the establishment of a Fund for Democracy to promote democratic values in Equatorial Guinea. The article call for the government to seek international assistance for the fund. It is unclear at this point exactly what is envisioned by this provision of the pact. All the team was able to learn was that a government contribution to the fund was distributed to the political parties with no strings attached. Until there is a clear understanding of the role the Fund for Democracy will play in furthering the democratic process and until there is openness and accountability in the use of the monies deposited in the fund, the team recommends that the international community not make contributions.

APPENDIX A

ACUERDO DE EVALUACION

Las Delegaciones del Gobierno y de los Partidos Políticos,

HABIENDOSE REUNIDO en la Ciudad de Malabo, Capital de la República de Guinea Ecuatorial, del 10 de febrero al 25 de abril de mil novecientos noventa y siete para examinar las dificultades habidas y los progresos logrados en los cuatro años transcurridos desde la firma del Pacto Nacional, medir y evaluar los resultados, y establecer las directrices para el futuro.

VISTO Y DE CONFORMIDAD con el discurso orientador pronunciado por el Presidente de la República, el día 31 de enero de mil novecientos noventa y siete, instando al Gobierno y Partidos Políticos a reanudar el diálogo para la gobernabilidad en democracia.

NOSOTROS,

Delegados del Gobierno:

Excmo. Señor Don Angel Serafín SERICHE DOUGAN MALABO, Primer Ministro, Jefe de Gobierno,

Excmo. Señor Don Julio NDONG ELA MANGUE, Ministro de Estado del Interior y Corporaciones Locales,

Excmo. Señor Don Antonio Fernando NVE NGU, Ministro de Estado de Planificación y Desarrollo Económico,

Excmo. Señor Don Alejandro EVUNA OWONO ASANGONO, Ministro de Estado Encargado de Misiones a la Presidencia del Gobierno,

Excmo. Señor Don Salomón NGUEMA OWONO, Ministro Secretario General de la Presidencia del Gobierno.

Excmo. Señor Don Ricardo MENGUE OBAMA NFUBE, Ministro de Educación y Ciencia,

Excmo. Señor Don Antonio Pascual OKO EBOBO, Ministro Encargado de las Relaciones con el Parlamento y Coordinación Legislativa,

Excmo. Señor Don Santos Pacual BICOMO NANGUANDE, Ministro de Información.

Excmo. Señor Don Angel MASIE MIBUY, Vice-Ministro de Justicia y Culto.

Excmo. Señor Don José ENEME OYONO, Vice-Ministro de Trabajo y Seguridad Social,

Excmo. Señor Don Manuel NGUEMA MBA, Vice-Ministro de Seguridad Nacional,

Excmo. Señor Don Batho OBAM NSUE MENGUE, Consejero de la Presidencia del Gobierno en el Ministerio del Interior y Corporaciones Locales,

Iltmo. Señor Don Clemente ENGONGA NGUEMA ONGUENE, Secretario General del Ministerio del Interior y Corporaciones Locales.

Iltmo. Señor Don Secundino NVONO AVOMO, Secretario General del Ministerio de Educación y Ciencia.

Iltmo. Señor Don Enrique NZANG BEKA, Director General de Coordinación Administrativa a la Presidencia del Gobierno.

Y los Delegados de los Partidos Políticos:

Partido Democrático de Guinea Ecuatorial (P.D.G.E.).

Honorables Señores:

- Don Agustín NSE NFUMU
- Don Santiago NGUA NFUMU EYANG
- Don Benjamín MBA EKUA MIKO.

Partido de la Convergencia Social Democrática y Popular (C.S.D.P.).

Honorables Señores:

- Don Secundino OYONO AWONG ADA
- Don Andrés Santos NTUJUMU BAKALE
- Don Roque María OYONO ONDO AYINGONO

Partido Unión Democrática Social (U.D.S.).

Honorables Señores:

- Don Juan NDONG BAYE ADA
- Don Pedro GANET SIRIBOLA
- Doña Micaela GOMEZ COSME

Partido Liberal (P.L.)

Honorables Señores:

- Don Antonio NKULU ASUMU ANGUE
- Don Salvador EZEQUIEL ECHEK
- Don Miguel ABESO ASUMU

Unión Popular (U.P.)

Honorables Señores:

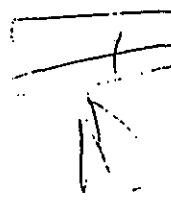
- Don Fabián NSUE NGUEMA OBONO
- Don José ONDO ABAGA
- Don Baltasar ABAGA OBIANG

 Partido del Progreso (P.P.)

Honorables Señores:

- Don Basilio AVA EWORO ABENG
- Don Domingo ABUY ELO NCHAMA
- Don Julián EHAPO BOMAHÓ.

 Partido Socialista de Guinea Ecuatorial (P.S.G.E.)

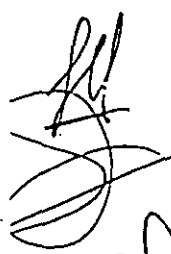
 Honorables Señores:

- Don Tomás MECHEBA FERNANDEZ
- Don Hortensio MATUTE OTAVENGA
- Don Diosdado BUELO MAITO.

 Acción Popular de Guinea Ecuatorial (A.P.G.E.)

Honorables Señores:

- Don Carmelo MBA BAKALE
- Don Abilio BONDJALE CONGÜE
- Doña Alfonsina NCHAMA NSUE

 Partido de la Coalición Social Demócrata (PCSD).

Honorables Señores:

- Don Buenaventura MONSWI M'ASUMU NSEGUE
- Don Jerónimo-Lucas ASUMU NSEGUE
- Don Constantino NDONG ANDEME

 Alianza Democrática Progresista (A.D.P.)

 Honorables Señores:

- Don Victorino BOLEKIA BONAY
- Don Ignacio MOLONGUA AKIEME
- Don Vicente KUKU MOCHE.

Convención Liberal Democrática (C.L.D.)

Honorables Señores:

- Don Alfonso NSUE MOKUY
- Don Carmelo MASO EBUERA
- Don Domingo ASAMA ESONO

Unión Democrática Nacional (UDENA)

Honorables Señores:

- Don Pedro-Cristino BUERIBERI BOKESA
- Don Juan-Pedro BUERIBERI EDU NSANG
- Don Angel-Custodio SAKA MUEY.

Partido Social Demócrata (P.S.D.)

Honorables Señores:

- Don Francisco MABALE NSENG
- Don José NDONG ELO.
- Don Amancio NGUERE EDJANG

HABIENDO EXAMINADO los problemas relacionados con los procesos de participación y oposición políticas para promover y alentar el pluralismo político como elemento de la estructura política del Estado y eliminar los obstáculos que se presentan en su proceso de implementación social, política y económica.

TENIENDO EN CUENTA las nuevas oportunidades que ofrece la cultura política de la democracia que el pueblo está adquiriendo sobre procesos políticos dentro de la extensión y temporalidad de los cambios sociales.

CONSCIENTES de la necesidad de crear las condiciones jurídico-políticas, económico-sociales y culturales que sostengan una democracia estable y de calidad para el bien de la estabilidad política y el desarrollo económico del País.

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CONSCIENTES de que la paz constituye un valor nacional del pueblo de Guinea Ecuatorial, materia no negociable y condición previa y omnipresente en todos los procesos políticos para conservar la República y garantizar la democracia.

CONSIDERANDO el peligro que para el mantenimiento del diálogo y la intercomunicación permanentes entre gobernantes y gobernados, y para la conservación de la paz, entraña la violación de los derechos humanos y la publicación de informaciones inexactas.

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CONVENCIDOS de que la gobernabilidad en democracia se apoya en el consenso básico, requiere la existencia de canales institucionales que permitan satisfacer las demandas de participación social, depende en gran parte de la eficacia de las políticas públicas y la conducción política y finalmente supone y se legitima en la aceptación y concreción práctica de valores morales que le sirven de sustento, tales como la tolerancia, la no violencia expresada en resolución pacífica de los conflictos, la libertad de pensamiento, la igualdad y la solidaridad, que conforman la cultura para la democracia.

154f
DESPUES DE HABER DECIDIDO evaluar el Pacto Nacional Vinculante entre el Gobierno y los Partidos Políticos entre los mismos Partidos, y

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DESPUES DE HABER DECIDIDO analizar las causas y responsabilidades internas y externas, positivas y negativas de la Transición Política y tomadas las medidas correctoras para eliminar los obstáculos que se interfieren en el proceso democratizador,

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ADOPTAN, con fecha veintiseis de abril de mil novecientos noventa y siete el siguiente Documento de Evaluación del Pacto Nacional y Acuerdos Legislativos 1.997, cuyo texto es el siguiente:

PRIMERA PARTE: EVALUACION DEL PACTO NACIONAL

ACUERDO PRIMERO.

El Gobierno y los Partidos Políticos considerando que el Pacto Nacional tiene carácter vinculante y subrayando que la observancia de los Pactos corresponde al Gobierno, sus Instituciones dependientes y las Autoridades que las encarnan, los Partidos Políticos, sus órganos, de conformidad con el Acuerdo Primero del Pacto Nacional, DECIDEN:

Confirmar el carácter vinculante de los Acuerdos y la presente evaluación del Pacto Nacional entre el Gobierno y los Partidos Políticos y entre los mismos Partidos Políticos.

ACUERDO SEGUNDO.

El Gobierno y los Partidos Políticos evaluando el Acuerdo segundo del Pacto Nacional expresan su satisfacción por el cumplimiento exacto del Acuerdo referenciado.

ACUERDO TERCERO.

El Gobierno y los Partidos Políticos, evaluando el Acuerdo número tres del Pacto Nacional, expresan que, efectivamente el Gobierno dió cumplimiento a lo pactado, al haber promulgado el Decreto número 27/1.993, de fecha 29 de marzo, liberando a todos los presos de conciencia y de opinión. No obstante, señalan que por la turbulencia democrática del momento se viene registrando detenciones intermitentes, que ambas Partes deciden poner fin mediante medidas concretas y eficaces, a saber:

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a).- La sensibilización y concienciación de las Autoridades por parte del Gobierno y la misma sensibilización y concienciación de la militancia por parte de los Partidos Políticos para el respeto de los Derechos Humanos y el imperio de la Ley; así como la exigencia de responsabilidades administrativas y penales en los supuestos de infracción.

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b).- En cuanto al apartado segundo del precitado Acuerdo, las Partes entienden que, por la complejidad del tema, la voluntad de los propios ciudadanos en el exterior con intención de regresar al País debe desempeñar un papel muy importante; no obstante, las partes toman carta en el asunto para proseguir en la consecución del objetivo con la creación de una Comisión Ad-Hoc para la elaboración de un plan de retorno de los emigrantes en función de los nacionales que desean regresar al País.

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ACUERDO CUARTO.

El Gobierno y los Partidos Políticos evaluando el Acuerdo cuarto expresan que, después del Pacto Nacional, se legalizó tres Partidos Políticos que presentaron expedientes completos conforme a la vigente Ley de Partidos Políticos.

El Gobierno, conservando el espíritu que animó a las Partes a adoptar dicho Acuerdo, mantiene su plena predisposición de legalizar cualquier expediente de partido político conforme a la Ley.

ACUERDO QUINTO.

El Gobierno y los Partidos Políticos, habiendo examinado y evaluado el cumplimiento dado al Acuerdo Quinto del Pacto Nacional de 1.993, y animados por el espíritu del mandato Constitucional del artículo 13 de la

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Ley Fundamental de Guinea Ecuatorial, deciden reforzar, para su exacta materialización, las libertades públicas individuales y de circulación, así como la garantía de inviolabilidad de domicilios, oficinas públicas y correspondencia, sin otra restricción que la normal de aduanas fronterizas, mediante:

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a).- Promulgación de un Decreto Presidencial extendiéndolo a todas las Autoridades Civiles, Militares y/o de Seguridad Nacional, Administración y población en general, para el estricto respeto a las referidas libertades y la prohibición expresa de confinamientos extrajudiciales.

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b).- Remate del Decreto anterior con la toma de medidas judiciales a los infractores de la mencionada disposición.

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ACUERDO SEXTO.

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El Gobierno y los Partidos Políticos, visto el grado de cumplimiento del Acuerdo Sexto del Pacto Nacional, consideran que la iniciativa de acceso a los medios de comunicación social corresponde a los Partidos Políticos, y al Gobierno la creación de condiciones favorables de acceso.

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No obstante, ambas Partes acuerdan la creación de una Comisión integrada de tres delegados de los Partidos Políticos, renovados por cada tres meses, designados en función del orden de legalización de los partidos; dos delegados del Ministerio de Información y un delegado del Ministerio del Interior. Esta Comisión depende del Ministerio del Interior para el cumplimiento exacto del Acuerdo Sexto del Pacto Nacional.

ACUERDO SEPTIMO.

El Gobierno y los Partidos Políticos preocupados por las premisas críticas que han dificultado el normal ejercicio de los derechos fundamentales y libertades públicas de las personas y Partidos Políticos, CONVIENEN:

a).- Que el Gobierno adopte por Decreto el cumplimiento de las obligaciones asumidas en virtud del Acuerdo Séptimo del Pacto Nacional.

b).- El Gobierno y los Partidos Políticos, con el fin de velar por la objetividad de los hechos relativos a la inobservancia del Acuerdo Séptimo del Pacto Nacional, deciden crear una Comisión de Encuesta integrada por el Ministro del Interior y Corporaciones Locales, dos miembros más del Gobierno y los Líderes de los Partidos Políticos.

c).- Los Partidos Políticos, con el fin de cumplir con el compromiso adquirido en este Acuerdo, se comprometen con el Gobierno a diseñar programas de actividades educativas destinados a facilitar al Pueblo y a la ciudadanía la formación cívica, democrática-pluralista, tolerante y participativa.

ACUERDO OCTAVO.

El Gobierno y los Partidos Políticos, evaluando en su globalidad el Acuerdo Octavo del Pacto Nacional, consideran que solo los esfuerzos del Gobierno y de los Partidos Políticos puede traducir los compromisos en comportamientos tangibles y positivos para crear un marco general de convivencia; para ello adoptan las siguientes medidas:

1).- El Gobierno y los Partidos Políticos, después de la firma del Documento de Evaluación, organizarán Seminarios y campañas conjuntos para inculcar los valores democráticos y advertir conductas que son objeto de exigencia de responsabilidades.

2).- El Gobierno y los Partidos Políticos, desde la perspectiva y responsabilidad de cada uno, corregirán de inmediato, todas aquellas situaciones que están u operan fuera de las leyes que regulan la democracia en Guinea Ecuatorial, sobre todo:

a).- Prohibición de la presencia activa de los miembros de las Fuerzas Armadas y de la Seguridad del Estado, Jueces, Magistrados, Fiscales, Ministros de Culto de las diferentes Confesiones Religiosas y extranjeros, en las comitivas de las campañas electorales.

b).- Prohibición de los miembros de las Fuerzas Armadas y de la Seguridad del Estado en las filas de los partidos políticos. Estas prohibiciones se harán por el Gobierno mediante Decreto.

3).- El Gobierno y los Partidos Políticos condenan y denuncian formalmente, sin perjuicio de las responsabilidades, a los funcionarios y personal de las Fuerzas Armadas y de la Seguridad del Estado que violen o ignoren la dignidad de los Líderes de los Partidos Políticos.

4).- El Gobierno declara que a partir de esta fecha, los Partidos Políticos tienen acceso a las Salas de Tribunales Tradicionales y Casas de Palabra, previo cumplimiento de las exigencias de la Ley.

5).- El Gobierno y los Partidos Políticos, con el objeto de diversificar las fuentes de información sobre la política general del Estado, propiciarán dos encuentros anuales con el Presidente de la República, sin perjuicio de otros a instancia del propio Jefe de Estado o de los Partidos Políticos.

ACUERDO NOVENO.

El Gobierno y los Partidos Políticos, con el propósito de revitalizar el Pacto Nacional y evaluando el Acuerdo 9 del mismo, a la luz del comportamiento de las finanzas de origen nacional e internacional para financiar a los Partidos Políticos y subvencionar el proceso electoral, DECIDEN:

a).- Que el Gobierno, de acuerdo con la capacidad presupuestaria, por vía ordinaria o extraordinaria de créditos, otorga un fondo para la consolidación de la democracia a todos los Partidos Políticos. La distribución será en partes iguales a razón de CINCO MILLONES (5.000.000,-) de FRANCOS CFA., entregados antes de la firma del Documento Final.

Para ayudar financieramente a los Partidos Políticos hasta la celebración de las próximas Elecciones Legislativas, en el seno del Ministerio del Interior y Corporaciones Locales se habilita un Fondo para la Democracia, alimentado por las aportaciones de cualquier persona física o jurídica al que accederán los Partidos Políticos, conforme a los mecanismos que al efecto establece la Ley de Financiación de los Partidos Políticos.

b).- Sin perjuicio de la financiación estatal, el Gobierno apoyado por los Partidos Políticos apelará a la cooperación multilateral para subvencionar el proceso electoral de las próximas Elecciones Legislativas.

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c).- Para el reforzamiento institucional de la Administración Electoral, el Gobierno apoyado por los Partidos Políticos, solicitará la asistencia técnica electoral de los Organismos Multilaterales, NOVENTA DIAS antes de las próximas Elecciones Legislativas.

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ACUERDO DECIMO.

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El Gobierno y los Partidos Políticos, reconociendo la importancia del censo en los procesos electorales, y evaluando el Acuerdo 10 del Pacto Nacional sobre la base de las experiencias de la Transición, DECIDEN:

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a).- Proceder a la revisión profunda del censo electoral con el propósito de incluir a todos los ciudadanos con derecho al sufragio universal activo, residentes y no residentes. con la participación de los Partidos Políticos y la asistencia técnica de la cooperación multilateral. Esta revisión tendrá lugar a partir del mes de octubre de 1.997.

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b).- La Comisión Mixta Especial Gobierno-Partidos Políticos instituida por el Pacto Nacional, verificará con carácter permanente la transparencia del Censo Electoral. En el seno de esta Comisión se crea el Comité Gerencial que se encargará de la presupuestación de las necesidades y recursos necesarios para llevar a cabo las operaciones censales. El Comité Gerencial iniciará sus trabajos SESENTA DIAS después de la firma del Documento Final.

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c).- Los Partidos Políticos tendrán acceso libre y directo a los datos y fuentes del Censo Electoral, profundamente revisado en cualquier momento de su elaboración o revisión, desde los Servicios Censales Oficiales a los efectos de su verificación, impugnación o constancia.

ACUERDO UNDECIMO.

Vistos los planteamientos del Gobierno y de los Partidos Políticos en los términos que aparecen en el Acuerdo 11 del Pacto Nacional sobre el calendario electoral y temas conexos, a saber: La Revisión del Censo Electoral, la Revisión de las Leyes Electorales y la Observación Internacional; recordando las circunstancias del tiempo que dieron lugar a la concepción, elaboración y adopción del precitado Acuerdo; el Gobierno y los Partidos Políticos, a la luz de las nuevas circunstancias DECIDEN:

a).- Sin perjuicio de las facultas constitucionales del Presidente de la República que le otorga el artículo 66 de la Ley Fundamental de Guinea Ecuatorial, el Gobierno instará la celebración de las próximas Elecciones Legislativas, SESENTA DIAS antes de la expiración de la presente legislatura.

b).- Las partes para la reforma de las Leyes Electorales que se discutirán en el punto 2 del Orden del Día, analizarán y, en su caso, convendrán los puntos de vista sobre la rectificación de las leyes, las cuales se enviarán al Gobierno y a la Cámara de los Representantes del Pueblo para su estudio y aprobación en el curso del presente año 1.997.

c).- El derecho de proselitismo político queda ilimitadamente abierto a los Partidos Políticos y sin ninguna traba de parte de la Autoridad que la disposición legal vigente.

d).- En las próximas Elecciones Legislativas el Gobierno invitará observadores internacionales en número suficiente y en condiciones que permitan el cumplimiento de su misión.

ACUERDO DUODECIMO.

Visto el Acuerdo 12 del Pacto Nacional, el Gobierno y los Partidos Políticos, considerando que los procesos de participación y oposición políticas son de la competencia exclusiva y excluyente de los actores políticos ecuator-guineanos para determinar o influir en la orientación política del Estado;

Visto el clima y la voluntad de armonizar los objetivos del Estado de Derecho y de la democracia, ACUERDAN:

a).- Rechazar y prohibir toda acción u omisión encaminada a promover la violencia política de palabras o de obras, contra las instituciones del Estado, las personas físicas que las encarnan o representan, así como contra las formaciones políticas, su Líderes, dirigentes y militantes; comprometiéndose el Gobierno a castigar conforme a la Ley a quienes lo promuevan o ejecuten.

b).- Prohibir el liderazgo o patrocinio clandestino de los Partidos Políticos a personas de nacionalidad extranjera, organizaciones y asociaciones extranjeras y a los ecuatoguineanos residentes fuera de Guinea Ecuatorial durante seis meses consecutivos. Asimismo se prohíbe la participación de extranjeros residentes en Guinea Ecuatorial en actos políticos de proselitismo, campañas electorales o de cualquier acto de naturaleza análoga, a favor de ningún Partido Político.

c).- Instar a la comunidad internacional, organizaciones y asociaciones extranjeras, apoyar con imparcialidad, objetividad y neutralidad el proceso democrático de Guinea Ecuatorial y las partes aceptarán cualquier aportación legal que propicie la consolidación del proceso democrático y el desarrollo socio-económico del País.

ACUERDO DECIMO TERCERO.

Visto el Acuerdo 13 del Pacto Nacional,
Visto asimismo el nivel de su cumplimiento, el Gobierno y los Partidos Políticos deciden reconducir el precitado Acuerdo y expresan el compromiso de acatar sus obligaciones recíprocas de procedimiento para la obtención de exoneraciones de derechos a la importación de bienes destinados a la actividad de los Partidos Políticos.

No obstante, el Ministerio del Interior y Corporaciones Locales, a instancia de los Partidos Políticos, elevará con celeridad, dictámen favorable a la Presidencia del Gobierno para la disponibilidad inmediata de dichos bienes por los Partidos Políticos.

ACUERDO DECIMO CUARTO.

El Gobierno y los Partidos Políticos, en el entendimiento de que toda decisión exige su implantación, seguimiento y control para alcanzar los objetivos preestablecidos, razón por la cual se creó la Comisión de Vigilancia y Seguimiento del Pacto Nacional como estructura operativa integrada por los representantes del Gobierno y de los Partidos Políticos.

Habiéndose modificado en alza los objetivos del Pacto Nacional en su evaluación y, deseando consolidar el Estado de Derecho y garantizar una sana convivencia nacional, DECIDEN:

a).- La Comisión de Vigilancia y Seguimiento estará dirigida por un Presidente y un Vice-Presidente que sustituirá al primero en los casos de ausencia o enfermedad. La elección del Vice-Presidente será determinada por mayoría simple entre los miembros de los Partidos Políticos.

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b).- Los acuerdos adoptados por los criterios establecidos en el Acuerdo 14 del Pacto Nacional, revestirán la forma de Recomendaciones que el Gobierno y los Partidos Políticos tendrán en cuenta para la decisión definitiva; no obstante, los votos disidentes serán siempre sometidos a la consideración del Ministerio Fiscal para que, en el plazo improrrogable de siete días naturales emita dictámen correspondiente, dicho dictámen será comunicado al Gobierno y a los Partidos Políticos.

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c).- El Gobierno para garantizar la funcionalidad de la Comisión de Vigilancia y Seguimiento otorgará un crédito anual ordinario o extraordinario de fácil disponibilidad para la agilidad y operatividad de la Comisión.

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También la Comisión de Vigilancia y Seguimiento podrá nutrir su presupuesto con los recursos del Fondo para la Democracia establecido en la evaluación del Acuerdo Noveno.

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En función de los recursos disponibles, la Comisión de Vigilancia y Seguimiento elaborará su presupuesto anual y lo ejecutará, según el procedimiento que establece la Ley de Presupuesto General del Estado.

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d).- La Comisión de Vigilancia y Seguimiento podrá reunirse a instancia del Gobierno o de un Partido Político sobre materia del Pacto Nacional y su Documento de Evaluación. Necesariamente y sin perjuicio de lo que establecerá su Reglamento, la Comisión de Vigilancia y Seguimiento se reunirá en sesión ordinaria cada treinta días.

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Inmediatamente que se firme el Documento de Evaluación del Pacto Nacional, se reunirán los miembros de la Comisión de Vigilancia y Seguimiento para elegir al Presidente y al Vice-Presidente. El voto será secreto.

e).- El Gobierno dotará de una sede en el plazo más breve posible a la Comisión de Vigilancia y Seguimiento.

ACUERDO DECIMO QUINTO.

El Gobierno y los Partidos Políticos, teniendo en cuenta el carácter formal del Acuerdo 15 del Pacto Nacional y su Evaluación, DECIDEN:

Que efectivamente reconocen que el Pacto Nacional fué elevado a Escritura Pública por el Notario de la Región Insular y que, en efecto, entró en vigor el día de su firma.

SEGUNDA PARTE:

CODIGO DE CONDUCTA ENTRE LOS PARTIDOS POLITICOS
LEGALIZADOS EN LA REPUBLICA DE GUINEA ECUATORIAL.-----

Los Partidos Políticos de Guinea Ecuatorial, deseosos de establecer un clima propicio que permita la plena participación de los actores políticos en el proceso democratico;

Conscientes de la importancia que tiene el pluralismo político contemplado en los Artículos 1 y 9 de la Ley Fundamental de Guinea Ecuatorial;

Deseosos de crear un clima de entendimiento y diálogo, aumentar la efectividad de los derechos básicos de todos los partidos políticos, a fin de evitar enfrentamientos y tensiones;

DECIDEN:

Adoptar el presente Código de Conducta que será vinculante a todos los Partidos Políticos legalizados y será considerado como parte integrante del Pacto Nacional y su documento de evaluación;

En su consecuencia, CONVIENEN:

1).- Todos los Partidos Políticos se obligan a acatar el Ordenamiento Jurídico Vigente, el Pacto Nacional y su Documento de Evaluación;

2).- Todos los Partidos Políticos se comprometen a respetar la libertad de movimiento, la libertad de expresión, de reunión, información y asociación de los demás, conforme a la legislación vigente.

3).- Los actores políticos no intervendrán en los asuntos internos de otros partidos políticos ajenos, ni fomentarán corrientes de partidos en otros partidos políticos, ni apoyarán las escisiones o facciones de los mismos.

4).- Ningún Partido Político hará discursos calculados con el fin de provocar controversias o conflictos entre comunidades o grupos étnicos.

5).- Ningún Partido Político criticará a otros partidos políticos, a sus líderes o candidatos en cuestiones que no tengan relación con sus actividades políticas y sus programas.

6).- Los actores políticos propugnarán en sus partidos políticos y militancia la educación para la paz, la democracia y el escrupuloso respeto de los derechos humanos, entre otros ideales democráticos.

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7).- Ningún Partido Político deberá vulnerar las prescripciones constitucionales y otras con relación al secreto del voto, ni buscará apoyo de las autoridades civiles, militares y funcionarios, así como de oficiales de la Junta Electoral Nacional en período de campaña electoral, votación y escrutinio.

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8).- El clima pacífico, convivencia nacional y el ejercicio de los derechos democráticos no debe ser socavado mediante actos y declaraciones de apología a la violencia, insultos, descalificaciones personales así como la difusión de rumores o falsas noticias en los medios de comunicación nacionales o extranjeros.

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9).- Las campañas electorales deben organizarse de modo que las elecciones se desarrollen en una atmósfera serena y pacífica. Por lo tanto, los partidos políticos se comprometen a no portar armas, destruir carteles y demás material propagandístico y no perturbar los mítines de los demás partidos políticos durante dichas campañas electorales.

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10).- Los partidos políticos se comprometen a no practicar ningún acto de intimidación o de coacción contra los líderes y militantes de otras formaciones políticas. No se utilizará la fuerza, ni la violencia, ni amenazas e intimidaciones a la población en general.

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11).- Los candidatos, militantes y simpatizantes de los partidos políticos en su actuación electoral, darán el debido respeto y consideración a las autoridades electorales y mantendrán la misma reciprocidad entre sí. Asimismo, aportarán la ayuda, colaboración y cooperación necesarias a las autoridades responsables de la aplicación de la Ley.

12).- Para que este Código de Conducta goce de máximo respeto de los militantes y simpatizantes de los partidos políticos, debe ser asumido por todos los partidos políticos legalizados en Guinea Ecuatorial y su posterior difusión por los medios de comunicación social.

Este Código de conducta forma parte de la disciplina interna y el comportamiento exterior de los partidos políticos y será promulgado en el Documento de Evaluación de los Acuerdos del Pacto Nacional entre el Gobierno y los Partidos Políticos.

TERCERA PARTE: ACUERDOS LEGISLATIVOS.

El Gobierno y los Partidos Políticos, en la convicción de que nuestra sociedad está en constante evolución, y por lo tanto las leyes han de ajustarse a la dinámica social, deciden adoptar los siguientes Acuerdos Legislativos:

1.- LEY DE PARTIDOS POLITICOS.

La reforma de esta Ley contendrá esencialmente las siguientes modificaciones:

a).- El Gobierno velará por el funcionamiento democrático de los Partidos y prohíbe las bicefalías.

b).- La disolución o extinción de los partidos políticos corresponde a los Organos Judiciales.

c).- La supresión de la Comisión en materia de legalización de los Partidos Políticos en el Ministerio del Interior. Siendo materia directamente conocida por el propio Ministerio.

d).- Los expedientes de legalización de los Partidos Políticos presentados por los promotores, desde la recepción por el Ministerio del Interior y en el plazo de

30 días, serán presentados al Consejo de Ministros para su reconocimiento o devueltos a los interesados con indicación de los motivos.

e).- La legalización de un Partido Político implica el reconocimiento de sus órganos informativos.

f).- El artículo 23 queda redactado de la siguiente forma: "El Gobernador en el ámbito de su jurisdicción antes de suspender cualquier acto o acuerdo de un Partido Político fundado en el peligro evidente de alteración de Orden Público, deberá previamente intentar de conciliar los intereses de vigencia de la legalidad, Orden Público y el mantenimiento de las reuniones y conversaciones de los Acuerdos. Contra la resolución del Gobernador Provincial suspendiendo acto o acuerdo de un Partido

Político, los interesados podrán interponer el recurso de alzada".

g).- Se añadirá al contenido del artículo 11 del párrafo siguiente: " Los directivos de los Partidos Políticos que infrinjan las prescripciones contenidas en este artículo, incurrirán en responsabilidad".

2.- LEY DE FINANCIACION DE PARTIDOS POLITICOS.

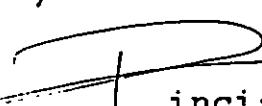
El artículo 4 de la Ley modificará la cuantía de aportaciones de las personas físicas o jurídicas en la cantidad de DIEZ MILLONES (10.000.000,-) de Francos CFAS.; en lugar de UN MILLON (1.000.000,-).

3.- LEY DE QUEJAS Y PETICIONES.

Las autoridades en el ámbito de sus competencias darán respuesta a las Quejas y Peticiones de los ciudadanos y extranjeros dentro de los plazos que establece la Ley de Procedimiento Administrativo en


materia de Recursos. Cualquier resolución de contestación será motivada.

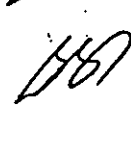
4.- LEY DE REUNION Y MANIFESTACION.


a).- La supresión del inciso d) del artículo 7 e inciso c) del artículo 8.


b).- La ampliación de reuniones privadas en los términos de las enmiendas presentadas por los Partidos Políticos.


c).- Las autoridades competentes autorizarán o denegarán, en este caso por resolución motivada, las reuniones y manifestaciones públicas dentro del plazo de 48 horas desde el día de la presentación del escrito de solicitud. En caso de silencio en el término de 48 horas, se entenderá que el silencio es positivo.


Las reuniones que celebren los Partidos Políticos en sus oficinas y sedes no requerirán autorización o notificación alguna a la autoridad gubernativa.


d).- Los Partidos Políticos para realizar giras por medio de sus Líderes o Comisiones de Partidos en todo o parte del ámbito nacional, podrán obtener autorizaciones del Ministerio si dichas giras comprenderán reuniones fuera de sus oficinas y sedes.

5.- LEY DE AMNISTIA.


El Gobierno promulgará una Ley de Amnistia que perdone y olvide todos los delitos de connotación política para garantizar la libertad y seguridad personales en el territorio nacional.

6.- LEY DE ELECCIONES LEGISLATIVAS, MUNICIPALES Y REFERENDUM.

El Gobierno y los Partidos Políticos, habiendo analizado las ventajas y desventajas de los distintos modelos de Administración electoral, con el propósito de alcanzar la objetividad, transparencia, igualdad e imparcialidad de los procesos electorales, aceptan la composición de una Administración Electoral Mixta con un Presidente elegido democráticamente por los miembros que la integran. En consecuencia:

1.- Se suprimirá en la Ley Electoral el artículo 14, apartado 2) cuyo texto dice: "El Ministro del Interior y Corporaciones Locales asume la Presidencia de la Junta Electoral Nacional".

2.- Se suprimirá asimismo el artículo 15 que contempla dentro de la Administración Electoral, las Juntas Electorales Provinciales.

3.- Se introducirá la innovación del nombramiento por Decreto Presidencial de todos los miembros de la Junta Electoral Nacional y de las Juntas Electorales Distritales y Municipales designados por el Gobierno, Poder Judicial y Partidos Políticos.

4.- Los miembros de las Mesas Electorales receptoras de votos serán nombrados por la Junta Electoral Nacional.

El secreto del voto en el acto de votación en las elecciones será garantizado en los términos que aparecen en las enmiendas de los Partidos Políticos, con incursión en responsabilidades de los Partidos Políticos y personas físicas que practicaren o indujeren al voto público, la coacción electoral o el impedimento ilegal en la emisión del voto.

Los demás aspectos que aparecen en las enmiendas presentadas por los Partidos Políticos serán estudiadas con consideración y atención debida, a saber:

- 1.- Los electores.
- 2.- Los elegibles y candidatos.
- 3.- Las circunscripción electoral.
- 4.- El voto, su carácter personal y único.
- 5.- La administración electoral, su carácter mixto y equilibrado para asegurar la transparencia, objetividad, igualdad e imparcialidad.
- 6.- El procedimiento electoral.
- 7.- La fórmula electoral.
- 8.- El censo electoral.

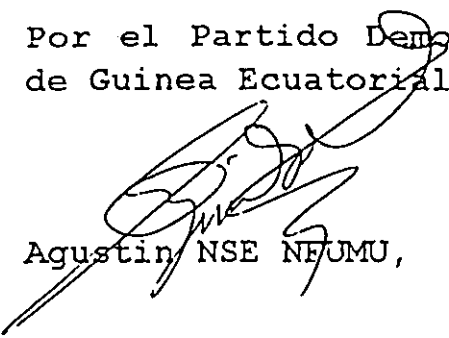
El presente Documento de Evaluación del Pacto Nacional y Acuerdos Legislativos será adoptado por el Consejo de Ministros para los efectos de solemnidad y eficacia general, sin perjuicio de su entrada en vigor en el mismo acto de su firma.

En testimonio de todo cuanto antecede, los infrascritos, debidamente autorizados por sus Instrumentos Normativos, firman el presente Documento de Evaluación del Pacto Nacional y Acuerdos Legislativos, hecho en 14 ejemplares y a un solo efecto, en la Ciudad de Malabo, a veintiseis de Abril de mil novecientos noventa y siete.

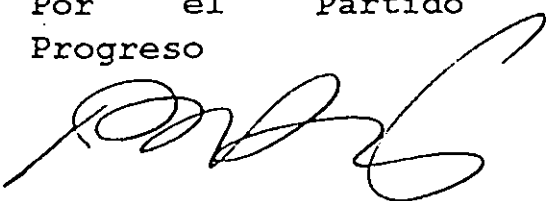
Por el Gobierno de la República de Guinea Ecuatorial,

Angel Serafin SERICHE DOUGAN MALABO

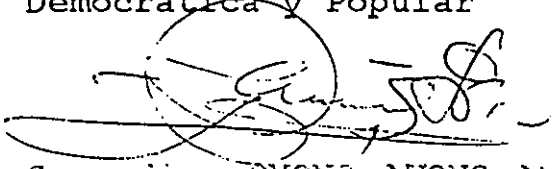
Por el Partido Democrático
de Guinea Ecuatorial


Agustín NSE NEUMU,

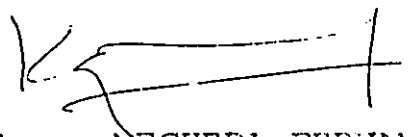
Por el Partido del
Progreso


Basilio AVA EWORO ABENG,

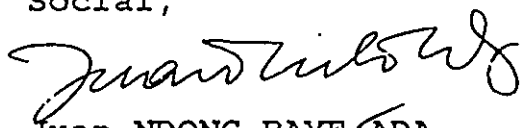
Por la Convergencia Social
Democrática y Popular


Secundino OYONO AWONG ADA,

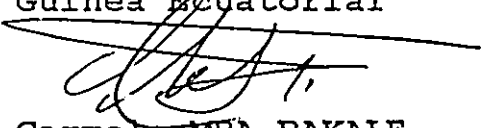
Por el Partido Socialista
de Guinea Ecuatorial


Tomas MECHEBA FERNANDEZ,

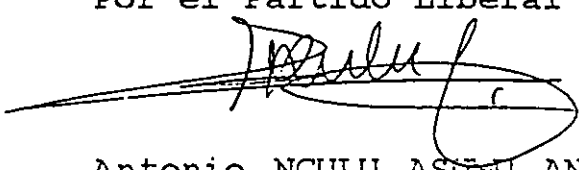
Por la Unión Democrática
Social,


Juan NDONG BAYE ADA,

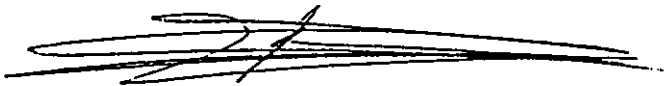
Por Acción Popular de
Guinea Ecuatorial


Carmelo MEA BAKALE,

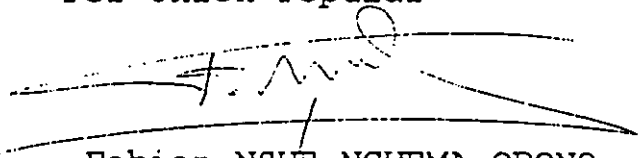
Por el Partido Liberal


Antonio NCULU ASUMU ANGUE,

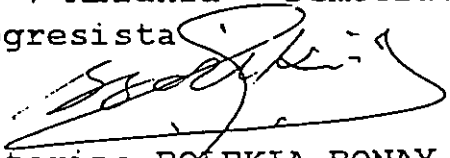
Por el Partido de la
Coalición Social Democrata


Buenaventura MOSWI M'ASUMU
NSEGUE,

Por Unión Popular


Fabian NSUE NGUEMA OBONO,

Por Alianza Democrática
Progresista

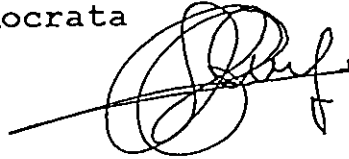

Victorino BOLEKIA BONAY,

Por la Convención Liberal
Democrática



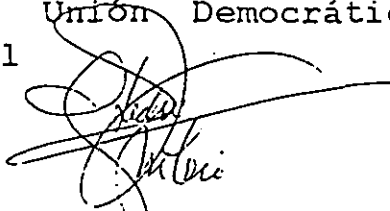
Alfonso NSUE MOKUY

Por el Partido Social
Democrata



Francisco MABALE NSENG,

Por la Unión Democrática
Nacional



Pedro Cristino BUEIRIBERI
BOKESA.

APPENDIX B

**PLAN AND BUDGET FOR REVISION OF THE VOTER REGISTER
(JUSTIFICACION DEL PROYECTO DE PRESUPUESTO DE GASTOS PARA LA
REVISION PROFUNDA DEL CENSO ELECTORAL 1997)**

(\$ 1 = 200 CFA)

JUSTIFICACION DEL PROYECTO DE PRESUPUESTO DE GASTOS PARA LA REVISION PROFUNDA DEL CENSO ELECTORAL 1.997

El Organismo Ejecutor del Censo Electoral con el propósito de llevar a feliz término la inscripción de los ciudadanos guineanos en las listas electorales, ha tenido a bien elaborar un presupuesto de gastos para financiar las actividades programadas.

1. MATERIAL.

Para la ejecución de las diferentes actividades tanto técnicas como administrativas, se ha previsto una cierta cantidad de material fungible y no fungible.

1.1. Material Fungible.

Teniendo en cuenta que en el censo electoral se manejará un gran volumen de personal técnico para la ejecución de diferentes tareas, así como los procedimientos administrativos y técnicos que se deriven en las distintas operaciones, se ha previsto una suma de 14.735.000 F.cfas para cubrir esos gastos.

1.2. Material no Fungible.

La movilidad del personal, la reproducción, distribución de documentos y material censal, así como la supervisión técnica durante la revisión profunda del censo electoral es necesaria la disponibilidad de 10 vehículos todo terreno, dos máquinas para la impresión automática de documentos, con el propósito de reducir los grandes costos que suelen ocasionar la impresión de los diferentes documentos (manuales, folletos, formularios, actas, etc), así como otros equipamientos de oficina. A este respecto, se prevee una suma de 218.342.300 F.cfas. Cabe señalar en este sentido que tanto los vehículos como las máquinas reproductoras de documentos pueden ser válidos, no sólo para la operación censal actual, sino también para las futuras operaciones de esta envergadura.

1.3. Material Cartográfico.

Para la actualización de la cartografía electoral, se prevee el trazado de mapas y la ubicación de las mesas electorales en las respectivas jurisdicciones, con el propósito de reproducir el número de planos y mapas necesarios para los componentes de la

Comisión Mixta Especial encargada de revisar la transparencia del censo electoral. En este sentido se prevee una suma de 642.500 F.cfas.

1.4. Material Informático.

Teniendo en cuenta la actual infraestructura de la Oficina Central del Censo, sólo se ha previsto 2 Ordenadores Pentium y otros materiales informáticos, que ascienden a un total de 6.355.000 F.cfas. La compra de estas dos computadoras adicionales para los trabajos de procesamiento, permitirá no solamente terminar los trabajos en los plazos que se fije, sino también evitar el desplazamiento del material en otros departamentos que pueden temporalmente prestar sus computadoras para los servicios del censo electoral.

2. GIRA DE INSTRUCCION E INFORMACION

En toda operación de colecta de datos a nivel nacional, es necesario e imprescindible la toma de contacto del órgano central con las entidades periféricas a fin de informar y formar a las autoridades de los distritos y municipios. Para ello se ha previsto una suma de 3.897.000 F.cfas.

3. INCENTIVOS AL PERSONAL CENSAL

3.1. Colecta de Datos

Los técnicos de la administración y de los partidos políticos legalizados responsables de llevar a cabo las tareas programadas para la revisión profunda del censo electoral, deben ser objeto de una incentivación especial a fin de trabajar con mayor dedicación, eficacia y transparencia posibles. A tal fin, se ha previsto un monto de 59.580.000 Fcfas., para incentivar al personal que realizará los trabajos del campo sobre la inscripción de ciudadanos al censo electoral.

3.2. Recepción de los documentos censales en los distritos y municipios

Los documentos censales una vez diligenciados, deben ser devueltos a la Oficina Central del Censo para su posterior explotación manual y procesamiento por computadora. La experiencia muestra que desde el Organismo Ejecutor debe salir una comisión que se dedique especialmente a la recogida de las listas electorales elaboradas en toda la geografía nacional, al objeto de evitar los posibles desvíos de los documentos y material utilizado durante la inscripción de electores, para este fin se ha previsto un monto de 1.971.000 F.cfas.

3.3. Procesamiento de datos y explotación manual de las listas electorales

Los agentes censales una vez finalizado con la inscripción de los ciudadanos guineanos, proceden a la remisión de las listas electorales a la Oficina Central del Censo para su posterior explotación manual y procesamiento por computadora. Esta última actividad requiere la participación de personal debidamente capacitada y experimentada en materia de informática y procesamiento de datos. Para ello, se ha previsto unos 18.320.000 F.cfas para la incentivación del personal en un tiempo promedio de 2 meses.

3.4. Distribución y recepción de las listas electorales para el proceso de impugnaciones

Una vez finalizado el procesamiento de las listas de electores recogidas en el campo, se procede a la impugnación de las mismas en las respectivas mesas electorales, a fin de obtener las posibles observaciones que se deriven de la población electoral inscrita en las mismas. Para esta tarea se ha previsto una suma de 1.833.000 F.cfas

4. REGISTRO DE ELECTORES

Teniendo en cuenta los desplazamientos de los técnicos de la operación censal, así como las necesidades de supervisión que se deriven de la Comisión Mixta Especial encargada de verificar la transparencia de la Revisión Profunda del Censo Electoral, así como los medios logísticos (combustibles y lubricantes), se ha previsto una suma de 17.478.000 F.cfas. para cubrir estos gastos, con el siguiente detalle:

Pasajes aéreos: 1.400.000 F.cfas
Combustible y Lubricantes: 15.278.400 F.cfas
Conductores: 800.000 F.cfas

Malabo, 22 de Septiembre de .1997
POR UNA GUINEA MEJOR,
EL DIRECTOR GENERAL

**PROYECTO DE PRESUPUESTO PARA LA
REVISION PROFUNDA DEL CENSO ELCTORAL 1.997**

I. MATERIAL

1.1. Material Fungible

	. 3.000 Bolígrafos x 100 F.cfas.....	300.000	F.cfas
	. 3.000 Bloks x 1.500 F.cfas.....	4.500.000	"
	. 2.000 Tampones x 1.500 F.cfas.....	3.000.000	"
	. 200 Cajas de papel formato A4 x 2.500 F.cfas	500.000	"
	. 100 Paquetes de papel formato A3 x 10.000	1.000.000	"
0	. 100 rollos de cinta aislante grande x 800 F.cfas...	80.000	"
	. 4 Grapadoras grandes x 15.000 F.cfas.....	60.000	"
	. 20 Grapadoras pequeñas x 100 F.cfas.....	50.000	"
	. 30 Cajas de grapas grandes x 1.500 F.cfas.....	45.000	"
	. 100 Cajas de grapas pequeñas x 100 F.cfas.....	100.000	"
	. 2.000 Carpetas x 500 F.cfas.....	100.000	"
	. 10 Sellos con nombre x 5.000 F.cfas.....	50.000	"
	. 10 Sellos con rúbrica x 5.000 F.cfas.....	50.000	"
	. 2000 Manuales del Agente Censal x 2.000 F.cfas.	4.000.000	"
	Sub- total.....	14.735.000	Fcfa.

1.2. Material no fungible

	. 10 Vehículos todo terreno (13.000.000 Fcfa. X 10).....	130.000.000	F.cfas.
	. Dos máquinas para la impresión de documentos	44.371.150	"
	- Máquina Copy Printer de Gestetner modelo 5340/5329 L/5327 4.600.000 x	9.200.000	"
	- 2 Copy controler (aparato conexión PC/copy Printer) 2.000.000 x 2	4.000.000	"
	- 2 Alimentadores 329.069 x 2	658.138	"
	- 2 muebles 145.854 x 2	291.708	"
	- 8 Tambores 635.163 x 8.....	5.081.304	"
	- 50 Botes tinta negra x 28.000 x 50	1.400.000	"

- 14 Master 70.000 x 14	980.000	"
- 20 Botes tinta roja 61.000 x 20	1.220.000	"
- 20 Botes tinta verde 61.000 x 20	1.220.000	"
- 20 Botes tinta azul 61.000 x 20	1.220.000	F.cfas
- 5.000 paquetes de papel folio de 80 gr. 2.500 x 5.000	12.500.00	"
- 540 resmas de cartulina blanca 215 gr. 10.000 x 540.....	5.400.000	"
- Fletes y seguros hasta Malabo.....	800.000	
"Sub- total.....	218.342.300	Fcfa.

1.3 Material cartográfico

. 10 Rollos de papel vegetal 20.000 x 10.....	200.000	F.cfas
. 20 Rollos de papel osalid 15.000 x 20.....	300.000	"
. 2 Estuches de dibujo 20.000 x 2	40.000	"
. 2 Plantillas de rotulación 5.000 x 2	10.000	"
. 100 Rollos de cintas aislantes grandes 800 x 100..	80.000	"
. 50 Rollos de cintas aislantes pequeñas 250 x 50..	12.500	"
Sub- total.....	642.500	Fcfa.

1.4 Material informático

. 2 Ordenadores Pentium 1.190.000 x 2.....	2.380.000	F.cfas
. 20 Cajas diskette 5.000 x 20.....	100.000	"
. 25 Cartuchos para impresora Lasert 95.000 x 2.	375.000	"
. 25 Cartuchos para impresora Okijet 36.000 x 25	900.000	"
. 40 Cintas de impresora EPSON 15.000 x 40.....	600.000	"
. 20 frascos de tinta para impresora		
Sub- total.....	6.355.000	Fcfa.

2. GIRA DE INSTRUCCION E INFORMACION

- 22 Pasajes aéreos Malabo-Bata-Malabo.....	1.232.000	Fcfa.
(2 Ministros, 3 Directores, 13 Observ. Politic., 2 Técnicos)		
- Combustible (2.000 litros de gasolina x 435 Fcfa).....	870.000	"
- 1 Ministro de Estado x 35.000 Fcfa. x 5 días.....	175.000	"
- 1 Ministro Delegado x 30.000 Fcfa. x 5 días.....	150.000	"
- 3 Directores Generales x 15.000 Fcfa. x 5 días.....	225.000	"
- 13 Observadores de Partidos Políticos x 15.000 Fcfa. X 5 días	975.000	"
- 2 Supervisores Técnicos x 12.000 Fcfa. x 5 días.....	120.000	"
- 2 Asesores Técnicos x 15.000 x 5 días	150.000	"
Sub- total.....	3.897.000	Fcfa.

3. INCENTIVOS AL PERSONAL CENSAL

3.1. Colecta de Datos

1 Coordinador Nacional	800.000	Fcfa.
4 Asesores Técnicos	2.000.000	"
2 Supervisores Técnicos (2 meses x 300.000 x 2).....	1.200.000	"
6 Supervisores Provinciales (2 meses x 240.000 x 6).....	2.880.000	"
18 Instructores censales (1 mes x 200.000 x 18).....	3.600.000	"
932 Agentes Censales X 50.000 Fcfa.....	46.600.000	"
25 Personal Apoyo Tecnico (Provinciales y Distritales) (25 X 100,000Fcfa).....	2.500.000	"
Sub- total.....	59.580.000	Fcfa.

3.2. Recepción de los documentos censales en los distritos

. 9 Pasajes aéreos Malabo - Bata - Malabo (56.000 x 9).....	504.000	F.cfa.
. 3 Directores Generales (15.000 x 8 días x 3).....	360.000	"
. 4 Asesores técnicos (15.000 x 8 días x 4).....	480.000	"
. 2 Supervisores técnicos regionales (12.000 x 8 días x 2).....	192.000	"
. 1.000 litros de gasolina.....	435.000	"
Sub-total.....	1.971.000	Fcfa.

3.3 Procesamiento de Datos y Explotación Manual de las Listas electorales

3 Supervisores Técnicos 300.000 Fcfa. x 2 meses.....	1.800.000	Fcfa.
4 Jefes de Equipos 250.000 Fcfa. x 2 meses	2.000.000	"
40 Digitadoes 100.000 Fcfa. x 2 meses	8.000.000	"
4 Controladores de listas y carnets 80.000 F.cfa. x 2 meses	640.000	"
15 Verificadores de listas y carntes 60.000 Fcfa. x meses	1.800.000	"
3 Jefes de Equipos x 80.000 Fcfa. x 2 meses	480.000	"
28 Agentes para el sellado y relleno de carnets (60.000 Fcfa. x 2 meses).....	3.360.000	"
2 Delineantes 60.000 fcfa. x 2 meses	240.000	"
Sub- total.....	18.320.000	Fcfa.

3.4 Distribución y recepción de las listas electorales
durante el proceso de impugnaciones

3 Pasajes aéreos Malabo-Bata-Malabo (56.000 F.cfas x 3).....	168.000 F.cfa.
1 Director General (15.000 F.cfas x 15 días).....	225.000 "
2 Supervisores técnicos regionales (12.000 F.cfas x 15 días).....	360.000 "
6 Supervisores provinciales (técnicos) 12.000 x 15 días	1.080.000

Sub-total.....1.833.000 F.cfa

4. REGISTRO DE ELECTORES

4.1. Transporte

- Pasajes aéreos Malabo-Bata-Malabo (25 x 56.000 Fcfa.).....	1.400.000 Fcfa
3 Directores Generales	
4 Asesores Técnicos	
1 Supervisor Técnico Regional	
4 Supervisores Técnicos Provinciales	
13 Observadores de Partidos políticos	

4.2. Combustible y lubricantes

- 35.000 litros de gasolina X 435 fcfa.....	15.225.000 F.cfas.
(Región Insular 9.000 litros)	
(Región Continental 26.000 litros)	
- 6 Galones de 5 litros de aceite de motor SAHE 30	
(6 x 8.900 Fcfa.).....	53.400 F.cfas.

4.3. Conductores

- 10 Conductores X 40.000 fcfa. X 2 meses.....	800.000 F.cfas.
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Sub- total.....	17.478.400 F.cfas.
Imprevistos.....	32.065.420 F.cfas

TOTAL GENERAL..... 375.219.620 Fcfa.

APPENDIX C

PROPOSED CALENDAR OF ACTIVITIES
(*PROPUESTA DEL CALENDARIO ACTIVIDADES DEL CENSO ELECTORAL*
***1997*)**

PROPUESTA DE ACTIVIDADES PARA LA REVISION PROFUNDA DEL CENSO ELECTORAL 1.997

1. Armonización de los criterios técnicos de colecta de datos

- . Constitución de las mesas electorales
 - Promedio de electores por mesa
 - Distribución de mesas por circunscripción electoral
 - Componentes (miembros) de una mesa
- . Procedimientos técnicos para la colecta de datos
 - Tipo de colecta de datos: a domicilio o en la mesa electoral
 - Diseño y elaboración del cuestionario censal y carnet de elector
 - Relleno de los formularios
 - Forma de inscripción: por residencia habitual o por lugar del censo
- . Supervisión y control de las operaciones
 - Composición de los equipos de supervisión (técnicos y observadores de los partidos políticos)
 - Frecuencia de supervisión (calendario)
- . Proceso de las impugnaciones de las listas electorales.
 - Diseño y elaboración del formulario de impugnaciones
 - Diseño y elaboración de actas de inclusión y exclusión
 - Definición de los criterios de inclusión y exclusión de electores

2. Elaboración del presupuesto de gastos

- . Diseño, redacción y reproducción de documentos técnicos (Manual, formulario de registro de electores, carnets de elector, formularios de impugnaciones, listados de mesas electorales, etc.).
- . Compra de material y equipo
- . Combustible y lubricantes
- . Compra de 10 vehículos (3 en la isla y 7 en el continente)
- . Pago del personal
- . Imprevistos

3. **Gira de instrucción e información**
 - . Spot publicitarios
 - . Comisión Mixta Especial (Gobierno - Partidos políticos legalizados)
 - . Asesores técnicos
 - . Técnicos
4. **Compra de material y equipo**
 - . 10 Coches todo terreno
 - . 2 Máquinas Copy Printer Getstener (para impresión de documentos)
 - . 3.000 Bolígrafos
 - . 3.000 Bloks
 - . 2.000 Tampones
 - . 200 Cajas de papel formato A4
 - . 100 Paquetes de papel formato A3
 - . 200 Diskettes
 - . 25 Cartuchos para impresora Lasert
 - . 25 Cartuchos para impresora Okijet
 - . 40 Cintas de impresora
 - . 10 Rollos de papel vegetal
 - . 20 Rollos de papel osalid
 - . 2 Estuches de dibujo
 - . 2 Plantillas de rotulación
 - . 100 Rollos de cintas aislantes grandes
 - . 50 Rollos de cintas aislantes pequeñas
 - . 20 Frascos de tinta color
 - . 4 Grapadoras grandes
 - . 20 Grapadoras pequeñas
 - . 30 Cajas de grapas grandes
 - . 100 Cajas de grapas pequeñas
5. **Actualización de la cartografía electoral**
 - . Actualización de los planos de 1.995
 - . Dibujo de Planos actualizados
 - . Elaboración del listado de mesas electorales
 - Definición del número de dígitos para la codificación de la las mesas electorales
 - codificación de las mesas electorales
 - Redacción del código de mesas electorales

6. Reclutamiento y formación del personal censal

A/ Colecta de datos

- . 2 Supervisores Técnicos Regionales
- . 6 Supervisores Técnicos Provinciales
- . 18 Instructores censales
- . 932 Agentes censales
- . 2 Delineantes

B/ Procesamiento de datos

- . 3 Jefes de procesamiento de datos
- . 3 jefes de equipos
- . 40 Digitadores

C/ Verificación de las listas electorales

- . 2 Controladores
- . 15 Verificadores

. D/ Sellado y rellanado de carnets

- 4 Jefes de equipo
- 28 Agentes para el sellado y rellanado de carnets

7. Diseño y reproducción de los documentos técnicos

- . 250.000 carnets de elector
- . 30.000 formularios de registro de electores
- . 5.000 formularios para las inclusiones
- . 5.000 formularios para las exclusiones
- . 5.000 formularios para las impugnaciones
- . 1.500 impresos de actas de apertura
- . 1.500 impresos de actas de cierre

8. Inscripción de electorales

9. Pago de los funcionarios censales

10. Recepción de los documentos censales en las cabeceras de distritos

11. **Procesamiento de datos**
12. **Verificación de las listas electorales**
13. **Impugnación de las listas electorales**
 - . Reproducción de listas electorales (copias Dirección General de Estadísticas, Dirección General de Política Interior, Partidos políticos, Delegaciones de Gobierno).
 - . Actualización manual de las listas de electores
 - . Devolución de las listas electorales a la Oficina Central del Censo
14. **Impresión de las listas electorales definitivas**
15. **Relleno y sellado de los carnets de elector**

PROPUESTA DEL CALENDARIO DE ACTIVIDADES DEL CENSO ELECTORAL 1997

	<u>ACTIVIDADES</u>	<u>INICIO</u>	<u>TERMINO</u>	
1.-	Armonización de criterios técnicos	29 SEP	04 OCT	97
2.-	Elaboración del presupuesto de gastos	17 SEP	25 SEP	97
3.-	Gira de Instrucción e información	01 OCT	06 OCT	97
4.-	Actualización de la Cartografía Censal	01 OCT	31 OCT	97
5.-	Elaboración y reproducción de documentos técnicos	15 SEP	15 NOV	97
6.-	Reclutamiento y formación del personal (instructores censales y agentes censales)	01 SEP	31 OCT	97
7.-	Distribución de personal y entrega de material	10 NOV	16 NOV	97
8.-	Inscripción de electores	17 NOV	30 NOV	97
9.-	Recepción y Archivo de documentos y material censal	30 NOV	07 DIC	97
10.-	Procesamiento de datos	08 DIC	08 FEB	98
11.-	Verificación de las listas electorales	20 DIC	15 FEB	98
12.-	Período de impugnaciones	16 FEB	28 FEB	98
13.-	Rellenado y sellado de carnets de elector	23 FEB	15 MAR	98
14.-	Corrección e impresión de las listas definitivas	23 FEB	08 MAR	98

APPENDIX D

RESULTS OF THE SEPTEMBER 1995 MUNICIPAL ELECTIONS.

Results of the September 1995 Municipal Elections

Municipalities	PDGE	POC	PU	PSDGE	UDSP	UDNP	CSDP	PSD	CLD	PCSD	PP
Malabo	5333	10022	2383	143	123	47	105				
Baney	559	404				44					
Rebola	124	188									
Luba	653	868	228				33				
Riaba	396	326			6	6					
Annobon											
Bata	10296	8874	2327	187	108	17	84	72	43	306	
Machinda	1324	1048	64		16		4	19		4	
Mbini	1387	3115		14	26	18	30	24	14		
Bitika	675	1215			14		7			16	
Kogo	678	3047		20			11	19	9		
Evinayong	3103	2419	74	25	16		792	14			
Bikurga	1349	794		8	7			8	8		
Niefang	1155	4389			32			60	49		32
Nkimi	362	1620			16		6		7		8
Akurenam	1331	1492			13		15	18			
Mongomo	6637	5									
Mengomeyen	2009										
Anisok	4621	1229	63		7		33		26	33	
Ayene	1852	635			55		18		8		
Nsork	2404	274			23				3		
Akonibe	3079	513					5				
Ebibeyin	4253	232	3000		709		85			471	
Bidjabidjan	2138	369	1389		167		356				
Micomeseng	3788	115	2119		116		2		20		
Nkue	1804	877	1001		147			20	6		
Nsok-Nsomo	3022	134	1974		68						
Total Votes	64332	44204	14622	397	1669	132	1586	254	193	830	40
Percentage	50.2%	34.5%	11.4%	0.3%	1.3%	0.1%	1.2%	0.2%	0.2%	0.6%	0.0%

PDGE = Democratic Party of Equatorial Guinea (PDGE)
POC = Coalition Party
PU = Union Popular Party (People's Union)
PSDGE = Socialist and Democratic Party of Equatorial Guinea

PSD = Social Democratic Party
CLD = Liberal Democratic Convention
PCSD = Social Democratic Coalition Party
PP = Liberal Party (People's Party)

APPENDIX E

IFES OBSERVATION REPORT RECOMMENDATIONS

1996 PRESIDENTIAL ELECTIONS

IFES OBSERVER MISSION REPORT ON THE 1996 PRESIDENTIAL ELECTIONS

FINDINGS AND RECOMMENDATIONS

A. Equatorial Guinea's Fulfillment of the General Responsibilities of the State in Organizing Elections

As noted in chapter V of this report, the responsibilities of the State in conducting a democratic election are carried out in Equatorial Guinea predominantly through two mechanisms: the Electoral Law and the Junta Nacional Electoral. In addition, the State is responsible for creating a clean and accurate voter registry (electoral census) for use in the election process.

Electoral Law

While the Equatorial Guinean Electoral Law is quite detailed, the 1996 election pointed out some previously undetected yet serious deficiencies in both its composition and in the manner which it is interpreted. There was no provision for the withdrawal of candidates before election day, a fact that was not clear even to the President of the Republic who made vague reference to the Law when explaining why the PP and UP candidates were denied the right to pull out of the race in the week before February 25.

There is also an important gap between the Electoral Law and internal political party strategy; in any democratic elections the former should take precedence over the latter. In addition, while there is extensive explanation of the census and how it is created in the Electoral Law, there seem to be insufficient guarantees in the Law to seek redress of shortcomings.

Finally, IFES is concerned with an interpretation of an Electoral Law that considers anything omitted as automatically prohibited. It is IFES' opinion that in the short term, if indeed there are shortcomings in the Law that need immediate attention, then the courts should make a ruling after deliberating the issue; in the longer term, it may be that the Law needs to be rewritten.

Electoral Commission

The Junta Electoral Nacional suffered from the perception that it was not a neutral body, but rather an arm of the Government. The JEN is, for all intents and purposes, an office of the Ministry of the Interior, since the Minister of the Interior himself is involved in all aspects of planning and all decision making for the JENs at every level (province and district) is centralized in him (except for any decisions that go above him to the President of the Republic). The Junta does benefit from its close ties with the State in that it can easily access all logistics needs and other resources. On the other hand, the JEN clearly lost credibility with opposition parties and voters by the fact that there was minimal non-governmental representation to the extent that opposition parties had no meaningful voice on the JEN.

Census

A clean electoral census is the springboard for the success of any democratic election. If voter lists do not accurately reflect the pool of eligible voters, then results cannot accurately reflect the will of the electorate. It is essential to maintain both a credible and transparent census and registry procedure.

Recommendations

1. The Legislative Assembly of Equatorial Guinea should undertake a thorough review of the Election Law, with a special emphasis on lessons-learned from the 1996 Presidential Elections. It is recommended that an effort be made by the Government to bring opposition leadership into the drafting process, be it through a national convention or another inclusive mechanism.
2. An electoral procedure should be clarified through the drafting of the Law so that ad hoc decisions days before an election takes place can be avoided in the future. Issues such as secret voting and party rights need to be clarified well at the beginning of an electoral process. Additionally, the Law should strive for clarity of procedures such as the use of voter cards, transient voting, and forms of voter identification.
3. A new procedure for naming members of the Electoral Commission should be established, and consideration should be given to Constitutional separation of powers between the Government and the Commission. Unilateral appointment of Commissioners by the President is not conducive to establishing a Commission endowed with the independence, the appearance of independence, and the public confidence that it requires to carry out its responsibilities effectively. Every effort should be made to bring the opposition parties into the decision making process. A number of alternative nomination methods are available; the critical characteristics of whatever method is chosen are that it is the consensus of all important political players and that it results in a Commission of high integrity and competence.
4. At the District and Provincial levels, there should be a parallel effort to establish neutral bodies that involve officials recruited from the area in which they are to serve.
5. A new electoral census (registry) should be conducted by the appropriate Ministry, with input from and perhaps an oversight board comprised of all five political parties involved in the 1996 elections. The statistical electoral census should be conducted independently of and in a different time period than any party census so as not to cause confusion to the electorate. The Equatorial Guineans may want to computerize their census machinery, especially if they maintain the law about updating it every year. It will make the process easier and cause less confusion.
6. A civic education campaign aimed solely at the census: the citizen's rights in a census, and the uses and importance of the census, should be mounted prior to conducting a new

census. In addition, a public relations campaign designed to renew faith in the registry may be necessary to repair any damage to its credibility that may have resulted from the confusion and accusations surrounding the 1996 electoral census.

B. Campaign Activity

In ensuring free and fair elections, the State has a responsibility to create a level playing field on which political parties and candidates may compete. In countries undergoing a transition from single-party rule to multipartyism, this commitment to level the playing field is particularly important. The key elements of a level field are equal access to state-owned media, controlling the ruling party's use of its ties to the state for campaigning or for financing its campaign, full mobility of all parties in all areas of the country, and providing equal protection to opposition parties' rights of assembly and expression.

It is clear by the laws governing party subventions and the naming of party pollwatchers (*interventores*) that the Government of Equatorial Guinea recognized the importance of such a level playing field. In practice, however, the government at best fell short of fulfilling its role, and at worst has been accused of blatantly breaking its own laws. The JEN did promise political parties additional funding when asked in Bata on February 17, and provided security to candidates at the same time. However, much damage was done prior to government responses to the Bata communique.

Recommendations

1. A level playing field cannot be achieved if the party of the government, the PDGE, is funding itself by taking money directly out of public sector workers' paychecks and depositing it into the party treasury. Party subventions are low (US\$20,000 per party) to begin with, and the Electoral Law forbids fundraising from outside the national boundaries, leaving non-governmental parties at a serious disadvantage from the start. The Electoral Law should be reviewed to level the field from a legal standpoint.
2. The legislature should consider creating a media-oversight commission to monitor the use of state-owned media by political parties during election periods, and an air-time arbiter should be appointed. State-owned media should be accessible to all political parties. An independent, non-partisan commission could be created to establish rules for use of the media for political purposes and to monitor compliance to those rules.
3. To strengthen the communication between political parties and the JEN, the JEN should establish formal, regular mechanisms for dialogue with political parties regarding their respective responsibilities for a free and fair election process.
4. The State should strive for maximum protection of political party candidates and membership especially during the campaign period. The Government and political parties should revisit the idea of drafting mutually-acceptable and jointly-enforced rules of the

game for access and mobility during the campaign.

C. Guaranteeing the Rights of Voters

Voters have the right to register and vote in an atmosphere free from intimidation, the right to cast a secret ballot, and the right to be informed about the electoral process by the State.

The secret ballot is the most basic right in any democratic election. That party strategy should not be allowed to outweigh constitutional guarantees has been discussed above. IFES observers also felt that despite verbal assurances by the JEN, voters not only were not given the choice at the majority of polling stations to cast a ballot in secret, but they were pressured to vote publicly by PDGE polling station officials and armed military men at the *mesas*.

In addition, IFES is concerned about the *declaracion jurada*, an oath that citizens were compelled to sign in order to keep their membership in the PDGE party. While membership in a party suggests an individual's intention to vote for that party, it does not oblige the citizen to do so in a democratic system. The PDGE was quite clear in its explanation to IFES that failure to sign meant forfeiting State patronage (job, home). This is inappropriate and undue pressure from the Party/State on its voters.

Finally, many of the points above could be eliminated as problems if voters were educated about their rights in a democracy.

Recommendations

1. Do away with the *declaracion jurada*.
2. A nation-wide campaign should be designed to educate both voters and parties about their rights and responsibilities in a democratic election process. Parties can focus on capacity building and professional training, while voters should be introduced to their basic rights and responsibilities from an early age. President Obiang expressed a keen interest in the education of all Equatorial Guineans; IFES encourages the government and the people of Equatorial Guinea to pursue this line of thinking and concentrate efforts in this area.
3. A focus of a nationwide civic education campaign should be voter education, which concentrates specifically on election rights and processes. IFES encourages the government to reinstate the secret vote, and to consider mounting a campaign to renew the credibility of elections that do not depend on a public ballot. There are legislative elections in 1998 that can serve as the ideal testing grounds for these ideas and others that can restore the faith of the people in the JEN and the Government.
4. Efforts should be made to recruit and train poll watchers from all parties.

D. Ensuring the Accuracy of the Transmission and Tabulation of the Vote

The JEN took impressive and costly steps to ensure the accuracy and transparency of the vote transmission, an area that had previously been suspect in the minds of voters and opposition parties. IFES views the hiring of satellite equipment and technicians from outside of the country as a positive step that indicated the government's desire to reinforce credibility in the process of results transmission and tabulation. Unfortunately, the JEN still did not manage to release results within the eight days specified in the Electoral Law, nor did the JEN publicize actual numbers after the first three days (up until the 27th) of receiving results, which raised questions in the community of observers. Even with the satellite equipment, ballot boxes were reported missing between the polling station and the district headquarters (Luba) and *actas* were counted without any verification from sources outside of the government, since the opposition had very little, if any, representation in the polling stations due to the fact that three fourths of the opposition abstained from participation.

Recommendations

1. The satellite technology utilized in the Presidential elections was a positive contribution to the transparency of the process as a whole. It should be reinforced by a standardization of the procedures leading up to and following the transmission of results, including tabulation and reporting.
2. The eight day time period for announcement of results should be revisited. There should be a procedure in place to guarantee that the deadline can be met, and a verification mechanism in place to ensure that it works and to provide an avenue for recourse. The process of verification should be a multiparty one.

E. The General Need for Transparency and Openness to Public Scrutiny

The only appropriate secrecy in a democratic electoral process is the secrecy of the ballot; all other aspects of the election should be fully transparent and open to public scrutiny.

While the Government of Equatorial Guinea took many steps in promoting the transparency of the 1996 presidential elections, steps that included the inviting of international observers and high-technology results transmission, in practice at the time of the elections the JEN and others were much less open to public and international scrutiny. The JEN must be commended for its insistence that at least one observer be present at each of the 18 district headquarter locations; however, the forethought that clearly went into that deployment strategy was diminished by the fact the observers were not allowed to venture outside of the program--and those that attempted to conduct strictly independent observation were reigned in by the President of the JEN personally. Observers were not given the complete access and free mobility traditionally afforded international observers in an election process. Similarly, opposition parties were not given full access to election-related documents, nor were they involved in decision-making that affected the integrity of the election process.

Recommendations

1. International observers like those with IFES can add considerable value to an election process since they are professionals seeking to help the Government, JEN, and all actors in the elections gather information and evaluate their own system. The JEN should reconsider its position vis-a-vis observers and encourage observers to conduct independent missions, rather than compelling observers to work solely within government-defined parameters. More time could be spent with observers to create terms of reference. Dialogue should be encouraged between JEN/Government and observers to help both sides understand each others' missions.
2. Efforts should be made to bring opposition parties into the process. Regular meetings between Government (JEN) and the opposition to discuss electoral matters would go far toward bridging communication gaps that affect the transparency of any process. Thought should be given as well to publicize some of those meetings to keep the electorate apprised of progress made.
3. Generally, efforts should be made to keep the public informed about all matters relevant to the electoral process in a timely manner.

APPENDIX F

ESTIMATES OF POPULATION -- STATISTICS DIRECTORATE

ESTIMACION DE LA POBLACION TOTAL Y ELECTORAL DE GUINEA ECUATORIAL 1.996-1.997

JURISDICCION	1.996		1.997	
	POBLACION TOTAL	POBLACION ELCTORAL (***)	POBLACION TOTAL	POBLACION ELCTORAL
REGION INSULAR	95.932	39.946	98.755	41.122
ANNOBON	2.988	994	3.076	1.023
BIOKO NORTE	79.623	33.937	81.966	34.936
Baney	11.337	2.033	11.671	2.093
Malabo	68.286	31.904	70.295	32.843
BIOKO SUR	13.321	5.015	13.713	5.163
Luba	9.795	3.673	10.083	3.781
Riaba	3.526	1.342	3.630	1.381
REGION CONTINENTAL	334.472	168.052	344.314	172.997
CENTRO SUR	63.944	31.189	65.826	32.107
Acurenam	12.325	5.951	12.688	6.126
Evinayong	22.628	12.433	23.294	12.799
Niefang	28.991	12.805	29.844	13.182
KIE NTEM	98.319	42.567	101.212	43.820
Ebibeyín	48.277	21.240	49.696	21.865
Micomeseng	31.742	13.557	32.676	13.956
Nsok Nsomo	18.300	7.770	18.840	7.999
LITORAL	106.021	60.787	109.141	62.576
Bata	75.570	45.214	77.794	46.545
Cogo	15.479	6.961	15.935	7.166
Mbini	14.972	8.612	15.412	8.865
WELE NZAS	66.188	33.509	68.135	34.494
Aconibe	9.606	4.543	9.889	4.677
Añisok	23.963	12.114	24.668	12.470
Mongomo	25.175	13.116	25.916	13.502
Nsork	7.444	3.736	7.662	3.845
TOTAL PAIS	430.404	207.998	443.069	214.119

(***) Resultado de las Elecciones Presidenciales de 1.996

APPENDIX G

LIST OF PERSONS INTERVIEWED

PERSONS INTERVIEWED FOR THIS REPORT

Government:

Miguel OyonoNdong Mifumu, State Minister of Foreign Affairs and Cooperation
Julio Nogong Ela Mangué, Minister of the Interior and Internal Corporations
Ignacio Milan Fang, Minister of Justice and Culture
Angel Masie Mibuy, ViceMinister of Justice and Culture
Marcelino Nguema Onguene, President of the Chamber of Representatives of the People
José Ela Oyana, Director General of Statistics, Ministry of Planning
Matias Prat, Director General of Programming and Follow-up of Projects, Ministry of Planning
Francisco Ndgong, Director of Foreign Policy.
José Esono y Diosdado, Protocol, Ministry of Foreign Affairs
Sisinio Zyebe Mbana, Official Interpreter of the President

Political Parties:

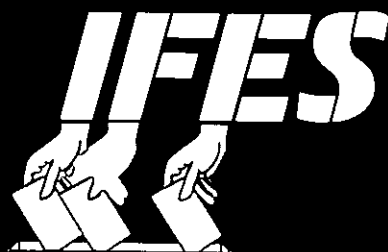
Agustín Nze Nfumu, Diplomatic Counsel of the Presidency, Secretary General of the Democratic Party of Equatorial Guinea (PDGE)
Cándido Mattema Ribas, Vice Secretary General of the PDGE
Victorino Bolekia Bonay, Mayor, Municipality of Malabo (*Partido Alianza Democrática Progresista*)
Secundino Oyono Aguong Ada, Secretary General of *Convergencia Social Democrática y Popular*
Fabián Nsue Nguema Obono, Secretary General of *Unión Popular*

International Community:

Mansourou Chitou, Deputy Resident Representative, UNDP
Ignacio Sobrino Castelló, Resident Counsellor, European Union.
Gerard Brunet, Ambassador of France
Senior staffer of the Spanish Embassy

Others:

Roberto M. Prieto Eceolaza, Editor-in-Chief, Newspaper *La Gaceta de Guinea Ecuatorial*.
Javier Díaz Barros, Director Hotel Ureca
A Consultant of a Spanish timber company



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