

Date Printed: 11/03/2008

---

JTS Box Number: IFES\_4  
Tab Number: 4  
Document Title: Republic of Equatorial Guinea, Electoral  
Program for Equatorial Guinea  
Document Date: 1995  
Document Country: Equatorial Guinea  
IFES ID: R01597



\* A 3 C 6 D 6 A F - F 6 2 E - 4 F 4 6 - 8 5 B 1 - 3 0 4 7 7 9 2 0 2 F C 2 \*

EQUATORIAL GUINEA

## Republic of Equatorial Guinea

### Electoral Program for Equatorial Guinea

Electoral Consultant's Report  
Malabo, Equatorial Guinea  
July 21 - October 15, 1995

**RETURN TO RESOURCE CENTER  
INTERNATIONAL FOUNDATION  
FOR ELECTORAL SYSTEMS ✓  
1101 15th STREET, NW 3rd FLOOR  
WASHINGTON, DC 20005**

Luis Luna Raudes  
Electoral Consultant  
EQG/93/002

October, 1995

## INDEX

Introduction	
1. Assistance in the production of the final lists of the Electoral Census	2
2. Assistance and coordination between Donor Nations and the National Electoral Board in support of the Electoral Process	3
3. Summary of assistance with preparatory activities for the Electoral Process	5
4. Global analysis of the Electoral Process	6
4.1 Municipal Rules	6
4.2 Electoral Legislation	7
4.3 Electoral Register	
4.4 Political Parties in the Electoral Process	10
4.4.1 Participation from Pre-campaign to the vote-count	10
4.4.2 Political Climate	11
4.4.3 Election Day	12
4.4.4 Vote Count and Results	13
4.4.5 Complaints filed by the Political Parties	14
4.4.6 Complaints by the government against the Opposition	15
4.4.7 Rebuttals filed	15
4.4.8 International Observation	16
4.4.9 Results of Observation	17
5. Global evaluation of the event	18
6. Appendixes	
I. Indicative Budget of the Municipal Elections	
II. Technical recommendations for the successful completion of the Electoral Process.	
III. Voting ballots for Provinces and Municipalities.	
IV. Electoral Training Plan for members of platforms.	
V. Municipal Candidates presented by the Political Parties	
VI. Distribution of seats by number of votes won per party.	
VII. Dossier of Observers	
VIII. Results of International Observation	
IX. Official Results of the Municipal Elections.	

## **Report of the Electoral Consultant**

**Malabo, Equatorial Guinea**

**July 23 - October 15, 1995**

### **Introduction**

The consultant was retained in response to the demand for technical assistance formulated by the Government of Equatorial Guinea and supported by the United Nations Development Program (UNDP) in Malabo, Equatorial Guinea, through the Department for Development of Support for Management Services of the United Nations (UNDDSMS). This action was carried out by Mr. Luis Alfonso Luna Raudes, regional magisterial officer of the Supreme Electoral Committee of Nicaragua, under the terms of reference which were modified in June to initiate a second action centered on the Municipal Elections, which are described as follows:

1. Assistance with the elaboration of the final lists of the Electoral Census.
2. Detailed program of the Municipal Elections.
3. Coordination between Donor Nations and the National Electoral Council, in support of the Electoral Process.
4. Training program for officials of the electoral structures
5. Assistance in elaborating the Training Manual to be used in the Municipal Elections.
6. Coordination of International Observation
7. Global evaluation of the electoral process.
8. Elaboration of the final report which will be distributed via the office of the UNDP, to associated donors, the United Nations Electoral Assistance Unit and the UNDDSMS.

## CONTINUATION OF TERMS OF REFERENCE

The Consultant started work on July 23, maintaining offices with Program Official Charlotte Slente. There, the agenda related to complaints by the Political Parties on the process of rebuttal, specifically: elimination of citizens on the Electoral Census lists; management before the government on the invitation of International Observers to the Municipal Elections; the need for the employment of the Special Counsel on Human Rights, in such a way that his arrival would coincide with the Municipal Elections; the need to offer training seminars to the peripheral authorities of the country, on the theme of respect for human rights, and in particular, those related to electoral materials, and learn from the Government the probable date of the Elections, for final discussion of the budget for the Municipal Elections.

### 1. ASSISTANCE IN THE ELABORATION OF FINAL LISTS OF THE ELECTORAL CENSUS

After July 25, at a meeting at the offices of the UNDP, the Resident Representative, the Program Officer, the General Manager of Statistics and the Consultant evaluated the rebuttal process, recalling complaints by the opposition parties stating that the Office of statistics was unjustly eliminating citizens from the Electoral Census lists.

On this subject the consultant reminded the Director of Statistics that before the publication of the definitive Census lists, the lists should be distributed to the Political Parties for verification, and only then can the final list be printed. A final copy should be given to an official of each political party which will participate in the municipal elections.

The Director of Statistics then promised (in the name of the Government) to hand over the definitive lists no later than August 10; along with the verification and confrontation of census lists in the offices of the Director of Statistics, with the consultant and the Domestic Observers present to counteract complaints from either group.

At this same meeting, it was unofficially revealed that the government had scheduled the Municipal Elections for September 17; this polling date had been announced on the radio since July 20; this information had not previously been communicated to the Donor Community, in spite of the fact that this group was responsible for the financing of the Election.

The consultant proceeded to adjust the dates of the electoral calendar, in

accordance with decree number 50/1995, dated July 20, regarding the convocation of Municipal Elections with those of the general program, which was verified in the office with the president of the National Electoral Board.

## **2. ASSISTANCE AND COORDINATION BETWEEN DONOR NATIONS AND THE NATIONAL ELECTORAL BOARD WITH REGARDS TO SUPPORT FOR THE ELECTORAL PROCESS.**

After learning of the election date for the municipal elections, the donor nations proceeded to meet on July 27, where they resolved to send a verbal note to the Government, in which they made known their distress over the lack of official communication regarding the scheduling of elections. At the same time, the donor nations wished to recall their verbal note of April 28, 1995, asking the Government to establish a group of international observers and the immediate negotiation of the budget for the municipal elections, for the purpose of knowing the interest on it and the possibilities of the government to know the national balance.

To this end, with the absence of the State Ministers of the interior region, it was necessary to meet with the President of the National Electoral Board in Bata because on that date almost all officials of the Government were on the continent, involved in pre-electoral campaigning.

At a later date in the city of Bata, on July 31, in a meeting with the Interior Minister, who according to the Electoral Law assumes the presidency of the National Electoral Board, the consultant proceeded to press the negotiation on the indicative budget of the elections. See Appendix I.

At these negotiations the Government stated that it would support the largest expenses, such as: printing of electoral papers, vehicles, fuel and salaries of members of the electoral structures, or in case the donors define which expenses the government may contribute to; and that the government is obligated to assume all of the expenses the donors are unable to cover.

This negotiation was later conveyed to the level of the Minister of Foreign Affairs, the President of the National Electoral Board and the Donor Nations, where the contributions of the donors as well as the National balance (see appendix I). The President of the Electoral Board noted that the financing should be at his disposition no later than August 15. On this subject the coordination of Donor Nations clarified that it would work on a basis of dues and direct payments to providers.

Thus the European Community, along with the rest of the donors made known to the government that in order to unblock the funds for financing, there ought to be a written solicitation and the essential steps should be taken, and due to

the short amount of time remaining until the upcoming elections, it was necessary to expedite this request.

At this same meeting, the government used as an example the fabrication of ballots and electoral envelopes in Gabon, arguing for better quality and responsibility when turning in ballots and noted that traditionally, the government printing press has made the electoral material in the country.

On August 18, a meeting was held with the Interim Resident Representative of the Foreign and Interior Ministries to define the contributions by donor nations where the expenses of the indicative budget were ratified, signaling that due to the lateness of the government in channeling the solicitation of funds from the European Community, these funds would be insufficient, but they would ask for the production of ballots and voting envelopes, to be paid for later. At this meeting the consultant approved the printing of electoral ballots.

At this work session the subject of the consultant's technical recommendation on the use of indelible ink in municipal elections was broached, proving to the ministers that the government wished to use this ink on the day of the election because they want to do everything in a clean and transparent way; but for economic reasons this could not be entered into the Electoral Training Manual in the box of materials which should be at the polling place on the day of the elections, since that would signify a promise to buy them for other elections, and the Government was giving greater priority to other expenses, such as transportation, fuel and salaries of the officials at the polling places.

To enforce the transparency of the Municipal Elections, on August 19, the consultant elaborated a work document where he listed technical recommendations for the successful development of the electoral process, emphasizing the most important aspects of the electoral process (see appendix II).

The use of indelible ink on election day was ratified by the President of the Electoral Board in a meeting with the Interim Resident Representative and the consultant on September 1, where they also discussed the Ballot Boxes, and they agreed on the creation of a support committee for the contracting of transportation of electoral materials.

With regards to the contracting, fabrication, verification and delivery of electoral ballots, two trips would be made to Gabon (August 21-23 and September 8) verifying the delivery of printed ballots to the president of the National Electoral Board, who received a total of 1,507,100 in 192 packets, divided in provinces and municipalities in accordance with the number of candidates present from each political party, which can be seen in Appendix III.



Between September 9 and September 13, the consultant could verify the distribution of electoral materials destined for the Provincial and Municipal Electoral Boards, including the indelible ink, acetone and cotton, on the continent as well as in the interior of the country. In this phase, it must be noted that representatives of the political parties were present.

The Donor Nations opportunely turned over the funds for each of the expenses they were responsible for financing, covering the electoral materials, institutional and political party propaganda posters, use of television airtime, land transportation for the distribution of electoral materials and mobilization of members of the Electoral Boards, both Provincial and for each District, the delivery of ballot boxes, administrative materials for the polling places, domestic airfare and mobilization of international observers, paying close attention to the delivery concerning the payment of workers in the polling places and the ballots and electoral envelopes, because the solicitation of funds by the Government was not presented in time.

On this subject the president of the Electoral Board expressed his uneasiness with not having the funds on time, offering as proof that the government was responsible of this expense, adding that he would not seek to reimburse the donors; in spite of this, during the first week of October, the Government officially asked for reimbursement for these funds from the UNDP Donor Coordinators.

The formal delivery of indelible ink to the Government was carried out on the premises of the National Electoral Board on September 7. The Deputy Minister of Foreign Affairs and the President of the Electoral Board were present, which is evident on the delivery receipt.

From July 31 to September 17, the coordination of work with the President of the Electoral Board was very fluid, flexible and receptive, which permitted from a technical point of view the preparation of the conditions for the electoral process.

### **3. SUMMARY OF ASSISTANCE WITH PREPARATORY ACTIVITIES FOR THE ELECTORAL PROCESS**

Among the most important aspects of the assistance the consultant will provide are the following:

3.1 - Management of the extension of the time period for the presentation of appointees to the positions of town councilmen, which on having given up the time period on August 4, the political parties asked for an extension from the National Electoral Board, and under the conciliatory management of the UNDP, the time period was extended until the 15th of that month.

3.2 - Preparation of documentation and calculations for the printing of ballots and electoral envelopes which were to be printed by each candidate presented in the towns, along with the different acts related to the constitution, closure and counting of the polling places, certificates of vote-counting that would be given to the accredited inspectors from each political party at each polling place and additional documents such as credentials for all of the members of the polling party, including Provincial and Municipal Electoral Boards and International Observers.

3.3 - Revision and suggestions to the Training and Civic Instruction Manual for the members of the polls. The majority of these were incorporated in the manual, except the expense of the use of the indelible ink.

3.4 - Development of a training program for the members of the electoral structures, which included members of the Provincial and Municipal Electoral Boards and Members of the Polling places. Nonetheless, without the necessary materials (training manuals), the seminar could only be given to the members of the Provincial and Municipal Electoral Boards. (See Appendix IV.)

This electoral training program was carried out by the president of the National Electoral Board and the consultant in Bata, and in Malabo with the Secretary of the National Electoral Board, on September 9 and 13, respectively.

It is important to note the message from the President of the Electoral Board at the closing of the training seminar, whose comments simultaneously earned support for the work of the International Observers and reiterated the use of the indelible ink. He said, "respect for political pluralism approved by the nation by means of a referendum and that it was the Government's wish to achieve effectiveness, transparency and purity in the electoral process."

3.5 - Development of designs for posters for the institutional campaign, directed at the public, to influence them on the use of the secret ballot, steps to follow on election day, reminders of the date of the election and other civic messages to teach and explain to the public their rights and duties as citizens in the whole electoral process.

3.6 - Work sessions to gain a consensus on a reference point to establish the standards of procedure for international observation. This document was the object of various work sessions, but it was not actually adopted for lack of a consensus, which permitted the International Observers to act without a reference point.

## 4. GLOBAL ANALYSIS OF THE ELECTORAL PROCESS

### 4.1 Municipal Rules

In accordance with the Constitution of the Republic, law of the Local Administration and valid Electoral Law, the government provides for the existence of Town Governments, where the formation of a Municipal Council is established, and the election of a mayor in each of the 27 municipalities in the nation and their mandate for four years.

The Town Governments will meet twenty days after the Municipal elections, and in the same constructive session will elect the Mayor. The distribution of duties of town councilman apply to a scale which runs from 5 to 13 councilmen, taking into account the number of inhabitants in the constituency. The total number of councilmen may not exceed a total of 223.

For the present municipal elections, the Government published a Decree in which it introduced the creation of geo-political zones in all municipalities of the country, which will serve to distribute the number of councilmen by zone.

The members of the councils are elected by popular, free, and direct vote, under the system of lists of promises. They will serve for a period of four years, in accordance with the Regulatory Law of Local Administration.

### 4.2 Electoral Legislation

In accordance with the valid Electoral Law in Equatorial Guinea, the vote is universal, free, equal and secret; it is carried out under the electoral system proportionate to the lowest remainder, under the system of complete closed lists.

The Electoral Administration is confined to three levels of jurisdictions: one of national and superior character, one with Provincial jurisdiction with seats in the capitals of the provinces, and the third with District or Municipal jurisdiction, with seats in the heads of the same.

The National Electoral Board is made up of six members of Judicial Power, six members of the Public Administration, a Secretary, and a representative of each political party or coalition. The Board is in charge of the Administration and Organization of elections, from the summons to the proclamation of the results, including the execution of the sentence of the legal rights intervened. (?)

The Provincial Electoral Board is composed of nine members: a district judge,

seven speakers, and a secretary, along with a representative of each political party or coalition.

In each electoral circuit or town there is a Municipal Electoral Board, formed by eight members plus a representative of each political party. The Delegate of the Government presides, and this is where the vote-count is verified in each jurisdiction, with acts derived from the first vote-count carried out at the polling places.

The Electoral Tables are the last link. They are formed according to the number of town councils or communities of neighbors, as units of territorial integration of the country. They are made up of four members: a president, two speakers and a secretary; each members is named by the Government Delegations. In addition, an Inspector is chosen from each party, with the specific task of controlling the voting process in an integrated manner -- from the make-up of the polling places to their closure -- with the right to obtain a copy of the vote count.

#### 4.3 Electoral Register

The Electoral Register, as a fundamental pillar of the whole election process, is formed from the elaboration of lists of citizens who, according to the law, are of an age to exercise the right to suffrage on the day of the election.

As established in revised article 35 of the Electoral Law, the Electoral Census Service is charged to the Director of Statistics, under the Ministry of Economy and Housing, having Provincial and District delegations responsible for the members of these institutions.

Although the Electoral Law in article 40 states that the Electoral Census is permanent, and should be revised yearly, in practice, Equatorial Guinea does not have a Permanent Electoral Register. Consequently, for the last two elections -- the Legislative in 1993 and the Municipal in 1995 -- it was necessary to develop a special electoral register.

##### 4.3.1 Serious Revisions in the Electoral Census

The basis for the enactment of the Serious Revisions in the Electoral Census is a result of the firm National Pact of March 18, 1993, between the Government and the Political Parties. In this Pact, the government promised, among other things, *financing to these political institutions and the serious revision of the Electoral Census with a view towards utilizing it in the Municipal Elections.*

Once the Serious Revisions in the Electoral Census were initiated, under the

Coordination of the UNDP, a governing document was developed, titled: Electoral Program for Equatorial Guinea (EPEG). This document has served as a basis for giving continuity to the two important phases in this process: the citizens inscription and the elections themselves.

The information for the Serious Revisions in the Electoral Census was obtained by means of a Census Ticket which was distributed in places where the polling places functioned. The information obtained corresponded to the citizens with permanent residences in the polling place, which would be the place where they would later vote.

#### 4.3.2 Rebuttal Period

The Rebuttal Period in the final stage of the Electoral Census was very controversial, due to the complaints of various Observer members from political parties. Some irregularities were discovered, which could endanger the credibility of the final results of the Census.

The complaints center on the exclusion of citizens who were suspected of being members of the opposition parties; these same complaints were made against the peripheral authorities (Government delegates and presidents of town councils).

The manner in which the executor of the electoral census conducted the rebuttal process also came under criticism. In particular, the Observer from the CPDS party, Pio Miguel Obama, denied that he practiced the deception of the political parties at the national level, in order to give the government delegates and executive body time to exclude (and include) electors arbitrarily.

The ADP observer, Victoriano Bolekia Bonay, also claimed that the lists from the Electoral Census were not released to the public, nor were they given to the political parties so that revisions could be made.

The Observer from the UP Political Party also claimed that the provisional lists from the census were hidden by the presidents of the base committee of the PDGE, and that the established, agreed-upon procedures from the Management Committee, along with all of the political parties and the executor, were not completed.

Confronted with these claims and complaints from the political parties, the consultant insisted to the executor on the direct participation of the political parties in the information center where the data was processed. His petition was accepted but, in practice, these requirements were evaded. The complaints continued: when a political party's observer went to the designated site, he was not permitted access to the information.

Days before the finalization of the Census lists, the consultant insisted that the Director of Statistics proceed with a comparison, particularly in the places where complaints had been registered. The Director agreed, but again, failed to comply.

Foreseeing this type of circumstance, the consultant, in his first official act, had developed a document to certify the results of the census which should have been endorsed by the accredited national observers before the executor body, and with legal capacities to accept or reject the definitive census lists. The Director of Statistics promised to deliver this document to the political parties but in the end, failed to comply.

After August 12, before the Minister of State, the Executor proceeded to formally and symbolically hand over the final Electoral Census lists, accompanied by the report from the Secretary of State for Planning and the Director of Statistics, where they made known the global results of the census. The Electoral Register contained 153,207 electors, representing an increase of 28% over the 1993 Electoral Census, which is equivalent to 34,104 citizens newly registered.

On the same day, the political parties and opposition coalition -- ADP, POC, CPDS -- under a public petition, solicited the Director of Statistics. The petition applied only in those locations where there were complains of unjust exclusions of citizens. The petition was denied by the Director.

Also on that day, the consultant suggested to the Director of Statistics that, for the sake of the transparency of the Electoral Census, and due to the fact that it had been moving along well and without problems, it would be prudent to agree to the petition from the political parties and thus avoid future questions. The Director did not take the consultant's advice.

Nonetheless, due to the importance of the publication of the Census lists and the distribution of these to the political parties with up to a month in advance of the election, the consultant insisted on the handing over of the lists up to one week before the voting. He was not successful, despite of the fact that he petitioned the president of the National Electoral Board.

The Census lists were not revealed to the public until the day of the election, and only in the locations which had been designated as polling places.

#### 4.4 Political Parties in the Electoral Process

The political parties involved in the electoral process have had a belligerent role since the formation of the Census, and although it was obscured in the final phase because of the complaints of unjust exclusions, the parties involved resolved

to participate in the electoral contest with the firm desire to contribute to the process of democracy in the country.

#### 4.4.1 Participation from the pre-campaign through the vote-count

In the Municipal Elections, ten Political Parties and an Alliance presented candidates, who accredited their legal representatives with the National Electoral Board. They also presented candidates in towns where they had major presence and political weight.

Political Parties and Towns where they ran candidates:

- |   |          |
|---|----------|
| 1. Democratic Party of Equatorial Guinea (PDGE)     | 27 Towns |
| 2. Coalition Platform of the Joint Opposition (POC) | 25 Towns |
| 3. Social Democratic Union (UDS)                    | 19 Towns |
| 4. Social Democratic and Popular Convergence (CSDP) | 15 Towns |
| 5. Liberal Party (PL)                               | 3 Towns  |
| 6. Liberal Democratic Convention (CLD)              | 11 Towns |
| 7. Social Democratic Party (PSD)                    | 10 Towns |
| 8. Social Democratic Coalition Party (PCSD)         | 9 towns  |
| 9. Popular Union (UP)                               | 12 Towns |
| 10. Socialist Party of Equatorial Guinea (PSGE)     | 6 Towns  |
| 11. National Democratic Union (UDENA)               | 5 Towns  |

(see Appendix V)

The Democratic Party of Equatorial Guinea (PDGE) is the Government's party. The Coalition Platform of the Joint Opposition (POC) is formed by the following political parties:

Democratic Progressive Alliance  
Progress Party  
Convergence for Social Democracy  
Popular Action of Equatorial Guinea

The POC is the largest of the political formations due to the number of towns where it presented candidates. It should be noted that this coalition did not participate in the Legislative Elections on November 21, 1993, because there was no guarantee of a transparent election process.

The Social Democratic Union Party (UDS), the Social Democratic and Popular Convergence (CSDP), and the Popular Union Party (UP) which are in second place to the opposition, along with the Joint Opposition Platform (POC) made enormous efforts from the start of the electoral campaign until the day of the elections, to educate the electorate. These groups approved the openness of the government

and giving their support, as contemplated in the law and the consensual logistical support between the government and the Donor Nations.

The Democratic Party of Equatorial Guinea (PDGE) was the only party that widely made use of the pre-campaign electoral period and the campaign itself, due to its condition and logistic and financial resources.

#### 4.4.2 Political - Electoral Climate

The general political-electoral climate developed in a normal environment, without incidents to endanger the process. Nonetheless, in the interior of the country in the continental region, the political parties complained of a few irregularities which occurred in their section.

The electoral campaign, in accordance with the calendar ran from the first to the fifteenth of September. The consultant considered this campaign very limited, not only in time but by the geographic conditions of the country, due to the fact that it is divided in two regions, on the island and on the continent.

It must be noted that the September elections corresponded were Municipal ones and as such, all of the parties concentrated their efforts on educating the electorate, making known the names of the candidates, and physically introducing the people to the councilmen. For its part, the Democratic Party of Equatorial Guinea (PDGE) personalized its propaganda in the name of the President of the Republic, which did not help the electorate identify their municipal councilmen.

During the electoral campaign there was the opportunity for all political parties to participate through television and radio advertising, as well as the freedom to call meetings and other public gatherings.

The messages of the political parties in the electoral campaign related to the betterment of the declining standard of living of the population, better districts, urban management, social justice, freedom, democracy, social policies and employment, supply of potable water, sanitation policies, municipal autonomy, decentralization and rationalization of the distribution of wealth.

The messages of the institutional campaign in turn introduced the public to the rights that entitle them to exercise the right to vote freely, directly and secretly. This campaign was carried out with the financial support of the Donor Nations, which also contributed to the printing and distribution of Civic Instruction and Electoral Training Manuals, as a technical consulting instrument for use by the members of polling places and political forces involved in the process.



#### 4.4.3 Election Day

The ambiance of flexibility and openness which the Government had offered in the entire electoral process finally was frustrated on September 17, the day of the election.

The majority of the polling places opened at 8:00am, with the participation of approximately 88% of the population counted in the census. At the majority of the polling places, there were large lines, above all until 10:00am, because the people refused to vote due to the lack of indelible ink in the voting booths.

Nonetheless, it must be noted that in these elections, the massive and spontaneous participation of the population was notable, along with the show of order and civility manifested on election day and afterwards.

The first act of breaking of the political openness of the government and going against the agreement and the standards of transparency (to avoid double voting) was the *surprising withdrawal of the indelible ink* from almost all of the voting booths in the nation. This was accomplished with an official communication from the National Electoral Board, dated September 17, which was distributed at ten o'clock in the morning and was displayed on the doors to the polling places.

In this announcement, the Electoral Board annulled the use of the ink, arguing that it was not within the Law; it is true that the law does not call for the use of the ink, but neither is it outlawed. What's more, the use of the ink was agreed upon by the Government, the donor nations of the UNDP, an agreement which was demonstrated with its distribution to the National Electoral Board and to members of the Provincial and District Boards, which later distributed it to the Municipal Electoral Boards and finally to the polling places.

Along with this measure it should also be noted that on the morning of September 17, significant quantities of copies of the Oath of Transients were distributed. The use of this oath was contemplated in the electoral law but it was determined that they should not to be used in these elections. This document, at the last minute, totally distorted the house or permanent residency character of the citizens.

A deed which caused much discomfort to the population was the elimination of citizens on the census lists, people who still had their electoral cards were not permitted to vote. This was verified by International Observers, using examples of the irregularities that occurred in the Nsok-Nsomo, Micomiseng, Bata, Ebebiyin, Bidyabiydan, and Akurenam districts.

It was also noted that the members of the polling places (presidents, spokesmen and secretaries) came to their posts on the day of the election with insignias on their lapels and in some cases wearing PDGE T-shirts.

#### 4.4.4 Vote count and results

The preliminary vote-count was carried out in the polling places, and the results were transmitted to the Municipal Electoral Boards in sealed envelopes, according to the law. These numbers were also transmitted to the Provincial Electoral Boards, to eventually be sent on to the National Electoral Board. The results were then transmitted via telephone to Malabo.

In the insular region at the time of the vote-count, it should be noted that the population was actively creating a barrier in front of the polling places, and at the majority of the polling places in the capital. The forces of the opposition dominated from the early hours of the evening, a trend that grew until it included a good portion of the towns in the region.

The day of the election, at the time of the vote-count on the island, when the results were already being revealed, a military presence was also felt, and State Security forces interrupted the voting places, sending the people away from the public vote-count.

From that day until September 28, when the Government officially made the results known on a national level, the population did not know any information other than what it heard via the opposition, which used the same source of information as that of the government (vote-counts and polling data) where, in addition to the members of the polling place, they also encountered the intervention of different political parties, which grew to more than 2000 nationwide.

During this period (11 days), the government did not reveal any information or preliminary results which might have calmed expectations and cleared up doubts in domestic and international public opinion. On the contrary -- there was a profound silence, and the ambiance began to get stranger with the military presence which to date has spread fear throughout the population.

Thus, the only information which affected national and international public opinion were numbers altered by the opposition, which attributed a victory to the POC, in 13 of the 27 towns in the country.

The public learned the official numbers on September 28, when the PDGE won 18 Municipalities and the Opposition won only 9 (POC, UP and CSDP), completing the 225 seats established by law. They were then published in the

Constitutional Tribunal in a solemn act in the presence of principal government officials and the accredited diplomatic corps in the country. (See appendix VI.)

These numbers were not accepted by the opposition; instead, they distributed information to the public, and, once convinced of their victory, spoke to the international press by telephone, giving results that were gradually released by foreign radio from Spain, which was heard by a good part of the country.

With regards to these numbers, the opposition mentions having the majority of the copies of the certificates of vote-count, on which it has contested the election as admitted by the government. While this legal problem is not resolved, the opposition has decided not to accept the mayors which they are entitled to under the official government data.

#### 4.4.5 Complaints made by the political parties

The Opposition political parties listed their complaints, which focused principally on:

- a) Denouncing the electoral fraud which the government prepared, primarily related to the Electoral Census with the Unilateral Rebuttal of the citizens on the census lists.
- b) Violation of Human Rights
- c) Legal-Political Maneuvering with the publication of the declaration of geo-political zones.
- d) Detentions and persecution of opposing citizens.
- e) Expulsion of polling inspectors on polling day.
- f) Arbitrary mobilization of polling places.
- g) Violation of the secrecy of the vote.
- h) Indiscriminate distribution of electoral licenses.
- i) Seizure of electoral ballot boxes
- j) Failure of the polling members to turn in certificates of the vote count to the polling inspectors.
- k) Denial by the Electoral Boards to permit presence at the vote count.

Another joint complaint of the UP and POC was the secretive character given to the vote count carried out in the National Electoral Board, and the negative of carrying out a comparison of the Acts of the Vote Count when confronted with the copies the opposition possessed.

Similarly, the political parties claimed that from the pre-campaign until that day, an increasing series of detentions occurred, and that because of the importance of the subject, the consultant feels that this should be addressed by the Special Counselor for Human Rights.

#### 4.4.6. Complaints by the Government against the opposition

For its part, the Government denounced actions of POC militants against the PDGE, in Bata as well as in Malabo. It also complained that in Bata, militants of the POC mistreated and hurt a group of members of the PDGE, in the Clock Plaza.

The locale of the Provincial Government in Bata was hit by the POC militants: a member of the PDGE was obligated to remove the T-shirt with the PDGE logo.

On the 10th of September, a car with PDGE propaganda was stoned and windows were broken by POC militants in the town of Bata. The same thing occurred with PDGE propaganda T-shirts, which were ripped.

In Bata, the General Coordinator of the PDGE stated that the POC militants killed his spouse because she was a member of the PDGE.

#### 4.4.7. Rebuttals Presented

During the entire Electoral Process, there were two Rebuttals presented by the political parties.

The first was against the Law of the creation of Geo-Political zones, decree number 52/1995 of July 20 of 1995, under the argument that this decree would put the opposition political parties at a disadvantage to the Government Party, because there was a variation in the format of the presentation of promises of Geo-political zones. This would radically affect the timely presentation, since more days were needed to fill out the lists of promissaries. They complained that the PDGE had used this to its advantage, acting in advance of the publication of the aforementioned decree.

Another complaint against the final results was made official by the government, arguing the non-agreement of the data of the vote-count from the polling places with the numbers being published. The appeal was imposed on

September 29, channeled by the Constitutional Tribunal. The appeal was admitted and is presently in proceedings.

#### 4.4.8. International Observation

The Donor Nations, by way of the coordination by the UNDP, beginning in March, 1995, formally initiated official negotiations and communications with the Government, towards the end that in the same manner they would proceed to send a solicitation regarding the job of Observing Municipal Elections.

To offer motivation on the theme, the consultant in his first official act developed a proposal which will serve as a point of reference for International Observation. This document was channeled to the government, and months later -- a day before the vote -- was discussed, along with other proposals by the government, which were eventually not adopted for lack of a consensus.

Due to the importance which the Organization placed on a Group of International observers, the Donor Nations, through verbal notices, reiterated to the Government having sent the formal solicitation to be able to define the reference points of the job before the election. In spite of the negotiations, it was not until August 16 that the Government notified each of the Embassies of the accredited nations, soliciting two Observers per nation to be sent to Equatorial Guinea.

Under such processes, and with the consensus of the Government that the consultant would assume the organization of the Observation Group, the consultant proceeded to elaborate and organize a dossier of technical information which contained socio-economic data from the country, global aspects of the electoral process and a technical work card to collect observation data on the day of the election, for the use of the Observers.

After organizing a plan for the distribution of the Observers, the consultant presented it to the government with 7 days of anticipation. This plan was not adopted, and 24 hours before the vote, the government sent the Donor Nations the list of Observers, along with the towns they would be assigned to, proceeding to hand out their credentials 20 hours before the vote for those who traveled to the continental region, and only one hour in advance for the island region. This impeded the observation of the electoral campaign and the distribution of material.

#### 4.4.9 Results of the Observation

On September 17, a group of 16 Observers (4 of them on the Island and 12 on the continent), representing an obstacle for the latter in the performance of their job. The job involved having to move a distance of up to 200 kilometers one night after the vote.

During the course of the day, the observers would visit 164 Polling places, from the 796 existing in the 27 towns in the country, this represents 21% of coverage, with regards to polling places and 55% with regards to existing towns. (See Appendix VIII). It should be noted that in the month of August, it was projected that they would cover 28% of the polling places, with 15 Observers.

Once the Observer group sent to the continental region concluded their work, they met in Bata, where they exchanged opinions about what they had observed in each of the towns, so that they could get an overview of what had occurred.

After the day of the elections, after some of the Observers had left, the six remaining Observers formed a commission to work on the writing of a preliminary report.

To collect the consensus of the whole group of Observers, the consultant proceeded to fax the preliminary report, in order to make known his point of view on this subject. These observers proceeded to fuse into a single document the more memorable and vivid experiences they had in the different polling places in the country; joining their observations and respecting each and every one of the concepts revealed.

Once the work cards the Observers used were processed, the following evaluation of the job of observing the 164 polling places was made.

In 28% of the cases, the polling places functioned normally, 41% functioned with normal difficulties which did not impact the electoral results, and 31% of the polling places observed presented serious problems which could distort the results of the election. With regard to these problems, they cite:

- a - Absence of Inspectors of some parties in the polling places
- b - Violation of the Secrecy of the Vote, although in the majority of the polls secret enclosures existed, the ballots were stored in a public place.
- c - Citizens complaints about exclusion from the electoral lists. In other cases, the number on the license did not coincide with the number on the list.
- d - Presence of the armed forces of the National Security
- e - Voting without Electoral license
- f - Recalling the Indelible Ink from the Polling places

g - Some officials of the Central Government circulated, giving instructions at the polling places which were different from those listed in the Electoral Law.

## 5. Global Evaluation of the Assignment

In general, the Municipal Elections held in Electoral Guinea on September 17 constituted a significant advance in the process of development of Democracy in the country, and in this show of advance, the valuable assistance, collaboration and flexibility of the Donor Nations (France, Spain, the United States, the European Community, UNDP) should be noted, particularly the UNDP's job of coordinating the Electoral Process. The government of Equatorial Guinea, in a show of openness, asked for technical assistance from the United Nations, through the office of the United Nations Development Program, which was provided through the office in Malabo with the coordination of the Resident Representative, Mr. Michael Askwith.

The UNDP was an instigator for the Democratic History of Equatorial Guinea to recover the work documents during the whole transition period. They were outstanding in their efforts of supervision, assistance and technical support, the financing of the stages of the election with the impelling of the Electoral Census, from the acquiring of the necessary technical teams until the consecution of the planned and emergent funds which came up over the course of this job, until it culminated with the integral phase of the vote.

Reflexively, all of the advances reached until September 17 have been obscured in Equatorial Guinea by the differences which arose between the Opposition and the government, at not accepting the preliminary results of the Municipal Elections officially published on September 28.

Equatorial Guinea's experience with respect to Human Rights in Electoral Material over the last elections does not permit the feeling of a vote of confidence between the electorate and the elected. For this reason facing the crisis generated by the mathematical differences (see Appendix IX) which arose from the private unilateral recounts of the election results, the element of doubt favors the electors.

This situation, which could not be resolved by a negotiated solution, may have a negative social effect which will not benefit anyone and which, on the contrary, may put the nation in a situation of greater crisis.

Finally, the consultant hopes the earlier reflections will contribute to the development of the socio-political ambiance generated by the electoral results, and which in the future will manifest *thetwill* to change in the areas of advancing towards true democracy. He feels that the following should be taken into consideration:

## RECOMMENDATIONS

1 - Reform the Electoral Law where it concerns:

- a. A pluralist composition of members of the Electoral Structures, from the National Electoral Board down to the members of the Polling places.
- b. The functions of the Census which correspond to the Electoral Body
- c. Making the vote of the Transient ineffective.

In addition to these recommendations to reform the Electoral Law, it is worth taking into account the proposals presented by the consultant from February to June 1995. These should be part of the consultation process with all of the political parties.

2 - Respecting faithfully the lists of the Electoral Census. Assuring the correlation with the Electoral Register may be the object of the political parties' authorities, and should be guaranteed by them at the time of the Election.

3 - Dedicate importance to the training of personnel for the polling places, and extensive training of the inspectors from the political parties.

4 - Respecting the technical and legal precepts which assure the *secret vote*.

5 - It is recommended that an official group of International Observers be invited who will have sufficient time to be able to be present during the campaign, as well as during the vote and the vote count. At the same time, they should be able to move freely.

6 - Institutionalize the use of Indelible Ink, to avoid double voting.

7 - Call a National Dialogue with all political and economic sectors of the nation so that in a concerted way they push for the economic, social and political development of Equatorial Guinea.