

Combating Corruption, Building the Rule of Law, and Advancing Human Rights: The Three Pillars of U.S. Policy in Equatorial Guinea

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(Photo: Twitter, Vice President of Equatorial Guinea)

Brief Analysis

During his first year in office, President Biden [vowed](#) to make combating corruption globally a “core national security interest and democratic responsibility” and to promote democracy over autocracy around the world. This message was reassuring and indeed inspiring, as it signaled a stark departure from the Trump Administration’s objectives and actions.

However, the President’s pledge has been tested in Equatorial Guinea, where growing economic influence and [military interest](#) from China appears to have dominated the Biden Administration’s efforts to refocus a post-Trump diplomatic relationship with the autocratic regime. Visits to Equatorial Guinea by three high-level U.S. Government delegations and two naval ships between [October 2021](#) and [August 2022](#), and the recent invitation extended to President Teodoro Obiang Nguema to attend and address the US-Africa Leaders Summit with a speech on environmental protection, reflect the Biden Administration’s apparent emphasis on geopolitical factors at a time of potential transition in Equatorial Guinea.

Despite the apparent Chinese interest in Equatorial Guinea, the Biden Administration has an opportunity to adopt a balanced approach in Equatorial Guinea, even as commercial and maritime security interests remain priorities. Now it is time for the United States to pivot from a policy primarily driven by energy security and regional rivalry with China to a bold strategy to diminish oppression and corruption in the oil-rich but otherwise impoverished nation. President Biden should refocus on the three intertwined priority areas he [identified](#) for his Administration at the outset: “fighting corruption, defending against authoritarianism, and advancing human rights...” as the pillars of a more stable Equatorial Guinea whose government serves all of its people and that can also be a more reliable partner for the U.S.

Entrenched Repression and Corruption in Equatorial Guinea

Since President Teodoro Obiang Nguema (President Obiang) seized power in a coup d'état in 1979, the people of Equatorial Guinea have endured one of the world's most repressive autocratic regimes. [Freedom House](#)'s 2022 report ranks Equatorial Guinea among the "worst of the worst" and as a "Not Free" country, with a score of 5 out of 100. Only North Korea, Turkmenistan, and Eritrea rank lower.

President Obiang has meticulously constructed a personal dictatorship. He rules by decree, as the head of what is less a government than a criminal syndicate surrounded by loyal "yes men," ruthless security official, and crooked businesspeople. There is no rule of law. Mr. Obiang controls the executive, the judiciary, and the legislative branch of government, and he has prevented the emergence of independence media and political opposition. Moreover, the persistent denial of any space for independent civil society to thrive, or for citizens to speak freely remains essential to entrench his regime, while diverting hundreds of millions of dollars in stolen assets to enrich his family.

Over the last three years, the COVID pandemic, a series of deadly [explosions](#) in Bata, and a decline in national oil output, accelerated the economic recession. The confluence of these events has laid bare the pervasiveness and perniciousness of gross human rights violations, limitless grand corruption, and absolute impunity. The Obiang legacy is to have made Equatorial Guinea a criminal and captured state, the textbook case of an autocratic kleptocracy.

Human rights violations, including human trafficking, kidnappings, arbitrary detentions and torture of civil society activists and political dissidents, are systematic. All recent U.S. Department of State human rights country reports, including the most recent covering 2021, have stated the same consistent facts:

"Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings, by the government; torture or cruel, inhuman, or degrading treatment or punishment by the government or on behalf of the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on free expression and media, including violence or threats of violence against journalists, unjustified

arrests or prosecutions of journalists, censorship, and the existence of criminal libel laws; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations; restrictions on freedom of movement and residence within the territory of a state and on the right to leave the country; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; lack of investigation of and accountability for gender-based violence, including but not limited to domestic or intimate partner violence; trafficking in persons; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.”

Government repression increased during the COVID-19 lockdown period. Security forces commanded by Vice President Teodoro Nguema Obiang—the President’s son—used excessive force to arrest and beat civilians that were alleged to have violated quarantine and isolation protocols, or more often, that refused to pay a bribe. Nurses and physicians were threatened, arbitrarily detained, and beaten for actions deemed counter to government interests by officials. In a notorious case, the Minister of Health [threatened to incarcerate](#) a nurse because she stated in a private phone conversation that there were not enough oxygen tanks at the hospital.

Civil society activists and artists are constantly harassed, arrested, and tortured. Unconstitutional trials against political dissidents, many of whom were kidnapped abroad and tortured, have also proliferated in the last 10 years. Security forces have shot and killed dozens of innocent civilians, including students and taxi drivers. And they have often abused their power to sexually assault or rape young girls. Impunity for these crimes has prevailed, as perpetrators have not been brought to justice, and victims have not been compensated or restored.

Many forms of corruption, including extortion, fraud, embezzlement, nepotism, and cronyism by members of the Obiang regime remain pervasive, reflecting and reinforcing the grip of autocratic kleptocracy by the Obiang family on the country. Since the early 1990s, billions of dollars in oil revenues transformed the country from an impoverished state to one with the [highest per-capita GDP on the African continent](#).

Despite this, the majority of the country's citizens live in poverty, with over 60% surviving on less than \$1 a [day](#). The Obiang regime, with the complicity--tacit or otherwise--of Western oil companies and their enablers including lawyers, bankers, and accountants, have moved vast amounts of oil revenues into overseas shell companies. They have spent hundreds of millions of dollars on mansions, yachts, private jets, luxury cars and other lavish items. Transparency International's 2021 [Corruption Perceptions Index](#) ranks Equatorial Guinea 172nd out of 180 countries. The annual State Department Country [reports](#) on Equatorial Guinea have also consistently noted that:

“Officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption. The president and members of his inner circle continued to amass personal fortunes from the revenues associated with monopolies on all domestic commercial ventures, as well as timber and oil exports. Corruption at all levels of government was a severe problem.”

In June 2021, a court in Cape Town [found](#) Vice President Teodoro Nguema Obiang criminally responsible for the wrongful arrest, incarceration, and torture of a South African businessman. One month later, in July, the French Supreme Court [upheld](#) his conviction for money laundering and embezzlement of millions of dollars from state coffers. That decision followed judicial settlement agreements in the [United States](#) and [Switzerland](#) that led to the confiscation of millions of dollars in extravagant assets acquired in those countries in violation of banking and anti-money laundering regulations. The UK government in July 2021 [sanctioned](#) Vice President Nguema Obiang under its anti-corruption [sanctions regime](#) based on the economic crimes committed in France and the United States of America.

However, in 2019, despite ample evidence of the Obiang family's brazen embezzlement and money laundering, the International Monetary Fund (IMF) approved a [three-year loan](#) of \$282.8 million to Equatorial Guinea, under its Extended Fund Facility (EFF) program. It was conditioned on time-bound improvements in governance, combating corruption and increasing transparency, but stalled by mid-2020 due to the government failing to satisfy most conditions. Yet, in September 2021, the IMF again approved and disbursed a [new loan](#) of \$67.38 million, under its Rapid Financing Instrument (RFI), allegedly to help the

country tackle the COVID-19 crisis and the aforementioned explosions in Bata, without holding the government accountable for reforms.

In 2007, Equatorial Guinea joined the voluntary Extractive Industries Transparency Initiative (EITI) as a candidate country, but it was denied validation for not complying with key requirements from the initiative. In 2019, the government re-applied to become an EITI candidate country, but the Board of the EITI again [concluded](#) that Equatorial Guinea had failed to provide “sufficient evidence to demonstrate commitment to the EITI’s five sign up requirements.” Nevertheless, the Government of Equatorial Guinea continues to seek EITI candidacy status without making any tangible reforms to create a space for independent civil society (as required by EITI) or to protect human rights defenders.

The continued misrule of the Obiang family poses two specific challenges to U.S. strategic interests in Sub-Saharan Africa’s third largest oil producing nation:

First, [news reports](#) and [communications](#) between leaders in Beijing and the Equatoguinean regime, indicate that China is interested in expanding its reach in the Central Africa region. Specifically, China, which already has a sizable [economic presence](#) in Equatorial Guinea, recently [signed](#) an agreement to build an oil refinery there, and is negotiating to build its first ever Atlantic military base in Equatorial Guinea. Chinese loans and construction companies have been at the center of most major new infrastructure developments in the country, including hydroelectric plants, bridges, stadiums, the construction of a new city, and renovations to the port in Bata, which would presumably house the naval base. With further investments in the construction of an oil refinery and a naval base in Bata, the government of Equatorial Guinea would be granting Chinese energy companies—and potentially companies from Russia, another Obiang [ally](#)—an strategic foothold in the national economy.

Exemplifying the Biden Administration’s interest in Equatorial Guinea, U.S. naval forces have recently taken a more direct approach to [“continue building” their “partnership”](#) with the country. U.S. Navy ships visited Bata in [2021](#) and [2022](#) with the pretense of fostering a connection. These visits, in quick succession, follow a 12-year period in which the U.S. Navy conducted zero visits to the country. Though the U.S. administration has justified its renewed sense of commitment to Equatorial Guinea as part of its aim to promote maritime security and regional stability, deterring China’s expansion may have precipitated the

express visits. A Chinese naval base in Equatorial Guinea would be in a prime geopolitical (economic, cyber, and military) stronghold along the Atlantic coast, one that would directly threaten U.S. interests.

Second, should Vice President Nguema Obiang assume the presidency, Equatorial Guinea could devolve further into a staging area for arms and human trafficking, money laundering, and other state-sponsored criminal activities that further destabilizes regional governments – most of which are already on increasingly tenuous paths, as the recent coups and coup-like events in neighboring Burkina Faso, Chad, Mali (twice) and Guinea have demonstrated.

Last year, President Obiang abruptly announced he was combining parliamentary and presidential elections, and swiftly carried them out two months later, on November 20th. Originally, lawmakers were supposed to be elected in 2022, while the presidential contest was to take place towards the end of this year, around November. President Obiang, the ruling party's candidate, ran for the seventh consecutive time, and claimed a shameless 95 percent of the votes, thereby consolidating his autocratic hold on the Parliament and the executive branch of the government for another seven-year term.

The Three Pillars of a New Approach in Equatorial Guinea

The Biden Administration, more explicitly than previous U.S. Administrations, has announced [sweeping moves](#) to make anti-corruption, democracy and human rights promotion core national security priorities, committing to work with international partners to hold corrupt authoritarian regimes [accountable](#). It has adopted an anti-money laundering [law](#) designed to [end](#) anonymous shell companies, making it harder for kleptocrats to launder and hide ill-gotten gains. Moreover, the Biden Administration hosted in December 2021 a global [Summit for Democracy](#), with political leaders, corporations, and civil society organizations from across the globe. In in December 2022, it welcomed African leaders from 49 countries, including President Obiang, to the [US-Africa Leaders Summit](#) to address substantive issues such as climate change, human rights, and food security, reinforced by a U.S. commitment to invest \$55 billion in Africa over the next three years and to support the inclusion of the African Union a member of the G-20. The second Summit for Democracy—with Zambia as one of the co-convenors in late March 2023—is an immediate further opportunity to emphasize the rule of law and accountable governance, civic space and human rights as well as democratic institutions and elections on both an Africa-wide and global basis.

The United States thus has a sudden opportunity to pivot and shift its diplomatic engagement in Equatorial Guinea to reflect the stated priorities of the Biden Administration. United States policy towards Equatorial Guinea has long centered on the commercial interests and consular needs of oil corporations—largely under the guise of maritime security and now in a competitive response to China. In the realm of human rights, U.S. diplomats in Malabo have directed significant resources towards the important issue of trafficking in persons (TIP). But the time has come for the U.S. Government to adopt an integrated strategy built on these three pillars: combating corruption, promoting the rule of law, and advancing human rights. This realignment of priorities is essential for improving governance and laying the basis for a transition to democracy in Equatorial Guinea, which is consistent with the long-term strategic interest of the United States. Furthermore, this reframing can alter regional dynamics in Central Africa in ways that advance the Biden Administration’s stated priorities.

The Biden Administration should therefore work with its allies—specifically Spain and France, two European nations with similar values and interests in the region—to combat corruption and promote

human rights and the rule of law in Equatorial Guinea. In line with the United States, the EU and the UK have adopted targeted economic, trade, and travel sanctions programs to advance foreign policy and national security priorities. As previously noted, the UK has taken the bold step of sanctioning Vice President Nguema Obiang for economic crimes committed in the United States, France, and Switzerland. UK authorities determined that Vice President Nguema Obiang's actions amounted to "serious corruption that has deprived Equatorial Guinea of vital resources," and consequently issued a travel ban and froze assets owned by him in British territories.

Additionally, the Biden Administration should ensure that any U.S. taxpayer dollars loaned by the IMF, which purports to include good governance as part of its considerations, to Equatorial Guinea is strictly conditioned on verifiable, time-bound commitments that strengthen the rule of law and governance, and that does not exacerbate the problem of corruption.

The Biden Administration can help safeguard the credibility of the EITI as a leading global transparency initiative, insisting that future candidacy applications by the Equatoguinean government are only honored if legitimate independent civil society participation in the multi-stakeholder group is evident.

Lastly, the Biden Administration should enlist the cooperation of U.S. oil corporations that operate in Equatorial Guinea to help strengthen the rule of law and respect for fundamental human rights and freedoms. By prioritizing the rule of law, American businesses can support the beleaguered local civil society organizations and advocates who can help ensure Equatorial Guinea become a more stable business environment with a robust and free "shared space."

Recommendations

Considering the above issues and concerns, we make the following recommendations to guide the Biden Administration foreign policy towards Equatorial Guinea:

- Instruct and empower the U.S. Ambassador to elevate the priority and urgency of combating corruption, promoting the rule of law, and advancing human rights.
- Establish a governance reform fund of \$5 million—from the proceeds forfeited to the United States in the Department of Justice case against U.S.-based assets of Vice President Nguema Obiang—to be administered by the U.S. Embassy in Equatorial Guinea. Such a fund should be used to encourage and support independent media and civil society participation in the critical areas of human rights, the rule of law, and anti-corruption.
- Deploy the available targeted sanctions programs at its disposal – including the Global Magnitsky Act and the CROOK Act – to combat the growing transnational kleptocracy in Equatorial Guinea. The Khashoggi Ban should be applied to deny visas to members of the Obiang autocratic regime known to have surveilled, threatened, harassed, beaten, or otherwise violated the rights of activists, human rights defenders, and dissidents.
- Condition any potential future IMF loan on strict and verifiable requirements concerning strengthening the rule of law and diminishing corruption, as well as respect for human rights. The Administration should advance this objective with Congress, as the branch of government that appropriates, limits, and conditions U.S. foreign assistance.
- Insist that the EITI Board and secretariat as well as EITI companies and civil society organizations condition Equatorial Guinea’s acceptance as a candidate country on full participation of independent civil society.
- Condemn forcefully human rights violations when they occur and use its diplomatic might to facilitate the resolution of such cases in an expedited manner. Furthermore, the Administration and Congress should set concrete benchmarks for improvements in human rights and overall respect for the rule of law as a condition for any future high-level diplomatic visits.