

LABOUR AND TRADE UNION FREEDOM IN EQUATORIAL GUINEA



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PREFACE

Almost 40 years after the Equatorial Guinean people gained independence from Spain in 1968, still under the Franco dictatorship, they have not regained their freedom nor democracy. They are still subject to the dictatorship of one of the most corrupt rulers in Africa: Teodoro Obiang Nguema, who ousted and succeeded his uncle, the cruel dictator Macías Nguema, in 1979.

Almost 15 years after the discovery and exploitation of important oilfields in the Equatorial Guinean continental platform seabed, which has multiplied the country's GDP by 20, most of the population lives in extreme poverty. Life expectancy hardly exceeds the age of 43, children under 5 mortality rate is 146 per thousand and the main causes of death are still malaria and respiratory and intestinal infections. Equatorial Guinea holds a significant and sad record: the biggest difference between the world placing regarding GDP per capita and the U.N. Human Development Index: if in 1998 there were only a difference of 4 positions, in 2005 Equatorial Guinea achieved the record: 93 positions.

If Macías self-proclaimed Marxist regime disregarded any sort of democratic legislation and never joined ILO, and forced labour was put into practice under his mandate –in the cocoa plantations, civil construction and public labour on Saturdays-, Obiang's has tried, under certain periods of a variable and always insufficient international pressure, to give a better image of his dictatorship calling elections –rigging them, of course-, enacting laws with a democratic appearance –with no regulatory developments or, simply, never complied with-, making Guinea join ILO and ratifying in dribs and drabs some of its basic conventions, including numbers 87 and 98, which protect trade union freedom and the right to organising and collective bargaining.

The conclusions of this excellent study are forceful and with a very solid base. We would like to point out one of them: the Guinean economic model –based on oil exploitation since the mid-90s and that generates up to 85% of the GDP- has strengthened the dictatorship and made the governing class rich while the vast majority of the population has not benefited from the national income's exponential increase. In the words of the authors: "Oil production profits nurture mass corruption and does not benefit the general welfare of the population ... they foster repression, impoverishment and political co-optation which are the main tools of social domination in the country".

The drawing up of this report is within the framework of CC.OO's Fundación Paz y Solidaridad Serafín Aliaga co-operation programme, aimed at supporting the development of a democratic trade union movement in Equatorial Guinea as an important part for an essential and immediate democratisation of the country. The authors are well aware of the situation in Guinea. Alicia Campos is lecturer at the Universidad Autónoma of Madrid, an expert of African issues and those of the former Spanish colony in particular. Plácido Micó is a lawyer and one of the leaders of Obiang regime's opposition. He is a leader of *Convergencia para la Democracia Social (CPDS)* political party with a social democracy orientation and has suffered prison and other forms of repression from the dictatorship. He has lived in Malabo since his last release from prison.

One of the questions that Campos and Micó's study gives a full answer to is why there are no trade unions despite the fact that laws have been passed that allow their existence and Guinea has eventually ratified –in 2001- ILO's main conventions on freedom to organise and trade union rights. The political reasons are quite simple: Obiang's regime issues laws not to be complied with and the only reason why he does this is to shrug off international pressure for a while.

Once difficulties have been overcome, due to a lack of developed regulations and certain requirements practically impossible to fulfil –like the minimum number of affiliated workers in a company or sector- an authorisation for the setting up of a trade union is applied for before the authorities which is denied through a series of excuses or through silence. This is the fate encountered by the *Unión Sindical de Trabajadores (UST)*, the *Sindicato Independiente de Servicios (SIS)*, the *Asociación Sindical de Docentes (ASD)* or the *Organización de Trabajadores del Campo (OTC)* in their attempts to be legalised. The *Organización Sindical de Pequeños Agropecuarios (OSPA)*, an organisation of small farming producers, is the only one to have gained legal recognition in 2002.

There are no employers' associations as such. Why should they exist if there are no trade unions? Due to the demand coming from the Central African Economic and Monetary Community (CAEMC), the Government set up a nation wide employers' association in 1997 formed by persons from the governing party, the *Partido Democrático de Guinea Ecuatorial (PDGE)*. Also, Obiang's Government has been able to come up with organisations in order to attend international forums. The authors state that in ILO's 277th Meeting of the Board of Directors a non-existent *Unión General de Empresas del Consejo de Administración (UGEPRI-GE)* submitted a report that among other things assured that the right to organising was respected in Equatorial Guinea.

But there are other economic and social reasons that help understand the extraordinary difficulties in order to organise trade unions in Equatorial Guinea. They are those derived from its productive and labour models and their close links with the ways of governing and the families and clans in power. Campos and Micó explain this very well in their study.

In a population of slightly over half a million inhabitants, there are only 30,000 wage-earning workers: 7,000 in the oil industry, 13,000 in the Civil Service and 10,000 in the other sectors, among which is the formal sector of cacao and timber labour. The non wage-earning population –farmers and informal trade and domestic service in particular- sum up to 250,000.

The main issue is that access to wage-earning jobs is highly determined by political and economic powers, absolutely concealed within the Equatorial Guinean social political model. This is the same as saying by Obiang and his family and the Government's party favouritism network. It must be mentioned that the President, his wife and children have under their control, among other sectors and companies: construction, supermarkets, the hotel and timber industries, and vast extensions of land sold to foreign companies linked to the oil sector.

What is particularly corrupt is access to a job in the oil sector: following a political "reference" there is the economic demand coming from the employment agencies, which are the intermediaries with the trans-national companies, having to buy the post through an entry fee and a monthly payment. The latter can involve paying the intermediary a lot more than what the worker actually gets.

The adequate historic and political context of this study allows the reader to wonder about other issues which go beyond Equatorial Guinea territory and are key issues in current world politics, as: the role of different types of diplomacy in order to promote democracy and human rights, or the influence of trans-national companies in developed countries' international politics.

There is a clear verification that should lead to denunciation: international pressure for democratisation, promoted mainly by the Governments of Spain and the United States at the beginning of the 90s, favoured the least rigged elections known in Guinea, the 1995 municipal elections. From that date on, the strong increase in oil extraction activities brought about a simultaneous back out in democratisation and the toning down of diplomatic pressure to barely perceptible extremes.

The interests of the trans-national companies lead them to collaborate in the maintenance of a corrupt dictatorship. Governments look the other way. This is not something new in History. Those companies have their very names: ExxonMobil, Amerada Hess, Tullow Oil, Maraton Oil, Noble Energy, British Gas, Chevron-Texaco, Atlas Petroleum Internacional, Petronas, etc., and since 2003, the Spanish company Repsol.

These companies know perfectly well the mechanisms of corruption which allow President Obiang and his family, as well as those other families who live off power, to take a big chunk of oil revenues and place a good part of them in banks abroad while most of the population lives in extreme poverty. Most companies, if not all, participate in these mechanisms of corruption. Governments also know what is taking place. Either they do not care less or consider it better to just adopt a “realistic diplomacy”.

Following the report issued by Global Witness –Time for Transparency: Coming Clean on Oil, Mining and Gas Revenues- at the beginning of 2004, the United States Senate Permanent Subcommittee issued, in July of that same year, a report on the enforcement and effectiveness of legislation as regards money laundering and foreign corruption related to the US financial sector. Here is reproduced a quote from one of the annexes of this report which refers to Riggs Bank in Washington, where Pinochet also hid money coming from corruption:

“Riggs bank opened more than 60 accounts and certificates of deposit for not only the government of Equatorial Guinea, but also a host of senior government officials and their family members, with little or no attention to the bank’s anti-money laundering obligations, turned a blind eye to evidence suggesting the bank was handling the proceeds of foreign corruption and allowed numerous suspicious transactions to take place without notifying law enforcement”.

It was detected that Obiang and family’s current accounts had been paid in at least 13 million dollars of just money in cash.

What more do government need in order to act more firmly? It is a difficult question to answer.

What both *Comisiones Obreras (CC.OO)* and the International Confederation of Free Trade Unions (ICFTU), which CC.OO is part of, know is that they are committed, together with other federations and trade unions in the world, to a permanent struggle for the universalisation of human and trade union rights in any part of the world. That is why they are taking on as a working commitment the seven proposals enclosed in the last page of this report so that, sooner than later, democratic and representative trade unions are in existence in Equatorial Guinea in order to defend in freedom workers’ rights in this small and beautiful country.

Guy Ryder

ICFTU’s Secretary General

Jose María Fidalgo

Comisiones Obreras Secretary General

PRELIMINARY NOTES

1. The sources used in this study suffer from the problems of gathering data in connection with Equatorial Guinea. The prevailing conditions in the country have made it impossible to carry out basic field studies, including in-depth surveys, which would have provided first hand information: however, some surveys were carried out among the Guinean immigrants in Spain. Apart from this, UN and US Department of States' reports on human rights, as well as other studies carried out by organisations and individuals on Equatorial Guinea, have been consulted. Qualitative data provided by different international organisations, such as the International Monetary Fund, the World Bank or the Central African States Bank, as well as the National Statistics Board of Equatorial Guinea, have been used. A systematic study of Guinean legislation has been done. And lastly, documentation found in the Spanish National Library and the General Administration Archive, as well as the Spanish Trade Unions' archives, such as *Comisiones Obreras* and the *Unión General de los Trabajadores*, have also been consulted.
2. Quoted footnote documents and web-site addresses for reference can be found in the Bibliography.
3. Official currency swap in Equatorial Guinea is the CFA Franc, equivalent to 1/655 Euros.

ABBREVIATIONS

ACP	The African, Caribbean and Pacific States (Cotonou Agreement)
AECI	<i>Agencia Española de Cooperación Internacional</i>
AI	Amnesty International
ASD	<i>Asociación Sindical de Docentes</i> (Equatorial Guinea)
CASB	Central African States Bank
CCA	Report of the System of United Nations Common Country Assessment
CCOO	<i>Confederación Sindical de Comisiones Obreras</i> (Spain)
CFAF	CFA Franc
CHR	United Nations Commission on Human Rights
CEACR	ILO Committee of Experts on the Application of Conventions and Recommendations
CAEMC	Central African Economic and Monetary Community
CPDS	<i>Convergencia para la Democracia Social</i> (Equatorial Guinea)
EITI	Extractive Industries Transparency Initiative
EU	European Union
ICFTU	International Confederation of Free Trade Unions
IMF	International Monetary Fund
GDP	Gross Domestic Product
GMACL	Global March Against Child Labour
GREG	Government of the Republic of Equatorial Guinea
HDI	UNDP Human Development Index
IBA	International Bar Association
ILAB	Bureau of International Labor Affairs (United States)
ILO	International Labour Organization
INSESO	Institute of Social Security
IPEC	International Programme on the Elimination of Child Labour
MAO	<i>Movimiento de Amigos de Obiang</i> (Equatorial Guinea)
MONALIGE	<i>Movimiento Nacional de Liberación de Guinea Ecuatorial</i>
MPRI	Military Professional Resources Incorporated
OECD	Organization for Economic Co-operation and Development
OPE	<i>Oficina de Planificación Técnica de la AECI</i>

OSPA	<i>Organización Sindical de Pequeños Agropecuarios</i>
OTC	<i>Organización de Trabajadores del Campo</i> (Equatorial Guinea)
PDGE	<i>Partido Democrático de Guinea Ecuatorial</i>
POC	<i>Plataforma de Oposición Conjunta</i> (Equatorial Guinea)
PUNT	<i>Partido Único Nacional de los Trabajadores</i> (Equatorial Guinea)
PWYP	Publish What You Pay, International Campaign
SIS	<i>Sindicato Independiente de Servicios</i> (Equatorial Guinea)
SONAVI	<i>Sociedad Nacional de Vigilancia</i> (Equatorial Guinea)
UDEAC	Union of Central African States
UGEPRIGE	<i>Unión General de Empresas Privadas de Guinea Ecuatorial</i>
UGT	<i>Unión General de Trabajadores</i> (Spain)
UGTGE	<i>Unión General de Trabajadores de Guinea Ecuatorial</i>
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNED	<i>Universidad Nacional de Educación a Distancia</i> (Spain)
UNGE	<i>Universidad Nacional de Guinea Ecuatorial</i>
UNICEF	United Nations Children's Fund
UNFPA	United Nations Population Fund
UST	<i>Unión Sindical de Trabajadores</i> (Equatorial Guinea)

INTRODUCTION

This study analyses workers' conditions and rights in Equatorial Guinea, a country located on the Gulf of Guinea and made up by a portion of mainland and islands among Gabon, Cameroon and Nigeria. The social situation of this small African country is determined by an authoritarian and repressive political regime as well as by an enclave economy based on oil production. The population carries out their labour activities in very unstable and informal conditions with workers' rights barely guaranteed.

The labour situation in Equatorial Guinea is constituted by two diverse spheres:

1. A formal wage-earning sector concentrated within the State Administration and private companies, among which the construction and service sectors stand out. Work in the oil sector is more important for its high wages than for the number of people it employs.
2. A non wage-earning sector concentrated in farming, carried out by small landlords or lessees and their families, and small trade businesses. This sector is noted for a significant presence of female labour.

The growth of oil exploitation since the mid-90s has generated a considerable movement of population both from returnee Equatorial Guinean emigrants and immigrants from throughout the region. Also, rural exodus to the cities has increased as well as the number of wage-earning women which has changed somewhat the population's employment structure.

The beginning of this study shows a synthetic description of current working conditions and workers' rights in the country based on different human rights reports. The second part covers the intense labour history of what is known today as Equatorial Guinea from the 19th century to present. The third part analyses labour relations existing today within the country's present political and economic context as it would be impossible to understand them otherwise. And lastly, the fourth part observes workers' organisational initiatives, the difficulties they encounter and existing future prospects for a trade union movement in Equatorial Guinea ¹.

¹ The circular nature of this structure, allows us to tackle progressively the different subjects that may appear in several moments of the study in a more synthetic manner at the beginning and later, in a context of a broader explanation.

1. THE SITUATION OF WORKERS' RIGHTS

The respect of workers' fundamental rights in Equatorial Guinea is extremely scarce as depicted in different reports on human rights. In spite of generally being included in the Guinean legislation and having lately (2001) ratified the main agreements of the International Labour Organization (ILO), the government hardly guarantees labour rights and the possibility of going to court in order to demand them is practically non-existent. Below, the situation of fundamental rights in Equatorial Guinea are considered based on the *Declaration on Fundamental Principles and Rights at Work*, adopted by ILO in 1998 and that any member State is required to respect.

A. FREEDOM OF ASSOCIATION AND EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING.

A.1. Freedom of Association

The right to organise and join a trade union is severely restricted. The regulating law 12/1992 lays down certain conditions in order to set up a trade union quite difficult to comply with, given the current existing conditions in the country, as is the requirement of having at least 50 members belonging to the same sector. The trade union law does not regulate workers' rights in the public sector and plans for a special legislation regarding civil servants' trade unions has not been passed up to this date. So, the largest wage-earning group is legally prevented from exercising this right.

As well as these legal restrictions, the government has systematically refused to recognise the existence of trade unions. Workers who openly state their intention of organising and joining a trade union, for example supporting an application for registration before the authorities, are subject to intimidation practices in their homes by security forces ².

Just in 2001, the year when the government adhered to the 1987 and 1998 international agreements on freedom of association, the *Organización Sindical de Productores Agrícolas (OSPA)* was legalised with the intention of getting the informal agricultural sector together. However, there have been other unsuccessful attempts of a legal recognition of trade unions such as the case of the *Unión Sindical de Trabajadores (UST)* which is related to the opposition party of a social democratic nature, *Convergencia para la Democracia Social (CPDS)*, and has

² United Nations COMMISSION ON HUMAN RIGHTS (CHR), *Report on the human rights situation in the Republic of Equatorial Guinea*, 2000; US DEPARTMENT OF STATE, *Country report on Human Rights in Equatorial Guinea*, 2004; INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS, *Annual Survey of Violations of Trade Union Rights*, 2004.

been forced to work underground since its creation in 1990. Sectorial trade unions like the *Sindicato Independiente de Servicios* or the *Asociación Sindical de Docentes*, in spite of meeting all the legal requirements, have not been granted authorisation from the government in order to operate either ³. The ICFTU has repeatedly denounced at international forums the problems to establish independent trade unions ⁴.

A.2. Collective Bargaining

Even though the 1990 General Labour Code takes into account workers' rights, the settlement of labour disputes do not have formal means in Equatorial Guinea nor is collective bargaining institutionalised. Wages are established by the government, limiting consultations to strong employers with no workers' participation ⁵.

Regarding the settlement of labour disputes, there are hardly any effective formal mechanisms. Legal proceedings, which suffer lack of independence from the government, are long and expensive and require exhausting of all other administrative means. In some cases, the Ministry of Labour and, in a lesser account, members of the National Assembly appointed to the Parliamentarian Commission for Complaints and Petitions, have acted as mediators between workers and employers ⁶. Nevertheless, disputes usually remain unresolved: In January 2001, an attempt of mediation by an inspector of the Ministry of Labour between employees in the capital's Town Hall (Malabo) and the Mayor ended with a sharp reprimand by the latter, member of the governing party, to the inspector ⁷.

A. 3. The Right to Strike

According to Article 10 of the Guinean Basic Law or Constitution, "the right to strike is recognised and is exercised according to conditions established by the law". However, this law has not been enacted since the 1991 Constitution reform that introduced the above article. The right to strike is not mentioned in the 1990 General Labour Code as it is prior to the formal establishment of a multi-political system in the country. Nevertheless, it is mentioned in the Trade Union Law. In practice, workers' right to strike is non-existent as the government forbids striking and those who dare put it forward suffer from labour reprisals and political repression ⁸.

³ DEPARTMENT OF STATE 2000-2004.

⁴ ICFTU, 2004; CHR, 2000.

⁵ DEPARTMENT OF STATE 1999-2002.

⁶ DEPARTMENT OF STATE 2001-2003. In 2004, there was a one day strike in CCIC (Consolidated Contractors International Company) due to minimum wages where the Ministry of Labour acted as mediator and cooperated in the establishment of an agreement, DEPARTMENT OF STATE 2004.

⁷ DEPARTMENT OF STATE 2001.

⁸ DEPARTMENT OF STATE 1999-2004

In 1992, a group of more than 10 teachers holding a university degree were dismissed from the Secondary School Rey Malabo for having organised or supported a strike. At the end and beginning of 1993, more than a hundred students were expelled from the Secondary School in Bata following a students' revolt and having been accused of participating in an attempt to strike. The Government's reaction was to arrest and torture many of the people who had participated in the demonstrations. Since then, it has been very difficult for the instigators to encourage workers to support other strike initiatives. In some cases, companies linked to the oil sector have also dismissed workers who have complained about their working conditions ⁹.

In such a highly repressive political system, workers hardly ever dare to demonstrate in order to demand their rights. That is why workers sometimes adopt more subtle ways of protests like absenteeism, premeditated slowness at work or retention of results. In general, whoever complains openly about their conditions at work risks losing their jobs with the Government taking no measures against the discrimination of workers who have demanded their rights ¹⁰.

B. ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR

B.1. Forced Labour

Article 13 of the 1990 General Labour Code states that there are no restrictions regarding freedom of work, although it adds "except for those legally stipulated by law". The article continues saying that "nobody may be compelled to work, without impinging upon the social obligation to contribute with ones effort to the fulfilment of normal civic tasks and small communal jobs decided freely by the community".

This exception protects and allows the existence of a true practice of forced labour in the country, as most of the rural inhabitants are forced to do maintenance work on roads, both local and national, except for the ones in the two main cities, Bata and Malabo. This work is imposed upon the villagers not by a decision taken within their respective communities, but as an imposition coming from the governmental authorities who will punish those who fail to carry them out with fines that range between 25,000 and 50,000 CFA Francs, and even physical mistreatment and up to one month arrests, especially if the person is an opposition political activist. Despite the fact that the country is currently abounding in economic resources, peasants continue to suffer from forced labour, without any pay, with the aggravating circumstance, as unfair as it is,

⁹ In 2004, K5 Oil Centre dismissed more than 8 drivers who had threatened to strike if their contracts were not formalised in writing after 6 months of work.

¹⁰ DEPARTMENT OF STATE, 2004

that the residents who do such work in the district of Mongomo, the President's home town, have been receiving monetary incentives for more than five years now.

Also, people under arrest and in prison and other detention centres are often forced to work with no pay for prison officials and presidential security forces, as well as for other high-rank state officials and their families in households, farming and construction ¹¹.

B.2. Trafficking in Persons

Trafficking in persons, especially women and children, has become an increasing issue in Equatorial Guinea, closely linked to the networks functioning in Western and Central Africa. According to a study carried out by UNICEF in July 1998, the country used to be a place of transit and recruitment for dealers who supplied labour markets in urban areas in Ivory Coast and Gabon ¹². But due to the growth in the oil industry, the country has become more and more a place of destination for people.

The increasing demand for prostitution on the side of the expatriate executives from the oil corporations based in Malabo has generated trafficking of women who come from Benin, Cameroon, Nigeria and China ¹³. Also, children coming from Western and Central Africa are exploited and forced to work as cheap labour in farming, housecleaning or street trading ¹⁴. Trafficking of children, mostly from Benin and Nigeria, has been basically carried out in the urban commercial areas in Malabo and Bata. Girls, coming from Benin and between 12 and 16 of age, spend 12 hours a day selling cosmetics on the streets of Malabo. These girls often do not get paid and have been physically mistreated. Nigerian boys often work in Bata markets without pay nor personal freedom ¹⁵.

In 2002, the Government attended the Regional Conference against Trafficking in Persons in Libreville ¹⁶ and in September 2004 the Guinean Parliament adopted a Law against Illegal Trafficking of Immigrants and Trade in Human Beings, which punishes crimes connected to the illegal trafficking of migrants, trade in persons as well as minor parental abuse and child labour. Although the Government has come up with some schemes in order to raise consciousness against trafficking in persons and help children at risk ¹⁷, nothing has been done in this sense. There is no

¹¹ CHR, 1994-1998; DEPARTMENT OF STATE 1999-2004.

¹² 1998 UNICEF Report, quoted by DEPARTMENT OF STATE, 2000.

¹³ DEPARTMENT OF STATE - OMCTP, 2005; OKUÉ OYONO, 2000.

¹⁴ OMCTP, 2005; OIT-IPEC, 2002.

¹⁵ DEPARTMENT OF STATE, 2002.

¹⁶ DEPARTMENT OF STATE, 2002.

¹⁷ DEPARTMENT OF STATE, 2003; OMCTP, 2005.

public institution in the country responsible for helpless children; there are no private institutions either, except for some specific cases taken on by religious orders.

C. EFFECTIVE ABOLITION OF CHILD LABOUR

According to ILO data, it is estimated that 18,000 children between 10 and 14 were economically active in 2000 (7,000 girls and 11,000 boys), which means approximately 28% of children belonging to that age group¹⁸. The most common jobs are farming and street trading and often related to family economy¹⁹. There is also evidence of children who are in prostitution²⁰.

Child labour is linked to an inadequate schooling system depicted by overcrowding and lack of infrastructures²¹. The Primary School attendance rate is just 60%²². School drop-outs, especially in Secondary School, are higher among girls who are often forced to take on family and labour obligations at an early age.

The economic expansion which has taken place over the last years has given way to an increase in child exploitation, both in prostitution and forced labour, in the two main cities in the country²³. This phenomenon is linked to trafficking in persons in the region already mentioned above, where Equatorial Guinea has turned into a destination for many of them²⁴. This is how many foreign children are used for street trading by people they are not related to and have no access to schooling²⁵.

According to what is established in the 1990 General Labour Code, the minimum legal age for a child to work is 14. Article 11.1 forbids children under that age to work. Article 11.2 makes an exception, authorising children over 13 to work as long as it implies light-weight jobs that do not damage their health or growing process nor their schooling; another exception can be found in paragraph 3 in that same article where it is established that children over 12 can take on certain light-weight jobs in crafts and farming. This is how any parent or relative can take on a minor to work in farming. The new Law against Illegal Trafficking of Immigrants and Trade in Human Beings punishes crimes connected to minor parental abuse and child labour when children are employed, which actually means children under 10 (Article 1.b).

¹⁸ ILO, International Labour Office - Bureau of Statistics, *Economically Active Population 1950-2010*, STAT Working Paper, 1997 quoted by GMACL, 2000.

¹⁹ 2001 UNICEF study on Child Labour, quoted by DEPARTMENT OF STATE, 2004.

²⁰ DEPARTMENT OF STATE, 1999-2004; GMACL, 2000; DEPARTMENT OF LABOUR, 2004.

²¹ UNICEF report quoted in "Child Labour Increasing in Equatorial Guinea", *AfrolNews*, 23/11/2000.

²² UNICEF, *Panorama: Equatorial Guinea..*

²³ OKUÉ OYONO, 2000; "Child labour...", 23/11/2000; DEPARTMENT OF STATE, 2002 and 2003.

²⁴ OMCTP, 2005.

²⁵ DEPARTMENT OF STATE, 2004.

The Government of Equatorial Guinea has ratified the two main ILO Agreements on child labour: no. 138 *Minimum Age Convention* in 1985 and, more recently, no. 182 *Worst Forms of Child Labour Convention*. That same year, the Ministry of Interior banned all children under 17 from working and being on the streets after 11:00 a.m. ²⁶.

However, the compliance with labour regulations, like those regarding minimum age and compulsory primary education, are completely inadequate ²⁷. There are no signs on the side of the Government of any real concern nor any policy guided towards the protection of children and child labour ²⁸.

D. ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION

D.1. Hiring and Dismissals

The hiring of workers, both in the State Administration and the main companies operating in the country, are marked by a deep political process. People who do not show unconditional loyalty to the governing party, *Partido Democrático de Guinea Ecuatorial (PDGE)*, run into serious problems in order to be employed either in the public or private sector ²⁹.

During the assessment of the 2001 National Pact between the Government and political parties, it was established that the former would order Government to “stop collecting fees on behalf of a particular political party”. This implies that there is a tax for Government workers in favour of the official party ³⁰. It was also forbidden “for companies to demand a membership document of any political party when offering a job”. In practice, none of these commitments have taken effect.

The oil industry draws on workers through employment agencies controlled by relevant members of the Government who get their workers’ wages and keep a percentage of over 50%, sometimes even up to 70%. These employment agencies demand a membership card of the governing party and make it difficult for people coming from an opposition party to be employed by the flourishing oil industry ³¹.

As for contract cancellations, any sort of complaint about hazardous or unhealthy working conditions can cause a dismissal ³². Precarious employment is high and depends greatly on workers’ attitude towards the scope of citizenship. Staff cuts in

²⁶ “Equatorial Guinea: Minors Grounded, Prohibited From Working”, *Irinnews*, 31/8/2001.

²⁷ ILAB, 2004.

²⁸ DEPARTMENT OF STATE, 2001 and 2002; CPDS, *Breve Informe...* 2003.

²⁹ CHR, 2001 and 2002; DEPARTMENT OF STATE, 1999-2004.

³⁰ CHR, 2002.

³¹ CHR, 2002; CPDS, *Ponencia Marco...*2005.

³² DEPARTMENT OF STATE, 1999-2003.

the Civil Service following a structural reorganisation promoted by the International Monetary Fund (IMF) in the 90s was done in a discriminatory way and affected civil servants related to opposition political groups ³³.

D.2. Labour and Gender

Women's labour is based on subsistence activity which according to UN data absorbs 81.5% of their work, while small businesses and services (especially cleaning women) are respectively 6.9% and 9.8%. Women are also responsible for most jobs related to family care. These activities are marked by low earnings added to the problems regarding transportation and the marketing of their agricultural produce. All this causes a strong material dependence of women on men and a limited personal independence which makes them even more vulnerable in the face of the political circumstances as well as limits their access to services.

According to the UN Joint Assessment Report, "as far as professions go, it follows the same structure, where women only hold 12.6% of executive duties, 29.6% of scientific duties, 26.2% of technical-professional jobs, 25.4% in civil service, 3.9% of craft-women and mechanics and 2% of operators" ³⁴.

Data given by UNDP regarding gender inequality stated that in 2003 women's economic activity made up 52% of that of men. And women's income per capita for wage-earning jobs was 40% of that of men ³⁵.

This is succinctly the situation of labour rights in Equatorial Guinea. Next, the purpose is to analyse and put into context all this data from a historical, political and economic point of view.

Table 1

BASIC SOCIAL DATA ON EQUATORIAL GUINEA

Despite the extraordinary economic growth Equatorial Guinea has experienced over the last years due to the oil industry, the population's social welfare is still very low. This is due to the huge difference between the distribution of resources and the almost non-existent redistribution and social investment of the State's revenues coming from the oil installations. In 1999, it was calculated that 5% of the population controlled 80% of the country's wealth while 60% of the Guinean population lived in absolute poverty ³⁶.

This contradiction becomes clear when comparing the country's ranking according to its Gross Domestic Product (GDP) per capita, which was 5,870 \$ in 2003, and the one established by the UN Development Programme's (UNDP) Human Development Index

³³ CHR, 2000.

³⁴ UNITED NATIONS, 1999.

³⁵ UNDP, *Human Development Report (HDI)*, 2005.

³⁶ UNITED NATIONS, CCA, 1999.

(HDI). The HDI is established based on three parameters which are considered basic for human development: a long and healthy life, access to knowledge and education and a decent standard of life. Well, Equatorial Guinea is the country that presents the biggest difference between its ranking according to its GDP per capita and the ranking given according to its HDI, which has gone from 4 to 93 between 1998 and 2005.

The HDI does not include important aspects that are considered basic for human development today such as the ability to participate in decision-making that affect ones life and enjoy the respect of others within the community ³⁷. These aspects can be better assessed through human rights reports where Equatorial Guinea is posed as a country where human rights are seriously violated. Following, a series of data is given mostly from the 2005 report on Human Development, the IMF and different reports on the human rights situation which synthesise the social context in which the workers' situation and labour relations in Equatorial Guinea should be understood ³⁸.

POPULATION AND INCOME

The small territory of Equatorial Guinea, part of it on the continental coast and another formed by islands in the Gulf of Guinea, holds a population of slightly over half a million people. The population has been subject to an intense mobility for a long time and since the colonial aftermath, emigration to neighbouring countries and to the former metropolis due to economic and political reasons has been quite usual. During the last decade, the immigration process of rural population to cities (Malabo and Bata) and people coming from neighbouring countries, attracted by the oil economy, has increased.

GDP (mill. \$)	2.368	2004 ³⁹
GDP Annual Growth	24,5%	2000-2004 ⁴⁰
Population	506.350 Inhabitants	2004 ⁴¹
Fertility Rate	5,9 Children /Woman	2000-2005
Population Growth	2,7%	1975-2003
Age Distribution	44,2% <15 años	2003
	3,2% >65	2003
Urban Population	38.8%	2002 ⁴²
GDP per capita	5.796 \$	2004 ⁴³
GDP per capita PPP	30,130 \$	2000
	19,780 \$	2003

³⁷ This is examined by the United Nations Development Programme (UNDP) in its Country Fact Sheets, *Equatorial Guinea: The Human Development Index – going beyond income*, 2005.

³⁸ If no other source is provided, data in this section is from UNDP, DHI, 2005.

³⁹ IMF, Country Report No. 05/151, *Republic of Equatorial Guinea: Statistical Appendix*, May 2005.

⁴⁰ Ibidem.

⁴¹ Ibidem.

⁴² Ibidem.

⁴³ IMF, Country Report No. 05/151, 2005.

HEALTH

The main causes of death in the country are malaria (22% of deaths), acute respiratory infections (20%) and acute diarrhoea diseases (13%)⁴⁴. Malnutrition exists in the country due to a daily diet of 1,973 kilocalories and 54 grams of proteins (the WHO/FAO recommend 2,650 kilocalories and 62 grams of proteins). This malnutrition is the cause that 22% of the children under 6 are under weight, 70% of women suffer from anaemia and that there is a high percentage of children who are underdeveloped (56.1% among children between 48 and 59 months old)⁴⁵.

This situation is due to both general living conditions and an inadequate health system in the country. The opaque Primary Health-Care System (APS) set up in 1983 is not operating in half of the country and most of the centres lack basic equipment. Health coverage suffers from a clear location disparity: 89.8% of medical staff is concentrated in Malabo and Bata, whereas the island has better material resources than the continental part of the country⁴⁶.

Life Expectancy at Birth (Age)	43,3	2003
Chances at Birth not to Survive to 60	33% mujeres 30,6% hombres	2000-2005
Mothers' Mortality Rate	880 / 100.000	2000
Children under 1 Mortality Rate	97 / 1.000	2003
Children under 5 Mortality Rate	146 / 1.000	2003
Malaria Cases	2.744 / 100.000	2000 ⁴⁷
Tuberculosis Cases	351 / 100.000	2003
HIV/AIDS	7%	2001 ⁴⁸
Children under Weight <5 years	19%	1995-2003
Children below Average Height <5 years	35%	1995-2003
Children under Weight at Birth	13%	1998-2003
Population with Adequate Sanitary Fittings	53%	2002
Population with Drinking Water	44%	2002
Public Health Expenditure	1,3% GDP	2002

⁴⁴ Data from 1995 in UNITED NATIONS, CCA, 1999.

⁴⁵ UNITED NATIONS, CCA, 1999.

⁴⁶ OECD, African Economic Outlook - *Country Studies: Equatorial Guinea*, 10/1/2002.

⁴⁷ UNDP, IDH, 2004.

⁴⁸ UNDP, IDH, 2002.

EDUCATION

The education system is characterised by a late start, the consequent high rate of over-aged students, frequent drop-outs and inadequate teachers and other educational resources both qualitative and quantitatively speaking ⁴⁹. As you advance in the educational system, there is a much higher rate of drop-outs among girls than boys. International co-operation supplies an important part of the education offer.

Technical and Higher Education suffers from serious deficiencies and is in the hands of several Technical Schools belonging to the *Universidad Nacional de Guinea Ecuatorial (UNGE)* and the *Universidad Nacional de Educación a Distancia (UNED)* of Spain. Young people who have the chance rather take their university courses abroad, mostly in Spain or in the United States.

The education system encounters a bottleneck in the labour market where jobs are given based on personal criteria and many Guinean professionals are relegated professionally speaking and are forced to emigrate ⁵⁰.

Adult Literacy Rate	84,2%	2003
age 15 to 24	92,7%	1990
Female Illiteracy	23,6%	2003
Male Illiteracy	7,9%	2003
Education Enrolment	85% Primary School	2002-2003
	26% Secondary School	2002-2003
Female Enrolment	78% Primary School	2001/2002
	19% Secondary School	1999/2000
	2% Higher Education	1999/2000
Enrolment- girls/boys	85/100 Primary School	2001/2002
	58/100 Secondary School	1999/2000
	43/100 Higher Education	1999/2000
Attendance	60%	1996-2003 ⁵¹
Classrooms	1.379	1998 ⁵²
Public Expenditure in Education	0,6% GDP	2000-2002

THE SITUATION OF WOMEN

The inequality between men and women has become clear in the different data regarding participation in economy and education. Illiteracy is almost three times higher

⁴⁹ UNITED NATIONS, CCA, 1999.

⁵⁰ Abaga, 1997.

⁵¹ UNICEF, *Panorama: Equatorial Guinea*.

⁵² GREG, *Programa de Acción...* 2001.

among women than men and girls give up school before due to the family obligations they take on at an early age. Men double the number of women who reach the level of Secondary School⁵³. Also, women participation in both the State institutions and opposition parties is still very limited: the percentage of women in the Parliament is 18% since 2004⁵⁴.

Some practices are in force like the imprisonment of women who do not give their dowry back when separated or because of extramarital sexual relations or leaving home, all of which are clear human rights violations⁵⁵. Similarly, home violence against women is quite usual and there are no governmental policies to fight against it. As stated above, there has been an increase in the number of women, many of whom are immigrants, who work in prostitution due to the oil industry⁵⁶. Under these conditions, women are at high risk when confronting social violence.

HUMAN RIGHTS

The political and civil human rights situation in Equatorial Guinea is serious. As was stated in the last report issued by the Human Rights Commission's Special Rapporteur for Equatorial Guinea: "the legal uncertainty with which each of its inhabitants has to live. At any moment they can be deprived of their liberty and held in inadequate detention centres, and even subjected to torture, by virtue of a simple 'order from higher authority', with no warrant or legal grounds for that order, and they have no access to an effective judicial remedy to prevent or rectify that situation"⁵⁷. The abuses committed by the security forces against prisoners and people under arrest are carried out in an arbitrary manner and with absolute impunity.

Freedom of movement is very limited through a number of controls such as military checkpoints throughout the country, the requirement of an exit visa or confinement. It has been a little over five years since the last exit visas have been requested, although it is still very difficult to get a passport and border police can demand opposition leaders and members to have a travel authorisation from the Ministry of Interior. There is a wide range of discriminatory practices that seriously violate the right to equality against women, ethnic minority groups and foreigners from Western Africa. Also, the exercise of a democratic political opposition is blocked by systematically harassing its members and the freedom of speech and press.

In spite of the critical reports issued by UN Special Rapporteur for Equatorial Guinea, the Commission on Human Rights decided to finalise the mission at the beginning of 2002. This was followed by the hearing of a new political trial in May against most of the opposition members, marked by the lack of judicial guarantees and general use of torture⁵⁸. Since then, a number of arrests and new political trials against opposition members, former members of the Government and foreigners (some possibly mercenaries)

⁵³ CHR, 2002.

⁵⁴ UNDP's Gender-related Development Index measures inequalities between men and women in HDI's three basic aspects. It was 0.641 for 2003: UNDP, DHI 2005.

⁵⁵ CHR, 2002.

⁵⁶ DEPARTMENT OF STATE, 2005.

⁵⁷ CHR, 2002.

⁵⁸ AMNESTY INTERNATIONAL, *A Parody...*2002. The Special Rapporteur on the right to freedom of opinion and expression visited the country in December 2002 and submitted a report to the CHR where he stated serious deficiencies not only in relation to freedom of opinion and expression, but in other political rights as well. He also showed concern about the situation of the political prisoners on trial between May and June 2002 (UN: E/CN.4/2003/67/Add.2)

have taken place, with no guarantees for the accused and that have led to a very serious situation for human rights in Guinean prisons ⁵⁹.

Paradoxically, the Government of Equatorial Guinea ratified two international agreements in October 2002: the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, although with important reservations, and the International Convention on the *Elimination of All Forms of Racial Discrimination*. It is also a party in the two *International Covenant on Economic, Social and Cultural Rights* and the *Covenant on Civil and Political Rights* and its first Optional Protocol (1987), although not the second, as well as the Convention on the *Elimination of All Forms of Discrimination against Women* (1984) and the *Convention on the Rights of the Child* (1992). Actually, the ratification of these agreements by the Guinean State is due more to the pressures and demands exercised by the international community than the will of the Government to make their content effective. Just as an example, Equatorial Guinea has not rendered the prescribed periodic reports established in every one of these agreements ⁶⁰.

⁵⁹ AMNESTY INTERNATIONAL, "Equatorial Guinea: Stop the killings, the rapes and the arbitrary arrests", noticia de 5/7/2004; AI, "Equatorial Guinea: Prisoners starving to death", news 14/4/2005; AI, *Equatorial Guinea: A trial with too many flaws*, Report 7/6/2005.

⁶⁰ During the last sessions of the Parliament, the Parliament Committee acting in connivance with the Government refused to process a question placed by a CPDS deputy regarding the measures and actions taken by the executive in compliance with its obligations as a member State of the Convention against Torture in order to eradicate these practices in the country. CPDS, "*Los dos únicos parlamentarios de CPDS ejercen un riguroso control al gobierno del PDGE*", *La Verdad* no. 54, March-August 2005.

2. HISTORIC EVOLUTION OF LABOUR IN EQUATORIAL GUINEA

Since 1820, the territory of what is known today as the State of Equatorial Guinea has staged intense and changing labour relations within the framework of international economy, quite often characterised by abuse and exploitation. It was precisely during the period of slave trading abolition when the colonial city of Clarence (Malabo today), on Fernando Poo (Bioko) Island, was founded in 1827. Clarence was set up as the operation base for the British Army to crack down on slave trading ships operating in the Gulf of Guinea. This settlement forced the Bubi indigenous population to share the island with a small community of mixed raced Africans who came from Western African British colonies and emancipated slaves, who soon were referred to as *Fernandinos*.

Fernando Poo's slow and gradual integration in world economy started with the production and trade of palm oil, which took over the population's subsistence agriculture activity. The British companies, which had the business under their control between 1835 and 1843, tried to make the former emancipated slaves who continued to arrive into cheap labour with little success. Following the failure of the large companies, the *Fernandinos* became the main middlemen in the trade.

2.1. Cocoa Cultivation in Fernando Poo

In the last quarter of the 19th century, when the Spanish Government was already established in the colonial city, re-named Santa Isabel, palm oil trade gave ground to a plantation economy based on cocoa ⁶¹. The initiative was in the hands of *Fernandino* settlers until First World War, with the cultivation of middle-sized farming plantation on big companies' lands with more than 500 hectares or small indigenous farms with less than 20 hectares ⁶².

The need for intensive labour started with the setting up of the first cocoa plantations. The first impulse of taking the islanders on as temporary farmers was encountered by a strong resistance on their side, that together with the so-called "attraction policy" enforced by the colonial government, made it very difficult for farm owners to turn the Bubis into commercial plantation farmers.

Therefore, most workers on the plantations came from different areas of the Western African coast (and also from the Caribbean at the beginning), where the abolition of slavery trade, and later of slavery itself, had created a certain social class with an undefined personal status who were available to work as

⁶¹ Data in this and following sections are mostly based on CAMPOS SERRANO, 2005; SANZ CASAS, 1983; SUNDIATA, 1996.

⁶² SANZ CASAS, 1983 (p. 121).

cheap temporary farm workers with different degrees of forced working conditions. Although contracts existed, the very nature of working conditions in the colony were really a “paid temporary servitude”⁶³.

The 1900 Intra-European Agreements that granted Muni River’s small continental territory to Spain turned the inhabitants of this small tropical forest area into potential and coveted temporary farm workers. The island’s owners set up informal hiring systems along the African coast through African and European middlemen and expected the colonial State to facilitate this human trade, often tinted with a slavery nature. This all brought a relentless flow of population round Fernando Poo coming mostly from Liberia, Muni River or Cameroon where this kind of new recruitment replaced former slavery trade.

The abuses and terrible working conditions in the colony led to resistance and uprisings. One of the workers’ most common reaction was to flee to the interior areas of the island and integrate into the Bubi society, which was not always easy. In 1900, labourers from the British colonies of Nigeria and Gold Coast staged a revolt. The British, who had carried out inspections and reports on labour abuses in Fernando Poo, stopped the recruitment of labourers in their territory.

In 1906, the Spanish Administration passed the *Indigenous Labour Regulation* in order to control the hiring process and ensure the smooth running of the colonial economy through the creation of a mediator organisation between employers and workers. The Colonial Curaduría had to give its consent to all hiring of temporary farm workers in a system that granted workers few recognised rights as they were considered more like objects for hiring than one of the contracting parties. Also, the Regulation established the obligation of all Fernando Poo’s residents without “property, trade (or) recognised and legal occupation” to work “either hired by individuals or by the State”. This regulation, which considered specifically forced labour in public work for workers “who had fled more than once from the plantation”, together with the new Labour Bylaw (1913) which punished more severely any workers’ reluctance, sanctioned by law the conversion of wage-earning relations into forced labour⁶⁴.

Bubis were specifically excluded from the obligation to work established by the 1906 Regulation. But there was another one in the 1880 and 1904 Organic Statute that did apply to them which outlined the “obligatory service for local works of general use”. Under this legal cover, the indigenous population was periodically forced by the Governor General to participate in public works and the cocoa harvesting in the big commercial plantations⁶⁵. This was a time of violence and penetration of the colonial government that enforced tax impositions in order to force Africans into wage-earning jobs. The Bubi resistance to obligatory service led to

⁶³ CLAVERO, 2005.

⁶⁴ CLAVERO, 2005; SANZ CASAS, 1983 (p. 233).

⁶⁵ SUNDIATA, 1996. On these same policies carried out between 1911-1912, PETIT, 1998.

several wars that ended in 1917 with the complete disarmament of the islands' population.

But as a reaction to the colonial invasion, they also reacted with a gradual setting up of small cocoa plantations which led to a social class of small farmers linked to the colonial markets. The Fernandino plantation supremacy started to decline round the First World War and gave way both to the big metropolitan capitals and the small indigenous landlords.

2.2. Temporary Farm Workers versus Small Indigenous Plantations

The colonisers, who observed the constant and growing agricultural activity carried out by the small indigenous planters with certain ambiguity, held intensive debates over the Africans economic role within the colonial system. Big farmers feared that this process would leave their plantations with less wage-earning labour. But some colonial officials viewed the African production, based on family and individual labour, as cheaper and more profitable than the production of big plantations.

With the Bubi conversion into small planters, the big properties in Fernando Poo continued requiring the arrival of temporary farm workers from Muni River and other parts of Africa ⁶⁶. This process created a noticeable difference between the local population and the immigrant workers. It is true that the former could be forced into obligatory service for public works and that the latter, on numerous occasions, became small landlords and settled in the colony. But there was always a high number of immigrant temporary farm workers crammed in the big plantation cabins and they were the ones who suffered most the violent colonial domination. Furthermore, these persons' legal situation was marginal, because in spite of the existence of rules regulating indigenous labour, the temporary farm workers in Fernando Poo had little access to the colony's courts to be able to demand the implementation of the existing labour legislation, which did not consider them entitled to any rights in any way.

Muni River's population, confronted with the intention of turning the small territory into a supplier of labour for the island and the periodic recruitment campaigns carried out by the settlers, like the one known as "Manhunt" in 1926 ⁶⁷, also resisted becoming cheap hard wage-earning workers. First, by taking advantage of the chance to cross the borders towards the neighbouring colonies of Gabon and Cameroon, and later through the direct cultivation of agricultural commercial products, especially coffee, similar to what the Bubis did.

⁶⁶ A new agreement is signed with Liberia in 1914 and then cancelled in 1919. Private agreements followed. See SANZ CASAS, 1983 (pp. 229 and 244).

⁶⁷ *Cámara Agrícola de Fernando Poo*, "Nota sobre el problema de brazos en Fernando Poo", 14/5/1930, quoted by SANZ CASAS, 1983 (p. 240).

The 1930s began with the worsening of the recurring labour shortage in the large European plantations and the Spanish colony's loss of prestige in the labour markets. This was partly due to the international denunciations made within the framework of the League of Nations, at the request of the United States, against the agreement made between the Government of Liberia with Fernando Poo's planters. The League of Nations' denunciation was against the Liberian dealers, but it also pointed out the terrible working conditions on the island.

These international problems, which took place at the same time as the 1929 economic depression cycle in the world, contributed to the growing number of European dealerships which were not operating. This situation led the Spanish Government to decide, in May 1930, to stop granting lands during an indefinite period of time, except to small African landlords who requested plantations that were smaller than 20 hectares. This is how the indigenous population became privileged farming colonisers who ran their plantations personally or within the framework of family relations and hardly suffered from the secular lack of temporary farm workers nor stopped cultivating their lands.

2.3. Franco's Regime and the Colony's Profitability

With the resumption of wars in Europe and a dictatorial regime in Spain, the obligation of Africans to work in the infrastructures and the big colonial plantations intensified through the general imposition in the whole colony of obligatory service.

The colonial economy really got going during Franco's regime, subsidised to a large extent by the metropolitan State. The entry of large companies, brought together by the *Casa de Guinea* in Barcelona, was favoured. Fernando Poo's big cocoa plantations continued being the main production units in the colony as well as the ones that generated the highest number of wage-earning jobs. But as of the 1930s, wood from the Muni River's tropical forest also started to be exploited and, although not as intensive regarding labour, it was an industry which relied on African labour. The European producers were reluctant to hire white labour as it could threaten the racial hierarchy relationship.

The lack of people willing to change their jobs in the colony for a day's wages continued forcing the search of workers in other areas on the Gulf of Guinea coast. New international agreements were negotiated during Franco's regime in order to recruit African labourers, more precisely with the British colonial government in Nigeria ⁶⁸. These labour relations, which represented a high percentage of the total number of contracts, were not governed by the colonial legislation but by the same international agreement. The intermediary role was played by Spanish "recruitment

⁶⁸ The first one was signed on 9th December 1942.

agents” in Nigeria and by a Nigerian colonial government official who had to authenticate the contracts. Contracts were anticipated to last two years, renewable for another 18 months, with the aim of not generating a new group of deep-rooted population. Half the wages were kept by the Labour Delegation who handed them over once the labour relationship had ended. Workers did not have the right to terminate the contract which gave these labour relations a captive nature. That is how most of the labourers in the colony continued being an independent group from the rest of the population with different cultures, origins and basically very unstable.

As for the Guinean population, more and more of them chose to integrate into the colonial economy as small cocoa and coffee producers, in one way to avoid the labour regime and in another as a reaction to the new opportunities offered by the metropolitan market. The colonial Government’s attitude towards this phenomenon continued being contradictory: on the one hand and as a general rule, it hindered the creation of large indigenous plantations through a series of regulations regarding land ownership and a restrictive loan policy for Africans. But on the other hand, it considered small producers as a partial solution to the labourers’ crisis. Here, also, the administration tried to impose its own criteria, encouraging producers to set up co-operatives for the marketing of their production, according to the coloniser’s own vision of what was the best model for the African mentality. Similarly, the colonial regime could aspire to a certain degree of consent from the indigenous population, made up by small farmers or civil servants, as long as the weight of the colonial exploitation fell on the whole of the foreign temporary farm workers.

At the end of the 1950s, there was a real increase in labour legislation and of the administration’s protective nature, reflection of the post-war new social concerns and international regulations as regards colonial labour. However, the social metropolitan protection system was never implemented in the colony. The Labour Delegation replaced the Colonial Curaduría in the areas of protection, inspection and sanctions regarding labour contracts ⁶⁹. A Labour Inspectorate was also set up within the Delegation.

In 1951, the Indigenous Labour Court ⁷⁰ was created where workers protection regulations, up to then a mere inquiry criteria set up by the administration itself, started being considered as rights to be demanded before a labour jurisdiction. In spite of the new era, work continued having an obligatory nature in the 1953 Indigenous Labour Regulations as “all residents in the Gulf of Guinea’s Spanish Territories have the social obligation to work and its compliance will be demanded by the Authority”.

⁶⁹ General Government by-Law 15/5/1944.

⁷⁰ General Government by-Law 15/3/1951.

As time went by, the number of wage-earners grew among the settled population, especially among those who had had little access to lands, which entailed important social changes ⁷¹. The colonial administration became an extraordinary source of wage-earning labour relations during the colony's last years. The number of civil servants increased exponentially, particularly after the colonial reforms which led to the establishment of an Autonomy Regime in 1963 with the setting up of a series of new institutions. The colonial civil servants were the very ones who organised a strike in April 1963 in order to demand wages comparable to those of the metropolitan civil servants. After the territory's decolonisation in 1968, one of the dynamics that showed a higher degree of continuity was the African nature of the territory and the strengthening of the State Administration.

2.4. Independence and Post-Colonial Labour Relations.

After the decolonisation in 1968 and the subsequent breakdown between Macías Nguema's independent Government and the former metropolis, most of the colonial economy, characterised by an extreme dependence, collapsed. The Spanish Government abolished preferential prices and importation benefits on Guinean products ⁷². The big Spanish landlords abandoned their agricultural and timber installations which were then nationalised and taken over by the country's new ruling class.

The dismantling of the slender economic infrastructure inherited from the colonial era caused a period of a dramatic economic decline, isolation and autarchy which, together with the political repression exercised by the new Government, seriously affected the citizens' economic activity, particularly that of the small producers who had integrated into the colonial markets. Following the collapse of the exportation economy, most of the population concentrated on subsistence farming based on family labour, which has continued to this date despite the economic changes that took place in the 1990s due to the discovery of new mineral resources.

The post-colonial regime established a Marxist-Maoist single-party system, called precisely *Partido Único Nacional de los Trabajadores (PUNT)*. Work was considered all citizens' main duty and obligation without expecting any sort of compensation, stating that "revolutionary and creative work" gives man dignity. In these circumstances, any kind of demands regarding working conditions were "counter-revolutionary, subversive and typical of the enemies of the country".

Businesses became practically non-existent, except for a few modest Spanish construction companies from the last colonial period devoted mainly to public works and timber extraction. The rest of the limited business activity was in the

⁷¹ ESTEVA FABREGAT, 1964.

⁷² ABAGA, 1997.

hands of the State, like the state trade companies devoted to the sale of imported goods through ration coupons such as clothes, drinks, household appliances or bicycles; or the state transport company that covered the routes between the different Administrative centres; as well as the state oil company devoted to the sale of by-products.

Work in the State Administration or in a state-owned company was a privilege that was only enjoyed by a few. However, these workers did not have their labour rights guaranteed, not even to receive their salaries on a regular basis, as months could go by without getting paid. Any sort of complaint was considered subversive and punished with *sine die* imprisonment. Furthermore, state company workers could not terminate their labour relationship unless they had solid justification.

In 1975, all Nigerian labourers working on the cocoa plantations that remained on the island were expelled and were mostly replaced by labour brought forcibly from Muni River and Annobon Island. Every single village and family from the continent had to then send to the island a certain quota of workers in order to save the cocoa harvest, repeating former trafficking in persons. If people did not enlist voluntarily they were arrested and taken forcibly from their villages to the cocoa plantations on the island; workers brought in this way were not entitled to any kind of salary and were given very little food. A lot of these forced labourers, not having any health care of any kind nor relatives or acquaintances to go to in order to survive, robbed the powerless population's plantations on the island who they themselves did not have anyplace where to report the so-called "revolutionary workers". These people could not go back to their villages and only in exceptional situations were they granted a travel authorisation or a "credential".

Something similar happened in the construction sector, more precisely in some infrastructure sites, like the construction of the Bikomo hydroelectric power station, where the Guinean workers barely received 3,000 *bikwele* salary that hardly lasted for a five-day maintenance.

Civil servants and the population in general were forced to do public works on Saturdays, such as cleaning up the grass from the streets (or "the veneering of cities"). At any place or moment, the security forces could stop people and force them to do certain cleaning jobs. The establishment of a free and widespread forced labour was known as "work for PUNT". Beyond this widespread forced labour, prisoners in Black Beach Central Prison were taken on, with no pay, to do public works, cleaning of cities or certain jobs in state and private cocoa plantations owned by the regime's top figures.

So, independence had profound repercussions on the economy and on the labour relations generated during the colonial period. But not only did it not change the despotic nature of these relations, but took them to the extreme and back to the worst colonial exploitation period. During this time, forced labour was the general rule and free and voluntary work an exception.

2.5. Continuity and Breakaway following the Coup

The regime that was established in 1979, following a coup led by the former dictator's nephew, Teodoro Obiang Nguema, started with an international move towards Western countries with an economic effect. It began with a formal process of denationalisation of the economy and the cocoa plantations became private-owned once again. There was a slight recovery in the production of raw materials for the international markets, essentially cocoa and timber. At the beginning of the 90s, timber production represented 12% of the GDP.

Also, international co-operation grew exponentially becoming the main source of the State's national budget. Two Donor Conferences were organised and co-ordinated by United Nations institutions and International Financial Institutions and since 1980, a successive number of framework agreements were signed with Spain who became the country's main bilateral donor. All this made up to 300 well-paid foreign technicians come to the country as well as a new job-generating niche for Guinean professionals. Nevertheless, these workers wages, regardless of their professional qualifications, could be ten times lower than those of the expatriate technicians. This situation was not only promoted by those responsible for the international development agencies but also by the local authorities, who were distrustful of the emergence of a well-paid class of professionals without having a prior guarantee of their loyalty and submission to General President Obiang Nguema's regime.

The State Administration maintained, and even increased, its role as the leading formal employer in the country. In order to get a wage-earning job in the Civil Service, workers' had to express their loyalty towards the new President, his family and the new single-party leaders, called Partido Democrático de Guinea Ecuatorial (PDGE). The first ones to lose their jobs after the Government was forced to reduce public spending due to the implementation of structural adjustments promoted by the International Monetary Fund since 1985 were civil servants who did not support the regime.

In 1983, Equatorial Guinea joined the Union of Central African States (UDEAC) and the Bank of Central African States and, two years after that, the CFA Franc zone. The Guinean family economies were seriously affected by this decision as the conversion from the Ekuele to the CFA Franc meant a devaluation that caused a decrease in their incomes and the purchasing power of their wages.

Equatorial Guinea joined ILO in January 1981. However, decree 1/81 was issued that same year establishing that work was not only a right but also a duty of the Guinean people. Besides, a labour card was enforced and it was forbidden to travel round the country ⁷³. Although with a lower profile, forced labour of prisoners

⁷³ LINIGER GOUMAZ, 1983.

and the population in general went on. Labour relations continued being of an authoritarian nature with no guarantees regarding fundamental rights.

3. LABOUR RELATIONS IN THE POLITICAL OIL ECONOMY

At present, workers' rights in Equatorial Guinea are determined by a series of political dynamics of an authoritarian nature, absence of democracy and the systematic violation of human rights, as well as a profoundly extrovert economy.

Two phenomena took place in the 1990s that caused some important changes in the country which affected, in one way or another, workers and workers' rights. One of them was the political and economic reforms taken on by the government between the end of the 80s and beginning of the 90s with the implementation of a structural adjustment programme and the formal laying down of a multi-party system based on periodic elections. However, this process that had led to the legalisation of several political parties different from the governmental party and the holding of a National Pact in 1993, did not increase citizens' participation nor their rights in any significant way.

The second phenomenon has been the oil rig exploitation in the Equatorial Guinean sea since 1994, which has meant a dramatic economic growth and resources at the governing class' disposal. We shall pay attention to both processes and their effects on labour relations in the sections below.

3.1. Political Dynamics since the 1990s Reforms

At the end of the 80s, the changes that took place in the international system due to the end of the Cold War favoured political reforms in the African States. They went, at least formally, from military or single-party regimes to the adoption of multi-party constitutions and the holding of periodic elections. The dictatorial Government of Equatorial Guinea had become an uncomfortable recipient for international donors. Due to their pressures and the democratic reform climax in Africa the regime was encouraged, to a certain degree, to opening up. The constitutional reform was passed in 1991 admitting the existence of political parties and planning for the holding of periodic elections in order to elect the President, Parliament members and Town Halls. In 1993, the National Pact was held which gathered the Government and its PDGE Party with the other 13 political parties recently recognised in the country ⁷⁴.

⁷⁴ Since then, several elections have been held for the House of People's Representative (1993 and 1999, 2004), for President (1996 and 2002) and for Municipalities (1995, 2000 and 2004). The National Pact has been reviewed in 1997 and 2001.

At the same time, the economic deregulation measures suggested by the International Monetary Fund and the World Bank were taken more into consideration and within the framework of Central African Economic and Monetary Community CAEMC (which had replaced UDEAC). State companies were privatised and legal profits coming from direct foreign investments were enforced ⁷⁵.

Some labour rights were formally recognised within the constitutional and legislative reforms. The 1991 Basic Law's reform recognises as one of the Equatorial Guinean society's foundations "the protection of labour as a means for men to develop their creative personality for the sake of the nation's welfare" (article 5.d). Article 13.l considers "freedom of labour" as one of the citizens' rights and freedoms. The constitution also refers to the right to strike (article 10), leaving its regulation to a future law, but it does not specifically recognise trade unions.

The previous year both the *General Labour Code* and the *National Social Security Regime Regulations* had been passed. In 1992, the *Trade Union and Collective Labour Relations Law* was adopted based, as stated in the preamble, on freedom of association as recognised in article 13.k of the Basic Law. The *State Civil Servants Code* was also passed. However, the regulatory law regarding the right to strike as stated in the Constitution has not been passed yet. See Table 3 for labour legislation). Equatorial Guinea has ratified ILO Agreements at a slower pace: it only ratified the main ILO agreements in 2001, among which are no. 87 and no. 98 on the right to organise and join trade unions. See Table 4.

Most of these political and legislative innovations have remained on paper instead of being carried out as planned. Equatorial Guinea continues suffering from a family based regime grounded on daily violence and the population's impoverishment. The State's security forces continue exercising serious violations of human rights. Voters' lack of freedom and the general rigging in every election process has blocked any chance of change in power. Also, most people are dissuaded from taking part in any sort of activity in order to defend their rights due to the repression and permanent harassment suffered by those who are active members of an opposition party or any other kind of political and social organisations such as trade unions ⁷⁶. So, the governing class' current speech regarding democracy and civil rights is fictitious and meaningless.

As for labour, the participation of workers or employers in the designing of governmental policies is non-existent. In practice, companies hardly ever take into account labour regulations when hiring or establishing working conditions. Due to the direct implication of the governing class in the country's business world either as company owners, partners, shareholders or as this or that business person's

⁷⁵ DEPARTMENT OF STATE, Bureau of African Affairs, *Background Note: Equatorial Guinea*, January 2005.

⁷⁶ CPDS, Report on *Los procesos electorales en Guinea Ecuatorial: La historia de las frustradas esperanzas de democratización*, 2003.

protector, labour authorities are incapable of enforcing the law. Except for the oil sector, most companies employ one or more of the regime's leading figures. The application of any law falls off when faced with these protectors' actions.

The fact that the State is considered in African societies as the main tool for economic and political manoeuvring explains, in a way, why the Guinean governing class is reluctant to a more open political and democratic regime. In Equatorial Guinea, the governing class takes advantage of the state machine, and its role as main intermediary between the population, international companies and institutions, in order to participate in a network of legal and illegal economic activities of a trans-national nature ⁷⁷. There are no autonomous social or economic areas in the country separate from that of the people in power who control or have important interests in the most important companies operating in the country. In spite of two decades of privatisations and economic deregulations encouraged by the international financial institutions, the whole social sphere is under the control of favouritism starting from the top of the Government. This is why access and control of this patrimonial and *extroverted* State has become a matter of intense rivalry and makes power holders use any means to remain in power ⁷⁸.

In the first half of the 90s, the flimsiness and paralysis of the democratisation process caused a certain condemnation from international donors. The Spanish Government stopped most of its institutional support to the country in 1994 and a year after that, Clinton's Administration decided to close the Embassy of the United States. In 1996, IMF suspended its programmes in response to a lack of compliance with its recommendations ⁷⁹. All this coincided with a bad moment for the Guinean economy due to the devaluation of the CFA Franc in August 1993 and the Government's urgent need for international co-operation. Donor countries took advantage of this situation, especially Spain, in order to make their assistance politically conditional. This resulted in the holding of the most democratic elections since independence: September 1995 Municipal elections. Once held, the opposition parties, joined together in the *Plataforma de Oposición Conjunta (POC)*, proved to be capable of attracting most of the electorate if freedom of expression and vote were guaranteed, although the Government did not recognise all the municipalities actually obtained ⁸⁰.

Nevertheless, external threats for democratisation have proven to be ineffective in order to achieve something more than formal changes in the State's legislation,

⁷⁷ Over time, the Guinean governing class has taken part in international markets with the sale of timber, drugs, fishing, trafficking in arms, aviation companies, toxic waste, and lately, mostly oil. See Wood, 2004

⁷⁸ On political dynamics of African States and the idea of *extroversion* of power, see BAYART, 1999; COOPER, 2002; CHABAL y DALOZ, 2002.

⁷⁹ ABAGA, 1997; ESCRIBANO, 1999.

⁸⁰ The opposition's victory was only recognised in 9 of the 19 town halls where they won out of 27 in dispute.

especially after the discovery of huge oilfields in Equatorial Guinea's continental waters. Revenues coming from the multinational companies exploiting the oilfields have made development aid for the State's survival unnecessary as well as the practical halting of external pressure in favour of rights and freedoms in the country. Since then, the main Equatorial Guinea's donors have been showing an indulgent attitude towards the Guinean political situation with a view to the participation of their companies in the lucrative oil business. A good example of this lack of interest was the successful Guinean Government's lobby group in achieving the dismissal of the UN Special Rapporteur on the Human Rights Situation in the country in 2002.

For the vast majority of the population, the oil political effects are devastating⁸¹. When speaking about economy below, we shall see how the enclave nature of oil production and the State's ownership of the oilfields have reinforced the centrality of the State's occupants, who have direct access to extraordinary riches just mediated by foreign extract companies. All this has fuelled authoritarianism to a great extent and the governing class' control and repressive capacity: part of the oil revenues is invested in the President and family's security as well as that of the foreign companies. Also, dynamics regarding political and patrimonial favouritism have been reinforced due to the Government's capacity of political co-optation in order to neutralise potential opponents. Precisely, the Government uses access to wage-earning jobs as one of the tools to reward or rule out a person depending on their commitment to the governing party. Regarding the elections held in the country after the 1995 municipal elections, far from advancing in cleanliness there have been a series of evident frauds.

It seems as if the Government does not consider that the oil riches could be of benefit to the entire population as the deliberate impoverishment of citizens is another tool against political and social action. Hence, anyone who belongs to an opposition party or expresses their criticism towards the present political situation are condemned to labour ostracism. The oil corporations participating in these dynamics are also contributing to suppressing any dissident group against the regime. These conditions are reinforcing the population's political and economic exclusion as they continue being more spectators than participants in public matters.

⁸¹ On the oil political effects, see Micó, 2005; Wood, 2004.

Table 2

LABOUR INSTITUTIONS

GOVERNMENT.- The Government has, at least formally, the monopoly on state regulations and decision-making regarding labour relations. There is a Ministry of Labour and Social Security responsible for carrying out the Government's policies in this field. At present, the Ministry is formed by two Regional Labour Delegations, one in Malabo and another in Bata; several Boards of Work and Employment, Labour Promotion and Social Security; and a Labour Inspectorate with only five inspectors.

Any information on labour conflicts between employees and employers in relation to a breach of contract is the Ministry of Labour's responsibility. On the first trial of a suit, the claim is submitted to the director of the regional Labour Department, whose decision can be appealed against before the Director General for Work, Employment and Labour Promotion. The decision can be appealed for an extraordinary reconsideration before the Ministry, exhausting the existing administrative channels. After that, there is what is known as a supplication appeal before the responsible jurisdiction. Once the former proceedings have been exhausted, there is a chance for a supplication, as stated before, in the responsible regional Appeal Court (Article 47 of the Judiciary Organic Law), and after that, an appeal in the High Court of Justice (Article 38.4 of the same Law).

TRADE UNIONS.- At present, there are no recognised trade unions carrying out their activities freely, as will be presented below in the section reserved for the trade union movement in Equatorial Guinea. None, except one, of the applications filed for legal recognition have been admitted by the Government, demanding new requirements besides the ones provided for by the law or resorting to an administrative silence in order not to process them. These obstacles prove the lack of the regime's political will to guarantee and have workers' rights protected, even though they are formally recognised by law.

On the other hand, the party in power has promoted the creation of the so-called *Organización Especializada de los Trabajadores del PDGE* managed by the President's son, Teodoro Nguema Obiang. This organisation has appointed representatives and set up cells in many companies with the task, among others, to act as political police and keep an eye and denounce any employee who might be a member or a supporter of an opposition party or a ringleader of any protest movement, leading to an immediate dismissal.

EMPLOYERS' ASSOCIATIONS.- There is no employers' association in Guinea as such. At the beginning of the 90s, there was an organisation of micro-employers with no legal recognition that gathered electronic and mechanic repair shop owners as well as tailors, carpenters, etc. Their main activity was to seek recognition and support coming from international authorities and institutions interested in the subject. This association used to be invited to international conferences on behalf of the Guinean business class until 1997, when the Government decided to convene, in compliance with CAEMC membership requirements, all businessmen and ordered them to form an employers' association, appointing posts according to political affinities and sympathies towards the governing party. This association's activities have been insignificant up to this date.

Table 3

RULES AND REGULATIONS

Labour activity and the inherent workers' rights in Equatorial Guinea are regulated by several laws and other regulations of different sorts, among which are the following:

Basic Law or Constitution (1982, reviewed in 1991, 1995 and 2003)

Judiciary Organic Law (10/1984)

General Labour Code (2/1990)

National Labour Regulations and Policies (6/1992), amended by Law 6/1999.

Social Security Code (D 104/1984) and National Social Security Regime Regulations (D 100/1990)

Trade Union and Collective Labour Relations Law (12/1992)

Code and Regulations for Temporary Employment Agencies (5/1999)

Decree of Minimum Wage (106/2000) and related Orders.

Illegal Trafficking of Immigrants and Trade in Human Beings Law (1/2004).

The role of Equatorial Guinea's laws in defence of workers' rights is very ambiguous. On the one hand, even though internationally recognised labour rights are included in such laws, the State does not enforce them in any way. In addition to institutional weakness and procedure deficiencies is the lack of a political will by the governing class. All this adds up to the contradiction in Equatorial Guinea between what is stipulated by the law and citizens' daily experience.

EQUATORIAL GUINEA'S BASIC LAW

Equatorial Guinea's Basic Law (Constitution) dates from 1982 and has been amended three times: the first one was in 1991 and recognised political pluralism in the country; the second was in 1995 in order to reinforce the President's powers and the third one was in 2003 to increase the number of members of parliament, from 80 to 100. As regards this study, the most important reform took place in 1991, since it includes or increases in a way the recognition of certain workers' rights, such as the right to strike and the right to form trade unions. But it also cuts back other workers' rights and guarantees included in the former constitution as Chapter VI on "Labour, Social Security and Promotion of Citizens" which established guarantees, as well as the obligation of the State to promote and guarantee workers' rights, was abolished. The 1990 General Labour Code came as a result of this non-existent Chapter

Chapter I of the Constitution currently in force, devoted to the Fundamental Principles of the State, establishes in Article 5 "the protection of labour as a means for men to develop their creative character for the sake of the nation's welfare". Article 13 regarding rights and freedoms enjoyed by citizens includes in paragraph c) the right to work without the restrictions imposed by the former Constitution, which paved the way to forced labour as it established that "nobody can be forced to do a free or forced job, except for exceptions stipulated by the law".

Article 25 establishes that work is a social right and duty, and the State recognises its role in improving the well-being and development of national riches and takes on the

responsibility of promoting social and economic conditions in order to eradicate poverty, misery and ensure Guinean's equal job opportunities that would shield them from need. Nothing of this actually takes place, but quite the contrary: there are no policies or measures against poverty or unemployment and it seems as if the government is interested in keeping its citizens in poverty.

Article 10 recognises the right to strike as long as it is exercised as stipulated by the law, although 14 years have passed since then and no law has been enacted in order to regulate or guarantee the exercise of this right, except for the meagre regulation included in the Trade Union Law mentioned below.

As for the right to organising and joining trade unions, there is nothing written in the Constitution. The word "trade union" is only mentioned once in the whole text of the basic law, in Article 11, where it says that "citizens, authorities, political parties, trade unions, associations and other legal entities are subject to the fundamental laws and legal provisions". However, and contrary to the case of the right to strike, the above-mentioned Trade Union and Collective Labour Relations Law was enacted in 1992.

JUDICIARY ORGANIC LAW 10/1984 (20th June)

The Judiciary Organic Law established the Industrial Tribunals as the jurisdictional bodies responsible for the first trials of a suit regarding any labour and social security disputes, Article 11. Nevertheless, these Industrial Tribunals were never set up.

The Judiciary's dependence and subjugation to the Executive together with the politicisation of the labour market and the relations between employees and employers caused the disappearance of the Industrial Tribunals in the 1998 Judiciary Organic Law reform. The Ministry of Labour and Social Promotion formally took over the role on the first trial of a suit, which it had already undertaken in practice, between employees and employers. Once all administrative procedures have been exhausted, it can be done through the jurisdiction of the Civil Divisions and the Appeal Courts by means of the so-called supplication appeal as established in Article 47.

In fact, administrative procedures are so long, tedious and expensive that workers hardly ever get through them and get discouraged with time. So, labour issues almost never reach the courts.

GENERAL LABOUR CODE 2/1990 (4th January)

The wording itself indicates that it is considered Equatorial Guinea's labour law par excellence. It was adopted in 1990 before the formal recognition of a multi-party system and it does not recognise the right to strike nor the right to organise and join a trade union, although it does mention profusely workers or employers' associations adding "when in existence".

As regards collective bargaining, Article 17 establishes that the State will foster the full development of voluntary negotiation mechanisms in order to regulate by means of agreements between employers and employees working conditions and the solution of conflicts through mediation, arbitration and conciliation. In Article 5 it admits collective bargaining agreements as the source of labour law. However, the State has not stipulated any rules for setting up mechanisms or any sort of institution in order to implement this.

Neither mediation nor arbitration is recognised as a means for labour conflict resolution, although they are included in the 1992 Trade Union and Collective Labour Relations Law.

Article 82 is the only one that regulates claim procedures in the case of a dismissal, authorising the regional Labour Director to try and find a settlement between the parties before deciding whether the dismissal is fair or not.

Article 1.1 of the Labour Code includes the principle of freedom of work and its voluntary nature. Nevertheless, Article 1.3 establishes an exception to this principle admitting the possibility of forced and compulsory labour in the terms stipulated by the law. In this case, it refers to the “social obligation of contributing with ones effort to the usual civic jobs and those minor communal jobs decided by the community freely”.

The Code establishes the existence of an alleged contract of employment, unless the opposite is proven, between an employee and an employer. The contract of employment can be a short or long- term contract or for a specific job (Article 7). Wages can be established freely by the parties, but never below the legal minimum-wage, although it is almost never taken into consideration and many workers earn salaries below the legal minimum-wage.

Article 24 deals with workers’ basic rights, among which are the right to work and the freedom of choosing a trade or profession; right to a genuine job; not to be discriminated in any way; to professional promotion and training in the work place; to personal safety, to rest and to work in proper secure and hygienic conditions; to due respect to privacy and dignity; to punctual payments; to exercise activities derived from the contract of employment; to professional association and to collective bargaining. These rights are developed in other articles with the Code. However, they are not guaranteed in practice and employees are usually at the mercy of employers.

As regards the working day or week, the law states that daytime jobs cannot exceed eight hours a day establishing 48-hour working weeks. If the job is nights, it cannot exceed six hours a day and 36-hour working weeks. If the job entails shifts (daytime and nights), working days will not exceed 7 hours a day and 42 hours a week, except exceptions stipulated by the law.

As for workers under 18, Article 48.7 imposes that they can only work during daytime and their working day will not exceed 6 hours. This rule, like many others, is not upheld due to the authorities inability and unwillingness to enforce the law.

Article 49 regulates overtime and establishes the limit to two hours a day, with a maximum of two hundred hours a year. Overtime is forbidden for night shifts. Article 49.3 establishes the obligation of employers to register daily overtime, adding them up on a weekly basis, and to give an account to workers as well as to the Labour Inspectorate filling out the corresponding forms. Nevertheless, these forms are non existent and the Labour Inspectorate does not receive or ask for any kind of information regarding workers’ overtime in different companies, in spite of the instability of wage-earning jobs in Equatorial Guinea that forces many workers to work beyond the legally established overtime.

The Code also regulates weekly and holiday breaks as well as the right to annual paid holidays.

The Labour Code contains regulations on under-age labour that could be described as quite permissive, because even though Article 1.1 states that “it is forbidden for minors under 14 to work” (which implies that this does not apply to minors over 14), Paragraphs 2 and 3 in the same article introduce certain exceptions which allow 13 year olds to work as long as they are light-weighted jobs that do not damage their health or growth, and even 12 year olds for “certain traditional or farming light-weighted jobs, specifically established by labour authorities”. An establishment that has not been set to date, so it is legal for 12 year olds to work in Equatorial Guinea.

The Administration's incompetence and political unwillingness to guarantee labour rights as an important part of Human Rights International Law is one of the main features of the lack of protection for these rights in Equatorial Guinea. In that respect, there are many examples that can be brought up to show the Administration's noticeable couldn't-care-less attitude as regards its responsibilities in the matter. Article 20 says "every three months, employers will send labour authorities a detailed account of the number and names of employees, specifying their jobs and wages as well as their working conditions". Not one employer complies with this legal obligation of informing nor do labour authorities look into or sanction failures to comply with it, which explains why labour authorities do not have the slightest idea of the situation of work and workers in the country.

The only procedure workers have to stand up for their rights when they consider they have been violated is through Articles 81 and 82 on "appeals against dismissals". In the case of a dismissal, workers file their claim to the regional labour director who will try a settlement and if unsuccessful, decide whether the dismissal is fair or not. If not agreeable, there is the possibility of filing an administrative appeal before the General Manager for Labour and after that, an appeal for an extraordinary reconsideration before the Minister of Labour, whose decision leads to the jurisdictional channels through the so-called supplication appeal in the responsible regional Appeal Court.

These procedures are long, tedious and expensive and due to political obstacles and postponements it is out of workers' reach, who usually give up at the first trial of the suit before the regional labour director, as it can take more than three months to adopt a resolution that is usually favourable to the employers, who are usually government officials or their foreign associates themselves.

NATIONAL LABOUR REGULATIONS POLICIES LAW 6/1992 (3rd January)

This law establishes, on the one hand, basic guidelines for the Government's policies on employment and its executor organs and on the other, it refers to foreign workers in Equatorial Guinea as well as special employment regimes.

Article 1 defines labour policies as those that promote full, productive and freely-chosen employment in order to stimulate economic growth and thus, increase workers' standards of living and satisfy labour needs, as well as solve the problems of unemployment and underemployment.

The national labour policies' executor organ is the Board of Work, Employment and Labour Promotion (Article 5) that manages them through the National Office for Employment and Vocational-Training Centres (Article 6). The National Office for Employment supposedly has a Main Office in the Board of Work, Employment and Labour Promotion, as well as Outlying Offices in the Regional Labour Offices (Article 9).

The National Office for Employment, besides studying and promoting employment, organising the workforce and promoting and supervising workers' jobs (Article 7), has also the following duties: the drawing and follow-up of the Labour Registry; promote workers' continuing training; determine through a continuing labour market observation the causes for rural and urban underemployment and unemployment; promote, directly or indirectly, an increase in job opportunities and channel job supplies and demands in a proper manner.

The latter is of great importance taking Article 11 into consideration, that establishes the National Employment Office's free service on workers' job placement. It also obliges any company legally set up in the country and in need of a workforce to address the Employment Offices as regards the workers needed, providing a list of trades and categories, who are also obliged to register in their local Employment Office when unemployed.

Nothing of what has just been stated really takes place. There are no national employment policies nor any National Employment Offices operating. Furthermore, the employment agencies currently operating in the oil sector and in the hands of the President's relatives and direct collaborators carry out activities that, according to the law, are responsibility of the State. This implies the Civil Service's couldn't-care-less attitude as regards its functions and responsibilities stipulated by the law. In 1999, a law was adopted in relation to these agencies that will be dealt with below.

Other aspects regulated by the law as regards foreign workers' work permit approvals and renewals as well as special regime employment, in particular for the disabled, are merely legal fiction.

SOCIAL SECURITY CODE, adopted by Decree 104/1984 (10 March), and NATIONAL SOCIAL SECURITY REGIME REGULATIONS, adopted by Decree 100/1990 (28th September)

Passed in 1986, its general regulations establish that the Social Security Regime will protect Equatorial Guineans without any discrimination due to personal or social conditions (Article 4). Employees, State Administration and autonomous institutions civil servants, production co-operative workers, clergy, students and other population groups are included as beneficiaries.

Nothing is said about the unemployed and so, they are legally discriminated. If we take into consideration that more than 80% of the population works in the non wage-earning sector and thus, can be technically considered as unemployed, it turns out that this law leaves practically most of the Equatorial Guinean population out of the picture.

The law regulates pharmaceutical and medical benefits; temporary disability benefits; maternity benefits; permanent disability benefits; old-age pensions; death or survival benefits and child benefits.

Benefits are poor and short-term as well as difficult to obtain due to the corruption within INSESO. Medical and pharmaceutical benefits simply do not exist for most of the Guineans who are insured, as patients, or their relatives themselves in any of the country's hospitals have to buy all medication.

The law's implementation for self-employed workers is pure fiction. There are neither regulations for them to benefit from this regime nor any existing data of a single self-employed worker enjoying insurance under this law.

With Decree no. 100/1990, dated 28 September, the National Social Security Regime Regulations was passed, although it does not add or clarify anything important as regards what had already been stipulated by the Code nor does it improve its degree of implementation.

TRADE UNION AND COLLECTIVE LABOUR RELATIONS LAW 12/1992 (1 October)

According to the reasoning behind this law, the purpose is to establish a basis for the promotion of employees and employers' associations and labour collective bargaining as well as the establishment of mechanisms in order to solve collective conflicts between employers and employees.

The law is divided into two different titles. The first one is devoted to trade unions and the second to collective labour relations, regulating "collective bargaining", "strikes" and "lock-outs". This law does not apply for the State's Armed and Security Forces nor for Civil Service civil servants, while the latter have been awaiting a specific law to be enacted for the last thirteen years.

Article 2 establishes that "both employees and employers, without distinction or prior authorisation, have the right to organise any association they consider, as well as to join these organisations as long as they respect the present law and its statutes". Article 8 states "that employees will enjoy proper protection against any discrimination aimed at infringing freedom of professional association in relation to their job. Such a protection will be exercised especially against any action aimed at: a) making an employee's job conditional on not joining a professional association or giving up membership itself; b) dismissing or harming an employee in any way due to membership of an association or to participation in trade union activities after work or during working hours, if allowed by the employer".

In general, these regulations seem to guarantee trade union rights, although it establishes a legal obstacle for setting up trade unions: employers' associations only need three employers to establish an association, whereas workers' organisations have to have a minimum of 50 workers from the same sector in order to do so. However, the biggest difficulties come out in practice, due to administrative obstacles, labour discrimination and the personal harassment suffered by those who wish to organise professionally. As a result of this, there are no trade unions nor employers' association operating in a recognised and regulated manner in the country thirteen years after the law was enacted (See Section 4 on trade unions in Equatorial Guinea).

The non existence of workers or employers' organisations has a negative effect on collective bargaining regulated in the law's Chapter I, Title II, as it requires of these organisations for its implementation. Article 25 stipulates that "The Government, through the Ministry of Labour and Social Promotion will encourage and promote among employers and their associations on the one hand, and employees' organisations on the other, the full development and use of voluntary negotiation procedures in order to regulate working conditions through collective agreements". At the same time, Article 26 states that "employers who employ employees who are members of an association have the obligation to hold collective bargaining when requested".

The Tripartite Consultative Commission contemplated in Article 30 regarding the promotion of collective bargaining and formed by a member of the Ministry of Labour, a representative of the employees and a representative of the employers appointed by the Government has never taken place. Similarly, the mechanism included in Article 30 stating that "as long as there are no existing associations capable of demanding collective bargaining" the Ministry of Labour and Social Promotion can convene several employers and employees "in order to examine the most relevant issues in relation to work, and especially, the possibility of voluntary improvements in working conditions and pay", which "will have the same effect as a collective agreement". The non compliance with all

of this shows the regime's unwillingness to allow collective bargaining come into effect.

The regulation of the right to strike which appears in Chapter II of the same Title II, is meagre and has never been implemented. Article 35 demands that workers exhaust one of the procedures for solving conflicts included in the same law and call for it in compliance with the association's statutes and the support of the majority of the employees themselves. It is difficult to comply with this last demand and call for a legal strike if there are no existing associations, as usually employees in big companies are forced to join the Organización Especializada de Trabajadores, linked to the ruling party PDGE. See (Section 4).

As for procedures to solve working conflicts, Articles 42 to 46 contemplate direct settlement, mediation, arbitration and strikes. Article 47 establishes a Conciliation and Arbitration Board formed by a Magistrate from the labour jurisdiction (non existent in the country up to this date), the Regional Labour Director and a representative from the employees' association most affected by the conflict. After more than thirteen years, no regulations included in the law have been adopted nor any board member appointed.

CODE AND REGULATIONS 5/1999 FOR TEMPORARY EMPLOYMENT AGENCIES (6th December)

Temporary Employment Agencies started operating in Equatorial Guinea in 1995, following the oil exploitation in the country. The 1999 regulating Code has never been implemented, due to the fact that none of the existing agencies up to then or the ones created after the law was enforced have ever complied with it, neither in relation to their setting up and how they are run nor to relations and treatment given to workers.

Among the requirements for setting up an agency is an administrative authorisation (Article 2); the constitution of an Initial Wages Guarantee Fund worth 10,000,000 CFA Francs in a national commercial bank under the Ministry of Labour's half-yearly control (Article 3); the registry of every agency in the Ministry of Labour and Social Security (Article 4). Also, agencies are obliged to send any signed contracts to the Ministry on a monthly basis (Article 6.2). As regards relations with workers, the law establishes that contracts cannot exceed six months, Article 7.c), and must always be formalised in writing "in the official forms attached to the law", which do not exist. None of these legal demands are respected by existing agencies.

Temporary employment agencies are in the hands of the most powerful people in the regime and they exist and operate ignoring any kind of legal regulation, as will be seen below (Section 3.2). Among their owners' aims are to get rich as quick as possible and to discriminate political opponents from working in the American oil companies

DECREE 106/2000 OF MINIMUM WAGE AND BASIC WAGES FOR PROFESSIONAL CATEGORIES IN THE PRIVATE SECTOR (26th December); DECREE 38/2003 (28th April); MINISTERIAL COMMAND ORDER 1/2003 (9th June)

With this decree, Equatorial Guinea established minimum wage and basic wages for different professional categories in the private sector for the first time, making a difference between the oil and other sectors divided into eight groups: professionals, technical and

professional assistants, administration staff, service workers and shop and sales personnel, skilled and related workers, machinery and facility fitters and labourers, farmers, fisheries and related and unskilled workers. Housekeepers are excluded, except for workers linked to executives or managers who get paid the basic wages set by the decree.

Minimum wage is 75,000 CFA Francs for both sectors and basic wages are calculated multiplying minimum wage by the respective coefficient, varying in the first sector from 5, which corresponds to professionals (with a basic wage of 375,000 CFA Francs), to 1 for unskilled workers (with a basic wage of 75,000 CFA Francs). In the petrol sector, they go from 10 for professionals (with a basic wage of 750,000 CFA Francs) to 2.2 for unskilled workers (with a basic wage of 187,500 CFA Francs).

For workers considered counterpart executive staff, in other words, nationals entitled to the top management posts category or executives working in the company, the decree established that their wages cannot be lower than 50% of their expatriate counterparts. This is never complied with because, firstly, expatriate wages are not always made public and secondly, when known, they are so high that the affected companies, together with the political and labour authorities' approval, consider that it is unacceptable for nationals to earn 50% of the aforementioned wages. In spite of what is set by the decree, management continues paying workers lower wages than what is stipulated by the law.

The two 2003 decrees have replaced the former laws in force regarding the classification of professional categories and basic wages assigned to each of them. Activity sectors are divided into two groups: the first one includes farming, industry, construction, services, forestry, hotel and catering, banking and graphic design, while the second one includes what is referred to as the oil sector.

There are five categories instead of eight:

- Professionals, which are on a par with doctors, graduates and related. The corresponding coefficient for the non oil sector is five, so their basic wages are 450,000 CFA Francs.
- Technicians and staff assistants, which includes on the one hand technical engineers, technical architects, registered nurses, adjusters, university technicians, computer specialists, accountants and related, entitled to a coefficient of 4 and 360,000 CFA Franc basic wages, and on the other hand, masters of different trades with a coefficient of 3,8 with 342,000 CFA Franc basic wages.
- Administrative staff, divided into two groups, first class officials (accountants, computer specialists, managers, executives and related) with a coefficient of 3 and 270,000 CFA Franc wages, and second class officials (assistant accountants, assistant computer specialists, assistant administrative managers, secretaries and related) with a coefficient of 2,8 and 252,000 CFA Franc wages
- Skilled workers in different trades such as carpenters, painters, electricians, plumbers, builders, mechanics, drivers and related with coefficients ranging from 1,8 to 1,1 and wages that range between 162,000 and 99,000 CFA Francs.
- Unskilled workers which includes labourers, security guards, porters and related with a coefficient of 1 and 90,000 CFA Franc basic wages. Even though this is not stated in the regulations, it is supposed to be the minimum wage.

The oil sector includes, besides the oil corporations, all the subcontractors evolving around them and the professional categories and groups are the same, but the coefficients vary between 10 for professionals with 900,000 CFA Franc basic wages and 2.5 for unskilled workers who get 225,000 CFA Franc basic wages.

Just like the first regulations mentioned above, many companies continue paying their workers wages below the legally stipulated minimum wage in the current regulations.

LAW 1/2004 on ILLEGAL TRAFFICKING OF IMMIGRANTS AND TRADE IN HUMAN BEINGS (14th September)

This law, besides punishing illegal trafficking of immigrants and trade in human beings, punishes parental child abuse and child labour. According to the law, Article 4 states that parental child abuse is “the use of boys or girls by their relatives for street trading or other jobs during school times or at night”. This is punished with a one-month to a one-year prison sentence and a fine that ranges between 50,000 and 500,000 CFA Francs. Also, Article 5 states that whoever “employs, offers or accepts minors for formal or informal trade as self-employed or as an employee” is committing a crime and is punished with a one-year prison sentence and a fine not exceeding 250,000 CFA Francs.

These two criminal figures could give the impression that children are protected in Equatorial Guinea against any kind of labour exploitation, although this is not true due to the lack of effectiveness in the compliance with laws, and specially in this case, because of the confusion and limitations of the law itself.

Article 1, Paragraph b) describes a child as “any person from birth to the age of ten inclusive”, so when we are speaking about anyone over ten, the crime disappears and these minors can do not only “light-weighted and farming activities” but street trading and other jobs as well. As a child labour crime, the law uses the term “minor” which is not described in Article 1 and creates confusion. In any case, a coherent interpretation of Article 5 in relation to Article 4 and to its own wording “child labour crime” makes us come to the conclusion that what is forbidden here is to employ children under 10, even though here it is only for “formal or informal trade as self-employed or as an employee”, allowing them to be employed in other sectors different from formal or informal trade.

It turns out that this law, adopted in theory to sanction and punish child labour, is more permissive than the General Labour Code as it lowers the minimum age for minor labour from 12 to 10. In any case, this law has little social significance and was passed just to submit it before certain international institutions that required the Government to adopt measures against child labour, not mattering their honesty or effectiveness.

Table 4

RATIFICATION OF ILO CONVENTIONS

Guinea has ratified a series of ILO's Conventions over different periods of time ⁸².

In June 1985, the following Conventions were ratified: Convention 1 on Hours of Work (Industry) (1919); Convention 14 on Weekly Rest (Industry) (1921); Convention 30 on Hours of Work (Commerce and Offices) (1930); Convention 100 on Equal Remuneration Convention (1951); Convention 103 on Maternity Protection Convention (Revised) (1952) and Convention 138 on Minimum Age (1973).

⁸² <http://www.ilo.org>

In April 1996, Conventions 68 and 92 in relation to Food and Catering (Ships' Crews) (1946) and Accommodation of Crews (1946) were ratified respectively.

And lastly, following a meeting with an ILO Mission in August 2001 the Government adhered to other basic Conventions: Convention 29 on Forced Labour (1930); Convention 87 on Freedom of Association and Protection of the Right to Organise (1948); Convention 98 on Right to Organise and Collective Bargaining (1949); Convention 105 on Abolition of Forced Labour (1957); Convention 111 on Discrimination (Employment and Occupation) (1958); and Convention 182 on Worst Forms of Child Labour (1999).

Equatorial Guinea has signed 14 out of more than 180 existing conventions, which contrasts with the ones signed by neighbouring countries, such as 45 in Cameroon, 38 in Nigeria or 34 in Gabon. On the other hand, Guinea has not ratified other important conventions: Convention 81 on Labour Inspection (1947); Convention 122 on Employment Policy (1964); Convention 129 on Labour Inspection (Agriculture) (1969); nor Convention 144 on Tripartite Consultation (International Labour Standards) (1976).

Also, as an ILO member, the Government of Equatorial Guinea is required to submit periodic reports regarding its compliance with assumed commitments following the ratification of the successive conventions. However, the Committee of Experts on the Application of Conventions and Recommendations (CEACR) did not receive any of those reports until 2004, as stated and deplored in consecutive observations. In 2005, the Committee finally got reports relating to 11 of the 14 ratified conventions, although the Guinean Government has not submitted the first reports on Conventions 68, 92 and 182 yet. Furthermore, CEACR has asked the Government for additional information as regards the implementation of Conventions 1 and 30 on Hours of Work, and has shown a special interest in employers and workers' organisations they held discussions with.

As described in this report, it is very difficult for the Government to currently comply with ILO's requirements due to the situation of these organisations in Equatorial Guinea. Also, it cannot respond to CEACR's observations requiring information on steps taken in order to include in the domestic legislation the International Conventions adopted over the last ten years.

ILO has given assistance to the Government of Equatorial Guinea to reform labour laws and train labour inspectors. No subsequent action has been taken ⁸³.

3.2. Effects of the oil economy

The Guinean economy has gone through considerable changes over the years as stated in the section on the history of labour relations in the country. The last major change took place in the mid-1990s when the country sharply went from dependence on international aid to dependence on the oil installations. The Equatorial Guinea's economy has gone through a dramatic change due to an increasing oil production. While the GDP was \$130 million in 1991 ⁸⁴, it turned into \$856 million in 2000 and \$2,368 million in 2004. That is, there was an average increase of 24,5% between 2000 and 2004. This data is even more extraordinary if you take into consideration the size of the country, 28,051 km²,

⁸³ DEPARTMENT OF STATE, 2001 and 2002.

⁸⁴ WORLD BANK, *Equatorial Guinea at a glance*, 2002.

with half a million inhabitants. This has increased the country's GDP per capita up to almost \$5,800 in 2004 ⁸⁵.

But the GDP's structure has also suffered a drastic change: at the beginning of the 1990s, agriculture represented about 40% of the productive activities but by 2003 it was just 3%, including both subsistence farming and agriculture aimed towards exportation. Oil has gone from nothing to provide 85% ⁸⁶. The rest of the GDP is formed by the service sector, basically State services, timber plants and industrial activities, concentrated almost solely in construction ⁸⁷. What has practically remained the same these last years is the scarce diversification of the Guinean economy.

If other dimensions were not included or other components were not analysed carefully, this data would not show the living conditions of the majority of the population. It was already mentioned above how low the Human Development Index is in Equatorial Guinea (Table 1). If oil production were to be excluded, per capita income would limit itself to \$500 which is a much closer figure to the Guinean people's daily reality. On the other hand, the distribution of the population as regards the different economic sectors is far from the GDP structure just mentioned, as shown in Table 5. All this is due to the fact that the reason for such an increase, the oil extraction industry, is to a large extent a separate part of the overall Guinean economy.

The economist Fernando Abaga describes the enclave nature of the oil sector as follows: "It is carried out in the sea, far from everything and everyone, and generates little work due to the intensive use of capital...It is a sector that exports all it produces and imports all it consumes, so it has little to do with the rest of the economy. Because of this, the oil sector's dynamism does not reach the other sectors and hence, it does not play the expected role of a "development engine". Also, the weakness of the private sector in Equatorial Guinea and the practically non-existent conversion industry that could locally satisfy the demand for goods and services generated by industries closely linked to oil contributes to this situation and which would help to integrate it into the domestic economy. Therefore, it can be stated that the evolution of the oil sector is independent from the rest of the economy sectors that (...) suffers from a stagnation situation" ⁸⁸.

The main activity suffering from this stagnation is agriculture, both commercial and subsistence farming. However, there are certain sectors that are experiencing a strong revitalisation, especially those which offer specific services for the oil industry, but also the construction of state buildings, roads and housing.

⁸⁵ IMF, Country Report 05/151, 2005.

⁸⁶ IMF, Country Report 98/33, *Equatorial Guinea: Statistical Appendix*, abril 1998; FMI, Country Report 05/151, 2005.

⁸⁷ WORLD BANK, 2002. OCDE, African Economic Outlook - *Country Studies: Equatorial Guinea*, 10/1/2002.

⁸⁸ ABAGA, 1999 (pp.7-8).

Likewise, certain sectors as varied as telecommunications or informal trade, or illegal activities as prostitution, have grown due to the arrival of foreign workers and rural immigrants to Malabo and Bata, the two main cities in the country.

Although way back in the scale compared with oil production, timber production, in expansion since the 80s, has been reinforcing the above-mentioned socio-economic activity as it is based on state concessions with little to do with the population's economic activity. The main companies operating in this field are Asian or Russian trans-national companies. The unsustainable pace of the timber exploitation was not only threatening the Guinean forest, but the environment and farming activity as well ⁸⁹; but the relevance of oil production made timber extraction fall below the 450,000 m³ legal limit in 2003.

Therefore, the effects of oil production on the other social and economic structures are contradictory and are due to a large extent to what is known as the Dutch Disease. While the Gross Domestic Product has increased and the State's income doubled, the macroeconomic deficit is very high. Public spending has increased spectacularly due to the investment in major infrastructures and misappropriation by the governing class. And even though the State's indebtedness has decreased in relative terms regarding GDP, domestic debt has continued to grow ⁹⁰. Foreign investment has also increased, although restricted in most cases to extract infrastructures.

Nevertheless, the GDP percentage of public spending on social services, such as education and health, have hardly had a significant growth. On the other hand, and as expected after a sudden economic growth, inflation has shot up, reaching a maximum of 8.8% in 2002 ⁹¹. In other words, even though the Guinean population hardly shares in any of the resources generated by oil production, they do suffer from the increase in retail prices.

So the wealth generated after the discovery of oil has increased the differences in the revenue distribution. The small group of people who control the State are the ones who directly benefit from the resources. This is possible thanks to a lack of transparency and general corruption in managing public funds, which allows the misappropriation of oil resources. According to IMF, there is no fiscal control over the payments made by the oil corporations. Most of the State revenues are put into foreign bank accounts in the name of senior Government members ⁹². Furthermore, this group monopolises the few services Guinea provides to the licensee companies: sale of lands, hiring of labour, sale of gas, etc ⁹³.

⁸⁹ GREENPEACE, 2000 (p.19).

⁹⁰ From \$ 254 mill. in 1991 to \$ 319 mill. in 2003: WORLD BANK, 2002 and 2004.

⁹¹ IMF, Public Information Notice No. 05/61, *Article IV Consultation with Equatorial Guinea*, 6/5/2005.

⁹² IMF, Public Information Notice No. 03/144, *Article IV Consultation with Equatorial Guinea*, 9/12/2003; GLOBAL WITNESS, *Time for Transparency: Coming Clean on Oil, Mining and Gas Revenues*, March report 2004.

⁹³ ABAGA, 1999 (p.9).

As stated by a Report issued by the U.S Senate, “some Equatorial Guinean officials and their families had come to dominate certain sectors of the economy and, in some cases, had become virtual economic gatekeepers for foreign companies wishing to do business in the country. For example, President Obiang controls several businesses which virtually monopolise the construction, supermarket, and hotel industries and generate significant revenues in other areas as well. The President's son apparently dominates the timber industry and also has key companies in other economic sectors. The President and his wife also appear to control significant parcels of land which they have leased or sold to some foreign corporations. This type of economic dominance compels foreign companies wishing to operate in Equatorial Guinea to do business with the President, his relatives, or the entities they control, at times providing them with lucrative returns.”⁹⁴.

The **political effects** of the oil economy, which have reinforced the State's main authoritarian tools, have already been noted: repression and the co-option of possible opponents⁹⁵. The emergence of an economy based on people who live off the income from investment within an autocratic regime, like the one in Equatorial Guinea, has given political strength to the governing class, who can easily keep aside from any demand of change while they keep such a plentiful source of production under their control and independent from any sector of the population or from international aid⁹⁶. Also, international pressure has softened due to a lobby campaign carried out by the oil corporations before the Government of the United States in favour of President Obiang. See Table 6.

The governing class' spending on security has exponentially grown and has been privatised to a large extent. The oil industry has generated specific needs that has been monopolised by the private security company *Sociedad Nacional de Vigilancia (SONAVI)*, owned by the former Director of National Security, Armengol Ondó Nguema, the President's brother. Private foreign security companies, for example, have had contact with the Guinean Government to try and replace the Moroccan co-operation in this field. That is the case of Military Professional Resources Incorporated (MPRI), formed by U.S. private military advisers⁹⁷.

As well as increasing the Government's repressive capacity, the intense flow of oil resources has been generating an intense competition over their control. This has given way, on the one hand, to internal conflicts within the ruling party, and

⁹⁴ UNITED STATES SENATE, Permanent Subcommittee on Investigations, Committee on Governmental Affairs, *Money Laundering and Foreign Corruption: Enforcement and Effectiveness of the Patriot Act. Case Study Involving Riggs Bank*, 15/7/2004 (p.97).

⁹⁵ Micó, 2005.

⁹⁶ ESCRIBANO, 1999 (p.15).

⁹⁷ President Obiang's security was under a Moroccan military unit for a time. DARE, 2002; WOOD, 2004 (p.564).

on the other to encourage at least one attempt, funded by international interests, to topple the dictator through violent means and by foreign mercenaries⁹⁸. This tense situation is used by the Government to justify reprisals against the population and the periodic trials without collateral held against opposition members, or governmental associates who have come down, accusing them of fictitious coups.

Oil extraction has turned most of the population's economic activity into something residual for the State. Enclave economy by nature does not favour the thriving of any socio-economic group that sidelines the State, while it allows those who are in power to carry out policies that impoverish and demobilise the population. This is how the existence of articulated pressures in favour of an economic redistribution are avoided and revenues coming from oil are rarely filtered through, and never in a fair manner, to the entire population. It can be stated that given the present political situation in the country, oil production, far from improving, has worsened the Guinean citizens' living conditions.

However, besides enriching the governing class and their families, oil has induced a slight increase in the number of civil servants and workers in the construction sector as well as an immigration flow both from neighbouring countries and from other parts of the world. The governing class takes advantage of the Guinean people's job hunting and uses it as a tool for political co-option, as quite often access to a wage-earning job depends on the support given to the governing party. So, the labour market surrounding oil production is highly politicised, as will be seen in the following section on labour relations.

Table 5

EMPLOYMENT STRUCTURE OF THE WORKING POPULATION

The enclave nature of oil and timber production creates a significant gap between the population's employment structure and the GDP structure. While most of the population works in agriculture, its presence in the GDP has progressively been going down reaching only 3.3%; as far as the extraction activity is concerned, with a low-profile labour-intensiveness and that only takes on 0.7% of the total number of workers, it represents the main economic activity in the country (85% GDP). However, the employment structure has suffered considerable changes over the last years, although not as spectacular as the GDP's, as shown in the charts below. These charts compare the GDP's structure with the working population's structure between 1994 and 2002.

⁹⁸ On these events during March 2004, see CARLIN, 2005.

Evolution of the GDP and Working Population's Structures (1994-2002) in %

	GDP		Working Population	
	1994	2002	1994	2002
Agriculture and Fisheries	29,4	3,3	70,5	50,9
Timber	19,1	2,5		
Oil	18,3	84,9		0,7
Construction	4,9	2,5	2,1	6,1
Secondary Sector (the rest)	4,7	0,6	2,1	2,6
Trade	9,4	1,9	6,7	7,4
Civil Service	5	2,4	4	6,3
Tertiary Sector (the rest)	7,3	1,7	9,7	10,7
Customs duties	1,9	0,2		
Badly-Defined Activities			4,9	14,1

Source: IMF⁹⁹ and Population Census 1994 and 2002¹⁰⁰.

Most of the population works in **agriculture and livestock activities**, although the figure has gone down from 70.5% in 1994 to 50.9% in 2002. This is due to the so-called Dutch Disease, a term used by economists to describe the depressive effects caused by an enclave activity, such as the oil industry, on the majority of the productive sectors. Many people in Equatorial Guinea have emigrated from rural areas to the cities seeking work. As regards gender, 60% of the total number of women working population are in agriculture, whereas men only represent 42%. (In 1994, there were 81,5% women and 60% men)¹⁰¹.

Over the last decade, the **service sector** has experienced a considerable growth: there were 20,4% of the working population in 1994 and, according to the 2002 census, there are now 24.4%. Out of this percentage, 13,603 people are working in the **State Administration** (of which 10,177 are men), meaning approximately 6.1% of workers. As far as **trade** is concerned, it employs 7.4%, with a slightly higher number of women.

⁹⁹ FMI, Staff Country Report No. 99/113, *Equatorial Guinea: Recent Economic Developments*, October 1999; FMI, Country Report No. 05/151, 2005

¹⁰⁰ II Population Census and II Housing Census, Republic of Equatorial Guinea, 1994; III General Population and Housing Census, Republic of Equatorial Guinea, July 2002. The results from the last 2002 census are considered to be inaccurate by international observers, as it establishes the total population figure in 1,014,000 people against 304,670 of the 1994 census, 516,000 worked out by CEAMC in 2003 or the IMF's figure of 506,350 in 2004. This is probably due to the Guinean Government's desire to drop the country's income per capita and have access to aid programmes for countries with a lower income. On the other hand, it is important to note that this census considers people over 15 to be part of the economically active population, whereas the 1994 census counted from 6 years of age. All this creates problems of interpretation and how to deal with data. In this study, CEAMC and IMF's figures have been considered to be the most accurate and data as regards the total population and economically active population have been divided into two (430,542). Also, either percentages or net amounts have been used according to their soundness with other data offered by other sources or personal estimates of the authors.

¹⁰¹ UNITED NATIONS, CCA, 1999.

Lastly, the **secondary sector** is small as regards population employment and basically consists of construction and the extractive industry and to a lesser extent, other activities such as energy production and manufacturing. There are no verified data on the number of domestic workers in the oil sector, although it is estimated at around 4,000¹⁰². **Construction** is the only activity in the sector that has shown a significant growth in labour force, going from 2.1% in 1994 to 6.1% in 2002.

As for immigrant workers, Equatorial Guinea has turned into a net recipient of people coming from bordering countries, especially from Cameroon (21,7%) and Nigeria (9,4%)¹⁰³. According to the 1994 population census, there were only 5,859 foreigners residing in the country; nowadays, it is difficult to calculate the exact number of immigrants¹⁰⁴. In any case, it must be taken into consideration that most workers on the sea platforms, either technicians or manual workers, are not Guinean and hardly ever reach dry land, thus they are not counted as immigrants.

Table 6

TRANS-NATIONAL COMPANIES AND OIL PRODUCTION

The Gulf of Guinea (Nigeria, Angola, Cameroon and Gabon) has become an economically strategic area in crude oil production¹⁰⁵, especially for the United States¹⁰⁶. The oil prospecting in Equatorial Guinea, which had begun in 1992, started to bear significant fruit in 1996 with 17,000 barrels per day (bpd). This production has grown exponentially adding up to 371.700 bpd in 2004. Thus, it has become the third oil producer in sub-Saharan Africa and also, the third recipient of direct American investments.

Two of the three most important oilfields in Guinea, *Alba* and *Zafiro*, are located in the territorial waters of Bioko Island while *Ceiba* oilfield is off the coast of Muni River, which started to be exploited in 2000. Bioko's oilfields are also rich in methane and natural gas that was burnt not so long ago but is now starting to be made use of. A scheme has been passed recently for the construction of a natural gas liquefaction plant on the Island.

¹⁰² The United Nations, quoting the Ministry of Labour of Equatorial Guinea, speaks about 4,000 to 7,000 Equatorial Guineans, whereas another author has estimated that industry employs between 1,100 and 1,500 Equatorial Guineans along with 6,000 foreign workers. UN Report on the Human Rights Situation in the Republic of Equatorial Guinea, presented by the Special Representative of the CHR, Sr. Gustavo Gallón, 24/1/2002, E/CN.4/2002/40 (p.21) and VELLOSO, 2003.

¹⁰³ According to Moulinot (2003) there would be around 10,000 to 20,000 people from Cameroon; whereas according to the 2002 Population Census, the Nigerians were half that figure.

¹⁰⁴ The 2002 census establishes the figure of 259,967 people, which represents an excessive number as a result of the special circumstances already mentioned in footnote 100.

¹⁰⁵ Data in this section are mostly from EIA Country Analysis Briefs: *Equatorial Guinea*, October 2004. See also the Ministry of Mines, Industry and Energy of Equatorial Guinea web-site, <http://www.equatorialoil.com>; OCDE, 2002; ABAGA, 1999; FRYNAS, 2004.

¹⁰⁶ This was admitted in the 2002 AFRICAN OIL POLICY INITIATIVE GROUP report, a coalition of African consultants, energy sector executives and members of the Subcommittee on Africa of the US Congress, with a significant name "*African Oil: A Priority for U.S.National Security and African Development*".

Oil and by-product exploitation is carried out by large trans-national companies, mostly with American capital. **ExxonMobil** basically operates Zafiro, and has recently invested important sums in order to increase production up to 280.000 bpd. **Amerada Hess** (which absorbed Triton Energy) operates Ceiba together with the South-African **Energy Africa** (bought by the British Tullow Oil) and the national Guinean company **GEPetrol**. The production of abridged forms and natural gas in Alba is basically in the hands of **Marathon Oil**, together with **Noble Energy**, and the British company **British Gas Plc** has already bought the whole production for the next coming 17 years of the new natural gas plant under construction.

Other companies have prospection permits or shares in the main installations, like Chevron-Texaco, Devon Energy, Vanco Energy, Atlas Petroleum International Ld. (Nigeria-United States), Petronas (Malasia), Sasol Petroleum (South Africa), PetroSA (South Africa), Roc Oil (Australia), Glencore (Switzerland) and Repsol (Spain), who bought 25% of a prospection block off Muni River in 2003 ¹⁰⁷. The construction and running of essential infrastructures for oil exploitation is also in the hands of major international companies, like Incat Petroleum Services – IPS (Great Britain), responsible for the construction of Luba port, or Pils (Holland) for the one in Malabo. Also, the oil industry requires the services of many other technological and consultancy firms who advise the Government, like the cases of Exploration Consultant Group of Cías (ECL), Schlumberger-Western Geco, Inseis Terra, Transocean or Emerson Process Management. In general, it is an industry with a high level of foreign service and expert subcontracting where it is often very difficult to determine the companies' social liability regarding labour relations.

All oil and gas produced in Equatorial Guinea is exported and the consumed oil by-products imported. They used to be solely marketed by the State-owned company GETotal, but after a process of partial privatisation it is now 80% owned by TotalFinaElf. Lately, Mobil has also established pumps in the country.

From the beginning, the contracts subscribed between the Guinean State and the oil corporations have been very beneficial for the latter. The 1998 regulatory agreements increased the Government's participation in oil export revenues from 13% to 20%. However, this is still quite a lower percentage than that received by other countries in the region, like Nigeria, that gets more than 50%. Nevertheless, secret payments made by companies directly to the Guinean regime officials have to be added to the formal agreements, which is generating a general dynamic of corruption and enrichment among the political elite.

In February 2001, the state-owned company **GEPetrol** was created in order to represent the Government in shareholding contracts with trans-national companies for oil prospections and oil production. It also takes part in some joint ventures with foreign companies. This has caused Ministries to duplicate their duties to a certain degree and the concentration of public decision-making on oil in the hands of State officials who are members of the companies' Board of Directors. Furthermore, their bank charges and deposits are not taken to Parliament, eluding this way any information to citizens on oil production. GEPetrol is state-owned, but it is suspected that it has been partially privatised in favour of Governmental top officials. The Government announced in January 2005 the creation of a new state-owned company, SONGAZ, for the

¹⁰⁷ REPSOL YPF, *Nota informativa Guinea Ecuatorial 2003 Exploración*, 31/5/2004.

Administration of the State's participation in the extraction, treatment and national distribution of natural gas.

The State's oil accounts and resource management is hardly accountable and depicted by overall corruption. Most of the State revenues have been put into foreign bank accounts, some in the name of governmental top officials. Some of these payments have been done in kind, like the dictator's trips and medical treatments in private clinics in the United States. Also, oil corporations often do business with governmental top officials, their families or companies linked to them, especially regarding the purchase or leasing of plots of land, payment of security services, labour employment (see Section 3.3), payment of the country's diplomatic missions and embassies in the United States, or the payment of scholarships for the Guinean governing class' children. Some companies, such as ExxonMobil and Marathon, have set up joint ventures in oil production with companies owned or partially owned by Guinean leaders, like Abayac S.A., GEOCAM or GEPetrol ¹⁰⁸.

Table 7 shows denunciations made recently by international organisations in favour of international accountability against corruption fuelled by oil corporations operating in Equatorial Guinea. These denunciations are competing with the strong lobby backed by American oil companies before the world's superpower in support of the current political regime in Equatorial Guinea. President Obiang benefits from technical advice coming from international consultants, like Bruce McColm from International Decision Strategies, in order to improve his political image in the United States. This has been favoured thanks to the Bush Administration's strong links with the oil industry. Washington's policies towards Guinea are determined by oil interests more than by the reports issued by the State Department on the serious human rights situation in the country. A good example of this was the reopening in 2002 of the U.S. Embassy in Malabo, closed since 1995 ¹⁰⁹.

3.3. Labour in the Wage-Earning Sector

A small section of the population has a wage-earning job in Equatorial Guinea. Most family economies have a wage-earner among their members, but only as another source of income among others. For many families, non wage-earning jobs, which will be analysed in the following section, is their main source of sustenance. But access to a monetary economy, which is achieved through a salary or a business, is essential in order to enjoy certain basic services, such as schooling for children or even hospital health care. Also, a family member's private or public salary is the main channel, although indirectly, for the country's mineral riches to filter through to the population as a whole.

Wage-earning jobs, which employ 30,000 people ¹¹⁰, are concentrated in the State Administration, private corporations and international co-operation projects. With

¹⁰⁸ UNITED STATES SENATE, 2004.

¹⁰⁹ SILVERSTEIN, "The Crude...", 2002; DARE, 2002; BEINART, 2004.

¹¹⁰ CHR, 2002, quoting the Ministry of Labour. The 2002 census, with its above-mentioned problems, establishes a figure of 56,285.

the socio-economic changes undergone by the country due to the discovery of oil, work in the extract and construction sectors have increased, although the number of Equatorial Guinean people employed in the oil companies do not reach 7,000 people, see Table 5. As far as the public sector is concerned, the number of civil servants has increased reaching 13,000. As for international co-operation, its importance has fallen even in terms of employment.

There is not a large employers sector in the country to give rise to a wage-earning class either, and the enclave nature of the oil production does not generate the setting up of large numbers of local service companies. The main companies in key sectors such as real estate, transportation, telecommunications, hotel and catering industry and those linked to the oil sector are in the hands of the very governing class or their relatives, sometimes with an important participation of foreign partners. The following stand out ¹¹¹:

SEGESA and **ENERGE**, electricity distribution companies;

ABAYAC S.A., President Obiang's holding;

SONAVI, a private security company owned by Armengol Ondó Nguema, the President's brother;

GETESA, a telecommunications company;

Nusiteles G.E., a telecommunications company owned by the President, the Minister of Foreign Affairs Pastor Michá Ondo Bile, the former Director for National Security Armengol Ondó Nguema, the Minister of Justice and Religion Rubén Maye Nsue Mangué, the U.S. corporation *International Decision Strategies* owned by Bruce McColm;

GEPetrol and **SONAGAS** intermediary state companies between the Government and the oil companies, although they seem to be partially privatised and in the hand of governmental top officials;

GEOGAM (Equatorial Oil and Gas Marketing Ltd.), in the gas sector, owned 25% by the Government and 75% by Obiang himself;

Grupo Sofana and **Somagui Forestal**, timber companies, under control of the President's son.

In general, business initiatives in Equatorial Guinea, both domestic and international, are full of bureaucratic obstacles and only people who are members of the governing party and in good personal terms with the Government have a chance to overcome them and keep their businesses running.

¹¹¹ Part of this information comes from the UNITED STATES SENATE, 2004.

POLITICISATION OF THE LABOUR MARKET

One of the main features of the wage-earning labour market is favouritism and politicisation ¹¹². Getting a job in the State Administration depends more on personal and family connections than on training and skills. Also here, it is almost an essential requirement to be a member of the Head of State's party, PDGE. Similarly, the main country's corporations, managed by the governing elite, reinforce these dynamics and people with no contacts encounter serious problems in order to get a contract.

This situation is even worse for people, and their families, who openly express their membership or support for the political opposition. The authorisation and setting up of political parties at the beginning of the 90s entailed for many who decided to participate in this process to lose their jobs ¹¹³. Also, the Government took advantage of the 1993 and 1994 IMF agreements on a structural reorganisation to dismiss many civil servants, up to 500, most of them linked to the opposition. In this context, many people have found a lesser politicised sphere in international co-operation, where meritocratic criteria is taken into consideration when getting a contract. However, the withdrawal of most of Spanish co-operation in 1993-1994, which employed up to 2,500 Guinean people as teachers, health workers, drivers, mechanics, watchmen or cooks, was drastically reduced to about 300.

One of the main political tools used against discrepancies and the opposition's political organisation is the difficulty in finding wage-earning jobs. The governing power's control over labour entails an attempt to depoliticise social life. There is also pressure within the bosom of families: opposition members often confront pressures and even ostracism coming from spouses, parents or brothers and sisters, fearful for the family economy and security. The concentration of power in the hands of President Nguema and his family and the use of fear as one of the main political tools become clear in the labour sector.

As for work on the oil rigs, control over employment is done through intermediary companies mostly owned by the Head of State's relatives. Some of these subcontracting employment companies are AMLOCASER (owned by de Armengol Ondo Nguema, the President's brother, army general and National Delegate for Security), NOMEX (owned by Gabriel Mbega Obiang Lima, the President's son and Mining and Energy Secretary of State), MSS (owned by Antonio Mba Nguema, the President's brother, army general and Minister of Defence), ATSIGE (owned by Manuel Nguema Mba, the President's uncle, army general and Minister of Security), APEGESA (owned by Juan Oló Mba Nseng, the President's father-in-law, former Minister of Mining and Hydrocarbons, Parliamentarian, Dean of the Bar Association, Chairman of SEGESA Board of Directors and Superintendent of

¹¹² CPDS, *Ponencia Marco...*, 2005.

¹¹³ An example of this situation is that in the very evaluation of the 2002 National Pact itself it was forbidden for "companies to request a membership card of any political party when offering jobs"

Presidential Security and Atanasio Elá Ntugu Nsa, currently Minister of Mining and Energy and BOMDEN, (owned by Julián Ondó Nkumu, army Colonel and Director General of Presidential Security) ¹¹⁴.

HUMAN CAPITAL

The politicisation of the labour market has had a negative effect on the so-called **human capital**, whose deficiencies are not caused so much by the absence of skilled professionals but rather by the structural difficulties encountered by well-educated people in order to be hired, turning emigration into an option for many of them ¹¹⁵. On the part of trans-national companies, mostly from the oil sector, as well as NGOs, they usually employ foreign technical staff for more specialised jobs which creates an expatriate professional sector dissociated from the rest of the population, contrary to autochthonous professionals.

As for **education** of wage-earning workers in Equatorial Guinea, university students have usually studied in foreign universities, many in Spain, but also in the former Soviet Union and Cuba, and more and more in western countries, like France or the United States. Since the beginning of the 80s, a large number of administrative assistants and technicians, such as nurses, have studied in Moroccan colleges on scholarships granted by both countries, and also, at the Higher School in Malabo, where qualified teachers have been trained. This School, at present the Civil Service School, has continued training administrative officials and assistants in the country.

Under Macías' regime, the School of Industrial Mastery was set up in the city of Bata, at present named *Modesto Gené* Technical Institute, where industrial officials and experts graduate in electricity, mechanics, carpentry, health care or administration. The Health School in Bata trains nurses. Since the mid-80s, there is a vocational training school in Malabo for different professions (administrative assistants, plumbers, construction workers, electricians, etc.) and an agriculture training school.

The level of education of these schools is very low due to a sorry state of neglect and lack of human and material resources. And students trained there find it difficult to get a job in one of the companies operating in the country unless they are trained before by the very employer. The best professionals in the field usually come from exile from neighbouring countries, like Gabon, Cameroon and Nigeria, where they learnt their trade.

Since the establishment of the National University of Equatorial Guinea in 1995, several of the schools mentioned above turned into colleges: health, Civil Service, teacher training, agriculture and forest technical engineering, etc, without any sig-

¹¹⁴ CPDS, *Ponencia Marco...*, 2005.

¹¹⁵ ABAGA, 1997 (pp.162-3).

nificant changes, neither regarding teachers nor study plans. This explains why immigrants coming from neighbouring countries (people from Cameroon, Nigeria, Mali...) sweep the market of small mechanic and electricity workshops, carpentry, electronics, refrigeration, etc., and companies are responsible for training personnel taken on for these jobs.

Jobs undertaken by Guinean people in the oil extraction sea rigs are mostly low profile jobs and with no need of any previous training: companies are usually in charge of that. Jobs are divided into those who are responsible for supplying services to the crew- cooks, kitchen assistants, cleaning and maintenance- and those who work in the crude prospection and extraction, ranging from labourers to engineer assistants ¹¹⁶. Many other workers of different nationalities work on the rigs coming from the Philippines, Pakistan, Malaysia, Cameroon, Ghana or Nigeria, who usually hold responsible positions with good salaries but do not contribute to the Guinean social security nor pay taxes. As for Guinean engineers, they work for the Government in inspection and control of the oil activity jobs.

WORKERS' EMIGRATION AND IMMIGRATION

Emigration is not just a phenomenon affecting more educated people, as stated above, but also all social sectors altogether. Neighbouring countries, like Cameroon and Gabon, have been traditional destinations and the former metropolis in Europe, although at present it is only Spain that continues receiving an important number of Guinean workers (approximately 50,000). It is a seasonal or short-term emigration for many, especially when it is within the region. Transfers sent to the country by emigrants represent an important contribution to family economies, although their real dimension is unknown.

However, Equatorial Guinea has become a workers recipient over the last years. Now, these same young Guinean people emigrate from rural areas to the main cities before going to neighbouring countries, seeking for a job in the oil sector. Also, the extractive industry attracts immigrants from the whole region. Apart from Equatorial Guinean people working on the off-shore rigs, there are Americans, British, Indonesians, Phillipinos, Pakistanis, Malaysians, Cameroonese, Ghanese, Nigerians, etc., although Asian workers rarely go to the African continent, who are brought directly from their places of origin.

Not all emigrants, local or foreign, find jobs on the rigs which is causing a mass of young people in the cities, open to be hired in construction or in companies like SONAVI, the company that monopolises surveillance and security services, owned

¹¹⁶ These activities are classified very precisely in the oil industry and the most common ones among Guinean workers are *roustabout*, *floorhands* and *derrickhand*. According to the Canadian Government's official page, a *roustabout* is a labourer who moves equipment, guides cranes and keeps pipes and decks clean; a *floorhand* manages the drilling machinery, helps with the assembling of pipes and the general maintenance of the rig; and a *derrickhand* operates the drilling machinery and is responsible for moving and storing of pipes as well as the maintenance of the drilling system. See <http://www.gov.ns.ca/energy> and <http://www.whatoiljobs.com>.

by the President's brother. Many immigrants from Cameroon and Nigeria have trade businesses in the cities. As for unemployed young people, they are always open to carrying out non-regulated activities- like loading and unloading lorries and paid on an hourly basis- or even illegal activities, like prostitution.

Immigrants coming from neighbouring countries, mostly from Cameroon and Nigeria, suffer from a serious situation of judicial exclusion and insecurity. This group suffers from extortion and harassment coming from the security forces. Also, the Government carries out, on a regular basis, sudden arrests and massive expulsions of Cameroonian people with no prior notice ¹¹⁷.

CONTRACTS OF EMPLOYMENT

Generally, **contracts of employment** in Equatorial Guinea are done verbally and are not expressed in a document. Contracts are only formalised in writing in the oil sector: as was stated above, work in the extraction industry is based on subcontracting, so contracts of employment are done between workers and the intermediary contracting agency. Contracts for work on the sea rigs last 28 days. Then, workers go back to dry land and can be hired again following a 28-day rest.

Workers in the State Administration can be either civil servants or workers hired for a specific period of time. Civil servants are appointed for an indefinite period of time by the Government with no specification on working conditions. It is quite normal for candidates to a post in the Civil Service work for more than a year, or even three, as an unpaid trainee. The ending of a labour relation is a dismissal normally justified by the usual sentence "for the convenience of a better service". Personnel dismissals in the Civil Service are not open to appeals and the only chance for those who lost out in order to work in the public sector again is through a powerful relative or friend.

Similarly, getting a job in the Administration or in one of the big companies is more a matter of personal relations than criteria based on training and skills, as was seen before, even though at times there have been a selection process with an entry exam, but with no guarantees of fairness or transparency. In 1999, the Ministry of Civil Service and Administration Reforms cancelled two successive competitive exams to cover posts in the Civil Service, claiming that some of the people selected for the posts had not taken the exam: the Minister in question was dismissed a few months after that, and the fraudulent practices have continued since.

There are cases in the oil industry where it is necessary to "purchase" a job, paying up to 100,000 to 300,000 CFA Francs to the intermediary agency. Some oil companies have tried to hire people sidelining Governmental interests and

¹¹⁷ Asodegue, Hojas Informativas 12/3/2004 and 7/10/2005 at www.asodegue.org.

there are cases of workers employed directly by the companies. However, most employment is still done through these agencies ¹¹⁸ which is considered correct by many executives who consider it as a means for assuring better control over employees ¹¹⁹.

In general, contracts are not very long and the labour market suffers from structural instability. Guinean workers tend to change jobs quite often. And unemployment in this sector of the economy is also quite high.

WAGES

Average Equatorial Guinean's **wages** are low in relation to the cost of basic products, although there are big differences between the oil industry and the rest of employers ¹²⁰. Leaving the oil sector aside, an average salary is between 30,000 and 50,000 CFA Francs, both in the Administration and in the private sector or international co-operation. The same thing happens in the circles of international co-operation causing a big difference between Guinean people and expatriates that work on the same project ¹²¹. These salaries are not enough to cover family and personal expenses which make wage-earning workers take part in the non wage-earning economy as well (agriculture, self-employment), which will be dealt with in the following section. Wage shortage causes also other phenomena, like minor corruption, users' extortion in public services, etc. All this can also lead to failure in many businesses.

As for workers in the oil sector, they are a privileged group within the entire Guinean society. Their average monthly salary ranges between 200,000 and 400,000 CFA Francs (\$300 to \$500 approximately). However, the oil companies claim they pay a lot more to the intermediary employment agencies (\$1,200 to \$2,500), giving the impression that the difference stays in the hands of the agencies. Likewise, multinational companies say they pay employees' insurance, compensation and overtime which workers hardly enjoy.

In 1999, the Government established a minimum-wage law. It was fixed to 27,000 CFA Francs in 2000 and such a salary did not allow to carry out a decent standard of living; employers usually paid more than that and oil employees would get up to 10 times the minimum wage ¹²². In 2003, the minimum wage

¹¹⁸ USA, 2002-2004, quoting ILO representatives.

¹¹⁹ FRYNAS, 2004 (p. 541).

¹²⁰ CHR, 1997.

¹²¹ According to a complaint filed by teachers in private schools funded by the Spanish Cooperation, wages in 1999 were 1,200-1,500 CFA Francs an hour for graduates, 708 CFA Francs an hour for qualified staff and 666 CFA Francs an hour for qualified workers, whereas Spanish teachers earned 1,800 euros a month in the same schools. "*Manifiesto del Comité de Representación de Maestros y Profesores de la ACCEGE*", 11/3/1999, http://www.afrol.com/es/-Paises/Guinea - Ecuatorial/documentos/accegue_11.03.00.htm and http://www.ccoo.es/guinea.ec_democratica/sindicalismo.htm.

¹²² DEPARTMENT OF STATE, 1999-2001.

went up to 77,000 CFA Francs and a difference was made between an ordinary minimum wage and that earned in the private and oil sectors. The Government introduced a structure of two thirds establishing a separate wage system for the private sector in and out of the oil sector. A classification system has been created for each group according to different criteria like educational level, skills, experience, etc ¹²³. Nevertheless, pay rises have not come into effect in the State Administration, so salaries are not high enough in order to cover family and personal expenses.

OTHER WORKING CONDITIONS

A **working day** in the formal economy is 35 to 40 hours a week. Within the Administration, work is Monday through Friday, from 8 a.m. to 4:30 p.m., and in the private companies, even though the law establishes a working day of no more than 8 hours, it is quite normal for employees to work more than 10 hours a day. There is a general abuse of overtime that besides being longer than what is stipulated by law they are usually not paid as such. In the oil sector, the working day is 12 hours daily, Monday through Sunday, from 8 a.m. to 8 p.m. This intensive schedule is compensated by a 28-day rest for every 28 days worked, already mentioned above.

There is not an insurance system for workers in Guinea. The Institute of Social Security (INSESO) charges contributions to some employers, including the oil corporations, or their employees. Also, legislation provides for a broad protection system against occupational hazards See (Table 3) ¹²⁴. However, and in practice, the corruption dominating in INSESO causes that most workers do not enjoy unemployment, accident at work or maternity leave insurance, nor retirement pensions. Workers who suffer from occupational hazards have to pay their hospital costs, including health-care materials.

As for retirement, people have to continue seeking means of support beyond the ending of their wage-earning labour period in the non wage-earning economy. It is families who take care of the elders' subsistence when they are not capable of working in the fields anymore. Those who used to work in the administration of the colony and can prove they worked for 15 or more years are entitled to a Spanish retirement pension ¹²⁵. However, not everybody who could take advantage of this right does it, because of lack of information and support from the Guinean Government in order to deal with the necessary application procedures.

¹²³ DEPARTMENT OF STATE, 2003

¹²⁴ Although in expansion, there are not enough inspectors to supervise working conditions in companies. DEPARTMENT OF STATE, 2004.

¹²⁵ CONSEJO DE ESTADO de España, *Dictamen 20/5/1999*.

LABOUR DISPUTES

In Equatorial Guinea, there are no formal nor effective ways to solve labour disputes, nor collective bargaining is institutionalised, see Table 4. The non-existence of workers and employees' organisations, which will be dealt with in the following section, makes it practically impossible to launch collective bargaining regulated by the Trade Union Law. On the other hand, the Tripartite Consultative Commission has not been set up either, provided for in the above-mentioned law and could be the means to carry out permanent discussions Government-workers-management at state level.

Going on strike, a fundamental right established in international agreements and the Guinean legislation itself, is not a possible means for Guinean workers' claims either, due to the risk of being subject to police persecutions. There are also serious legal obstacles, like the ones established in the Trade Union Law regarding the need to exhaust one of the procedures on solving disputes and having the decision taken by a majority in the company's employees' assembly. Once again, the absence of trade unions together with the obligation of employees in large companies to be members of PDGE's specialised workers' organisations, makes it very difficult to comply with such requirements.

The Trade Union Law provides for mechanisms- direct agreements, conciliation and arbitration- in order to settle disputes. However, the political dynamics do not favour a negotiated settlement of disputes, as seen above, as they are dealt with through informal channels of a personal and hierarchical nature. This explains why the Conciliation and Arbitration Board has not been set up yet.

As for having recourse to law, it is almost impossible in practice for workers who consider their rights to have been violated to get a favourable legal ruling. This is due to the lack of resources at their disposal in order to hire a lawyer, the length of time procedures take in the Administration and the connivance of the authorities, both administrative and judicial, with the main employers. The only judicial procedure taken into consideration in the General Labour Code are dismissal claims explained in Table 4. This is a long and expensive procedure, and the prolonged and political obstacles are out of reach of most workers, who usually give up in the first instance at the Labour Office, as it can take more than three months until a ruling is issued, which is normally favourable to the employers, who are usually the same Governmental top officials or their foreign associates.

In short, the capacity of workers to be able to claim their rights is affected by the overall situation in the country and the Judiciary's lack of independence. Governmental officials exercise considerable control over judges who are incapable of guaranteeing the right to a fair trial and exercise independence¹²⁶. Industrial Tribunals, provided for in the 1984 Judiciary Organic Law, were never institutionalised and were eliminated

¹²⁶ INTERNACIONAL BAR ASSOCIATION (IBA), *Equatorial Guinea at the Crossroads*, Report of a Mission to Equatorial Guinea by the International Bar Association Human Rights Institute, October 2003.

in the 1999 legislative reform. Since then, the Ministry of Labour and Social Promotion has formally replaced judges as the instance for the settlement of labour disputes. So it is understandable that due to the tight links between the Governing class and the corporate sector it is very difficult for workers to get a favourable ruling unless they have good connections in the Government.

Due to an overall atmosphere of fear dominating the country, few workers dare demand their rights, neither individually nor collectively. Workers do not believe in institutions solving their claims, and when they do, they identify with political positions opposite to those of the Government.

3.4. The Non Wage-Earning Sector and Women's Labour

Most of Equatorial Guinea's economy and labour are not based on wage-earning labour relations. This is called the informal sector by some experts, although we prefer to refer to them as non wage-earning. As in African countries in general, it is not a clear and separate activity from that of wage-earning activities: family economies are a combination of both kinds of work, and it has already been mentioned how people swift from one to another over their labour life.

The main activities carried out as self-employed workers or within family relations are agriculture, housework and small businesses. The number of the economically working population in this sector could be around 250,000 people ¹²⁷. It is a very feminised sector where women carry out most of the activities. Here also, specific child labour is important, in support of that of the adults, like veneering lands, sowing and harvesting, or agricultural produce or home-made food street trading.

Agricultural and livestock work, particularly agriculture, is mainly geared towards producing food for family consumption and only surpluses of this subsistence farming are taken to local markets. There is a clear division of labour in the food and agriculture activities: women are responsible for cultivation, food processing and, if relevant, marketing the products. Men are responsible for clearing lands at the beginning of the two annual sowing seasons (June-July and December-January) as well as hunting and fishing at a small scale. Women with no male relatives who can do clearing jobs can pay someone to do it, generating seasonal wage-earning relations in the agricultural sector.

The working day of women in farming is long and unlimited. They usually set off at dawn, at approximately 6 or 7 a.m., and go to the plots of land that may be several kilometres away from their homes. They stay there until late afternoon and when they get home, at about 5 or 6 p.m., they have to prepare supper and take care of the housework. Despite all the work this entails, women's agricultural and household activities are classified in their identity cards under the category of "housewife", a

¹²⁷ The 2002 Census gives a figure of 351,695 people whereas the 2002 UN CHR report establishes 150,000.

category coming back from colonial times. The main problems agricultural workers encounter are the difficulties in getting a loan in the case of small producers, and the inadequate transport system.

The former commercial cocoa production, that used to be the main colonial activity, is currently a marginal activity and concentrated in Bioko Island. The fluctuation of prices at international level together with some governmental measures (which started after independence with the redistribution of lands among the new governing class and the expulsion of immigrant workers) made the sector collapse, see Section 2.4. At present, it employs about 5,000 farmers. In 1993, both the European Commission and the Spanish Co-operation launched a revival programme of the cocoa sector, based among others in the regeneration of crops ¹²⁸.

Cocoa is produced by smallholders, mostly men, who cultivate on average 2 to 3 hectares of land ¹²⁹. Land ownership is concentrated in few hands, either governmental figures or people with good connections in it; the main owner, as well as the main exporter, is Casa Mallo SA, a company with Spanish capital. At the end of the harvesting period, farmers sell their harvest to the owner at a set price established by the Government (deducting all advances given in kind) and cover for all expenses. Owners and farmers labour relations are not established through a written contract as well as highly hierarchical and based on favouritism. This sector also generates some wage-earning jobs, like those in the drying-sheds, nurseries and replanting activities, where many people (pieceworkers), often women, work temporarily in return for a daily wage ¹³⁰.

Traditional fishing is carried out mostly by men who either own or rent the tackle they use in Malabo and in Muni River's coast.

The marketing of basic products coming from subsistence agriculture and fishing surpluses is also women's job. Although it is women growers who often sell part of their production in nearby markets, there are some women specialised in going round villages seeking surplus products. They are usually the ones who smoke fish and then sell it dry. These women traders, known as "bayamselam" (from pinyin-english *buying and selling*) supply rural areas with basic products such as oil, salt, soap or rice. One of their main problems is the inadequate transport system in the whole country worsened by a significant number of military check-points set up by the Government in order to control and hinder the population's movement within the country, suffering constant extortion from the security forces.

¹²⁸ OCDE, 2002.

¹²⁹ "Part of this population is rural and live in villages or in the courtyards of plantations (a group of rooms with different degrees of comfort), and works in the cocoa sector. Others live in the cities and work their plots of land temporarily. An undefined number of men and women do unskilled work in the sector in a temporary manner". OFICINA DE PLANIFICACIÓN Y EVALUACIÓN, Executive report: *El sector cacao en Guinea Ecuatorial, SECIPI, Ministerio de Asuntos Exteriores* (Spain), 1997.

¹³⁰ OPE, 1998 (p. 12).

Retail trade is not restricted to food and agricultural produce produced and sold locally. There is broader trade with neighbouring countries- Cameroon, Benin, Gabon or Nigeria-, also carried out by women who buy there materials, clothes and food. Sales are done in markets in the city centres, but there are also door-to-door sales on business premises in order to avoid taxes. There are no set schedules in markets, opening at dawn and closing at sunset. Women without relatives in the cities usually sleep in the market stands until they sell their goods. There are also a lot of emigrants from the region from Cameroon, Nigeria, Benin, Togo or Senegal, who control retail trade in Malabo and Bata ¹³¹.

Besides buying and selling, there are many other economic activities developed in the service sector that are what we could say micro-businesses, such as canteens, taxi service, bricklayers, electricians, private teachers, etc. They are usually self-employment jobs and do not follow the criteria of wage-earning jobs. However, they can be affected by the same politicisation dynamics, especially if they own a shop, as anyone who expresses their support for an opposition party can be harassed by state agents in such a way (sky-high taxes, electricity cuts, etc.) that they end up shutting their business down.

The oil economy has affected the non wage-earning economy in two different ways. On the one hand, it has caused a certain depression in agricultural activity, as many young people have emigrated to the cities seeking wage-earning jobs in the extractive sector. On the other hand, it has boosted another series of activities in the cities, as trade itself, but also prostitution. The number of children selling different products on the streets has increased, some of which are part of regional networks trafficking in persons. Many women in prostitution have also come from neighbouring countries through these networks, like Cameroon, in order to cover the demand of expatriate workers employed in the trans-national companies. More and more young Guinean women are accepting this kind of exploitation as the only way to have access to the riches coming from oil and that hardly benefits the population.

¹³¹ Wood, 2004 (p. 553).

4. THE TRADE UNION MOVEMENT IN EQUATORIAL GUINEA

The authoritarian nature of all the political regimes Equatorial Guinea has gone through since the colonisation has made it difficult for citizens to exercise the right to organising.

During the colonial period, Franco's regime's colonial Government did not recognise the right of association, and thus, there were no workers' organisations where they could demand their rights until the 1960s. However, agricultural co-operatives for small cocoa growers were promoted. There was a so-called Employers' Timber Union that defended Spanish producers and buyers' interests. The Spanish metropolitan legislation only conceived the existence of a state-controlled trade union that gathered both employers and employees in the same organisation. Nevertheless, and like many other metropolitan institutions, this never got to the colony.

The first attempt to form an independent union took place towards the end of the colony and in exile with the creation of the *Unión General de Trabajadores de Guinea Ecuatorial* in 1959. UGTGE was linked to the anti-colonial nationalistic party MONALIGE. This Trade Union had a certain degree of freedom of action during the political opening-up under the Autonomy regime, which was set up over the last years of the colonial period (1965-1968)¹³². Also, the first strike called by the Administration's civil servants took place during this period, in 1966, with the demand for a pay parity between Africans and Europeans.

After independence, the new Government's extremely autocratic and repressive nature as well as the drastic decrease of companies operating in the country and the poverty suffered by the population, devoted mostly to subsistence activities, prevented the forming and operating of trade unions. Not much attention was given world-wide either to the situation in Equatorial Guinea. Not until October 1980 did the Conference of the Organisation of African Trade Union Unity (Mogadiscio) adopt a resolution that called for the "Equatorial Guinea's Government to take the necessary measures in order to restore the normal functioning of trade unions, in accordance with ILO regulations"¹³³.

Following the coup against his uncle, Obiang Nguema's Government also failed to respect workers' rights, including the right and freedom of association, even though Equatorial Guinea had joined ILO in 1981. The legal possibility of forming trade unions in the country was only possible after the political changes that took place after the reform of the Constitution in 1991, although the Basic Law did not include

¹³² LINIGER-GOUMAZ, 2000.

¹³³ LINIGER-GOUMAZ, 1983.

explicitly this right, see Table 3. The 1992 Trade Union and Collective Labour Relations Law, drawn up under ILO's supervision, regulated this right for the first time; in 1999, it was amended by law 6/1999.

Despite the legal recognition of freedom of organisation, there are a number of obstacles in order to set up free trade unions in Equatorial Guinea. Firstly, the problems posed by the law itself that requires at least 50 workers coming from the same sector. This is contradictory with the reality in the country where most businesses are small and family oriented. Also, article 6 excludes the public sector, in spite of the fact that it employs between 25 and 40% of wage-earning workers in the country. The same law calls for special regulations for civil servants and other public employees which has not been passed up to this date ¹³⁴.

The second obstacle for the setting up of trade unions is the restrictive implementation of the law itself that has led to the refusal of legalisation for most of the applications presented since the beginning of the 90s. In 2005, a complaint against the Equatorial Guinean Government was filed before ILO due to the violation of freedom of association, denouncing the bureaucratic obstacles, including those of Malabo's notary, in legalising two trade unions ¹³⁵. Furthermore, the promoters of these proposals have been subject to intimidation practices by the security forces ¹³⁶.

Lastly, the labour structure existing in Equatorial Guinea, where the vast majority of workers work in the informal sector, makes it difficult to form trade unions in the traditional sense. However, the only trade union with a legal status operates in this sector, as will be seen below.

Trade Unions' work in Equatorial Guinea is quite hindered, first of all, because they have to carry out their activities in a clandestine manner. Secondly, because two of the main tools workers have to exercise pressure, the right to strike and collective bargaining, are absolutely ineffective. And lastly, due to the police persecution and repression as well as labour discrimination suffered by trade unionists, who are treated the same way as the political opposition ¹³⁷. The situation of the right to organising in Equatorial Guinea has been denounced more than once by the International Confederation of Free Trade Unions (ICFTU) ¹³⁸.

¹³⁴ The Government systematically refuses to speak about the evolution of the Trade Union Law, even in the Parliament. For example, this took place in a meeting between the Government and the Political Parties held in Mbini in August 2003. CPDS, Press Release 27/8/2003.

¹³⁵ A complaint filed before ILO by the *Unión Sindical de Trabajadores (UST)*, the *Asociación Sindical de Docentes (ASD)* and the *Organización de Trabajadores del Campo (OTC)* due to the Government of Equatorial Guinea's violation of trade union freedom, 23/5/2005.

¹³⁶ ICFTU, Observations submitted in the 277th Meeting of ILO's Governing Body on *Freedom of Association and Effective Recognition of the Right to Collective Bargaining*". March 2000.

¹³⁷ At the end of 2004, Pío-Miguel Obama Oyana, responsible for trade union issues in the opposition political party CPDS was detained in a police station for 45 days.

¹³⁸ ICFTU, 2000.

The situation of trade unions worsens in certain economic sectors, such as the oil industry. The control exercised by the Government through the intermediary employment agencies, together with the trans-national companies' interest in avoiding workers' organising in order to demands their rights, have hampered any initiative in this sense. In general, any Guinean organisation with the intention of forming a trade union has very little capacity of action and still lacks effectiveness in the defence of workers' rights and working conditions ¹³⁹.

4.1. Trade Union Initiatives in Equatorial Guinea

The *Unión Sindical de Trabajadores (UST)* was created in 1990 and has been working underground since, due to the recurrent refusals of the Government for its legalisation. UST is linked to the social democratic political party *Convergencia para la Democracia Social (CPDS)* through its Trade Union Action Secretariat. Their programme includes the need for a democratisation of the country's political structures for an effective defence of workers' rights. In other words, labour rights are demanded as part of citizens' fundamental rights ¹⁴⁰. For the main opposition party inside the country "the current situation in the plight for citizens and workers' rights (...) continues to have the absolute need of UST to find in CPDS the source for its actions and initiatives" ¹⁴¹.

According to UST, their trade union programme entails developing autonomous strategies in different sectors, such as education, services, transport or agricultural and livestock activities. Once a number of branches have been legalised, which would become the Trade Union's Federations, the aim is to convene a congress on the occasion of the setting up of the trade union ¹⁴². In this sense, UST has focussed most of its activities on trying to achieve legalisation in accordance with the country's laws that are in force, as well as the legalisation of other trade unions, such as the *Sindicato Independiente de Servicios (SIS)* or the *Asociación Sindical de Docentes (ASD)* ¹⁴³.

In 1991, UST supported a 48-hour strike held by local UNDP employees giving rise to a 25% salary increase. In December 1992 and at the beginning of 1993, UST also supported an indefinite strike that had been called for by Rey Malabo Institute's teachers', following the expulsion of a number of teachers that brought about a brutal repression on the side of the Government: "politicians, teachers, priests, students and other citizens were arrested and tortured with no other justi-

¹³⁹ CPDS, *Ponencia Marco...*, 2005.

¹⁴⁰ *Unión Sindical de Trabajadores (UST)*, Report presented at the XXXVII Congreso de la UGT, Madrid, 1998.

¹⁴¹ CPDS, *Ponencia Marco...*, 2005.

¹⁴² CCOO, 2000.

¹⁴³ UST, General Report, February 1994; UST, General Report, 1998.

fication but to terrify anybody who dared criticise the chaotic situation in the country". Furthermore, 27 teachers were expelled from the Institute. Owing to the brutal repression exercised the year before, two calls for strike by local UN employees in Malabo and by Civil Service workers, in September 1993 and March 1994 respectively, demanding a pay rise that would even out the CFA Franc's devaluation, were a complete failure ¹⁴⁴.

The ***Sindicato Independiente de Servicios (SIS)*** was set up before a notary in January 1996 in order to defend and improve conditions of tertiary sector workers. Despite complying with all legal requirements, as well as the pressure exercised by ICFTU requesting its legal recognition, the Government refused to recognise it as a legal entity. "Within the instigators' group there were about 80 people coming from hotel and catering businesses, the postal and communication services, both from the private and public sectors. The Government forced their dismissal and refused the organisation's recognition claiming that several of them were civil servants. SIS appealed twice, but failed to attain legalisation" ¹⁴⁵.

As for the ***Asociación Sindical de Docentes (ASD)***, created in 1998, it is made up by primary and secondary school teachers and by vocational and higher education teachers, coming from both the public and private sectors. The Government refused their application for recognition on the grounds that it comprised State civil servants, and that the law regulating the constitution and the operating of trade union in the public sector had not been passed yet. As regards private education, international co-operation has been subjected to workers' demands. In March 1999, 111 teachers working in the schools that are dependent on the *Asociación de Centros Católicos de la Enseñanza de Guinea Ecuatorial (ACCGE)*, and financed by the Spanish Co-operation, addressed a manifesto to the association's presidency denouncing the difference in wages between Spanish and Guinean workers and demanding a pay rise, as well as better working conditions in the *Agencia Española de Cooperación Internacional*. The people in charge of ACCGE's reaction was to go to the Guinean Ministry of Education and denounce the political nature of the demands, as well as not taking on some of the instigators the following year ¹⁴⁷.

In parallel with all these efforts hindered by the Government, the *Organización Especializada de los Trabajadores*, linked to the *Partido Democrático de Guinea Ecuatorial* and chaired by the President's son, Teodoro Nguema Obiang, minister and businessman, is operating. It has cells in almost every company in the country

¹⁴⁴ UST 1994 and 1998.

¹⁴⁵ CCOO, 2000.

¹⁴⁶ ASD, Statutes, 11/3/1998.

¹⁴⁷ "The Committee of Teachers' Representation Manifesto...", 2000; "No agreement in the private education sector. Guinean teachers could go on strike starting tomorrow", *Asodegüe*, 10/5/2000; "Teachers' strike postponed. Obiang was in the United States buying security", *Asodegüe*, 11/5/2000.

with the mission to keep watch and take repressive measures against any worker who is not an active PDGE member or states the intention of organising or joining a trade union.

The trade union structure in the agricultural and livestock non wage-earning sphere suffers from the obstacles that are common to the so-called informal sector, where the distinction between workers and employers is not very clear. Here, fundamental relations are between owners and lessees (smallholders), producers and buyers, farmers and seasonal wage-earners. Agricultural non wage-earning labour organising in Equatorial Guinea has gone through different initiatives.

In 1998, an integrated service co-operative was formed with the support of the Spanish co-operative Mondragón ¹⁴⁸. From here on, the ***Organización Sindical de Pequeños Agropecuarios (OSPA)*** was set up in a moment that agriculture was in a critical state due to the negative effects of the oil economy. Agricultural development was also affected by the governmental repressive measures against the Bubi rural communities on Bioko Island at the beginning of 1998 ¹⁴⁹. But it gained legal recognition in July 2000, after a three-year wait, and for the time being, it is the first and only trade union with such a status. This trade union would like to be representative of agricultural and livestock farmers, self-employed producers, lessees or smallholders, as well as technicians and production or hand-made product co-operatives or associations ¹⁵⁰. The fact that it was recognised by the Government could be explained by the trade union's nature in itself as it represents small producers and smallholders and makes it less prone to actions that could seriously affect the farming on which its members rely on ¹⁵¹. Originally, it was part of UST's federal programme, but following its legalisation it cut off all links with it, which has led the former to promote another trade union in the same field, the ***Organización de Trabajadores del Campo (OTC)***.

In addition to these trade union initiatives, there are some co-operatives, particularly among cocoa producers, like the one of *Buena Esperanza* in Bioko, that have to be taken into consideration. In 1998, the integrated service co-operative in the agricultural and livestock field, CIPA, was established and operates in Evinayong with the support of the Guipúzcoan co-operative Mondragón (Spain) ¹⁵². Another co-operative project was launched in 2002 in the field of traditional fishing, COPESCA, which aims to operate in Basupú, Río Campo, Mbini and Cogo. Both projects aspire to structure workers' demands in the informal sector of Guinea.

¹⁴⁸ UST, 1998.

¹⁴⁹ CCOO, 2000.

¹⁵⁰ ORGANIZACIÓN SINDICAL DE PEQUEÑOS AGROPECUARIOS (OSPA), Statutes, 8/10/1998.

¹⁵¹ Carlos ONÁ, Interview, *La Opinión*, 19/8/2000.

¹⁵² The project includes the setting up of a chicken farm and a fodder plant. See Cooperativa Mondragón's website <http://www.mundukide.org/PROYECTOS.htm#cipa>

As for **business organisations**, despite the small number of three employers required by the Trade Union and Collective Labour Relations Law in order to set up an employers' association, not one application file for an association of this nature has been registered, except for the *Organización Sindical de Pequeños Agropecuarios*. The fact is that most of the important companies operating in the country are in the hands of the governing class, who are carrying out all sort of violations regarding labour rights and against the existing legislation, and have no interest whatsoever in forming an association. Businessmen who could have an interest in forming an association are afraid of being accused of forming a political organisation against the Government.

As already stated in Table 2, the organisation of small businesses that were established in the country since the beginning of the 90s never gained legal recognition, regardless of their efforts in this sense. In 1997, the Equatorial Guinea's Government promoted the establishing of an employers' association at national level in order to comply with its obligations as a CEACR member. The independence of this association is quite questionable as most responsible positions are in the hands of people related to the governing party PDGE. Also, the absence of a workers' trade union counterpart makes it difficult to comply with one of the duties of employers' associations, which is to participate in the tripartite social dialogue among the Government, trade unions and management.

In 1995, *the Movimiento de Amigos de Obiang (MAO)* was set up without submitting it through the established legal procedures for its recognition as an association. This association had, among others, all the businessmen in the country, both domestic and foreign. The Government has also promoted the creation of ad hoc fictitious organisations in order to counteract the negative image among international institutions: in 2000, a non-existent *Unión General de Empresas del Consejo de Administración (UGEPRIGE)* submitted a report in the 277th Meeting of the Board of Directors of the International Labour Organization, where freedom of association and the effective recognition of the right to collective bargaining was dealt with, assuring that the right to organising was respected in Equatorial Guinea ¹⁵³.

As for **professional associations**, the Bar Association is the only one that is malfunctioning with very little independence from the Government ¹⁵⁴. The regime has always been interested in politicising the Association, and in 2002, the day before a political trial against a group of opposition members accused of conspiracy, the Government dissolved it temporarily in order to prevent it from designating the duty solicitors that should have represented the accused. Instead of this, the designation was left to the

¹⁵³ UGEPRIGE, Observations submitted to the International Labour Organisation, March 2000.

¹⁵⁴ IBA, 2003.

Ministry of Justice's discretion. In 1996, there was an attempt to set up a medical association, but it was not authorised by the Government ¹⁵⁵.

The Government places obstacles and impediments for the establishment of professional associations in the country. That is partly due to the fact that the regime is afraid and has taken a dislike to the structuring of the society and sees professional organisations as potential platforms for claims, and therefore, a sea-bed for political opposition. Furthermore, these associations could be an obstacle to some consolidated interests of many people placed in some of the regime's top positions with doubtful academic qualifications and who have always regarded professional organisations as a threat.

4.2. International Trade Union Actions

Due to the foreign-oriented nature of the Guinean economy, trade union initiatives have to be also presented abroad. This turns international forums into very relevant places for claims regarding workers' rights.

UST, despite working underground, has established international links since it was set up ¹⁵⁶. There are particularly close ties with Spanish trade unions, such as the *Unión General de Trabajadores (UGT)* and *Comisiones Obreras (CCOO)*, who are part of the *Plataforma por la Democratización de Guinea Ecuatorial* ¹⁵⁷. UST delegations have attended UGT's Congresses since 1994 and in the following 1998 Congress, number. 37, a resolution was passed on the situation in Equatorial Guinea. Furthermore, UGT organises periodic training courses for Guinean trade unionists on different aspects of trade union activities ¹⁵⁸. UST has also contacts with *Comisiones Obreras* and has been invited to their Confederal Congresses ¹⁵⁹. UST maintains close ties with the International Confederation of Free Trade Unions (ICFTU). In 1998, CPDS leaders visited ICFTU in order to explain to them the conditions in which they were trying to organise trade union activities in Equatorial Guinea ¹⁶⁰. ICFTU has repeatedly asked the Guinean Government to legally recognise the trade unions that have tried to register as such. The 277th Meeting of ILO's Governing Body in March 2000 spoke about "freedom of association and the effective recognition of the right to collective bargaining" in the case of Equatorial Guinea, having ICFTU submitted a report on the country ¹⁶¹.

¹⁵⁵ CPDS, *Ponencia Marco...*, 2005.

¹⁵⁶ First contacts were made through the Socialist International and the Israeli trade union HISTADRUT, CCOO, 2000.

¹⁵⁷ www.ccoo.es/guinea.ec_democratica.

¹⁵⁸ The first seminar organised by UGT was about "*Organizadores Sindicales para Guinea Ecuatorial*", from 23 June to 4 July 1997.

¹⁵⁹ "*Congreso con presencia de representantes ecuatoguineanos*", *Europa Press*, 12/4/2002.

¹⁶⁰ CCOO, 2000.

¹⁶¹ ICFTU, Observations submitted to the International Labour Organization, March 2000.

Within the framework of CAEMC, UST participates, together with other trade unions in the region, in organising a regional trade union structure in order to ensure workers' needs and demands in the six member countries: Cameroon, Gabon, Chad, Central African Republic, Congo and Equatorial Guinea. UST also took part in ACP-EU Fifth Regional Seminar on Social and Economic Means and Civil Society, held in Yaundé in May 2003 ¹⁶².

Guinean trade unions are aware of the need for external pressure on both the Government and the oil corporations. However, their clandestine nature and instability seem to hamper their international action and make them focus more on their legalisation itself. Actually, the Secretary Generals of UST, ASD and OTC Trade Unions filed a complaint against the Equatorial Guinean Government for violations of freedom of association before the International Labour Organization (ILO) in May 2005, accusing it of obstructing the recognition of UST's education and agricultural and livestock branches on no legal basis.

If the struggle for the defence of workers' rights has always had a trans-national dimension, then it becomes a must in the case of Equatorial Guinea, where most of the main employers have their home base far beyond the country's borders. So, on the one hand, the oil companies have their main headquarters in the United States, whereas the resources the Guinean Administration pays civil servants with come from the sale of oil to those very companies. If Guinean labour relations take place within this internationalised structure, then any trade union action aiming for efficiency should be carried out within a wider range than that of the Guinean State.

At present, Guinean workers' rights are not the main objective of any international campaign. However, the possibility of carrying out trans-national actions in defence of the compliance with certain ethical standards within the framework of economic relations has increased over the last years. A good example of this has been the campaigns in favour of international transparency in the oil and other mineral extraction industry. And at present, Equatorial Guinea is one of the most affected countries by these campaigns and could bring support and inspire trade union and associations' actions in their claim for respect for workers' rights.

Table 7

INTERNATIONAL TRANSPARENCY CAMPAIGNS AND EQUATORIAL GUINEA

Since the mid-90s, two London-based organisations, *Transparency International* and *Global Witness* have been denouncing corruption and demanding transparency in world business. **Global Witness** works to highlight the link between the exploitation of

¹⁶² "The 5th ACP-EU Seminar on Economic and Social Means and Civil Society was held in Yaunde, Republic of Cameroon, from 21 to 23 May" *La Verdad* no. 47, Malabo, June 2003.

natural resources such as timber, diamonds and oil and human right abuses, conflict and corruption. Their main tools of work are the issuing of reports on specific countries and lobbying responsible politicians.

The demand of disclosing economic transactions between mineral producing countries and trans-national corporations has increased, leading to the creation of a world coalition of more than 270 organisations promoted by Global Witness, CAFOD, Open Society Institute de George Soros, Oxfam, Save the Children UK, and Transparency International UK. The **Publish What You Pay** coalition calls for multinational oil, mining and gas companies to disclose their payments to governments for every country of operation. A requirement for transparency about a country's resource income and expenditure should become a standard condition for credit, development and technical support programmes in all international financial assistance to these Governments. The underlying conviction is that when properly managed these revenues should serve as a basis for poverty reduction, economic growth and development. But this is only possible if citizens of resource-rich but poor countries have the means to demand from their Governments responsible policies and, above all, transparency and information on revenues coming from natural resources.

Thanks to the pressure exerted by these organisations, transparency and the adequate public management of revenues from mineral exploitation has generated a series of official initiatives and statements. This growing international consensus is clear in United Nations' *Global Compact*, the independent *Global Reporting Initiative*, the *Guidelines for Multinational Enterprises* adopted by OECD, the report on investment policies of the World Bank in the extractive industries, *Extractive Industries Review*, and the G8 Action Plan *Fighting Against Corruption and Improving Transparency*, adopted in the 2003 summit, the Statement supported by the United States such as *Voluntary Principles on Security and Human Rights* and the 2005 *EU Directive on Transparency Obligation*. The *Commission for Africa*, formed by the British Government, issued a report in March 2005 where corruption and lack of transparency in business deals were considered the main challenges for African prosperity.

Extractive Industries Transparency Initiative (EITI) is the most specific proposal in this respect. Launched by Tony Blair's Government in September 2002, it invites all Governments and corporations involved in the production of strategic minerals, as well as civil society, to get involved in the initiative. EITI promotes the voluntary disclosure of extractive industry accounts. In March 2005, countries, corporations, civil society organisations and IFI participants agreed on 6 compulsory minimum criteria in order to implement the Initiative ¹⁶³.

Although the PWYP campaign has welcomed this initiative, as well as the other statements in favour of international transparency, it warns about the effectiveness of their measures unless demanding regulations are adopted that force extractive companies to publish payments (through fees, royalties or other taxations) for every country of operation and Governments to publish revenues received from extractive industries.

Equatorial Guinea has been one of the countries whose situation has been exposed and denounced by campaigns in favour of international transparency. In January 2003, Global Witness published for the first time a press release on the situation in Equatorial Guinea, based on a *Los Angeles Times* report. This report denounced payments made by oil companies to an account in the name of the Equatorial Guinean

163 Extractive Industries Transparency Initiative <http://www.eitransparency.org>.

President himself in a private-owned bank in Washington, Riggs Bank, that had also managed the purchase of luxurious mansions for Obiang Nguema and his family ¹⁶⁴.

Two years after that, in March 2004, and following an exhaustive investigation, Global Witness published *Time for Transparency: Coming Clean on Oil, Mining and Gas Revenues*, on the effects of oil, gas and mineral extraction in five countries, including Equatorial Guinea ¹⁶⁵. The report pointed out that although the country's oil boom has resulted in a dramatic economic growth, its living standards remain very low and denounced the misappropriation of oil revenues by the ruling class as the cause of this contradiction. It condemned, in particular, the unclear line between State revenues and the governing class' personal finances following the discovery of a multimillionaire account in Riggs Bank and the dire state of the country's accounting regarding oil revenues, often referred to by the regime as "secrets of State". As stated in the report "the questions about the government's handling of oil revenues are far from theoretical, given that these revenues help to empower a political regime that has been characterised by reports of extreme brutality towards its own people and accusations of involvement in drug trafficking".

In July 2004, following the Global Witness report, the **United States Senate Permanent Subcommittee on Investigations** issued a report on the enforcement and effectiveness of legislation as regards money laundering and foreign corruption related to the US financial sector (October 2001 *Patriot Act*). The study focussed precisely on Riggs Bank and the accounts in the names of former Chilean dictator, Augusto Pinochet and the governing class in Equatorial Guinea. The report concluded that: "Riggs bank opened more than 60 accounts and certificates of deposit for not only the government of Equatorial Guinea, but also a host of senior government officials and their family members, with little or no attention to the bank's anti-money laundering obligations, turned a blind eye to evidence suggesting the bank was handling the proceeds of foreign corruption and allowed numerous suspicious transactions to take place without notifying law enforcement". The bank also provided loans and managed scholarships for the governing class and their families. The report also admitted that: "Oil companies operating in Equatorial Guinea may have contributed to corrupt practices in that country by making substantial payments to, or entering into formal business ventures with, individual officials, their family members, or entities they control, with minimal public disclosure of their actions" ¹⁶⁶.

According to the press, the U.S. Securities and Exchange Commission (SEC) opened, in August 2005, an official investigation on the payments made by the American oil companies Exxon-Mobil, Devon, Marathon and Amerada Hess to Equatorial Guinea ¹⁶⁷.

These reports have displayed before the international public the situation in Equatorial Guinea, giving way to pressures on the Government that used to be practically non-existent. Attempts by the dictator and his family to open new bank accounts in Europe and the United States have been denied ¹⁶⁸. The first reaction shown by the Guinean

¹⁶⁴ GLOBAL WITNESS, Press Release "*¿Alberga un banco estadounidense los millones desaparecidos provenientes del petróleo Ecuatoguineano? Los Departamentos de Justicia y del Tesoro Estadounidenses deben investigarlo*", 20/1/2003; Ken SILVERSTEIN, "Oil Boom Enriches African Ruler", *Los Angeles Times*, 10/1/2003

¹⁶⁵ GLOBAL WITNESS, 2004.

¹⁶⁶ THE UNITED STATES SENATE, 2004.

¹⁶⁷ AFRICA ENERGY INTELLIGENCE, *Equatorial Guinea: SEC Investigates*, n° 399, 31/8-13/9/2005.

¹⁶⁸ "Guinée Équatoriale. Du Pétrole... et demain?", *Jeune Afrique / L'Intelligent*, núm. 2302, 20-26/2/2005.

governing class has been to improve their international “image”, adopting a language of transparency in the management of the State’s resources. In order to do this, it has sought IMF’s technical advice, which had suspended its agreements with the country in 1996. IMF issued a Report, in April 2005, on the Observance of Standards and Codes-Fiscal Transparency Module in Equatorial Guinea, as the basis for future conversations with the Government. This report explains clearly that the Government lacks a fiscal policy framework for management of petroleum wealth, transparency in reporting and reconciliation of oil revenue flows and a firm budget constraint as well as corporate governance of GEpetrol ¹⁶⁹.

Also, the Equatorial Guinean Government has shown interest in joining the Extractive Industries Transparency Initiative and participated in the summit held in London in March 2005. However, one of the Initiative’s minimum criteria is “society is actively engaged as a participant in the design, monitoring and evaluation of this process and contributes towards public debate”. Up to this date, the Government has not done anything in order to foster a public debate on the management of petroleum wealth nor to allow an independent civil society in the country. It is still soon to see the real effects of these international campaigns in the coming future.

To sum up, international campaigns for transparency in the management of oil resources have helped to show at international level the relation between certain business activities and the political oppression existing in the country. For the moment, the Guinean regime’s gestures in order to counterbalance them are basically cosmetic. Nevertheless, these international demands have a very important potential for a political change, if they are ever consolidated.

At present, any company not willing to participate in this dynamic of corruption and dictatorship empowerment would be left out of the Guinean market. That’s why it is so important that companies aiming to make socially responsible investments join their efforts towards collective initiatives that demand a better international transparency and the respect for workers’ and other human rights in those countries where basic raw materials are produced. In doing so, they would contribute to the establishment of compulsory international regulations for all extractive industries and prevent support to the dictatorship from becoming a corporate advantage.

The trade union movement should take note of the potential of denouncing the violation of labour rights in Equatorial Guinea at international level. And the situation of workers could also benefit from these campaigns while supporting and joining in the denunciation of political oppression.

¹⁶⁹ IMF, *Republic of Equatorial Guinea: Report on the Observance of Standards and Codes-Fiscal Transparency Module*, 27/4/2005

CONCLUSIONS

- The situation of workers' rights in Equatorial Guinea is highly conditioned by a political context of autocracy and lack of civil and social freedom. Since the beginning of the 19th century, labour abuse has been a dominant feature of this territory's participation in world economy.
- Since the mid-90s, the enclave economy generated by oil exploitation has reinforced the dictatorship and made the governing class rich, and since they enjoy such a hearty source of resources up and above the general population, they are not politically accountable to them. Oil production profits nurture mass corruption and does not benefit the general welfare of the population. Oil industry revenues foster repression, impoverishment and political co-optation which are the main tools of social domination in the country.
- The wage-earning labour market is highly politicised and represents another tool used by the authorities to control dissents. In addition to the Civil Service, the main companies operating in the country are monopolised by President Obiang Nguema's family or those close to him, or are forced to have close ties with this circle in order to survive. So, opponents and dissidents are not usually employed in the State Administration or in companies. One of the main reasons why citizens do not publicly demand their rights, become trade union members or a member of any other kind of civil society organisation is because of their fear of losing or not getting a job.
- In the oil industry, employment agencies, which are in the direct hands of the dictator's relatives and are the intermediaries between workers and foreign companies operating in the sector, channel this process of politicisation. Any Guinean who wishes to work on a sea oil rig has to necessarily go to one of these employment agencies that have two main functions: keep an important chunk of each worker's salary and prevent people who do not sympathise with the regime from getting a job.
- The non wage-earning sector is the population's main area of work. This sector works in agriculture, small businesses, traditional fishing or transportation. The two first sectors are predominantly female. These people are either self-employed or lessees, and are not entitled to social security or other services and their activities do not get any support from the Administration, not for infrastructures or subsidies.
- None of the existing legal regulations or ILO's International Conventions ratified by Equatorial Guinea have been carried out or implemented in practice. The adoption of labour laws are aimed more towards the need to give a stan-

andardised and respectable international image than to recognise workers' rights and regulate labour relations. These, in general, are carried out in a very informal manner.

- There is no freedom of association in Equatorial Guinea. The political situation prevents workers from organising their claims and facing up the Government and the corporations that are often in the hands of the same people. Also, the preponderance of the non wage-earning sector makes it very difficult for workers to organise themselves. Trade union instigators are persecuted and suppressed by the security forces, as well as political opponents.

PROPOSALS addressed to the International Trade Union Movement

The regime's authoritarian nature reinforced by the oil economy over these last years, the international lack of interest in the situation in Equatorial Guinea, the connivance of certain trans-national companies as well as the seriousness of the systematic and constant violations of fundamental and labour rights are more than enough reasons for the international trade union movement to take action.

The following are some action proposals.

1. Exert pressure on the Guinean Government so that the existing Trade Union Law is implemented and some of its paragraphs amended, trade union initiatives are legalised and the organisation of workers in the public sector is permitted.
2. Denounce the political capitalising of employment procedures by the Equatorial Guinean authorities and the connivance of some trans-national companies.
3. Demand a real compliance in Equatorial Guinea with ILO's Fundamental Conventions and denounce the participation of delegates who do not represent Guinean workers in the Equatorial Guinean delegations attending ILO's annual Conferences.
4. Carry out an effective international strategy in support of trade union initiatives in Equatorial Guinea: exerting pressure for their recognition, giving them voice in international forums, supporting their structuring and helping them to grow within the formal and informal sectors.
5. Put pressure so that bilateral Governmental co-operation with Equatorial Guinea is conditioned to the respect of fundamental and labour rights, labour relations democratisation and to the establishment of collective bargaining and social dialogue.
6. Demand transparency to the Equatorial Guinean Government as regards revenues coming from the extractive industry.
7. Support initiatives in favour of the democratisation of the country.

APPENDIX

MAP

Source: www.elpais.es



BASIC INDICATORS

Area	28.051 km ²	
Population	506.350	2004
GDP (\$)	2.368 mill.	2004
GDP Annual Growth	24,5%	2000-2004
Fertility Rate	5,9 children / women	2000-2005
Life Expectancy at Birth (years)	43,3	2003
Population Growth	2,7%	1975-2003
Age Structure	44,2% <15 years old	2003
	3,2% >65	2003
Urban Population	38.8%	2002
GDP per capita (\$)	5.796	2004
Adult Literacy	84,2%	2003

(Sources already shown in Table 1)

BASIC CHRONOLOGY

- 1850-1880 Cocoa production begins in Fernando Poo (Bioko Island today) as well as the need for labour within the framework of European colonial expansion in Africa.
- 1858 The Spanish Government passes the Royal Decree on the Colonisation of the Spanish Islands in the Gulf of Guinea (13 December)
- 1900 Marking out of borders in the mainland area of the Spanish colony (Muni River) through the Paris Treaty between France and Spain (27 March). Military and economic penetration begins.
- 1904 Approval of a new Organic Statute for the colony and passing of a Royal Decree on the Ownership Regime in the Spanish Territories in the Gulf of Guinea.
- 1905 Signing of an agreement between the Guinean Colonial Government and the Government of Liberia for the import of workers to the island.
- 1906 Approval of Indigenous Labour Regulations by the Colonial Government (6 August).
- 1914 End of colonisation wars in Fernando Poo Island and defeat of the Bubi population.
Signing of a new agreement between the Colonial Government and the Government of Liberia on labour import.
- 1919 Denunciation of labour trafficking between Liberia and Equatorial Guinea in the League of Nations.
- 1920s Wars against colonial penetration in Muni River.
- 1928 Approval of the Statute of the Indigenous Trust, which consolidates the legal distinction between Europeans and the Indigenous People. (17th July)
- 1930s Forestry begins in Muni River.
- 1931-1936 Timid liberal reforms during the Second Spanish Republic encouraging certain African claims.
- 1936-1939 Civil War and the establishment of the Franco's dictatorial regime. Approval of new general regulations for the colony, such as the 1938 Organic Statute.
- 1943 Signing of an agreement between the Governments of Spanish Guinea and Nigeria for the emigration of workers to Fernando Poo Island (23 January)

- 1944 Establishment of the Labour Office (14th May)
- 1951 Establishment of the Indigenous Labour Court (15th March)
- 1963 Establishment of an Autonomous Regime for the colony (December)
- 1968 Decolonisation and independence of Equatorial Guinea (12th October)
- 1969 Coup of President Francisco Macías Nguema (5th March) and the beginning of a regime of terror.
- 1975 Expulsion of Nigerian workers. Forced displacement of Muni River and Annobon's population begins in order to replace them.
- 1979 Coup of Teodoro Obiang Nguema against his uncle (3rd August)
- 1980 Treaty of Friendship and Co-operation between Equatorial Guinea and Spain, and the restarting of Spanish aid (23rd October)
- 1981 Equatorial Guinea joins ILO.
- 1983 Incorporation into UDEAC (CAEMC today).
- 1985 Incorporation into CASB and the CFA Franc zone.
- 1985 Programme of structural adjustments begins with the support of IMF and the World Bank.
- 1990 Passing of the General Labour Code and National Social Security Regime Regulations (4th January)
Setting up of UST in hiding.
- 1991-1992 Reform of the Constitution and formal recognition of a multi-party system.
- 1992 Oil exploitation by Walter International begins in Alba oilfield.
Passing of the Trade Union and Collective Labour Relations Law (1st October).
Setting up of POC (November)
Teachers' strike and student riots due to the expulsion of 10 teachers accused of belonging to the political opposition (17th December) The Government's reaction was to arrest and torture many of the participants.
- 1993 National Pact between the Government and the opposition parties (18th March)
Devaluation of the CFA Franc.
Elections for the House of Representatives (21st November).
- 1994 Withdrawal of institutional projects and drastic reduction of the Spanish Co-operation's budget.
- 1995 Opposition wins Municipal elections (17th September)
- 1996 Oil exploitation begins to be significant with 17,000 bpd.
Closure of U.S. Embassy and withdrawal of IMF programmes.

- Obiang declares himself the winner of the Presidential elections with 97% of the votes (25th February).
- 1997 Economic National Conference and approval of a Medium-Term Economic Strategy (June).
- 1998 Repression against the uprising of the Movement for Self-determination of Bioko Island (January)
- 1999 New co-operation agreements with Spain: holding of the 9th Joint Committee and the 3rd Framework Plan 2000-2003
- 2000 Election for the House of Representatives (7th March)
- 2000 Municipal elections without the participation of the opposition (4th April)
Legalisation of OSPA (10th July).
Exploitation of Ceiba oilfield begins off-shore Muni River
- 2001 Equatorial Guinea ratifies 6 International Conventions on Labour 87, on Freedom of Association and 98 on the Right to Organising and Collective Organisation, among others.
Setting up of the semi-public company GEpetrol.
- 2002 Withdrawal of the Special Rapporteur for Human Rights.
Trial against the opposition (May-June).
Presidential elections and a renewed rigged win of Obiang Nguema (15th December).
- 2003 Denouncing of corruption promoted by oil corporations in Equatorial Guinea published in LA Times and Global Witness (January) .
Repsol goes into the Guinean oil market.
Reopening of the American Embassy (16th October)
- 2004 New political trial against opponents in Mongomo.
Legislative and municipal elections (April).
Publication of Global Witness' Report Time for Transparency (March) and the U.S. Senate's Report on the Guinean accounts in Riggs Bank (15th July).
Coup attempt by South-African mercenaries (15th July) and the holding of a trial with no guarantees (September and November).
Assault on Corisco Island (February) and consequent military trial against some of the arrested.
- 2005 Renewal of negotiations with IMF.
New political trial against former regime's collaborators following an assumed coup (September).

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