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**To:** [•]  
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**COVID-19  
Response  
Measures in  
Equatorial  
Guinea: Impact  
on International  
Humanitarian**

## **Organizations**

### **A. INTRODUCTION**

This memorandum sets out certain aspects of the governmental response in Equatorial Guinea during the COVID-19 pandemic. In particular, this memorandum seeks to clarify the status and position of international humanitarian organizations operating in the country as of this date, to the extent information is available.

In preparing this memorandum, limited source material comprising primary legislation and executive legislative instruments, such as ministerial decrees, statutory instruments, or their equivalents, was publicly accessible online. Accordingly, the information presented in this memorandum is based on materials published on the official and exclusive website of the government of Equatorial Guinea (<https://www.guineaecuatorialpress.com/>). The publications included on this website contain the full text of only certain legislative acts. Due to the lack of a comprehensive database of statutes and regulatory materials, there is no assurance that the information included on the website reflects the laws currently in force.

### **B. COORDINATION BETWEEN STATE AND NON-STATE ACTORS**

There are press releases indicating that the government of Equatorial Guinea is working with international organizations to implement a COVID-19 response mechanism:

“On March 31...the departmental Minister and the Minister for Social Affairs and Gender Equality, María Consuelo Nchama Obiang, together with representatives from the United Nations Systems in Equatorial Guinea

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(UNICEF and FAO) met to analyze the system of social protection adopted by Social Affairs for the particularly vulnerable layers of society against the COVID-19 pandemic.”<sup>1</sup>

While the specific details regarding this coordination are minimal, among the topics discussed are the provision of basic food, water, and hygiene products to residents in affected areas.<sup>2</sup>

There is no specific reference in the available source material to Red Cross involvement.

### C. EXEMPTION FROM QUARANTINE MEASURES

Equatorial Guinea is divided into an insular (i.e., the islands of Bioko and Annobón) and a continental region (i.e., the territory on the African mainland). As noted below, the government has announced quarantine measures in the continental part of Equatorial Guinea, but the text of those measures is not available online. Accordingly, it is not possible to determine the extent of, or existence of exceptions to, any currently enacted quarantine measures in the country. Although there are mentions of special provisions in place for humanitarian organizations on the government’s institutional webpage (<https://www.guineaecuatorialpress.com/>), the content of the provisions is unavailable. A presidential decree of March 31, 2020 (the “March 31 Decree”) restricts travel by Equatoguineans abroad “except in cases of expressly noted *force majeure*,” but does not discuss international organizations.<sup>3</sup> Similarly, the existence of laws, regulations or other mandates by the government in respect of the provision of psychological assistance to vulnerable populations is mentioned in a press release, but the text of those provisions is unavailable.<sup>4</sup>

<sup>1</sup> “Programa de garantías sociales básicas” (Trans.: “Basic Social Guarantees Program”) (Institutional Webpage of Equatorial Guinea, April 2, 2020) <<https://www.guineaecuatorialpress.com/noticia.php?id=15216>> accessed April 2, 2020.

<sup>2</sup> *Id.*

<sup>3</sup> Art. 6.1, “Decreto por el que se declara el estado de alarma sanitaria” (Trans.: “Decree declaring health state of alarm”) (Institutional Webpage of Equatorial Guinea, April 3, 2020) <<https://www.guineaecuatorialpress.com/noticia.php?id=15226>> accessed April 3, 2020.

<sup>4</sup> “Programa de garantías sociales básicas” (Trans.: “Basic Social Guarantees Program”) (Institutional Webpage of Equatorial Guinea, April 2, 2020) <<https://www.guineaecuatorialpress.com/noticia.php?id=15216>> accessed April 2, 2020.

#### D. EXEMPTIONS FOR MEDICAL AID, OTHER RELIEF ITEMS, AND PERSONNEL

There are no publicly available legal materials that indicate that there are any legal facilities or exemptions in place for the importation of medical aid, other relief items or personnel. However, the March 31 Decree temporarily ceased the issuance of visas through Equatorial Guinea's consular network abroad and closed the country's borders, limiting the issuance of visas and entry to the country to "four members of delegations of other countries and international organizations that are required to travel to the country within the framework of activities of programs associated with bilateral or multilateral cooperation."<sup>5</sup> It is not clear whether relief organizations like the Red Cross would be subject to this "international organizations" exemption. Due to the closure of international, commercial aviation in and out of the country under the March 31 Decree,<sup>6</sup> any relief efforts would apparently need to be arranged through other, non-commercial means. However, the decree does not appear to contemplate by what means individuals subject to the above-referenced "international organizations" exemption would legally enter or leave the country. In addition, the March 31 Decree implemented a mandatory 14-day quarantine for all arriving international travelers regardless of their country of nationality, prohibiting these individuals from leaving their homes absent authorization from a competent healthcare professional.<sup>7</sup>

As indicated on the government of Equatorial Guinea's website, the continental region, which borders the neighboring countries of Gabon and Cameroon, is under "confinement measures."<sup>8</sup> In a statement released on the website, the vice president of the country referenced exceptions from confinement in place for cases of emergency, doctors, firefighters, press, and other essential services.<sup>9</sup> This communication from the vice president did not provide specifics as to any exception or how the exceptions will be carried out. It is therefore advisable for international humanitarian organizations to seek specific guidance

<sup>5</sup> Art. 4-5, "Decreto por el que se declara el estado de alarma sanitaria" (Trans.: "Decree declaring health state of alarm") (Institutional Webpage of Equatorial Guinea, April 3, 2020) <<https://www.guineaecuatorialpress.com/noticia.php?id=15226>> accessed April 3, 2020; "Equatorial Guinea: Government implements travel restrictions due to COVID-19 March 13" (Garda World, March 17, 2020) <<https://www.garda.com/crisis24/news-alerts/323826/equatorial-guinea-government-implements-travel-restrictions-due-to-covid-19-march-13>> accessed March 30, 2020.

<sup>6</sup> Art. 7, "Decreto por el que se declara el estado de alarma sanitaria" (Trans.: "Decree declaring health state of alarm") (Institutional Webpage of Equatorial Guinea, April 3, 2020) <<https://www.guineaecuatorialpress.com/noticia.php?id=15226>> accessed April 3, 2020.

<sup>7</sup> *Id.*, Art. 8.1.

<sup>8</sup> "El Vicepresidente insta a los militares a ser más vigilantes ante la amenaza del coronavirus (Trans.: "The Vice President urges the military to be more vigilant against the threat of coronavirus") (Institutional Webpage of Equatorial Guinea, April 1, 2020) <<https://www.guineaecuatorialpress.com/noticia.php?id=15210>> accessed April 1, 2020.

<sup>9</sup> The Spanish word used to describe this provision is "corredores," which roughly means passageways. *Id.*

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from the government of Equatorial Guinea before operating in the continental region given confinement measures currently in place. The March 31 Decree also references possible future “restrictions on movement within the country for nationals and foreign residents,” which will be enacted “if and when the circumstances advise.”<sup>10</sup>

Based on the above-referenced press releases that are available to the public concerning implementation of coronavirus containment measures, it is not clear that humanitarian organizations are specifically categorized as “essential” or “emergency” services for the purposes of exemptions to restrictions on business operations and opening hours. In light of the communication from the vice president, it is recommended that any international humanitarian organization seeking to operate in the continental region of Equatorial Guinea seek specific guidance from the government on permitted activities and any specific requirements for such organizations.

#### **E. OTHER MEASURES CONTAINED IN EMERGENCY DECREES**

The government of Equatorial Guinea has enacted a number of emergency decrees in order to combat the spread and limit the damage of the coronavirus.

On March 20, 2020, the President issued a decree (the “March 20 Decree”) to mobilize economic and material resources against coronavirus. The March 20 Decree created the COVID-19 National Emergency Fund (*Fondo Nacional de Emergencia Coronavirus 19*), which the government endowed with 5 billion CFA francs (about €7.6 million, or US\$8.3 million). The government encourages “public and private companies, non-governmental organizations, public and private employees,” as well as external sources, to contribute to the fund.<sup>11</sup> Additionally, the March 31 Decree created, as part of the Ministry of Health and Social Wellbeing, a National Technical Committee for the Response and Monitoring of the Novel Coronavirus (*Comité Técnico Nacional de Respuesta y Vigilancia del Nuevo Coronavirus*), which is charged with preventing, containing, controlling, tracking and evaluating the development and evolution of COVID-19. Heads of households, business owners, local officials and members of the general public are broadly required, under penalty

<sup>10</sup> Art. 6.2, “Decreto por el que se declara el estado de alarma sanitaria” (Trans.: “Decree declaring health state of alarm”) (Institutional Webpage of Equatorial Guinea, April 3, 2020) <<https://www.guineaecuatorialpress.com/noticia.php?id=15226>> accessed April 3, 2020.

<sup>11</sup> Art II., “Decreto que moviliza recursos económicos y materiales contra el coronavirus” (Trans.: “Decree to mobilize economic and material resources against coronavirus coronavirus”) (Institutional Webpage of Equatorial Guinea, March 21, 2020) <<https://www.guineaecuatorialpress.com/noticia.php?id=15145>> accessed March 30, 2020.

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of law, to inform the committee of “any indication of the appearance of the virus in their surroundings.”<sup>12</sup>

#### **F. RESTRICTIONS ON EXPORT OF PROTECTIVE MEDICAL EQUIPMENT**

Based on publicly available materials, no measures appear to have been adopted which would prohibit the export of protective medical equipment from the country. In addition, March 31 Decree, which declares a national health state of alarm, makes a specific exception to the border closure for imports and exports of “freight, materials and equipment” by airplane or boat.<sup>13</sup>

#### **G. CONCLUSION**

The government of Equatorial Guinea has indicated the seriousness of the coronavirus and need for compliance with confinement measures as indicated by a communication from the President on 17 March 2020: “[n]ot complying with these provisions established by the government constitutes an act of civil disobedience which endangers the health of the entire people of Equatorial Guinea.”<sup>14</sup> Given the foregoing and lack of specific regulations or details on permitted activities or exceptions to the confinement mandate, international humanitarian organizations discuss with governmental authorities what relief operations, if any, are permissible under the current coronavirus response package.

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<sup>12</sup> Arts. 15-17, “Decree declaring health state of alarm” (Institutional Webpage of Equatorial Guinea, April 3, 2020) <<https://www.guineaecuatorialpress.com/noticia.php?id=15226>> accessed April 3, 2020.

<sup>13</sup> Art. 4, *Id.*

<sup>14</sup> “Message of Alert from the President of the Republic” (Institutional Webpage of Equatorial Guinea, March 18, 2020) <<https://www.guineaecuatorialpress.com/noticia.php?id=15124&lang=en>> accessed March 30, 2020.