

IMPLEMENTATION OF THE HELSINKI ACCORDS

JOINT HEARING

BEFORE THE

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

AND THE

SUBCOMMITTEE ON AFRICA

OF THE

COMMITTEE ON FOREIGN AFFAIRS ONE HUNDRED SECOND CONGRESS

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CONFERENCE ON SECURITY, STABILITY, DEVELOPMENT, AND COOPERATION IN AFRICA

TUESDAY, JULY 30, 1991

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
AND THE
COMMITTEE ON FOREIGN AFFAIRS, SUBCOMMITTEE ON AFRICA
Washington, DC

The Commission and subcommittee met, pursuant to call, at 2 p.m., in Room 216, Hart Senate Office Building, Hon. Mervyn M. Dymally [chairman of the House subcommittee on Foreign Affairs] presiding.

Present: Representatives Dymally, Hoyer, Payne, and Smith; Senators DeConcini and Craig.

Staff present: Ambassador Samuel Wise, staff director; Mary Sue Hafner, deputy staff director and general counsel, Jane Fisher, deputy staff director, and Mike Amitay, professional staff member.

Mr. DeCONCINI. The Commission is honored to be co-sponsoring this important hearing with the distinguished Chairman of the House Foreign Affairs Subcommittee on Africa, Congressman Dymally. We are here today to examine one of the most important political developments in Africa since its post-independent era took hold—the beginning of a process that would join African nations in a framework promoting mutual security, stability, development and cooperation. While the world's attention has been focused on the historic changes occurring in Eastern Europe and the Soviet Union, significant political events in Africa have gone largely unnoticed.

As the author Blaine Harden states, Africa is at an historical juncture between, "an unworkable Western present and a collapsing African past." It is encouraging therefore that a regional CSCE-type process or CSSDCA as it is being termed is developing which mirrors African conditions and African needs.

The advances of democracy in Eastern Europe and the Soviet Union have found, in the Helsinki Process, guidelines based on democratic principles which are giving direction and reinforcement to this dramatic movement sweeping the European region. Critics who argued that the CSCE was a meaningless forum of empty promises have a new appreciation for this process—a process which has served as a persistent voice in demanding that CSCE nations adhere to agreed upon principles based on human rights and fundamental freedoms. When citizens challenged the legitimacy of totalitarian rule and forced their leaders to bow to the principles of a government's accountability to its own people, the Helsinki Process

provided a tested framework within which the people of the region could begin rebuilding their countries based on democratic foundations.

Oppressive regimes are being challenged in one African country after another as new political leaders and citizens forge political systems and economic programs more genuinely attuned to Africa. While Africa may no longer be a battleground of the Cold-War ideology, it must also shed itself of destructive and self-serving development schemes. We should always remember that it was the citizens of the CSCE States not their governments who brought the employ promises of Helsinki to life. So too, it seems, the CSSDCA and the Draft Accord it has produced, the Kampala Document, represents a search by Africans themselves for common denominators amongst the value systems which shape Africa—a search which could produce a blueprint for Africa's future.

The Helsinki Commission is keenly interested in this effort. Today we will hear from a distinguished panel of guests actively involved in or knowledgeable about the CSSDCA process. We will examine how Africans are taking steps towards redirecting their future away from a morass of social, political and economic upheaval and towards a future based on hope and mutual respect within the global community of nations.

So, I'm very thankful that we have this opportunity to have these hearings today, and I'll yield to the Senator from Idaho, Senator Craig.

Mr. CRAIG. Mr. Chairman, thank you very much. Let me associate myself with your remarks. I'm extremely pleased to see that the Commission on Security and Cooperation in Europe convened a hearing on the potential adaptation of an African Helsinki.

Africa is at a turning point in its development. Many have observed that. Clearly, the actions of many nations there confirmed that human rights is an issue that must be addressed at this very critical crossroads in African history.

The present movements in Africa to develop a Conference on Peace, Security, Stability, Development, and Cooperation in Africa are extremely positive signs.

Obviously, African nations face very difficult problems that are uniquely different from European nations. Still, the establishment of a working regime is the first important step in realizing the goal of achieving intra- and inter-African cooperation and a socioeconomic transformation that will move the nations of Africa forward in this kind of development.

With recent changes in Eastern Europe, as I think you've observed, Mr. Chairman, internationally we've been focused on Europe. Our attention has drifted away from Africa, and the regions of Africa, where important changes are occurring now.

This forum, I think, can be very useful in helping redirect the attention of the world back to Africa's development.

I want to thank all of the witnesses for joining us today and sharing their thoughts on this issue, which is fundamentally important to all of us.

Thank you, Mr. Chairman.

Mr. DECONCINI. Senator Craig, thank you. We are very pleased to have you with us. With your background in the House and inter-

est in this subject matter, we are just delighted that you can participate.

Our panel today is a very impressive panel. We have Doctor Felix Mosha, Director of the African Leadership Forum, who served as Coordinator of the Kampala Forum. Doctor Mosha served as Regional Representative of the U.N. Commissioner for Namibia from 1984 to 1987. Earlier, he was a Senior Economist at the U.N. Center on Transnational Cooperations. Doctor Mosha has also held various senior positions in the government of Tanzania.

And, Doctor Chester Crocker is someone who is very familiar with this committee, and we with him. Doctor Crocker, you have distinguished yourself as a Professor of International Affairs at the School of Foreign Service at Georgetown. You started what has ended up a peaceful settlement, or appears to be a peaceful settlement and free elections in Angola. It was your persistence, and your determination, and the support that you had from the State Department that brought about the capability of the two Superpowers and the parties involved in that conflict to reach a solution which is going to come about next year. We compliment you for that, and for the great support you have given to the Helsinki Process throughout the years.

Vivian Lowery Derryck is President of the African-American Institute in New York. She previously served as Executive Director of the Washington International Center of Meridian House International, Vice President for Programs of the National Democratic Institute for International Affairs, and Deputy Assistant Secretary of State for Equal Employment Opportunities and Civil Rights. It goes on and on, the things that Ms. Derryck has been involved in. She was a participant in the Kampala Forum as well.

I also want to take this opportunity to welcome and acknowledge the presence of Doctor Robert Allison, who is the Director of Research and Management at the National Bureau of Economic Research, and Professor Willie La Mousse Smith of the African American Studies Program at the University of Maryland. We are very pleased to have them here.

I see Congressman Payne is with us. If you would like to make a statement at this time, please proceed.

Mr. PAYNE. Thank you very much, Mr. Chairman.

I'd like to join you in highlighting the relationship between security and development in Africa. I further note that the Kampala Document coming from the Conference under consideration today lists the need to strengthen conflict resolution mechanisms in Africa as the number one need to assist Africa in its development potential.

In this regard Chairman Dymally should be commended for his foresight in already proposing legislation to create an African Center For Conflict Resolution.

Section 1005 of the new Foreign Assistance Act passed by the House has been responsive to initiatives proposed by our African brothers and sisters.

I think it is a good idea to meet with the Commission on Security and Cooperation in Europe today.

Although the African situation is quite different from Europe, the Commission can bring to this hearing its experience in follow-

ing the recent dramatic changes in Eastern Europe and the Soviet Union.

We are privileged to have our expert witnesses testify today. Their report on the Kampala Conference held in May of this year will be most helpful. While this conference has been referred to as "Africa's Helsinki" in some quarters, I feel we must separate the distinctiveness of this event from others.

In looking over the Summary of the Kampala Document I was pleased to see many relevant recommendations. However, the problem of Islamic and other religious fundamentalism did not surface, and this is an issue that needs to be addressed.

I hope this issue which has been a leading cause of the civil war in Sudan was not too sensitive for the conference to discuss. I hope our witnesses will enlighten us as to this subject as well as other insights that they will bring to us today.

Thank you, Mr. Chairman, for this opportunity.

Mr. DECONCINI. Thank you.

We will proceed now, let's start with Doctor Crocker, if you would proceed with your summary of your statement, please. Your full statement will appear in the record.

TESTIMONY OF CHESTER CROCKER, LANDEGGER DISTINGUISHED RESEARCH PROFESSOR OF INTERNATIONAL AFFAIRS, SCHOOL OF FOREIGN SERVICE, GEORGETOWN UNIVERSITY

Mr. CROCKER. Thank you very much, Mr. Chairman. I'm very pleased to be here and appreciate your warm welcome to this committee.

Just a few observations that I would like to share with the committee. It seems to me that the CSSDCA concept, which is the brain child of General Obasanjo of the African Leadership Forum, seeks to do a number of things that many observers of Africa and friends of Africa around the world have been seeking to point to in recent years. It seeks not only to identify some problems, but to try and figure out modalities and instruments for addressing them.

General Obasanjo speaks for many when he points his finger in certain basic directions, the need for regional economic cooperation, the need to empower, as the Congressman has just said, Africa's own peacemakers, so that Africa is in a position—a better position to resolve its problems, the issue of building stability, of reducing arms races and arms flows into the region, the issue of political accountability and governance, human rights, the issue of preventing Africa from becoming marginalized and, in fact, strengthening its ties to the broader world community and Africa's global partners.

So, these are—I think this forms a very ambitious agenda. It's not an agenda that's terrifically in debate, I think it's an agenda many of us would say we share.

So, I think there's two questions on the table today. First, what can Africans do about these problems, what are they doing, and is the CSCE a good model for building upon? And, secondly, what can we, in this country, do to help bring about those goals, which I think we share.

I would point out, as you've already said, Mr. Chairman, that a great deal is being done already in Africa by Africans. General Obasanjo is one example. There is a healthy spirit today in Africa of reassessment, of political renewal, of grassroots initiatives as well. It's both top down and bottom up, and it's exciting for all of Africa's friends to see it.

I think in addition that African leaders and people, citizens generally, are coming to a much more informed view of the issue of marginalization. The question isn't whether or not we're going to forget about Africa. I don't think that's very likely to happen. The question is, what kind of attention will it get? Will they get serious attention? Will it get the attention of partners, or will it get the attention of people who feel a sense of pity, or a sense of shame, or a sense of revulsion with what they see, and that's what we've got to avoid, the latter, obviously.

Africa got certain kinds of attention during the Cold War period, in part for engaging in what I have sometimes called the "infantile disorder of non-alignment." Well, today, Mr. Chairman, there isn't any such thing as non-alignment, there's nothing left to be non-aligned about. So, I think we've gotten beyond that point.

Now, the question that we've been asked to address is CSCE as a model. Is it a good model? I think there is a lot to be said about it. There are some differences which, perhaps, should be noted, because I'm sure other speakers may highlight the similarities. There is not any basic political division running down the middle of Africa that I'm aware of, as was the case in the bad old days in the European arena.

There are not, in Africa, highly militarized alliance systems which divide the place. There is no neat disparity of free and unfree countries, or market and centrally planned economies. There's a whole range. It's very dangerous, in my view, to generalize about Africa, or to assume that it consists of guys wearing white hats and black hats, or whatever. It's just not like that out there.

Until recently, in addition, there has not been much of a grassroots base of what you might call "informed citizenry" of the kind that's been referred to by you gentlemen, to insist upon the observance of some of these standards. That's changing, and it's very exciting that it is changing.

So, I leave with those few comments in terms of what's going on in the region, I might just conclude with a couple of minutes on what in the U.S. might do by way of supporting this process.

We should remember that we are a global power, and Africa is part of the globe. It would be an outrage at the moment of our great successes around the world to concentrate on places which some of us deem to be important at the expense of places which maybe some of us think are less important.

We shouldn't get involved in trying to rank regions. We are a global power. The world is increasingly interdependent, Africa is part of it, and we should have African policies that recognize that reality.

Second, I think we need to learn how to relate, how to learn and how to listen. We will not be good partners for our African friends if we don't know how to listen. We cannot cooperate effectively if

we don't stop preaching sometimes, and sometimes listen to what the guy is saying, and figure out exactly what their sense of timing is, and which comes first, what the priorities might be.

As we think about the phenomenon of democratization, Mr. Chairman, and that's, I know, very much on all of our minds, I think we have to recognize that for some African Governments they face a choice tomorrow, to liberalize or to repress. Those are hard choices. They might both be destabilizing. What we do should be to support the right kinds of decisions when you face that sort of dilemma.

So, I hope we will understand in this country that our role is to help and to recognize with some humility that sometimes the choices that other people face are choices of a gravity and a severity that we're not used to facing every day in this country. So, that's another point that I would stress.

We need more linkages with Africa and with Africa's leaders and organizations. The question has been posed, and I'm sure you will ask it, what can we do to actually support this conference notion of CSSDCA? How can we join in that process?

I think the point I would make is that, well, several points, I'm not sure there can be one body to solve all problems, but, clearly, as the CSSDCA gets going, and as it evolves, and as it is reviewed and endorsed, we think it may be by the OAU and other organizations, that creates opportunities for us in this country to respond in an appropriate way.

I guess the point I'm making is that I would not prejudge decisions which Africans themselves have not yet made, that, plus the question of how many purposes can one body serve? There are many instruments that exist today.

Mr. CRAIG. Doctor Crocker, if you'd let me interrupt you only briefly.

Mr. CROCKER. Yes.

Mr. CRAIG. I'm going to go vote. Chairman DeConcini will be back. Congressman Dymally, who is here will continue to chair, and please continue. Thank you.

Mr. CROCKER. Thank you. I just actually finished, that was my last point. So, I will leave it there.

Mr. CRAIG. Well, that was excellent timing. Thank you very much for those thoughts. I would suspect that we would want to question once the panel has completed—

Mr. CROCKER. Right.

Mr. CRAIG [continuing]. And get the panel to interchange. Thank you.

Mr. DYMALLY. Thank you very much, Senator, and forgive me for being late. I had to go cast a vote.

Before I introduce our next witness, let me just take a moment to read a brief statement, but before I do that, I want to take this opportunity to thank Doctor Crocker for a very kind act he performed in my benefit just before retiring from the State Department, unsolicited he came to my office and encouraged me to continue my work in Africa in some very confidential areas and issues, and his encouragement was a source of great inspiration, and, Doctor Crocker, I thank you. I didn't know at the time I spoke with you that I'd end up as Chairman of the Subcommittee on Africa,

lives will be lost as well. I hope not. Advance in democracy, security, stability and development in Africa is crucial. To achieve these objectives, we need commitment, consistency and finance.

I appreciate the opportunity to Co-Chair this committee meeting, and now I turn the Chair over to the Chairman of the Commission and the committee, Mr. Hoyer.

Mr. HOYER. Thank you very much, Mr. Chairman. I want to apologize to the witnesses for being late. As you know, we had a vote just as I was on my way over here, so we turned around and went back to the House floor, and I was then prepared to do a colloquy, which was delayed. Scheduling is not one of the high points of congressional service, as you may know.

The Commission is very pleased to join with the House Foreign Affairs Subcommittee on Africa in convening this hearing on the political changes occurring in Africa. We are particularly interested in the prospect of the Conference on Security and Cooperation in Europe, the Helsinki Process, serving as a model of a regional framework for cooperation among the African States. Indeed, Doctor Moshia and I had the opportunity of discussing that in New York, when I visited with him in his office there. I want to thank the subcommittee's Chairman, Mr. Dymally, one of the real experts and leaders on issues relating to Africa in the Congress and in the United States, for his leadership and strong commitment to the issues we are about to examine.

This past May, there was a historic gathering in Kampala at which over 500 individuals—a number of whom were heads of state—met to discuss and map out a freedom charter for Africa. The gathering was unique in that it was organized by a non-governmental organization, the Africa Leadership Forum, and reflected an attempt by Africans from all walks of life to influence their governments and play a role in Africa's challenging future.

The Kampala Document reflects a determination among a diverse and distinguished group of participants to seek societies based on rule of law encompassing fundamental notions of justice. The participants set forward commitments to be sought from the governments of each of the African States for representative government and participatory democracy.

It seems clear that the participants believe that without democracy and respect for human rights Africa will not achieve stability nor economic growth.

The tragic crises that plague Africa—civil wars, abject poverty, environmental degradation and strangling debt—can only be resolved through the efforts of all the peoples of each African State. Much like the Helsinki experiment, success will depend on the degree to which governments solicit the views of their citizens and allow them to have a say in how governments are run. Many in Africa have rejected a static vision of the world, based only on what is possible now and have urged upon the governments a long-term commitment to a process by which all the states may work together to solve the long-term problems in the region.

The Commission is very pleased to have before it a distinguished group of witnesses all of whom have been involved in various ways in this process.

I understand they have been introduced, so I will not—

but it was a good source of inspiration from you, and I want to thank you for that.

I want to thank Mr. Hoyer, Chairman of the Helsinki Commission, and Senator DeConcini, Co-Chairman for organizing us here and taking an interest in the future of Africa.

I welcome the opportunity to join them as we explore ways to further democratize the process in Africa.

The Subcommittee on Africa supports the return of democracy and their new efforts at political liberalization now occurring throughout Africa. The Conference on Security, Stability, Development and Cooperation in Africa is a process which could have a significant effect on the continent.

As I was reviewing the policy measures which resulted from the Kampala Document, I was pleased to see that the strengthened conflict resolution mechanism was the first recommendation under the Security section.

Let me digress here to thank Ms. Derryck for the inspiration she gave the subcommittee, and myself in person, to insert in the Foreign Assistance Bill, the Africa section, a significant amendment dealing with conflict resolution that passed without any opposition, but what is more encouraging, every head of state, every African with whom I have spoken, has encouraged us to move forward with this.

After consultation with several African heads of state, I became aware of the need for increased participation and involvement by Africans in the resolution of their own disputes and conflicts. For this reason, the subcommittee has initiated a Center for Conflict Resolution in this year's foreign aid legislation.

The Center will be located in Africa, primarily, staffed by Africans, with support from the U.S. government, and private citizens where necessary and appropriate. It will be autonomous, with no formal association with any regional or international organization. It would utilize the tremendous talent in Africa.

There are many able African leaders who are disposed to working on such a commission, and I am very, very optimistic of the chances of its success.

The subcommittee has also authorized \$10 million for Fiscal Year 1992 and Fiscal Year 1993 out of AID's Development Fund for Africa for democracy in sub-Saharan Africa. These funds are to be used for electoral monitoring, human rights monitoring, support for democratic organizations and parties, and educational programs to foster understanding of democratic organizations and principles.

While I am heartened by initiatives geared towards democracy and credence, security and stability in Africa, I believe that U.S. foreign policy toward Africa must be reevaluated. We had to fight to get \$1 billion for the Development Fund for Africa. These funds are to provide for all of sub-Saharan Africa.

When comparing the U.S. commitment in the terms of dollars to Eastern Europe or to another region in the world—other regions of the world, one can see where Africa ranks in the list of priorities.

In the Kampala Document, I read that African thinkers call the 1980s "the lost decade in Africa." Unless the United States and the international community work together to alleviate the poverty and hunger in Africa, another decade will be lost, and thousands of

Mr. DYMALLY. Not yet.

Doctor Mosha is Director of the African Leadership Forum in New York, and served as Coordinator of the Kampala Forum. From 1984 to 1987, he served as—he's what—OK, sorry.

Mr. HOYER. I would conclude then, Mr. Chairman, if I might, I have been a strong proponent of what I call a CSCME, cooperation on security and cooperation in the Middle East.

I believe the CSCE is an excellent model from which we can learn, but which obviously is not subject to being imposed upon or set down whole upon another region of the world.

It is, however, one of the few examples of an organization being formed which exceeded, by far, its expectations.

President Ford, when he signed the Final Act, said that, "History will judge this Conference not by what we say here today . . . but by the promises we keep." If 15 years ago there was anybody in the room asked to give their most optimistic scenario that might arise out of the Helsinki Final Act, they would have fallen far from what, in fact, reality is today.

Now, is that due totally to the CSCE, the Helsinki Act itself, the monitoring groups, the activities of the United States, and the other 34 signatory states? The answer to that is, undoubtedly, no. Did the advent of Gorbachev play a critical central role? Quite obviously, the answer to that is yes.

However, that occurred in the framework of a mechanism reared by at least the principles that were enunciated in the Helsinki Final Act, which, essentially, are viewed by nations as the standard for civilized nations to act upon, not only in relationship to their own citizens, but as they relate to other nations and other peoples.

And, additionally, the premise was adopted that, how a nation treats its own citizens is a pretty good bailiwick as to how it may treat the citizens of other nations.

So, we have had a forum in which I've only been participating for six years or so, but a forum in which there has been a real dialogue in the public glare of a process that forced nations to adhere to certain standards. The difficulty they found in the East was that in participating in that process their citizens came to expect them to adhere to the agreed upon principles.

And, that is why I believe this process is applicable to and has relevance in the Middle East, in Africa, in the Far East, in Central and South America. Other regions of the world I think could benefit from this as well. So, I am very pleased to join my very close friend in Merv Dymally and Donald Payne, who is one of the real experts and who has probably traveled to more countries than any other member of the Congress of the United States—

Mr. DYMALLY. Except Mr. Solarz.

Mr. HOYER [continuing]. Well, Mr. Solarz, I'm not sure that, have you and Solarz compared notes?

Mr. CROCKER. Not yet.

Mr. HOYER. But, in any event, I look forward to hearing from our witnesses.

I want to say that if I run out, it is not because I don't want to hear the views, it's because of a bill on the House floor that I've got to speak on, and, in addition, we have a mark-up of the District of Columbia appropriation bill, and I'm also on that committee, so I

may have to leave earlier than I would want, but thank you very much, and thank you, Mr. Chairman.

I see Chairman DeConcini is here. He may not have said this, but Senator DeConcini has been really one of the moving members of the Helsinki Commission in its focus on how we can assist with Africa's emerging security and developmental concerns. Senator DeConcini will be traveling during the August break to South Africa, Namibia, Kenya, and Angola, and will be discussing this process with government officials, NGOs and human rights activists. Members of our staff will be going as well, so I want to congratulate and thank Senator DeConcini for his leadership on this effort.

Thank you, Mr. Chairman.

Mr. DYMALLY. Doctor Mosha.

**TESTIMONY OF FELIX G.N. MOSHA, DIRECTOR, AFRICA
LEADERSHIP FORUM**

Mr. MOSHA. Thank you very much, Mr. Chairman.

I would like first of all to convey to the Commission and to the House Foreign Affairs Subcommittee on Africa our gratitude for being invited, and the appreciation of General Obasanjo in the interest the Commission and the subcommittee is taking on this matter.

Mr. Chairman, as you have already pointed out, the CSSDCA is an initiative which, indeed, is as unique as the problems of Africa are, we were very privileged, indeed, to talk briefly with Congressman Hoyer, when he was kind enough to visit us in our office in New York. At that time we did give him an initial reaction as to what we are expecting out of Kampala before the meeting took place.

Mr. Chairman, this initiative has come out of a catastrophic background of problems in Africa, and that's why we are extremely hopeful that it is a process that might address these problems more effectively than has been the case in the past. As you pointed out, Mr. Chairman, we have the situation where there's been a consensus that the 1980s was, indeed, a "lost decade for Africa" in terms of serious declining economies, in terms of catastrophic social conditions, and in terms of the precarious socio-economic situation in which Africa has been left at the moment.

But, I think it is fair to say that the problem certainly wasn't just a 1980 situation, I think conditions in Africa had already started showing that unless certain growing security and instability problems were tackled, there was a danger that no economic development was going to be achieved obtained in the normal process.

And, notwithstanding this, it became clear for many years in Africa that solutions towards Africa's problem were mainly targeted towards economic and not the political situation that was prevailing in the continent.

As a matter of fact, one is in a situation where many of the purported solutions and resolutions on the economic problems of Africa reached a point of multiplicity, where they became a problem themselves.

In any event, these continued conditions in Africa reached a very extreme stage of frustration and despair. It is against this disparate background that it became necessary to think of a process that can address the problems of Africa more comprehensively in terms of the political and the economic dimensions of the problems. And, this is one aspect that the Kampala Document on CSSDCA recognizes. It does recognize what has not been done in the past in Africa, that the problems in Africa have serious political dimensions, and it is important that the economic problems are solved simultaneously as we solve the political dimensions of the problems that Africa has been facing.

Mr. Chairman, I think it's important to point out here that the unique aspect of the CSSDCA process, is that it is an indigenous process that has been formulated, considered, and adopted, by a large number of African people, and it has taken into account the existing experiences elsewhere in the world which in this case, we only have the Helsinki experience. It was on this basis, in fact, that before we went to Kampala, we had a meeting in Cologne, Germany, where we assembled with various other experts to address the questions of, what is it that CSSDCA could, in fact, learn from the Helsinki experience.

We did identify certain useful elements which the CSSDCA could learn from the Helsinki experience. In particular, the manner in which the Helsinki process approached problems in Europe, what kind of consensus mechanism they were putting forth, and how it created conditions where it became possible for other nations to intervene in the affairs of others, in the situation when others were not adhering to conditions which had been established. So, we were able to identify some relevant aspects, and we believe these relevant aspects will also guide the process in Africa.

But, I think it's important to say that the process has remained basically African, while we are going to try as much as possible to learn from the experience of Helsinki.

It was on that basis that when we went to Kampala, Mr. Chairman, we were able to gather up to 500 people with five current heads of state, and three former heads of state, and people from various walks of life, including non-governmental organizations, professional organizations, trade unions, farmers associations, and all sorts of grassroots organizations in Africa all gathered in Kampala and formulated the document.

Now, as has been noted, this document lays emphasis in four basic areas. The first is security. We strongly believe that the security problems in Africa must be tackled first, in order to pave the way for any meaningful transformation.

Africa, in fact, by current estimates, has lost so many people in their civil wars, and has sustained such an enormous amount of economic destruction that even if it had more resources than it has currently, it could not have developed under those circumstances.

So, we recognize we must deal with the security dimension, and this has to be done by emphasizing conflict resolution mechanisms in the context of the CSSDCA process. It must be done by emphasizing a process where a proper neighborliness must be created within Africa, recognizing, as it is, that instability in Africa is so unique that when one African country experiences insecurity and

instability it does spread to all other African countries. We know this from the experiences of, say, the neighbors of Mozambique, the neighbors of Angola, the neighbors of Liberia, the countries of the horn of Africa, what happens is, with one or two countries causing this total insecurity and instability, it does engulf a much larger group of countries.

Now, what has happened as a result of this is that it has hampered the cooperation in Africa, and this is why we say we have to address the security problem, creating good neighborliness, creating conflict resolution mechanisms, and if possible creating a peacekeeping force that can attend to some of the problems which arise in Africa.

We also feel that the security dimension has to create within it an elders council, an African elders council that can address these problems in Africa.

The second dimension is the dimension of stability. Stability is seen as a process that must bring about a full democratization of African countries.

Mr. Chairman, Kampala emphasized that certainly we do not believe that there can be genuine development in Africa without basic freedoms. It was emphasized that certain collective undertakings must be given by all African countries and implemented.

We feel, therefore, that this pluralistic transformation must include freedom of press, freedom in all sorts of areas, we have to have a situation where we have periodic elections in every African country, where we have a constitution with bills of rights, where we even have a limited tenure of office by leaders in Africa, where we have full separation of powers with independence of judiciary, with independence of the civil service. We felt that these things have to be stipulated and made clear, so that when we conclude at the Africa level every country knows what are its collective responsibility.

We addressed the question of development in a collective sense, that Africa must realize that it cannot—these countries cannot individually develop in their present circumstances. Many of these are very small countries, with economies which are hardly viable for competitiveness in current world conditions.

We feel, therefore, that the CSSDCA process must pull these countries together, so that given the solutions they may have in the area of security and stability, they might then attempt a development processes collectively, and achieve a cooperative arrangement that can lead to a meaningful economic and social integration in Africa.

Mr. Chairman, the CSSDCA process, therefore, inasmuch as it's going to be learning from the European experience, aims to create these over-arching arrangement for democracy, security, cooperation, and development in Africa.

It has three main futures, which I may mention in conclusion. The first is that it is continental in its perspective. That is why in Kampala we did have—when I talk of the 500 participants and leaders, we had representatives of the President of Algeria, for example. He sent special representatives to the Kampala meeting.

We had a minister sent by President Mubarak of Egypt to come to the Kampala meeting, and so countries like Algeria and Egypt were well represented.

We were very mindful of the role South Africa must play in the CSSDCA process, and we believe it is important that it participates and plays an important role.

We invited people from South Africa, and so South Africa was very well represented in Kampala by individuals from South Africa, representing different branches of South African society. We are satisfied that CSSDCA has attempted a serious continental approach which can bring all these countries together.

The second feature is that it is dealing with all the elements in Africa which must be tackled simultaneously. It's going to be difficult to deal with security in Africa without simultaneously addressing the economic dimension and vice versa.

The third feature, as I said, is that it is an indigenous African effort, and we do hope, with the support of the United States among other countries, we have no doubt that it has a good chance of succeeding.

It was presented at the OAU summit in Abuja. There was not a single country at the summit which really came out and opposed the initiative.

To the extent that various countries were not able to come out and support it outrightly at that point, they felt they needed to be given an opportunity to make a contribution to the document itself, by way of sending their comments before it goes to the Council of Ministers for adoption, and this is something that no one could deny a participating member in this process.

We are, therefore, hopeful that when these countries have submitted their comments, it is going to be possible for this document to be adopted and the conference launched, since that is the basic objective that was laid down in the Kampala Document.

It is our hope, therefore, that non-African countries, and the United States in particular, would find it possible to support this process and the support may in my view, take various forms. One is the recognition that many of the security problems in Africa have an external dimension, and it is important this external dimension is addressed in order to make it easier for the African countries to achieve a lasting security.

But, more so, the fact that even the process of integration in Africa has a cost to it. It is very costly to bring about this integration. I noted a statement that was made by Vice President Quayle when he spoke in Poland fairly recently on how the United States was going to continue helping Eastern Europe in the context of CSCE, in terms of helping this group of countries to advance collectively on a basis of a regional approach. I would hope that in providing this kind of support to Eastern Europe, increased assistance by us to African countries might shift to providing regional support in various assistance programs, in order to assist African countries to bring about their integration.

Mr. Chairman, I thank you very much, and I will be quite glad to react to any clarification you may require.

Mr. DYMALLY. Thank you very much.

Ms. Derryck?

TESTIMONY OF VIVIAN LOWERY DERRYCK, PRESIDENT, THE
AFRICAN-AMERICAN INSTITUTE

Ms. DERRYCK. Thank you very much, Mr. Chairman. I appreciate the opportunity to appear before you to testify on this important initiative, and I applaud the Commission for its far-sightedness in moving beyond Europe to envision the applicability of the CSCE model in other regions.

General Obasanjo and the Africa Leadership Forum have taken an important step in attempting to redress Africa's real isolation in terms of international affairs, and to reintegrate Africa into the international affairs mainstream.

In my remarks, I'm going to focus on the similarities of the two initiatives, then highlight the main outcomes of Kampala, and I'm going to conclude with some thoughts echoing something that Doctor Mosha said about what the United States can do to be helpful in this initiative.

Although the needs of Africa and Europe are quite different, certainly as Doctor Crocker suggested, the format and the structure that the CSSDCA has borrowed from the CSCE seems to work. While Europe's needs focus on security, confidence building, economic integration and support of human rights, Africa's priorities are still based in meeting basic human needs. We have heard from Doctor Mosha very eloquently the economic fragility which now faces Africa.

Let me just point out that Africa has a \$270 billion debt, and that debt servicing costs are just simply unaffordable for many sub-Saharan African. It has a population growth rate that outstrips agriculture productivity, and a history of unstable and dictatorial regimes. It's these truly intractable problems that have led to the CSSDCA initiative. While it is one of many, it is one that has certainly gained the respect and really captured the imagination of a variety of decision-makers, both in the United States and in Africa.

From our perspective, the conference is focused on four areas: economic fragility and the need for recovery and growth; agricultural and environmental degradation; the need for transparency; and accountability in governments. I underscore the last, and the need for large-scale citizen involvement in any new continental initiative.

CSSDCA is openly patterned after CSCE, and it's important to understand that similar structure before we can assess the possible U.S. role.

First, it is a regional entity that not only incorporates 33 European nations, but includes two non-regional allies, the United States and Canada. Thus, the major players, many of the major players involved in shaping Europe's future, are welcomed into the organization.

Africans realize that they need a regional entity that includes non-African nations as well, so that those nations that have a major impact or, in the words of the document, "impinge on Africa's future," can be represented.

Second, CSCE's goals are to promote democracy, free market economies and human rights in participating states. The goals of

expanding popular participation, reforming governance for accountability and transparency, and reshaping economies are the needs that we see now in Africa.

Now, more than 30 countries are involved in major political and economic programs to ensure citizen involvement and economic effectiveness. More than 30—that's more than half of the countries of the continent.

Third, CSCE integrates security, economic and human rights concerns in a comprehensive approach that legitimizes the right of one state to inquire on alleged violations of CSCE precepts in another. This is absolutely essential for Africa, because African states have been torn by the tension between sovereignty on the one hand and the moral imperative to intervene on the other, and the latest example we have seen of that, of course, is Liberia.

African nations previously have felt unable to comment upon human rights abuses in other states on the continent, and that has been a role that many non-Africans have been able to play, to be able to say, hopefully fairly diplomatically, that there are human rights abuses and problems, and they need to be addressed.

Fourth, CSCE provides a forum for dispute and conflict resolution, and no continent is more plagued by regional conflicts than Africa. There are now more than 50 conflicts that are besetting the continent from the civil war that has become a regional conflict in Liberia, to the continuing crisis in Mozambique and so forth. It goes without saying that regional conflict exacerbates instability.

Fifth, CSCE involves NGO and citizen participation to foster a global network of private citizens who popularize and celebrate human rights. As Congressman Hoyer said in his introductory statement, one of the successes of CSCE has been its ability to attract the attention and keep the attention of those persons who are concerned with human rights and the expansion of human rights to more and more countries.

CSSDCA strongly links NGOs to all four of the calabashes, and that also is extraordinarily important.

And then, lastly, CSCE's organizational model, and its method of operating by consensus, could work well in Africa. The format of CSCE's three baskets of security, of economic development and human rights translate into four calabashes in Africa, of security, stability, development and cooperation. Moreover, the process of working by consensus provides support to reforming regimes, which can claim a broader regional mandate for the actions that they are taking. In other words, they are in good company.

The operation of CSCE through various levels of meetings allows enough flexibility that any topic of regional urgency can be addressed, and that's a flexibility that, again, is very, very useful in Africa, allowing meetings to discuss environmental degradation, the role of women, strengthening NGOs, consolidating regional institutions, et cetera.

Africans have seen the applicability of the paradigm, and in a series of meetings Africans and interested supporters have met and structured this African model. Felix has already described that process in some detail.

This process really culminated at the Kampala Forum held May 18th to 22nd in Kampala. It was a gathering that was noteworthy

in several respects. First of all, it brought a variety of persons together in their individual capacities, so leaders of non-governmental organizations, of regional and multilateral institutions, and heads of states were all there in their individual capacities, which lent a different air to the proceedings.

A key feature of the conference was the final document, the Kampala Declaration. It outlined a new vision for African and proposed concrete steps to achieve it. Four aspects need to be noted.

First, the document talked about the sovereignty of the African people, both collectively and in individual states. There was good discussion and debate about that, about this idea of sovereignty. Of course, it undergirds the OAU, and so, it was natural that this came up at the meeting.

The document opens, "We for, and on behalf of the people of Africa, the participants of the Kampala Forum on Security, Stability, Development and Cooperation ..." In another place the document says that, "We are conscious of the political changes which are taking place in Africa and other changes which are taking place elsewhere in the world and their impact on Africa. We are advised that the fundamental changes taking place in the world should guide Africa's collective thinking about the challenges that they face and options available to them."

Second, the document provides a clear definition of democratization. For the past year and a half, many of us have been discussing various African Governments' democratization efforts, but this document makes a very clear distinction between the two and outlines a set of pillars, if you will, that must be involved in democracy.

What's interesting to note in this is that, while many of us talk about judiciary, legislation, legislature, press, support for human rights, press, strong parties and NGOs, this document goes forward a little bit more and talks about the need for an independent civil service and an independent monetary authority. Again, we see an effort here to mold traditional concepts to the African situation.

Drafters of the document were very careful not to say how this should be implemented, and how one implements a democratization process, but merely to sketch the requisites of a democratic system.

Third, the document contains several mechanisms for implementation that are, again, unusual, and Felix has mentioned many of them, but they include an all-Africa parliament, which would be modeled after the European parliament. It talks about an African human rights group, which would monitor implementation of human rights covenants, an African Council of Elders comprised of eminent former office holders, and, lastly, a peacekeeping force which would be continent-wide and include the Magreb.

So, all of these are very specific ways that the process can be implemented.

The document, as presented at Abuja, embodied the first endorsement of the concept by African leaders and the first acknowledgement of African leaders of these linkages among security, stability, development and cooperation.

Africans have spoken and now the question is how can we, as Americans, be helpful to the process.

Fourth, we know that Africans do want U.S. involvement. The earlier preparatory meetings decided that those non-African countries whose actions impact directly on security and stability would be invited.

The United States can be supportive initially in basically two ways. First of all, Africans believe that if the United States applies this initiative, the other countries of the CSCE will support the process.

One means that the United States can demonstrate its support is by developing or supporting a commission such as this august group.

Another avenue of U.S. support could be a small consultation that describes the relationships among the institutions of Europe, such as the European parliament, the European Community, the Council of Europe, vis-a-vis CSCE. An understanding of these formal lines of communication would be helpful in answering some of the questions that are surfacing now in Africa.

Similarly, the CARACOM provides another model, and, perhaps, a meeting of some of the other regional groups of some of the other embryonic CSCE-based organizations would be helpful.

I close by going back to the idea of a commission, because such a commission would provide a major opportunity to expand knowledge in the United States of African issues and their similarity to challenges facing other regions. Such a commission would reinforce Africa's integration back into the global mainstream.

Such a commission would be an important means of encouraging citizen and NGO involvement.

Mr. Chairman, in closing, I want to thank you for calling this hearing. It is a sign of the Commission's thoughtfulness that you have identified this African effort to emulate a successful regional organization, and have highlighted and supported it through this hearing.

I look forward to the day where there will be another such commission that can replicate for Africa the strong research and programmatic record that the U.S. Commission on Security and Cooperation in Europe has developed.

Thank you, Mr. Chairman.

Mr. HOYER. Thank you, Mr. Chairman, and Chairman DeConcini. I'm going to have to leave, as I said, because I have another markup on an appropriation bill right now dealing with the District of Columbia and involving a number of issues in which I'm interested and involved.

I want to thank Doctor Crocker for being with us today. Unfortunately I did not hear his opening statement, which I understand was relatively brief, and I understand, too, that he gave some good advice, and that is to listen rather than to preach. I think that's good for the United States. I think we can offer information and experience to our friends who are trying to form an organization similar to, but not, obviously replicating what is a different region's experience.

I want to thank Doctor Mosha and Ms. Derryck for their excellent testimony, and, Mr. Chairman, again, thank you for allowing us to have this joint hearing with you.

Both Senator DeConcini and I, of course, are very enthusiastic about the process and believe the results have proved the process, but realize as well that there are so many different factors which have impacted on that process of success that one cannot look only to the process as being responsible for that success.

But, I was pleased to hear the testimony of both of you as to the applicability of CSCE, at least as a model. I continue to be enthusiastic for that as well in the Middle East.

The Israelis, obviously, as well as the Arab States, are very concerned about any discussion regarding permanent organizational structures. That is, obviously, not the same case in Africa. But I want to congratulate Doctor Mosha, Ms. Derryck, and others of you who are working on this important aspect of Africa. I, for one, will take Doctor Crocker's advice, which really is what we are trying to do a little bit of today—listen and offer assistance—where it may be applicable and sought.

So, thank you very much for being with us.

Thank you, Mr. Chairman.

Mr. DYMALLY. I have about three questions.

Doctor Crocker, what role do you think the United States can play to enhance this proposal?

Mr. CROCKER. Mr. Chairman, I think we should be listening to all this rather exciting activity that's going on, and the very fact of this event here today is a form of recognition for something which would have been unthinkable five years ago.

Doctor Mosha has indicated some of the origins of it, and some of the people who have played a key role, but it's interesting that a great many people have played a role and come to different meetings. I've been privileged to attend some of the planning and discussion sessions myself, but the organizers have reached out, particularly in Africa, and I think it's correct to say that this is indigenous, and we should be recognizing that.

We have often cited African problems and called for leadership, and here's an example of leadership. We should be recognizing it and saluting it. So, that's item one.

Secondly, I think we ought to make sure we have our facts straight about exactly where the process is, and not prejudice things that have not yet been decided. This is a very important process, it's a very ambitious process.

If you've heard, as I listened to Felix once again recount the many aspects, the many chapters if you will, of CSSDCA, it is a very ambitious undertaking, and, obviously, people are going to want to think, and digest and chew it over a little bit in Africa before this thing gets totally launched and off the ground.

So, I think we need to be aware that that is a process as well, and not leap before or ahead of that process.

To the extent that the organizers of CSSDCA wish to have non-African participation in their activities, in their functions, in their conferences and what not, and that's really their choice, then I think we face a different question which is, how do we respond to a specific invitation.

As I understand the concept here, we are basically witnessing the creation of another regional entity. We are not part of the Afri-

can continent in geographic terms, although many of us have a heart and soul there, but we are not part of it geographically.

So, it's really for Africans to tell us in this country what they would like us to do as participants, as partners if you will, and I would hope we would look with empathy and with sympathy when we are asked those kinds of questions, Mr. Chairman, to see how we can play a role.

I am not persuaded that one group or one organization can serve every purpose that has been identified, but, again, it's not for an American to say that at this stage probably.

There are many existing entities and organizations that do play a role in keeping channels open, whether it's in the area of democratization, or the area of development, and I would not want to see everything get pushed to one side just because there's a new organization getting started. But, I don't think that's what the organizers have in mind anyway, so that's a long-winded answer to your very short question, Mr. Chairman.

Mr. DYMALLY. Doctor Mosha, where do we go from here, and I note with some interest that you made frequent mention to conflict resolution, do you see the proposal from the House as a conflict or as a supplement to the proposed security organization you are talking about?

Mr. MOSHA. I think it will compliment that effort. Mr. Chairman. We can always find ways of seeing how best to devise all these activities in such a way that they compliment each other.

Let me just say that, the CSSDCA, as currently structured, would first be fully adopted by all the African States in the first instance, and then when they will have adopted that, they will then look out and bring in the non-African states to kind of participate in those areas where there is a feeling that the non-African states could assist African nations in implementing the process.

So, right now what we are left with is a process where the OAU, at this level, is going to have adopted this process, and when we have reached that point it will launch the conference, and it is when this negotiation process is going on that it will then, in that context, decide to bring in non-African countries, so that they can be a party in sharing in the commitment that this process should be implemented, as well as supporting it.

But, there are certain specific areas, certainly, where, if I may just extend to that support question would arise, and that is, they still have countries today who, perhaps, are still sitting on the fence. They may have wanted to say that in Abuja, and, therefore, as we enter the crucial process of having this adopted at the OAU level, it will be useful that if the United States would be known to be supporting this initiative, it might also be positive to those countries who may not have really fully decided. That will be very helpful, in my view, in the sense that those countries will be feeling that they will not want to be seen to be going against this process, if already to have earned the support of the United States and other non-African military and economic powers.

And, third, of course, Mr. Chairman, as Vivian mentioned, there is this question of the commission as an instrument, perhaps, that might help to extend this kind of communication and facilitating,

so that there is an instrument through which this kind of support or exchange of information can take place.

I would see those as the key elements in this regard.

Mr. DYMALLY. Ms. Derryck, you have advocated the conflict—the Center on Conflict Resolution, you might, for the benefit of Senator DeConcini, elaborate somewhat on that. We need his support in this House, of course.

Ms. DERRYCK. Certainly.

Senator, 6 months ago we held a conference in Cairo, our annual conference of the African American Institute, and talked at great length about the problems of democratization, the problems of what was impeding democratization, and it became clear that there were several factors, but one of them was the enormous number and growing number of refugees, persons that were being displaced either economically or by actual shooting wars.

Africa is the continent that has the majority of the regional conflicts now extant in the world. There seems to be a need for an organization that works in complementarity with the OAU and ECA, but is not associated with either in a direct way, to be able to be an informal mechanism that allows those parties to have a place in Africa that they can go to discuss potential resolution to these conflicts.

In discussions with General Obasanjo, President Museveri and several others, they have applauded this idea, as long as it is complimentary to existing entities.

So, I have been certainly a strong advocate of this, because I think that it would save lives, reduce military expenditures, and that these monies could certainly be better used to support economic development and human resources development throughout the continent.

Mr. DYMALLY. Let me elaborate, Senator. We have put in the House bill the legislation for an African Center on Conflict Resolution, and we have not earmarked the money, we have asked AID to look at that proposal, among others.

Mr. Spangler, who heads the AID Africa Bureau, came back after one month's stay in Africa and said to me he's convinced now that we need the center.

So, I think we have a commitment from them to fund the center. We limited all the earmarks in return for them discussing with us some of the proposals we think are imperative for funding, and that's one that we selected.

Mr. DECONCINI. Thank you, Mr. Chairman.

Just to follow up on Ms. Derryck's explanation, do you think that the CSSDCA could also be the conflict resolution instrument or entity within that organization, assuming it is launched. I realize we are still in the formative stages.

Ms. DERRYCK. The time period that's proposed in the Kampala Document for negotiation and getting consensus on the CSSDCA is two years, and I could envision working with a group of Africans, including NGOs and representatives of those countries that are now fully supportive of the CSSDCA process, in beginning to look at conflict resolution.

We've talked about holding, if possible, four regional seminars that just focus on conflict areas in four regions of Africa. And, cer-

tainly CSSDCA, and whatever the mechanism there is, whether it's a temporary secretariat or an informal committee, would be a logical partner to begin that kind of an initiative.

Mr. DECONCINI. But you think it needs something outside of CSSDCA.

Ms. DERRYCK. I just think that we need to do it soon.

Mr. DECONCINI. Sooner than the CSSDCA is likely to come about.

Ms. DERRYCK. Right, because we are talking about a two-year period, and, Felix, you will correct me if I'm wrong, to get that launched.

But, there are going to be a lot of lives that are lost in the continuing conflicts that are plaguing Africa in that two-year period.

Mr. DECONCINI. Do you really think a conflict resolution institute or something could be set up short of two years and be functional?

Ms. DERRYCK. No, but I think that if you begin by having a series of meetings that capture attention in a way that the Kampala Forum did, that begin to get people to think about possible resolutions, mediation, and the concepts of conflict resolution, that that's a very good start.

And, yes, I do think that it would take at least two years to set up something like that.

Mr. DECONCINI. Let me ask you another question, if I can. What role do you think South Africa should play or can play in the CSSDCA?

Ms. DERRYCK. I think that South Africa should be an integral member of the process.

Mr. DECONCINI. Even if it's based on a consensus organization similar to CSCE?

Ms. DERRYCK. Yes, because I'm assuming that over the next period, the next two-year period, that we're going to see a diminution of violence and the changes that would make South Africa a functioning member without ideology as all the others are now.

Mr. DECONCINI. Doctor Masha, the question of the United States and, perhaps, even the Soviet Union, really intrigues me, because I can see, and please correct me, perhaps, a country like Tanzania not wanting the United States or the Soviet Union as members, because we are not part of that continent. On the other hand, we can play, and should play a role, as Doctor Crocker points out, kind of as an invitee.

And, yet, with the so-called "Superpowers" there, even though the Cold War has diminished so much now, it seems to me to have them as part of this would be advantageous for its success for one reason. In a consensus organization, one member can stop the whole thing from happening, as we have seen before, prolong the consensus from coming about for years, for that matter, and the peer pressure is very great. The United States or the Soviet Union would have significant peer pressure. The international publicity that public statements by the superpowers as well as by the African nations, could be very effective.

But, that's the opinion of an outsider looking in, and I would really welcome your observations. Should the United States and the Soviet Union for that matter, be part of this process?

I realize economic assistance, technical assistance, humanitarian assistance, refugee assistance are very important, and I think the United States, hopefully, will participate in that area, but I wonder if you can comment as to their effectiveness in CSSDCA.

Mr. MOSHA. That's correct, Senator, as you say there, there is, indeed, the consideration that the Africans themselves must take care of this process and implement it to the extent possible.

However, I believe in the end, when the OAU will have adopted this process at the Africa level, I believe the majority of African members will feel it necessary to involve the United States and the Soviet Union, perhaps, to the extent possible, because the United States is involved in Africa in many ways, has provided support in Africa in various situations, and I think it is only reasonable that it can be satisfied that in the long run whatever has been done does, indeed, provide a comprehensive solution to the problems in Africa.

Mr. DECONCINI. I realize we are all still in the formative stage here, and I don't want to pin you down as making a commitment, but do you conceive that the United States would be a member, as we are with the CSCE, even though they are separated by a large ocean?

Mr. MOSHA. I think that cannot be ruled out, but it would seem to me that in the end it may lie somewhere between what exists between CSCE now, that membership, and what it will take in being somewhere in the middle of what will be a CSSDCA.

I think in the end it will lie somewhere in the middle.

Mr. DECONCINI. One of the reasons why I think that consideration of the United States as a member is something to think about, is commitment. I think the United States commitment to CSCE has waned sometimes from the Executive Branch, but from the Legislative Branch I think it has been a stronger commitment, although certainly recently the Executive Branch in our government has taken a very strong promotion and advocacy role in the advancement of CSCE, in expanding it, and what have you.

So, I just feel that to get the United States truly committed here, maybe some type of membership is necessary, at least something is, and that's why I asked the question.

Let me ask you, Doctor Crocker, from your analysis of sitting back and listening and not wanting to appear that we are telling anyone anything, and I don't mean that offensively, but, you know, what's your feeling about—well, how does the United States really get committed? Should we be ad hoc members, or advisors, or consultants, or something like that? Do you have any suggestions or thoughts?

Mr. CROCKER. I don't really have a single formula for answering that question, Senator, but I think it's a very key question.

The thrust of my remarks is that, I wanted to see the linkages strengthened between our country and the African continent, the African region, in all sectors, public and private, non-governmental, non-profit, as well as profit. The biggest threat to Africa's future, a future I care deeply about, is that we will not have those linkages. Those are the means by which you can build and you can create hope.

that bring together on a regular basis the representatives of our country with representatives of other creditor and donor countries and of African countries. So, there's nothing new about that. That goes on all the time. It's a regular and active pattern of consultation, the London Club, the Paris Club, the various World Bank preparatory meetings and so forth. I just thought I'd add that point onto the ADB.

Mr. DYMALLY. Doctor Mosha?

Mr. MOSHA. I just add, Mr. Chairman, that talking of membership, non-African membership, the initial thinking when we were formulating this proposal was that it was inclusive into Kampala, we invited all the permanent members of the Security Council. That is, individuals from those countries, all the permanent members of the Security Council, and the European Commission, the European Community, the President of the European Community, and two or three other countries.

So, the thinking was that, to the extent in the future that non-African countries may be involved, it was that kind of consideration that we had in mind.

Mr. DYMALLY. We have been joined by Mr. Smith.

Mr. DECONCINI. Can I ask one question, please.

Mr. DYMALLY. Yes, of course.

Mr. DECONCINI. I'm just dying to ask it of Ms. Derryck, you can answer very quickly because I know Congressman Smith certainly is entitled to his turn here.

The question of the Kampala Document as it relates to women was very interesting and very positive. I thought, for the meeting to be so sensitive to this issue which is a real problem in at least the few African countries that I'm familiar with was interesting. What do you think are the prospects of achieving some type of human rights recognition of women, not just for their work capability, and reproductive capabilities, but as equal citizens? Can you give me just a thumb-nail sketch of your observations or reaction?

Ms. DERRYCK. I thank you very much for raising the question, Senator.

Women were very much present at Kampala, and very much involved in the deliberations, being Chairs, and rapporteurs in some of the sessions.

There was a clear women's caucus there, and while we were not the majority by any means, there was a very concerted effort to make sure that the issues, as each of the issues as they related to women, were addressed.

And, that was not an effort to segregate, or isolate or highlight women's issues, but a real effort to make sure that they were integrated, that as 51 percent of the population, and the persons who really do 85-86 percent of the agricultural labor that's the backbone of Africa, that, clearly, no kind of activity of this type would succeed unless women felt invested.

So, women were involved in each of the four calabashes, and very often it was men who brought up the issue of women's integration, so that was a major, at least from my perspective, a major success, when women didn't have to bring up their own involvement, but that men were so sensitized that they realized the importance of including us.

We are great institution builders in this country, and I think there's lots of things we can contribute.

Formal membership, I think, is one dimension of that, and I'm glad you raised the question, because I'm not sure that that issue has really been fully thrashed out on the African side, and it's, obviously, a difficult one. If we are going to be members, who else, you know, the European Community, or the constituent members of the European Community, and how many other countries around the world. Before you know it, you are creating a kind of mini United Nations, it gets awfully large, and you have to decide how you represent yourselves. Is it through your government, through your Executive, through your Congress, or through other aspects of the non-official structure.

I would like to see us doing the kind of things that Chairman Dymally has already taken the lead on, with some encouragement from this panel, sending messages selectively to different capitals, to different leaders, that America will respond to the extent that Africans take a lead.

It's very important that General Obasanjo get the recognition that this meeting today is giving him, in my judgment.

So, I hope that's an answer to your question.

Mr. DECONCINI. Yes, thank you.

Mr. DYMALLY. Will the gentleman yield?

Mr. DECONCINI. Certainly.

Mr. DYMALLY. I don't know, and correct me, anyone on the panel, if there is any formal link between any governmental—U.S. governmental entity and any African entity, as we have with the Commission, the Helsinki Commission. Is there any?

Mr. MOSHA. Not at the political level, Congressman. For example, if you take the African Development Bank—

Mr. DYMALLY. Yes, that's a good example.

Mr. MOSHA [continuing]. At that level, yes, there is that kind of link, and that has worked well.

I get the impression, especially from the CARACOM people, that sometimes Third World countries are afraid of our membership there.

The OAU has been good enough to invite the Congressional Black Caucus as observers, but not CARACOM, even though we are that close, and even though I know everyone in CARACOM on a first-name basis, they have never extended an invitation to the Congressional Black Caucus to be observers.

Indeed, I went to the meeting and never even got introduced, so I sometimes wonder if they fear our presence there, but I think in Europe it has proven to be an asset, and the ADB is a good example, where we are doing good work. We are now asking, through our representative at the ADB, to get the ADB to develop a long portfolio for African American business, doing business in Africa, and I've spoken to President Babacar N'Diaye, and plan to meet him here in October, or in Africa in December, so that's an example of our presence there will expand some opportunities here for minority businesses doing business in Africa.

Mr. DYMALLY. Doctor Crocker?

Mr. CROCKER. Just to piggy-back on Felix's point about the ADB, there are lots of organizations involved in the developmental field

And so, I am very, very excited about the potential for this.

And, perhaps, as a matter of fact, if I could just say as a footnote that, having served as the congressional delegate to the U.N. two years ago, at the time when another plan was emerging, and the problem towards tranquility was a very real problem, I met with several African ambassadors, including the ambassador to Ethiopia, and was much concerned about that sense of, we just don't want to interfere, not interfering seemed to have a higher priority than the alleviation of suffering.

And, hopefully, this agreement, the Kampala agreement, and what follows, will shatter that sense that non-interference is such a sacrosanct principle, that certainly interference on behalf of human rights violations, and on behalf of humanitarian concerns is warranted.

In looking through your testimony, Ms. Derryck, if you could answer one question that I have in terms of the time line. You indicate that the OAU is likely going to agree to the principles that have been agreed to by the other African nations in its next meeting.

When can we realistically expect, assuming that will occur, that a Helsinki-type organization of all the countries involved will emerge?

Ms. DERRYCK. Congressman, the document, the Kampala Document talks about an implementation process.

What's going to happen is first consideration at an OAU experts meeting, then by the Council of Ministers meeting, and then the document will be reintroduced at the next OAU summit.

To me, that's very encouraging, because when I look at other regional cooperation ideas, this is revolutionary. We are talking about citizens taking up a new role, and acknowledging that non-governmental organizations have an important role to play to make this work.

We are talking about a different view of democracy. We are talking about a different view of governance and political and economic accountability.

So, I think these ideas percolate, and it's going to take at least a year, and it may not pass—it may not be considered fully at the OAU summit next year. One doesn't know.

But, eventually, I'd say, probably in two years, as the document suggests, that this is going to become a reality with the majority of countries involved.

I would say that that would be the timetable, approximately 2 years.

Mr. SMITH. Will it require a ratification by every individual country, or would there be a consensus-type approval situation?

Ms. DERRYCK. I would defer to Felix for that answer.

Mr. MOSHA. That is correct, Congressman, to require ratification by each individual participating country.

Mr. SMITH. I see.

I believe, Ms. Derryck, you made this point about the advisability of a Helsinki-type commission in the Congress. Is that—would it be—I mean when this Helsinki Commission was formed, and a year after or so, the signing of the Helsinki Final Act in 1975, it was

seen as part of the implementing process to monitor progress and, hopefully, to enhance the treaty as we moved along.

Would it be likely that such a commission of the U.S. would be established before or after, would that, potentially, work against ratification if certain member states in Africa felt that somehow we were imposing a certain view?

I'm not sure which way to go on this. I was just wondering what you might think on this.

Ms. DERRYCK. I think that the idea of demonstrating U.S. commitment to the concept is important. The timing, of course, is a sensitive issue.

It would seem that the conference, the CSSDCA should be in place with X number of states having agreed to participate before the United States would, indeed, form a commission.

But, the knowledge that the United States is supportive of the initiative, and would consider forming an entity that would, indeed, be able to provide the kinds of consultative arrangements that I mentioned in my testimony would be extremely useful.

Mr. SMITH. I know we're getting close on time, Mr. Chairman.

I would like to suggest, and you, perhaps, have even thought of this already and dropped it in the hopper, but it seems a Congress resolution would be in order that would applaud the progress that was made in Kampala, and to raise the expectation that—and to lend support for that kind of progress, and then raise the expectation that a Helsinki-type organization of member states would follow.

Mr. DYMALLY. Mr. Smith, after all these years with you on the Foreign Affairs Committee, I know the day will come when we will co-author something, and there we have it, and so we'll have the Dymally-Smith Congress resolution.

Thank you very much, Doctor Crocker, Doctor Mosha and Ms. Derryck. We look forward to working with you.

The meeting is adjourned.

[Whereupon, at 3:40 p.m., the subcommittee adjourned subject to the call of the Chair.]

Mr. DECONCINI. So, it's your opinion that that's a well-established subject matter that's going to continue in future meetings and discussions?

Ms. DERRYCK. I'm not sure that it's well-established, but I am very sure that it will continue, because if it's not raised in an objective way, then women certainly have the ability to form that caucus and make sure that the issue comes to the fore.

Mr. DECONCINI. Thank you.

Mr. Chairman, I want to thank you very much for letting me ask additional questions, also for your leadership in this area, and for having these joint hearings with the Helsinki Commission of the Congress. I think it's very helpful, it's very helpful to me at least, and to us with your expertise and that of your subcommittee to join you in this, and I'm most grateful.

Mr. DYMALLY. Senator, we thank you for your presence and support here.

Just one quick one, Doctor Crocker, before we go to Mr. Smith.

What is our affiliation with the ASEAN countries? Do we have an affiliation, or are we observers, or we just attend the meetings?

Mr. CROCKER. My impression is that we have a pattern of political dialogue that is conducted at two levels. The ASEAN ambassadors in Washington are a very well-organized, but almost invisible group who have an agenda, and they reflect that agenda to the Executive Branch and to the Congress on a regular basis through rotating responsibilities among the different ambassadors in the group.

They don't have an edifice complex, and build big buildings, they don't have all kinds of staff, they don't make jobs for people, they do the job of Southeast Asia through their embassies. It's remarkable.

Annually, they have summits, and they have ministerials more frequently, but at least annual summits with representatives from different parts of the world, and I think our leadership, quite regularly, goes to attend. Jim Baker was out recently.

So, it's like a dialogue between us and that group.

Mr. DYMALLY. But, we are regularly invited. I know Secretary Shultz used to be present there all the time.

Mr. CROCKER. Every year, he wouldn't miss it.

Mr. DYMALLY. Yes.

Mr. CROCKER. He thought it was a very important forum.

Mr. DYMALLY. Mr. Smith?

Mr. SMITH. Thank you very much, Mr. Chairman, and I want to welcome our distinguished panel. I apologize for being late, I was at another hearing that I just could not break away from.

But, from everything that I've heard, and having just read at least two of the written submissions of testimony, I'm greatly encouraged by the expectation that a CSCE-type forum will be established.

And, as I think we all know, the most—effect or aspect of the CSCE Helsinki Accords has been the fact that it was an ongoing process, and it was not a one-shot treaty, everybody said it looks nice, reads nice, however, what happens now, it was an ongoing process. And, it was through that process that many of the achievements in Eastern Europe were advanced.

APPENDIX

*Statement by Rep. Steny H. Hoyer
Chairman
Commission on Security and Cooperation in Europe
July 30, 1991*

Africa's Helsinki
The Conference on Security, Stability, Development and Cooperation in Africa

THE COMMISSION IS VERY PLEASED TO JOIN WITH THE HOUSE FOREIGN AFFAIRS SUBCOMMITTEE ON AFRICA IN CONVENING THIS HEARING ON THE POLITICAL CHANGES OCCURRING IN AFRICA. WE ARE PARTICULARLY INTERESTED IN THE PROSPECT OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE, THE HELSINKI PROCESS, SERVING AS A MODEL OF A REGIONAL FRAMEWORK FOR COOPERATION AMONG THE AFRICAN STATES. I WANT TO THANK THE SUBCOMMITTEE'S CHAIRMAN, MR. MERVYN DYMALLY, FOR HIS LEADERSHIP AND STRONG COMMITMENT TO THE ISSUES WE ARE ABOUT TO EXAMINE.

THIS PAST MAY, THERE WAS A HISTORIC GATHERING IN KAMPALA AT WHICH OVER 500 INDIVIDUALS -- A NUMBER OF WHOM WERE HEADS OF STATE -- MET TO DISCUSS AND MAP OUT A FREEDOM CHARTER FOR AFRICA. THE GATHERING WAS UNIQUE IN THAT IT WAS ORGANIZED BY A NON-GOVERNMENTAL ORGANIZATION, THE AFRICA LEADERSHIP FORUM, AND REFLECTED AN ATTEMPT BY AFRICANS FROM ALL WALKS OF LIFE TO INFLUENCE THEIR GOVERNMENTS AND PLAY A ROLE IN AFRICA'S CHALLENGING FUTURE.

THE KAMPALA DOCUMENT REFLECTS A DETERMINATION AMONG A DIVERSE AND DISTINGUISHED GROUP OF PARTICIPANTS TO SEEK SOCIETIES BASED ON RULE OF LAW ENCOMPASSING FUNDAMENTAL NOTIONS OF JUSTICE.

THE KAMPALA PARTICIPANTS SET FORWARD COMMITMENTS TO BE SOUGHT FROM THE GOVERNMENTS OF EACH OF THE AFRICAN STATES FOR REPRESENTATIVE GOVERNMENT AND PARTICIPATORY DEMOCRACY. IT SEEMS CLEAR THAT THE PARTICIPANTS BELIEVE THAT WITHOUT DEMOCRACY AND RESPECT FOR HUMAN RIGHTS AFRICA WILL NOT ACHIEVE STABILITY NOR ECONOMIC GROWTH.

THE TRAGIC CRISES THAT PLAGUE AFRICA -- CIVIL WARS, ABJECT POVERTY, ENVIRONMENTAL DEGRADATION AND STRANGLING DEBT -- CAN ONLY BE RESOLVED THROUGH THE EFFORTS OF ALL THE PEOPLES OF EACH AFRICAN STATE. MUCH LIKE THE HELSINKI EXPERIMENT, SUCCESS WILL DEPEND ON THE DEGREE TO WHICH GOVERNMENTS SOLICIT THE VIEWS OF THEIR CITIZENS AND ALLOW THEM TO HAVE A SAY IN HOW GOVERNMENTS ARE RUN. MANY IN AFRICA HAVE REJECTED A STATIC VISION OF THE WORLD, BASED ONLY ON WHAT IS POSSIBLE NOW AND HAVE URGED UPON THE GOVERNMENTS A LONG-TERM COMMITMENT TO A PROCESS BY WHICH ALL THE STATES MAY WORK TOGETHER TO SOLVE THE LONG-TERM PROBLEMS IN THE REGION.

THE COMMISSION IS VERY PLEASED TO HAVE BEFORE IT A DISTINGUISHED GROUP OF WITNESSES ALL OF WHOM HAVE BEEN INVOLVED IN VARYING WAYS IN THIS PROCESS.

STATEMENT
DENNIS DeCONCINI, CO-CHAIRMAN,
CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

HEARING: AFRICA'S HELSINKI (CSSDCA)
TUESDAY, JULY 30, 1991

THE COMMISSION IS HONORED TO BE CO-SPONSORING THIS IMPORTANT HEARING WITH THE DISTINGUISHED CHAIRMAN OF THE HOUSE FOREIGN AFFAIRS SUBCOMMITTEE ON AFRICA, CONGRESSMAN DYMALLY. WE ARE HERE TODAY TO EXAMINE ONE OF THE MOST IMPORTANT POLITICAL DEVELOPMENTS IN AFRICA SINCE ITS POST-INDEPENDENT ERA TOOK HOLD -- THE BEGINNING OF A PROCESS THAT WOULD JOIN AFRICAN NATIONS IN A FRAMEWORK PROMOTING MUTUAL SECURITY, STABILITY, DEVELOPMENT AND COOPERATION. WHILE THE WORLD'S ATTENTION HAS BEEN FOCUSED ON THE HISTORIC CHANGES OCCURRING IN EASTERN EUROPE AND THE SOVIET UNION, SIGNIFICANT POLITICAL EVENTS IN AFRICA HAVE GONE LARGELY UNNOTICED.

AS THE AUTHOR BLAINE HARDEN STATES, AFRICA IS AT A HISTORICAL JUNCTURE BETWEEN "AN UNWORKABLE WESTERN PRESENT AND A COLLAPSING AFRICAN PAST." IT IS ENCOURAGING THEREFORE THAT A REGIONAL CSCE-TYPE PROCESS, OR CSSDCA AS IT IS BEING TERMED, IS DEVELOPING WHICH MIRRORS AFRICAN CONDITIONS AND AFRICAN NEEDS.

EASTERN EUROPE AND THE SOVIET UNION HAVE FOUND, IN THE HELSINKI PROCESS, GUIDELINES BASED ON DEMOCRATIC PRINCIPLES WHICH ARE GIVING DIRECTION AND REINFORCEMENT TO THIS DRAMATIC MOVEMENT SWEEPING THE REGION. CRITICS WHO ARGUED THAT THE CSCE WAS A MEANINGLESS FORUM OF EMPTY PROMISES HAVE A NEW APPRECIATION FOR THIS PROCESS -- A PROCESS WHICH HAS SERVED AS A PERSISTENT VOICE IN DEMANDING THAT CSCE NATIONS ADHERE TO AGREED UPON PRINCIPLES BASED ON HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS. WHEN CITIZENS CHALLENGED THE LEGITIMACY OF TOTALITARIAN RULE AND FORCED THEIR LEADERS TO BOW TO THE PRINCIPLE OF A GOVERNMENT'S ACCOUNTABILITY TO ITS OWN PEOPLE, THE HELSINKI PROCESS PROVIDED A TESTED FRAMEWORK WITHIN WHICH THE PEOPLES OF THE REGION COULD BEGIN REBUILDING THEIR COUNTRIES BASED ON DEMOCRATIC FOUNDATIONS.

OPPRESSIVE REGIMES ARE BEING CHALLENGED IN ONE AFRICAN COUNTRY AFTER ANOTHER AS NEW POLITICAL LEADERS AND CITIZENS FORGE POLITICAL SYSTEMS AND ECONOMIC PROGRAMS MORE GENUINELY ATTUNED TO AFRICA. WHILE AFRICA MAY NO LONGER BE A BATTLEGROUND OF COLD-WAR IDEOLOGY, IT MUST ALSO SHED ITSELF OF DESTRUCTIVE AND SELF-SERVING DEVELOPMENT SCHEMES. WE SHOULD ALWAYS REMEMBER THAT IT WAS THE CITIZENS OF THE CSCE STATES, NOT THEIR GOVERNMENTS, WHO BROUGHT THE EMPTY PROMISES OF HELSINKI TO LIFE. SO TOO, IT SEEMS, THE CSSDCA AND THE DRAFT ACCORD IT HAS PRODUCED, THE KAMPALA DOCUMENT, REPRESENT A SEARCH BY AFRICANS THEMSELVES FOR COMMON DENOMINATORS AMONGST THE VALUE SYSTEMS WHICH SHAPE AFRICA -- A SEARCH WHICH COULD PRODUCE A BLUEPRINT FOR AFRICA'S FUTURE.

THE HELSINKI COMMISSION IS KEENLY INTERESTED IN THIS EFFORT. TODAY WE WILL HEAR FROM A DISTINGUISHED PANEL OF GUESTS ACTIVELY INVOLVED IN OR KNOWLEDGEABLE ABOUT THE CSSDCA PROCESS. WE WILL EXAMINE HOW AFRICANS ARE TAKING STEPS TOWARDS REDIRECTING THEIR FUTURE AWAY FROM A MORASS OF SOCIAL, POLITICAL AND ECONOMIC UPHEAVAL AND TOWARDS A FUTURE BASED ON HOPE AND MUTUAL RESPECT WITHIN THE GLOBAL COMMUNITY OF NATIONS.

The Honorable Mervyn M. Dymally
Africa's Helsinki: CSSDCA
July 30, 1991

GOOD AFTERNOON. I WANT TO THANK MR. HOYER, CHAIRMAN OF THE HELSINKI COMMISSION, AND MR. DECONCINI, COCHAIRMAN, FOR ORGANIZING THIS HEARING AND TAKING AN INTEREST IN THE FUTURE OF AFRICA. I WELCOME THE OPPORTUNITY TO JOIN THEM AS WE EXPLORE WAYS TO FURTHER THE DEMOCRATIZATION PROCESS IN AFRICA.

THE SUBCOMMITTEE ON AFRICA SUPPORTS THE RETURN OF DEMOCRACY AND THE NEW EFFORTS AT POLITICAL LIBERALIZATION NOW OCCURRING THROUGHOUT AFRICA. THE CONFERENCE ON SECURITY, STABILITY, DEVELOPMENT AND COOPERATION IN AFRICA (CSSDCA) IS A PROCESS WHICH COULD HAVE A SIGNIFICANT EFFECT ON THE CONTINENT.

AS I WAS REVIEWING THE POLICY MEASURES WHICH RESULTED FROM THE KAMPALA DOCUMENT, I WAS PLEASED TO SEE THAT STRENGTHENING CONFLICT RESOLUTION MECHANISMS WAS THE FIRST RECOMMENDATION UNDER THE SECURITY SECTION. AFTER CONSULTATION WITH SEVERAL AFRICAN HEADS OF STATE, I BECAME AWARE OF THE NEED FOR INCREASED PARTICIPATION AND INVOLVEMENT BY AFRICANS IN THE RESOLUTION OF THEIR OWN DISPUTES AND CONFLICTS. FOR THIS REASON, THE SUBCOMMITTEE HAS INITIATED A CENTER FOR CONFLICT RESOLUTION IN THIS YEAR'S FOREIGN AID LEGISLATION.

THE CENTER WOULD BE LOCATED IN AFRICA, PRIMARILY STAFFED BY AFRICAN NATIONALS, WITH SUPPORT FROM U.S. GOVERNMENT OFFICIALS AND PRIVATE CITIZENS WHERE NECESSARY AND APPROPRIATE. IT WOULD BE AUTONOMOUS WITH NO FORMAL ASSOCIATION WITH ANY REGIONAL OR INTERNATIONAL ORGANIZATIONS AND IT WOULD UTILIZE THE TREMENDOUS

TALENT IN AFRICA. THERE ARE MANY INTELLIGENT, EXPERIENCED AND DYNAMIC AFRICAN LEADERS WHO CAN LEND THEIR EXPERTISE TOWARD HEALING A CONTINENT BESET WITH CONFLICT AND STRIFE.

THE SUBCOMMITTEE HAS ALSO AUTHORIZED \$10 MILLION FOR FY 92 AND FY 93 OUT OF A.I.D.'S DEVELOPMENT FUND FOR AFRICA FOR DEMOCRATIZATION IN SUB-SAHARAN AFRICA. THESE FUNDS ARE TO BE USED FOR ELECTORAL MONITORING, HUMAN RIGHTS MONITORING, SUPPORT FOR DEMOCRATIC ORGANIZATIONS AND PARTIES, AND EDUCATIONAL PROGRAMS TO FOSTER UNDERSTANDING OF DEMOCRATIC ORGANIZATIONS AND PRINCIPLES.

WHILE I AM HEARTENED BY INITIATIVES GEARED TOWARD DEMOCRATIZATION, AND CREATING SECURITY AND STABILITY IN AFRICA, I BELIEVE THAT U.S. FOREIGN POLICY TOWARD AFRICA MUST BE REEVALUATED. WE HAD TO FIGHT TO GET ONE BILLION DOLLARS FOR THE DEVELOPMENT FUND FOR AFRICA. THESE FUNDS ARE TO PROVIDE FOR ALL OF SUB-SAHARAN AFRICA. WHEN COMPARING THE U.S. COMMITMENT, IN TERMS OF DOLLARS, TO EASTERN EUROPE OR TO ANOTHER REGIONS IN THE WORLD, ONE CAN SEE WHERE AFRICA RANKS IN THE LIST OF PRIORITIES.

IN THE KAMPALA DOCUMENT, I READ THAT AFRICAN THINKERS CALLED THE 1980'S "THE LOST DECADE". UNLESS THE UNITED STATES AND THE INTERNATIONAL COMMUNITY WORK TOGETHER TO ALLEVIATE THE POVERTY AND HUNGER IN AFRICA, ANOTHER DECADE WILL BE LOST -- AND THOUSANDS OF LIVES WILL BE LOST AS WELL.

ADVANCING DEMOCRACY, SECURITY, STABILITY AND DEVELOPMENT IN AFRICA IS CRUCIAL. TO ACHIEVE THESE OBJECTIVES, WE NEED COMMITMENT, CONSISTENCY AND MONEY.

I APPRECIATE THE OPPORTUNITY TO COCHAIR THIS IMPORTANT

HEARING AND LOOK FORWARD TO HEARING FROM OUR DISTINGUISHED
WITNESSES.



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STATEMENT BY:

VIVIAN LOWERY DERRICK
 President

THE AFRICAN-AMERICAN INSTITUTE

JOINT CONGRESSIONAL HEARING OF
 THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE
 AND THE
 U.S. HOUSE OF REPRESENTATIVES
 COMMITTEE ON FOREIGN AFFAIRS
 SUBCOMMITTEE ON AFRICA

JULY 30, 1991

I. Introduction and Background

Thank you very much for inviting me to share my views on one of the most important initiatives originating in Africa this decade, the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA). The hearing is particularly appropriate since the CSSDCA is modeled on the Conference on Security and Cooperation in Europe (CSCE), one of the most successful regional organizations currently functioning.

I applaud the Commission for its farsightedness in moving beyond Europe to envision the applicability of the CSCE model in other regions. This hearing provides a timely opportunity to support indigenous African efforts to integrate security, stability, development and regional cooperation issues within the continent.

Africa has long been the continent marginalized in discussions of global events and sea changes. It was true before the end of the Cold War and the situation has been exacerbated since December 1989 and the momentous events that have followed.

General Olusegun Obasanjo and the Africa Leadership Forum have taken an important step in attempting to redress this omission problem by the effort to replicate in Africa the European model of the Conference on Security and Cooperation in Europe (CSCE), the Helsinki Process. General Obasanjo has long been an advocate of mainstreaming Africa.

We know that Africa has special needs, both economic and political. The continent is characterized by extreme poverty, a debt so large that debt servicing costs are unaffordable for sub-Saharan Africa, a population growth rate that outstrips agricultural productivity and a history of unstable, dictatorial regimes. The economic situation has led to a series of regional conflicts virtually unparalleled in the rest of the world with more than 50 regional conflicts reeling the continent. The political situation has wreaked havoc on agriculture, leading to environmental degradation, crop failures and ultimately famine. Indeed, it is estimated that 20 million Africans may die from famine in the next year.

These adverse conditions necessitate dramatic action to seek solutions at root causes. While it is impossible to separate the economic and political causes of the current crisis, it is clear that one of the major root causes of Africa's current plight is political instability. It is the attempt to ameliorate these conditions that led to the first discussions of a CSCE for Africa.

II. CSCE and CSSDCA

CSCE is an attractive model in several respects. First, it is a regional entity that incorporates 33 European nations and includes two important non-regional allies, the U.S. and Canada. Thus, the major players involved in shaping Europe's future are welcomed into the organization. Second, its goals are to promote democracy, free market economies and human rights in participating states. Third, it integrates security, economic and human rights concerns in a comprehensive approach that legitimizes the right of one state to inquire on alleged violations of CSCE precepts in another. Fourth, CSCE provides a forum for dispute and conflict resolution. Fifth, CSCE involves NGO and citizen participation to foster a global network of private citizens who popularize and celebrate human rights and democratic pluralism. Sixth, working by consensus, nations are obliged to adhere to agreed upon resolutions.

Africa finds CSCE an attractive model to meet all six characteristics. The African continent is home to 52 nations, but lacks strong region-wide institutions beyond the OAU and the UN Economic Commission for Africa. The establishment of a substantive regional grouping which would include non-African nations which impact on Africa's economic prospects would contribute a much-needed new entity. Second, the goals of expanding popular participation, reforming governance for accountability and transparency, and reshaping economies to encourage a more efficient state and a larger private sector have swept through Africa. More than 30 countries are now embarked on major political and economic programs to insure more citizen involvement and economic effectiveness.

Third, African nations have been unable to comment upon human rights abuses in other states of the continent. The ability to view human rights as an integral component of a functioning modern state will promote the idea of rightful citizen expectations of governments that respect human rights and promote the notion that citizens can demand internationally accepted standards of treatment.

Fourth, conflict resolution. Africa is plagued by regional conflicts ranging from Liberia which has spread to neighboring Sierra Leone and threatens to engulf Guinea and Cote d'Ivoire; to Somalia which struggled for the past seven months with no identifiable government; to Ethiopia where the question of secession looms large; to Mozambique in which the government continues to make concessions to a relentless opponent to no avail; and to South Africa where ethnic violence obscures the real issue of the lack of human rights and political suffrage for the 85 percent majority of the population.

Fifth, involvement of non-governmental organizations and citizens groups around the world. Africa needs to develop stronger civil societies and there is no better vehicle than strengthening non-governmental organizations.

Sixth, the format of CSCE's three baskets of security is applicable to Africa. These can be adapted to Africa in the four calabashes of security, stability, development and cooperation. Moreover, the process of working by consensus provides support to reforming regimes which can claim a broader regional mandate for actions that they are taking. The operation of CSCE through various levels of meetings allows enough flexibility that any topic of regional urgency can be addressed. Thus, Africans can address issues of environmental degradation, the role of women, strengthening NGOs, consolidating existing regional institutions, etc. informally through the mechanism.

Africans have seen the applicability of the paradigm and in a series of meetings, Africans and interested supporters have met and structured an African model, the Conference on Security, Stability, Development and Cooperation in Africa.

The concept originated at an April 1990 Paris meeting organized by the African Leadership Forum to consider the impacts of changes in Eastern Europe. The initial meeting was followed by a November 1990 meeting in Addis attended by eminent African personalities and co-chaired by Gen. Obasanjo, OAU Secretary-General Salim Salim and ECA Executive Secretary Professor Adebayo Adediji.

The three co-chairs established a steering committee of eminent African personalities and key organizations which they agreed to head. Others invited to serve on the steering committee included: President of the African Development Bank, Babacar N'Diaye; WHO Regional Director for Africa, Professor Gottlieb Monekesso; Pierre-Claver Damibia of UNDP; Ruth Nete, Secretary-General of the Pan African Women's Association; and Alhaji Hassan Sunmonu, Secretary General of the Organization of African Trade Union Unity.

The steering committee concluded that such a structure is vital for Africa and Salim Salim invited General Obasanjo to address the OAU Council of Ministers in Addis Ababa in February 1991. African NGOs examined the idea in April 1991 at Ota and pledged to play active roles in supporting/promoting the process.

Drafters of the document were careful not to say to any country how to implement a democratization process, but merely to sketch the requisites of a democratic system.

Third, the document contains several mechanisms for implementation that are revolutionary. First, it calls for the creation of an all-Africa parliament to be popularly elected. The parliament would be modeled after the European Parliament. Second, given the new emphasis on human rights, the Kampala document calls for the creation of an African Human Rights Group which would monitor the progress of countries toward implementation of human rights covenants and issue annual reports. The African Human Rights Group would function such as the CSCE Conference on the Human Dimension. Third, the CSSDCA would create an African Council of Elders comprised of eminent former office holders. The Council would be so eminent that its voice would be heard and respected. Moreover, the existence of such a Council would indicate that there are useful activities and occupations for former office holders. The fourth mechanism envisioned by the Kampala document is an African peacekeeping force. The document proposes a continent wide peace-keeping force which would include the nations of the Magreb.

Fourth, and finally, in several sections the Kampala Document underscores African responsibility for Africa's current plight and future prospects and calls upon Africans to take the lead in shaping their own future.

The document, as presented at Abuja, embodied the first endorsement of the concept by African leaders and the first acknowledgement of African leaders of linkages among security, stability, development, and cooperation.

Despite the fact that the Kampala document was concluded at the very time that the OAU meeting was beginning, the OAU was still able to receive and consider the document. No country opposed the proposals and each is convinced of its relevance and necessity. Currently, each country is reviewing the document which will be discussed at an Experts meeting in Addis to be convened explicitly and exclusively to discuss this document for presentation at the Council of Ministers meeting in February in Addis Ababa. According to knowledgeable Africans, the document is likely to be adopted at the next OAU meeting.

III. The Kampala Forum

These activities culminated at the Kampala Forum held May 18 to 22, 1991 in Kampala, Uganda. The Kampala gathering was noteworthy in three respects. First, it brought together 500 persons from a variety of sectors on the basis of equality. Delegates from across the continent represented governments, NGOs, business and the private sector, trade unions, political movements, students, professional associations and multilateral organizations. Five sitting heads of state attended in their personal capacities, but reflected the thinking of their countries. The five were: President Quett Masire of Botswana; President Kenneth Kaunda of Zambia; President Joaquim Chissano of Mozambique; President Omar El Bashiri of Sudan; and co-host of the Forum, President Yoweri Museveni of Uganda. Three former presidents also offered their perspectives: President Julius Nyerere of Tanzania; President Aristides Pereira of Cape Verde; and Forum convener, General Olusegun Obasanjo of Nigeria. Other nations sent senior ministers and high state officials.

The second notable aspect of the Forum was the seriousness of the effort. After the opening plenaries, the conference quickly divided into four working groups to discuss and draft position papers for the four calabashes. Spirited debate produced a document on which there was consensus.

The third unprecedented feature of the conference was its final document. In 40 pages, the document outlines a new vision for Africa and proposes concrete steps to achieve it. Four aspects of the document must be noted.

First, the document asserts the sovereignty of the African peoples both collectively and in individual states. The document boldly states the precept that it is citizens who ought to determine the shape of their government and calls for accountability of African leaders.

Second, carefully drafted with a concise conceptual framework, the document also provides a clear definition of democratization. The CSSDCA document asserts that democratization must include a constitution promulgated by a freely elected assembly representing an entire nation's population. Such a constitution must include a bill of rights; must incorporate basic freedoms; provide for periodic elections; and limit elected officials' tenure/terms of office. The Kampala document underscores the need for an independent civil service and an independent monetary authority.

questions plaguing Yugoslavia are very similar to the questions facing the Eritreans and Ethiopians. Such a commission could call a joint hearing to examine the issue, perhaps bringing fresh perspective to both sides.

Thirdly, the commission would be an important means of encouraging citizen and NGO involvement. Public opinion plays a major role in urging governments to comply with the standards of the CSCE. No doubt, the same phenomenon would be at play in Africa as U.S. NGOs formed closer links with African NGOs and popularized the concepts of human rights, citizen rights and responsibilities, and the general interplay of pluralism and governance. In other words, the Commission could be an important adjunct to building the civil societies that Africa so desperately needs.

In closing, Mr. Chairman, I want to thank you for calling this hearing. It is a sign of the Commission's thoughtfulness that you have identified this African effort to emulate a successful regional organization and have highlighted and supported it through this hearing. I look forward to the day when there will be another such commission that can replicate for Africa the strong research and programmatic record of the U.S. Commission on Security and Cooperation in Europe.

STATEMENT BY FELIX G.N. MOSHA, DIRECTOR, AFRICA LEADERSHIP FORUM AT A JOINT CONGRESSIONAL HEARING OF THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE AND THE HOUSE FOREIGN AFFAIRS SUBCOMMITTEE ON AFRICA, JULY 30, 1991.

Mr. Chairman:

I would like first of all to express, on behalf of General Olusegun Obasango, (Chairman, Africa Leadership Forum (ALF) and former Head of State of Nigeria) our great appreciation for the keen interest the Commission on Security and Cooperation in Europe and the House Foreign Affairs Sub Committee on Africa are showing towards the Africa "Helsinki - Model" initiative in the context of the proposed Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA).

I would like to express special gratitude to Congressman Foyer for the effort he made in visiting our offices in New York in early May, 1991 which enabled us to give him some initial briefing on the CSSDCA initiative at the time we were preparing for the Kampala Forum which subsequently took place on 19-22 May 1991 and adopted the Kampala Document on CSSDCA.

Mr. Chairman, no continent faces a life and death dilemma of the magnitude and complexity that Africa faces today. It is desperately struggling for its survival in which it must prevail. At the same time it is also facing a daunting task of evolving a sustainable process of development which is critical for the eradication of its dehumanizing conditions. In order to achieve both goals, it must collectively create continental security and stability. The raison d'etre of CSSDCA is to address these twin challenges for Africa's survival and long-term prosperity.

The CSSDCA initiative has evolved against a background of a catastrophic socio-economic decade for Africa and dramatic global changes whose emerging consequences have compelled and created a climate for urgent reassessment of policies and direction in the African continent. The Organization of African Unity (OAU) and the UN Economic Commission for Africa have both described the 1980's as a "lost decade for Africa". Unfavorable external conditions and wrong domestic policies were manifested in the collapse of commodity prices, high energy costs, rapidly declining Gross Domestic Product (GDP), population explosion, environmental degradation-leading to increased desertification, droughts, floods, reduced food self-sufficiency, famine, social strife, armed conflicts, deterioration of basic infrastructure and social services, etc. All combined to trigger a crippling external debt and decapitated a fragile production base. Economic reforms, involving severe austerity measures and massive unemployment (estimated at 13 million people in the formal sector and under-employment of 95 million people) compounded an already state of frustration and despair. This is basically, Africa's story of the 1980's.

The worst impact of the crises in Africa however, has not only been the enormous suffering and increased marginalization of the African people, but also, has had the effect of obscuring much of Africa's achievements in just thirty-years of its independence - particularly, in socio-economic infrastructure and especially, in areas such as education, health, high life-expectancy, transport and communication, etc. Between mid-1960's-70's, Africa recorded an aggregate annual economic growth of 6% or a per capita income of close to 3% while industrial production grew by 13.8% per annum. Africa was thus able to demonstrate a remarkable capacity for its development.

The turn of the economic tide against Africa in the 1980's took such a free-fall that the region's socio-economic achievements could no longer underwrite its failures. The fact of the matter, however, is that quite apart from excruciating international economic conditions which triggered the decline of Africa's economies, signs were already showing that growing domestic problems in Africa, many of which had an external dimension had to be effectively tackled for Africa to sustain a normal process of socio-economic development.

In the first place, a variety of factors ranging from acts of external and internal destabilization of the African regimes as well as genuine problems of governance, dictatorial practices and social and economic injustices, combined and cumulatively eroded the freedom the African people had enjoyed in their early years of independence. A resulting violent overthrow of governments and civil wars or various forms of civil strife as well as policy instabilities under the military - which was not trained to run a state in the first place, plunged many African countries into an endemic state of perpetual civil strife that has worked against a genuine process of economic development.

True, the problems of continuing insecurity and instability were not directly caused by the majority of African countries. A point often overlooked on Africa, however, is the fact that as a result of Africa's colonial artificial borders which cut across ethnic groups as well as the history and the culture and the geography of the African continent, there is almost an organic link between the security and stability of all African countries so that insecurity and instability of any number of African countries affects the degree of security and stability of the other countries in the region.

Attempts to solve the problems in Africa have historically aimed at economic targets. In this connection, virtually anything that could be suggested by way of solution has been put forward in one form or the other and incorporated in some declarations or resolutions somewhere. Indeed, we are at a point where the multiplicity of "solutions" and "resolutions" may have added greatly to the problems. The most serious set-backs in

Africa, however, over the last decade or so, were not just the socio-economic problems, but also the failure to adequately address the security and stability of African countries that was essential to underpin a sustainable process of economic development.

It was not until socio-economic conditions in Africa reached an extreme state of retrogression that the underlying security and stability dimensions of the crises became increasingly recognized. Besides, the belated recognition of this fact in Africa has, to date, only involved a limited number of countries, resulting in measures towards democratization. Contrary to existing thinking, the on-going process and demands for democratization in Africa started in some parts of the continent before the changes in Eastern Europe. In reality, Africans suffered from disadvantages whereby while democratization process in Eastern Europe was aided in many ways by the Western democracies, such a process in Africa was actually suppressed largely for cold war reasons. To be sure, the changes in Eastern Europe have helped to reinforce the process in Africa by lifting the conditions which were the causes for its suppression. Effectively, therefore, the democratic evolution in Africa resemble the situation in Latin America where many years of economic frustration led to a wave of democratization.

But all these measures in Africa were "too late and too little". As the crises in Africa persisted, the preponderance of the measures undertaken continued to be on economic factors. This overlooked the reality that economic development and national peace and stability in Africa had to be secured from the security angle. It has therefore become increasingly evident that the task for Africa now is to rise from the set-backs and mistakes of the past and try to regain its capacity for initiative and change which would restore the presently ruptured social fabric of its society and create a sustained momentum for the continents socio-economic transformation in a climate of peace and stability.

IV. CSCE, CSSDCA and the U.S.

Africans have spoken. The question now is how can non-Africans be helpful, more specifically, how can Americans contribute to the process? First, we know that the Africans want U.S. involvement. The earlier preparatory meetings decided that those non-African countries whose actions impacted directly on security and stability within the continent would be invited. Invitations were extended to individuals in each of the five permanent members of the Security Council, the president of the European Community, development specialists and leading Africanists in Germany, Japan, each of the Scandinavian countries, India, Saudi Arabia, Brazil, Yugoslavia and Canada.

U.S. invitees included Assistant Secretary of State Herman J. Cohen, former World Bank President Robert MacNamara, U.S. AID Administrator Ronald Roskens, Jesse Jackson, U.S. Senator Edward Kennedy, U.S. Senator Nancy Landon Kassebaum, U.S. House Majority Whip William Gray III, U.S. Congressman Mervyn Dymally, former Assistant Secretary of State for Africa Chester Crocker and myself. I was fortunate to be able to attend and witness the historic Kampala meeting.

The U.S. can be supportive in a major way. Africans believe that if the U.S. applauds and aids the initiative, the other countries of the CSCE will also support the process. The means by which the U.S. can demonstrate its support is through the establishment of a commission that works on the same principles as this august body, the U.S. Commission on Security and Cooperation in Europe. Establishment of a similar commission would demonstrate U.S. support and acknowledgement of African efforts to grapple with its intractable problems. The commission would offer a vehicle for aiding Africans to convene meetings on issues of mutual concern such as minorities, immigration, facilitating trade, etc., if Africans so requested. African nations are involved in efforts to re-evaluate and modify their constitutions and electoral procedures. The overwhelming majority are turning to the U.S. for assistance. The commission, if asked, could contribute to that effort, providing technical assistance, offering fora in which Africans could discuss strategies that have worked and form among themselves a cadre of knowledgeable experts in this field.

A commission would provide a major opportunity to expand knowledge in the U.S. of African issues and their similarity to the challenges facing other regions. Some parallels between the situations in Eastern Europe and Africa are readily apparent to those of us who follow African issues closely, but are less obvious to non-Africanists. For instance, the sovereignty/secession

THE ORIGINS OF CSSDCA

As Africa staggered under the crushing burden of its crises and economic reforms, the dramatic changes in Eastern Europe took place and its profound implications compelled a reassessment of policies in Africa. It has become widely assumed that the consequences of the changes in Eastern Europe will negatively affect the quantum of resource flows to Africa and will drive the continent more into the periphery and increasingly lead to its marginalization. To some extent, both fears are gradually coming to pass.

To get Africa to view the changes in Eastern Europe in a proper perspective, on 4 April, 1990 the Africa Leadership Forum organized (at the OECD headquarters in Paris) a Conference on the "Impact of the Changes in Eastern Europe on Africa". The Conference was attended by some forty nine eminent personalities, mostly from Africa and some from outside Africa. The keynote address to the Conference was given by a former French Premier Jacques Chaban-Delmas. After some exhaustive discussions, the conference concluded that Africa's predicament derived as much from the perpetual state of insecurity and instability for most of its countries as from economic circumstances linked to its history; thus, the continent must collectively create stable conditions for its development which would also make it a more viable partner with the rest of the world. This gave birth to the CSSDCA initiative.

The CSSDCA idea, however necessary, had to be subjected to a rigorous degree of analysis and consideration by a larger number of Africans in order to gauge its viability. ALF accordingly embarked on contacts with heads of regional institutions in Africa and eminent African personalities in an effort to devise ways and means of advancing the CSSDCA initiative. In the end, a position was struck for ALF's Chairman Olusegun Obasanjo, OAU Secretary General Salim Ahmed Salim and ECA Executive Secretary Adebayo Adedeji to co-convene a brainstorming meeting on the CSSDCA proposal. The brainstorming meeting on CSSDCA which was attended by some fifty eminent Africans, took place in Addis Ababa on 17-18 November, 1990.

Speaker after speaker told the brainstorming meeting in Addis Ababa that the CSSDCA process was not an option but a necessity for Africa. The meeting unanimously adopted the CSSDCA process. The meeting further decided that a larger gathering should be organized to deliberate on CSSDCA with a view to appealing to African leaders to launch the process at an OAU summit level. To this effect, the meeting moved that the then current chairman of OAU, President Museveni of Uganda should be requested to host the meeting and also present the resulting recommendations to his colleagues at the OAU Summit. It then became necessary that such a gathering had to take place before June 1991, i.e. the month of the OAU Summit. To prepare for the large gathering, which became the Kampala Forum,

the Addis Ababa meeting appointed a Steering Committee of eighteen members and a technical committee of three consisting of the following:

Olusegun Obasanjo (Nigeria)	Chairman, Africa Leadership Forum
Salim A. Salim (Tanzania)	Secretary-General of Organization of African Unity
Adebayo Adedeji (Nigeria)	Under-Secretary-General of the United Nations and Executive Secretary, ECA
Gottlieb L. Monekosso (Cameroon)	Regional Director for Africa, WHO
Pierre-Claver Damibia (Burkina Faso)	Assistant Administrator and Director, Regional Bureau for Africa, UNDP
Babacar N'Diaye (Senegal)	President, African Development Bank
Ibrahima Fall (Senegal)	Former Foreign Minister of Senegal
Mansour Khalid (Sudan)	Former Finance Minister of Sudan
Thomas Odhiambo (Kenya)	Director, International Centre of Insect Physiology & Ecology
Alhaji Hassan Sunmonu (Nigeria)	Secretary-General, Organization of African Trade Union Unity
Marie Angélique Savane (Senegal)	Special Adviser, United Nations High Commissioner for Refugees
Wangari Maathai (Kenya)	Co-ordinator, Green Belt Movement
Ruth Neto (Angola)	Secretary-General Pan African Women's Organization, Luanda

Ibrahim Isabere (Senegal)	Secretary General Pan African Youth Movement Algiers
Auguste Mpassi-Muba (Congo)	Director General, Pan African News Agency
Mark C. Chona (Zambia)	Chairman Wensi Ltd.
Ahmedou Ould Abdallah (Mauritania)	Director, Office of Director General for Development and International Economic Co-operation, United Nations New York
Zaki Laidi (Algeria)	Professor for International Relations, Institut d'Etudes Politiques, Paris
Technical Committee:	
Felix G.N. Mosha (Tanzania)	Director, Africa Leadership Forum
E. Otobo (Nigeria)	Project Expert (SAPAM), Economic Commission for Africa
M.T. Bandora (Tanzania)	Office of the Secretary General, Organization of African Unity

Following a confirmation by President Museveni that he was fully supportive of the idea and looked forward to a briefing to pave the way for final preparations in Kampala, relevant studies were commissioned through very able African talents. In addition to a number of steering committee meetings which were held to advance the CSSDCA initiative, two additional conferences were held before the Kampala Forum:

An International Roundtable on CSSDCA organized jointly by ALF and German Foundation for International Development during the second half of March, 1991 was immensely useful to the CSSDCA initiative. It provided a crucial opportunity for a better understanding and some clarity on what were the relevant lessons that CSSDCA could derive from Europe's "Helsinki Process" and also, by the same token, the irrelevant aspects of "Helsinki" to CSSDCA, however, important such issues may have been to Europe. In addition to eminent African personalities, other participants at the Cologne meeting included individuals who participated in the "Helsinki Process" from the time the proposal started being

considered by governments in Europe. A number of useful lessons from the Helsinki experience for CSSDCA emerged from the Cologne meeting. Among such lessons included: the process of consensus or conclusions reached on the basis of prevailing opinion under the "Helsinki Process" which is an approach relevant to CSSDCA; the factors which influenced Europe most not to establish a secretariat for CSCE mainly due to the problems which might have demanded national representation in such a Secretariat and the effect that would have had in its operations; the formula for distribution of costs for CSCE, among participating states; and, above all, the conditions under which others had the right, in fact, the duty to "interfere" in what is otherwise within the domain of "internal affairs".

Following the Cologne meeting, an African NGO's meeting took place on 15-16 April, 1991 roughly a month before the Kampala Forum. The NGO's meeting brought African NGO's for the first time into the picture on CSSDCA. The impact of the meeting was immediate. Not only that African NGOs embraced the CSSDCA initiative, but they also played an active role in mobilizing participants for the Kampala Forum. Needless to add, African NGOs must, down the road, be the major actors in enhancing awareness and support for the implementation of CSSDCA.

On 19-22 May 1991, the Kampala Forum on CSSDCA finally took place. The Forum was attended by over 500 participants including five current and three former African Heads of State. As the statements at the Forum began, the unique feature of the conference emerged more fully not only in the nature of the statements but also in the categories of individuals who made them current and former Heads of State, Prime Ministers and Vice Presidents; Leaders of Students and Women Organizations, NGOs and other grass root bodies etc. More importantly, the statements were not the usual generalities or platitudes which are common for "appropriate" courtesies or congratulatory rhetoric that usually dominant many meetings in Africa and elsewhere. The gathering heard some cold, critical, bold and hard hitting statements which (with few exceptions) departed from the common stereotype and traditional analysis of the causes of Africa's problems and moved straight to the core of Africa's crises in its governance and development.

The governance dimension of African's socio-economic crises was before the Kampala Forum a taboo in the discussions of large gatherings in Africa. Leaders of intergovernmental organizations told African leaders bluntly that there was no any other viable route for Africa outside CSSDCA. Representatives of NGOs and grassroots organizations expressed the frustration of Africans at the failure of its leadership, and called for a radical change spearheaded by pluralism.

As the Forum divided into four subcommittees on each of the Calabashes, the issues had sufficiently crystallized to pave the way for the Committees to fashion their respective CSSDCA Calabashes. Although the limelight at the Forum was focussed on the Plenary, the Committees could not have received the same coverage given that they were scattered. Otherwise, they really did a great job.

It is noteworthy that the Committees were directed by individuals of very high standing. Eriya Ketegaya, Uganda's First Deputy Prime Minister chaired the Stability Sub-Committee assisted by Prof. Willie Lamoué-Smith of Ghana as Rapporteur. Pascoal Mocumbi, Foreign Minister of Mozambique chaired the Cooperation Sub-Committee assisted by Munyua Waiyaki - former Foreign Minister of Kenya; Francis Deng, former Foreign Minister of Sudan chaired the Security Sub-Committee assisted by Ambassador Akporade Clark - former Permanent Representative of Nigeria to the United Nations; Madame Jacqueline Ki-Zerbo (Senegal) Advisor to UNIFEM chaired the Development Sub-Committee assisted by Dr. Kasuka Mutukwa (Zambia), Director General East and Southern African Management Institute. These individuals, working with a large number of participants were in the end able to provide the syntheses of the Calabashes on CSSDCA which were finalized into the Kampala Document by the Technical Committee of CSSDCA and subsequently adopted by the Kampala Forum.

GOALS AND OBJECTIVES OF CSSDCA

The fundamental objectives of CSSDCA is to create a process in Africa that would provide simultaneously for security and democracy which are both critical for the stability and continental integration and transformation. CSSDCA calls for a radical restructuring of political systems in Africa in a manner that would evolve a democratic culture in the continent. CSSDCA is based on the principle that there can be no genuine development in Africa without political pluralism that extends fully to individual freedom, official accountability by those holding public office, popular participation as part of a leadership that is not confined to the "political leadership" but also embraces other sections of society such as business, labour, professionals, farmers, etc.

To achieve the desired goals and objectives, CSSDCA is structured into a preamble, some twelve general principles, and four Calabashes viz Security, Stability, Development, and Cooperation. The principal features of each Calabash is as follows:

THE SECURITY CALABASH OF CSSDCA

The problems of security in Africa have had four tragic dimensions: considerable loss of human life which under the destabilization associated with apartheid amounted 1.5 million lives, not to mention the loss of life in Chad, Ethiopia, Liberia, Somalia and Sudan; severe destruction and disruption of Africa's economies which for the frontline states in Southern Africa was a loss of over \$60 billion in the first nine years of the 1980s and \$10 billion in 1988 alone. This excludes other strife-stricken countries in the continent. In addition to 6 million refugees and 12 million internally misplaced persons, further problems of security in Africa relates to high military expenditures of otherwise very meager resources; the impairment of inter-African cooperation through armed border conflicts and disputes which have involved more than 30 countries in Africa during the last thirty years, resulting in the loss of their capacity not just for cooperation amongst themselves, but also, their cooperation with the rest of the world.

Accordingly, the security calabash of CSSDCA emphasized mechanisms for mediation, conciliation and arbitration; non-aggression pacts between all African countries; confidence building measures; lowering of military expenditures; creation of peace-keeping operations at a continental level; and, the establishment of Africa's Elders's Council with the responsibility of ensuring that peace and harmony reigned in the continent and a state of intra-African and inter-African tranquility is created and maintained.

THE STABILITY CALABASH OF CSSDCA

The CSSDCA process calls for collective measures by Africa to undertake political pluralism based on a freely promulgated constitution with Bill of Rights provisions; existence of plural political structures; separation of powers with full independence of the judiciary; periodic free and fair elections; equality for women; trade union rights, etc. The stability calabash goes further to call for limited tenure of office by African leaders (which already exist in some few African countries) and an organ to monitor human rights in each African country.

THE DEVELOPMENT CALABASH OF CSSDCA

Physical integration of the continent, self-reliance through internalization of a self-sustaining economic growth, diversification of the African economies; popular participation and effective leadership are the central aspects of the Development

calabash under CSSDCA. A critical requirement is the recognition that Africans must collectively and urgently deal with pressing issues of food self-sufficiency; the vicious link between poverty and environmental degradation; financial resources mobilization; human development; etc.

THE COOPERATION CALABASH OF CSSDCA

The CSSDCA process makes it abundantly clear that other regions of the world are cooperating and integrating in order to prosper, but Africa must integrate in order to survive. In fact, the illusion that individual African countries could make it on their own is what has led the continent to its present intractable problems.

In the context of cooperation with the rest of the world, CSSDCA calls on Africa to fashion a mutually beneficial process of cooperation with the North and the South alike. In particular, to seek effective cooperation and support in the key areas of trade, industrialization, environment etc.

FUTURE PROSPECTS FOR THE CSSDCA INITIATIVE

As elaborated in the introduction of the CSSDCA Document, for the first time ever, the 1991 OAU Summit of African Heads of State and government, acknowledged in its final communique that "there is a link between security, stability, development and cooperation in Africa". Leaders at the OAU Summit recognized that the problems of security and stability in many African countries, have impaired their capacity to achieve the necessary level of intra-African and inter-African cooperation so as to attain the integration of the continent which is critical to the socio-economic transformation of African countries.

The Kampala Document was discussed both by the OAU Council of Ministers and the OAU Summit in Abuja. The compelling message of the Kampala Document to the Abuja meetings was that "the security and stability of each African country was inseparably linked with the security of all African countries" and that "Africa cannot make any significant progress on any other front without creating collectively a lasting solution to its problems of security and stability".

In echoing the Kampala proposals for CSSDCA, President Kenneth Kaunda of Zambia who, on behalf of all other African leaders replied to the opening statement of the newly elected OAU chairman President Babangida of Nigeria, compared CSSDCA with the Treaty of African Economic Community (that was subsequently to be signed) and concluded that the two initiatives "represented the two sides of

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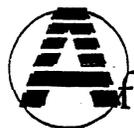


**International Roundtable on
a Conference on Security, Stability,
Development and Co-operation
in Africa (CSSDCA)**

**CHAIRMAN'S SUMMARY OF CONCLUSIONS AND
RECOMMENDATIONS**

by
OLUSEGUN OBASANJO
Chairman, Africa Leadership Forum

Cologne, Germany
20 - 21 March 1991



Africa Leadership Forum

the same coin". He emphasized however, that CSSDCA, like the Treaty for the African Economic Community, should be implemented within the OAU framework.

A number of leaders, perhaps as a reflection of their own domestic situation advised on the need for some caution in the implementation of CSSDCA, yet the OAU Council of Ministers and the OAU Summit both recognized the importance and the necessity for CSSDCA.

Regarding the implementation of CSSDCA, the OAU Summit decided that the Secretary General of the OAU should: a) formally forward a copy of the Kampala Document to each OAU member state for any additional input such a member state may have; b) convene a meeting of a group of experts to reflect on additional suggestions/proposals from OAU member states prior to the submission of the Document to the OAU Council of Ministers in February, 1992 and on to the Summit in June, 1992.

While no single African country opposed the Kampala Forum proposals at the Abuja meetings, procedural matters were at the heart of the agreement reached on the steps for the furtherance of the CSSDCA process in Africa. An overwhelming majority of African countries - having welcomed this initiative at an OAU Summit level, and in recognition of an increasingly precarious security situation and socio-economic crises in the continent, did not show any signs of wanting to delay the launching of CSSDCA. In consequence, it was recognized as being self evident that unless (Africa leaders) collectively tackle the security and stability problems of the continent, Africa will have no chance for socio-economic transformation. Accordingly, Africa is clearly on the move to achieve its own "Helsinki" process within itself and between itself and the outside world that impacts and impinges on it.

The successful negotiation at the CSSDCA will open new vistas and establish a new era for Africa which will promote stability, prosperity and the de-marginalisation of Africa. While the primary responsibility for the implementation of this process rest with African countries and has at the same time evolved as a genuine African initiative, the rest of the world - especially the economic and military powers, whose actions have historically and continue to impinge on the situation in Africa should play whatever role possible in helping CSSDCA to succeed in Africa.

CHAIRMAN'S SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

by
OLUSEGUN OBASANJO
Chairman, Africa Leadership Forum

1. In November 1990, the Africa Leadership Forum and the Secretariats of the Organization of African Unity (OAU) and the Economic Commission for Africa (ECA) jointly convened in Addis Ababa a brainstorming meeting on a Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA), followed by a steering committee meeting in February 1991 devoted to the consideration of the format, mechanism and process of the proposed CSSDCA.
2. Following a generous invitation by the Development Policy Forum of the German Foundation for International Development (DSE), an international roundtable was held on 20 and 21 March 1991 in Cologne, Germany, to further discuss the concept of CSSDCA, to examine any lessons that might be drawn from the experience gained in the course of the Conference on Security and Co-operation in Europe (CSCE), briefly called the Helsinki-process, and to consider their relevance for CSSDCA. The Cologne meeting offered an opportunity to learn from the experience of a successful process, while in no way preventing Africa's prerogative to design its own programme appropriate and relevant to its situation.
3. Participants in the Cologne roundtable - senior policy-makers and personalities from Africa, Europe and North America - agreed that the conclusions reached in the initial meetings on CSSDCA represented a viable basis for an effort to redress and improve the situation prevailing in Africa and overcome the marginalisation of the continent. The ultimate purpose of such an exercise is twofold: trying - by Africans essentially on their own efforts - to resolve real and pressing problems; and to attract the support, interest and co-operation of non-African powers in the realization of Africa's aspirations.

Characteristics and features of the Helsinki-process

4. The Helsinki-process was launched during the cold war period characterized by a direct, sharp East-West confrontation while at the same time there was a widely shared feeling of commonality and determination to tackle existing problems in Europe. All understandings reached must be seen in the light of a strong feeling of a common European heritage and common values, especially with respect to human rights. Clearly, it was an attempt by the Europeans to pursue a regional approach to the solution of existing problems by the region itself.

In the 1960s and 1970s, the continent was divided largely into two rigid ideological and military blocs, complemented by a group of neutral and non-aligned countries. During this period, informal efforts were initiated by concerned individuals - intellectuals, statesmen, politicians, businessmen - to initiate a conference on security and co-operation in Europe. It took almost 15 years until such informal efforts bore fruit.

5. The bipolar structure existing in Europe facilitated the work of the preparatory body culminating in the adoption of the Helsinki Final Act, while applying the rule of consensus for decision-making. The motivations to engage in the process were quite different for each of the major groupings, the West and the East. The negotiations during the preparatory process were conducted against the background of the prevailing nuclear deterrence. This constellation made the use of military force both undesirable and dysfunctional. To guard against the danger of accidental war caused by technical malfunctioning or political instability, both sides undertook to commit themselves to the principle of renouncing the use of force.

6. The Soviet Union and its Eastern European allies sought a consolidation of the post WW II status quo in Europe, in effect ratifying Yalta and codifying the division of Germany. Moreover, the Eastern bloc aspired to improved economic co-operation with Western Europe and, in the process, better access to Western technology and financial resources.

7. The Western countries, essentially NATO, for their part were more interested in creating counterweights/safeguards against the Soviet military might and the perceived danger of a surprise military attack given the Soviet superiority in conventional arms and its offensive posture. The military dimension provided for the involvement of two non-European NATO powers, the United States and Canada, as full partners in the process. Furthermore, the West was anxious to promote the observation of human rights and the freedom of movement and communication with a view to improving the living conditions of the population in Eastern Europe. It also sought to keep the option of peaceful change to existing borders open. In hindsight, the human rights dimension contributed to the undermining of the status quo and eventually proved to be a critical contributing factor in overcoming the East-West conflict.

8. These divergent interests resulted in the inclusion of three baskets in the Helsinki Act of 1975. Basket I dealt with general principles and confidence-building measures in the military field. Basket II dealt with economic co-operation, science and technology and environment and basket III was dealing with human and cultural rights.

9. Since the adoption of the Helsinki Final Act in 1975, popular involvement, commitment and support, especially for basket III, through NGOs and independent "watchdog" committees, such as the Helsinki Watch Committees in numerous countries, proved to be invaluable and a crucial factor for the success of CSCE. A complex web of a CSCE-system has emerged over time that works altogether towards the improvement of the conditions of people in Europe. During regular review conferences progress is analyzed, deficits of implementation identified and governments obliged to account for their policies. An agreement to publish conference reports in the Western and Eastern press helped to make the various aspects of the process transparent and accountable. Thus, governments were under pressure to perform in spite of the - strictly legally speaking - non-binding character of the CSCE agreements.

10. CSCE and the ongoing integration processes in the context of the European Communities and EFTA placed the traditional notion of national sovereignty in a new perspective. Clearly, a trade-off was perceived between the yielding of a certain degree of sovereignty in exchange for some measure of control over the sovereignty of another or a group of other countries. Economic co-operation and integration in Europe, however, developed for a number of reasons in a much more dynamic and effective way among more limited groups of European countries, like the EC, and not so much among the CSCE states as a whole, although a progressive deepening of the economic integration has taken place and may still continue.

11. In November 1990, the Helsinki process entered a new stage with the adoption of the Charter of Paris and, for the first time, the - albeit cautious - creation of institutions assigned specific tasks (a small secretariat; early conflict prevention center; and an office for free elections). After the dramatic changes in the political map of Europe in 1989/90, the Helsinki-process is henceforth facing a new challenge, as it will have to be conducted in a multipolar and thus more heterogeneous setting than before. This will put the continued application of the consensus principle to the test. In substantive terms, new dimensions have emerged, such as conflict management, peace-keeping and mediation mechanisms, environmental protection and migration. The idea of creating an all-European parliamentary assembly is under discussion.

12. After some 15 years of informal discussions, the formal process since the adoption of the Helsinki Final Act extends now over a period of a further 15 years. In this timeframe, results were often achieved that initially had not been defined as objectives of the process. At the outset, the fundamental changes in the political system, military pact structure and the economic policies of the Eastern countries could, even in the wildest dreams, not have been anticipated.

13. It should also be noted that the - largely conference-related - costs of the CSCE process were financed entirely by Governments in accordance with an agreed scale of assessments reflecting the ability of Governments to pay in accordance with their GNP figures.

The Relevance of the Helsinki-Process for Africa

14. Unlike the situation existing in Africa, the Helsinki process was conceived and initiated in an atmosphere of sharp ideological divisions and military confrontation. Africa is today in socio-economic crisis, burdened by serious and frequent violations of human rights from one-party and one-man dictatorships leading to poor and ineffective governance, lack of accountability and disregard for the rule of law, ridden with denial of rights and justice to minorities leading to internal and regional conflicts, excessive expenditure on the military and widespread famine, malnourishment, environmental degradation, uncontrolled population growth and abject poverty. But Africa also now has a new opportunity for seriously addressing its problems and for self-realisation as old systems break down and a new, democratic system is enthroned, economic co-operation, integration and peaceful relations are being seriously pursued and civil society is being encouraged without distraction by ideological barriers, confrontations and wrangling positions. Africa will be able to contribute to the emerging new world order for one, indivisible world, for the greater good of humanity and for the sake and interest of Africa's economic progress and well-being.

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15. While CSCE concentrated on three baskets, CSSDCA will focus on four interlinked calabashes: security - stability - development - and cooperation.
16. Notwithstanding the different European constellation and motivations, there are areas where Africa may benefit from the European experience:
- a) Africans having sufficiently defined their common issues and commonalities, must also agree on what problems can be tackled by Africans themselves. Clear purposes must be stated, which however may not be the only ones that will ultimately be achieved.
 - b) The European exercise was not limited to European countries only, but included powers whose action and involvement impinged on Europe.
 - c) The essential feature and intrinsic value of the European experience lay in its conceptualization as a dynamic and open process. The pursuit of such a carefully defined process entails commitment, perseverance, dedication and patience towards a set goal through an often arduous series of negotiations and subsequent implementation.
 - d) The recognition of increasing interdependence at the expense of the traditional concept of national sovereignty, especially as regards the treatment of people and the compliance with, and monitoring of human rights instruments, will lead to an acceptance of limited sovereignty with regard to certain matters.
 - e) Ideas are best developed and defined through a dual and mutually reinforcing process of individuals and non-governmental organizations on the one hand and Governments on the other hand, as a strategy to advance integration and co-operation.
 - f) The linkages between the four calabashes must be recognized and fully taken into account. In Africa, security broadly defined should go beyond the traditional definition and reflect the aspect of physical and economic security of each individual, including the access of everyone to basic necessities of life, such as food, shelter, education and health has clear linkages with development and co-operation.
 - g) African Governments must vigorously pursue concrete projects aimed at co-operation, development and integration, especially in the economic area inspired by the role model of the European community. Existing sub-regional organisations, such as SADCC, PTA and ECOWAS, have the potential but must be made more effective through initiatives in the areas of trade, banking, industry and agriculture.
 - h) Certain key principles such as territorial integrity of states, peaceful settlement of disputes etc. should be upheld and the free movement of people and the right to asylum should be guaranteed.

- i) There is an imperative need to build public support in the participating states and across the continent for the process, in order to ramify the principles and commitments into the minds of the people, to provide a linkage between the Governmental and non-governmental initiatives and to ensure independent, effective monitoring and regular follow-up.
- j) The observation of the rule of consensus would ensure that all states participate on an equal footing and as equal partners. Nevertheless, this may not prevent the categorization of certain issues, some of which require consensus while for other revised approaches could be agreed.
- k) The creation of appropriate institutions (such as an independent African court of justice or of auditors) and political bodies (e.g. a parliament) with the authority to make binding decisions may help to ensure transparency and accountability.
- l) There are no military blocs in Africa, but security problems are real and a disarmament and common defense process must be initiated for Africa, although taking a completely different shape than in Europe. African states should set up effective regional security arrangements because of the prevalence of conflicts on the continent.
- m) Co-operation with non-Africans should be intensified especially for the purpose of stimulating an increase in capital flows and investment on the basis of mutual interest.

Elements and procedures of the CSSDCA process

17. CSSDCA is a phased concept. Initially, it must be an African initiative and process, launched by African Governments as an important vehicle for greater democratization and better governance in Africa. In the second stage, CSSDCA should involve other powers outside Africa whose actions impinge on Africa. At an appropriate point, the agenda for interaction with relevant non-African states or groups of states will be defined.

18. CSSDCA should, to the extent possible make use of existing organizations and institutions in Africa, even if such bodies would have to be transformed for the purpose, and may not necessitate the creation of new entities. Any costs accruing as a result of the process should be equitably shared by all participating Governments.

19. Although CSSDCA will be a process carried by Governments, this shall not preclude the involvement of recognized NGOs, professional and business organizations as integral elements of the overall process.

20. Following the Cologne meeting, the steering committee set up by ALF and the Secretariats of OAU and ECA will engage in close consultations with African NGOs before convening the Kampala Forum in May 1991 to broaden the base and understanding. The Kampala Forum will be part of a broad mobilization process on an individual basis and will directly formulate proposals to be submitted to African Heads of State and Government in Abuja, in June 1991. This will represent the first phase of the formal intergovernmental process. Government leaders will then have to decide about the next stages of the process. It is hoped that the then current Chairman of the OAU will receive, in this capacity and in his capacity as President of his country, a mandate to start the preparatory work, initially with the convening

of a preparatory conference of plenipotentiaries. Following conclusion of their work, Foreign Ministers will have to meet and agree on the text to be submitted for consideration by heads of state. Any pending or unresolved issues will then have to be ironed out by Government leaders themselves.

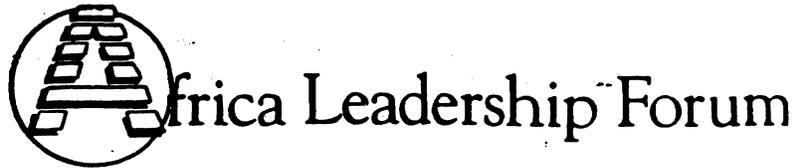
21. The process should make allowance for periodic review conferences and should also provide for the involvement of independent monitoring committees and groups.

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JOINTLY WITH THE SECRETARIATS OF



ORGANIZATION OF AFRICAN UNITY



United Nations
Economic Commission for Africa

**THE KAMPALA
DOCUMENT**

INTRODUCTION

AFRICA MOVES TO LAUNCH A CONFERENCE ON PEACE, SECURITY, STABILITY, DEVELOPMENT AND COOPERATION IN AFRICA

For the first time ever, the 1991 OAU Summit of African Heads of State and government, acknowledged in its final communique that "there is a link between security, stability, development and cooperation in Africa". Leaders at the OAU Summit recognized that the problems of security and stability in many African countries, have impaired their capacity to achieve the necessary level of intra-African and inter-African cooperation so as to attain the integration of the continent which is critical to the socio-economic transformation of African countries. This important reflection in the final communique of African leaders derived from a current initiative for Africa to establish its own "Helsinki" process designed to suit the realities of the continent and the specific circumstances of African countries.

In particular, the discussions and conclusion by African leaders on the whole question of security and stability in Africa was reached against a background of a historic gathering at the Kampala Forum 19-22 May, 1991 which deliberated on a proposal to launch a Conference on Peace, Security, Stability, Development and Cooperation in Africa (CSSDCA). The Kampala Forum was attended by over 500 people including a number of current and former African Heads of State and adopted the Kampala Document that effectively maps out a framework for governance and development in Africa in the 90's and into the 21st Century. The Document simultaneously addresses the

problem of security and stability in Africa and set forth the necessary process of democratization as a pre-requisite for the peace and tranquility Africa needs to sustain a sufficient level of cooperation for the integration and development of the African continent.

The Kampala Document was discussed both by the OAU Council of Ministers and the OAU Summit in Abuja. The compelling message of the Kampala Document to the Abuja meetings was that "the security and stability of each African country was inseparably linked with the security of all African countries" and that "Africa cannot make any significant progress on any other front without creating collectively a lasting solution to its problems of security and stability".

In echoing the Kampala proposals for CSSDCA, President Kenneth Kaunda of Zambia who, on behalf of all other African leaders replied to the opening statement of the newly elected OAU chairman President Babangida of Nigeria, compared CSSDCA with the Treaty of African Economic Community (that was subsequently to be signed) and concluded that the two initiatives "represented the two sides of the same coin". He emphasized however, that CSSDCA, like the Treaty for the African Economic Community, should be implemented within the OAU framework.

A number of leaders, perhaps as a reflection of their own domestic situation advised on the need for some caution in the implementation of CSSDCA, yet the OAU Council of Ministers and the OAU Summit both recognized the importance and the necessity for CSSDCA.

The Kampala Document represented a rare occasion where such a far reaching initiative, has emerged, not from within the organs of the OAU or African intergovernmental organization(s), but rather, in a gathering of many Africans from all walks of life under a non-governmental organization -the Africa Leadership Forum. Therefore, quite apart from the far reaching fundamental changes called for in the Kampala Document with respect to the whole question of governance in Africa, such an important initiative from a gathering under a non-governmental organization faced a particularly unique situation

because it has no precedence in the OAU. It is perhaps this factor which led President Joachin Chisano of Mozambique to emphasize at the Summit-while speaking on CSSDCA - that important ideas in history including the "Helsinki" process (for Europe) have always originated from individuals often, acting in their personal capacities. President Chisano made a powerful case for Africa to encourage such individual initiatives.

Regarding the implementation of CSSDCA, the OAU Summit decided that the Secretary General of the OAU should: a) formally forward a copy of the Kampala Document to each OAU member state for any additional input such a member state may have; b) convene a meeting of a group of experts to reflect on additional suggestions/proposals from OAU member states prior to the submission of the Document to the OAU Council of Ministers in February, 1992 and on to the Summit in June, 1992.

While no single African country opposed the Kampala Forum proposals at the Abuja meetings, procedural matters were at the heart of the agreement reached on the steps for the furtherance of the CSSDCA process in Africa. An overwhelming majority of African countries - having welcomed this initiative at an OAU Summit level, and in recognition of an increasingly precarious security situation and socio-economic crises in the continent, did not show any signs of wanting to delay the launching of CSSDCA. In consequence, it was recognized as being self evident that unless (Africa leaders) collectively tackle the security and stability problems of the continent, Africa will have no chance for socio-economic transformation. Accordingly, Africa is clearly on the move to achieve its own "Helsinki" process within itself and between itself and the outside world that impacts and impinges on it.

The successful negotiation at the CSSDCA will open new vistas and establish a new era for Africa which will promote stability, prosperity and the de-marginalisation of Africa.

June, 1991
Olusegun Obasanjo

tive instruments for promotion and protection of human right as well as for fostering genuine involvement by the people in their governance and management of their national affairs;

AWARE of the emergence of regional economic trading blocs in various parts of the world and the rapid advances in science and technology, and alarmed at the observable shift of resources from the Western industrialized nations to Eastern Europe and for the reconstruction of the Gulf States which jeopardizes resource flows to Africa;

CONCERNED that Africa cannot achieve economic and social progress at their present levels of external debt burden;

CONVINCED that the responsibility for security, stability, development and cooperation on the African continent rests not only with the people of Africa themselves but also on international cooperation, support and participation;

EMPHASIZING that it is timely and imperative to launch an effective process among African countries which would create a framework for preventing, containing and eliminating pernicious intra- and inter-African conflicts, for the management and resolution of such disputes and conflicts and for the sustenance of regional cooperation, integration and development;

HEREBY RECOMMEND to the heads of State and Government of African countries to launch a Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) to lead to the adoption of the following principles, policy measures as well as process for implementation after due negotiations:

I. PREAMBLE

We, for and on behalf of the people of Africa, the participants at the Kampala Forum on Security, Stability, Development and Cooperation in Africa having assembled in Kampala, Uganda from the 19th day of May to the 22nd day of May 1991;

CONSCIOUS of the political changes which are taking place in Africa and other changes which are taking place elsewhere in the world and their impact on Africa;

MINDFUL of the serious multifarious problems which are crippling Africa's economic survival and progress;

RECALLING that in July 1990 the Assembly of Heads of State and Government of the Organization of African Unity (OAU) adopted a Declaration on Socio-Economic Situation in Africa and advised that the fundamental changes taking place in the world should guide Africa's collective thinking about the challenges they face and options available to them;

COGNIZANT of the fact that the recent geo-political changes that have also brought about the relaxation of military tensions between the two super powers and their allies have enhanced the trend towards political pluralism which has in turn created an environment conducive to the promotion of intra-and inter-state security and stability in African countries;

CONVINCED that the transition to political pluralism in African countries needs to be encouraged, supported and sustained;

REALIZING that there is need to transform the African Charter on Human and People's Rights as well as the African Charter for Popular Participation in Development into effec-

II. PRINCIPLES AND POLICY MEASURES FOR CSSDCA

A. GENERAL PRINCIPLES

I.

Every African state is sovereign. Every state respects the rights inherent in the territorial integrity and political independence of all other African states.

II.

The security, stability and development of every African country is inseparably linked with those of other African countries. Consequently, instability in one African country reduces the stability of all other African countries.

III.

The erosion of security and stability in Africa is one of the major causes of its continuing crises and one of the principal impediments to the creation of a sound economy and effective intra- and inter-African cooperation.

IV.

The interdependence of African States and the link between security, stability and development demand a common African agenda based on a unity of purpose and a collective political

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consensus derived from a firm conviction that Africa cannot make any significant progress on any other front without creating collectively a lasting solution to its problems of security and stability.

V.

A Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) should be launched to provide a comprehensive framework for Africa's security and stability and should encompass measures for accelerated continental economic integration and socio-economic transformation. CSSDCA shall encompass four major areas henceforth called calabashes: security, stability, development and cooperation.

VI.

A new order embodied in the framework of CSSDCA must be created in Africa through a declaration of binding principles and a commitment to ideological independence which will guide the conduct of governance in individual African states as well as the imperatives of intra-African and inter-African relations. The implementation of the new order should seek an active partnership and positive involvement of the rest of the World.

VII.

The fulfillment in good faith of all the CSSDCA principles must be adhered to by all participating states within the context of any other obligations each participating member may have under international law.

- (iv) National and continental self-reliance in certain strategic areas, both in military and non-military, is vital for Africa's security, including popular participation in national defence.

The security of the African people, their land and property and their states as a whole is an absolute necessity for stability, development and cooperation in Africa and must be a sacred and a primary responsibility of all Africans and all African governments individually and collectively, exercised within the basic freedoms and rights of the African people.

Security must be the first pillar of the CSSDCA process because of the organic links between the security of all African states as whole and security of each of them arising from their common history, culture, geography and destiny which necessitates collective responsibility and action. To achieve local, national and continental security, certain principles with a wide range of policy measures - focusing on conflict prevention, resolution and management process must be agreed, concluded and implemented under CSSDCA.

While giving due recognition to the provisions of the UN and OAU Charters with respect to the principles of good neighbourliness and non interference in the internal affair of states, growing international concern for humanitarian causes and the experience in Africa of civil strifes and acts of wanton repression demonstrate an increasing concern over domestic conditions pertaining to threat to personal and collective security and gross violation of basic human rights. The CSSCDA must aim at promoting and strengthening this welcome development to enable African countries to cooperate in ensuring the security of Africans at all levels.

Food self-sufficiency for Africa, and affordable resources to achieve self-reliance in energy, is as much a security matter as it is an economic priority. As a matter of regional security and

B. SPECIFIC PRINCIPLES AND POLICY MEASURES SECURITY

The concept of security goes beyond military considerations, it embraces all aspects of the society including economic, political and social dimensions of individual, family, community, local and national life. The security of a nation must be construed in terms of the security of the individual citizen to live in peace with access to basic necessities of life while fully participating in the affairs of his/her society in freedom and enjoying all fundamental human rights.

Lack of democracy in which people freely participate in government, denial of personal liberties, abuse of religion, precedence given to military expenditure over other sectors of national life and the lack of proper administrative machinery for the control and management of public funds are some of the deep- rooted causes of insecurity.

The security calabash on CSSDCA will be anchored on some specific key principles to be adhered to by all participating member states;

- (i) Conflict Prevention and Containment: Greater attention should be paid to measures to prevent or contain crisis before eruption into violence confrontation;
- (ii) Internal and external security for Africa must derive from a framework for common and collective continental security;
- (iii) African governments must individually and collectively be guided by the principle of good neighbourliness and peaceful resolution of conflicts;

socio-economic necessity, existing regional efforts (in the areas of agriculture and energy research and development) should be pooled under the CSSDCA process into two separate major centers - one to be charged with the responsibility of ushering in a "green revolution" for Africa and the other with the task of achieving a major breakthrough in specific renewable sources of energy especially solar energy.

The following policy measures to give effect to these principles are recommended.

Mechanisms for Mediation, Conciliation and Arbitration

There is, indeed, the urgent requirement to prevent conflicts and disputes from escalating into armed hostilities. This calls for the strengthening of conflict resolution mechanisms of negotiation, mediation, conciliation and arbitration at the governmental, political and diplomatic levels, within the framework of intervention. Africa under CSSDCA should revitalize the operational effectiveness of the OAU Commission on Mediation, Conciliation and Arbitration. In conformity with African tradition, the emphasis should be put on timely mediation and reconciliation.

Peace-keeping operations

Building on the limited experiences of Africa and cumulative lessons of the United Nations' operations, and taking measures that would avoid the mistakes which have been committed in such instances, Africa under CSSDCA should institute a continental peace-keeping machinery as an important instrument for the preservation of peace in instances which potentially or actually threaten the security of African state(s) or the continent as a whole. Such arrangements, however

should not preclude United Nations peace-keeping operations where necessary.

In particular, the vital issues of:

- (a) Authorizing body for mandating the establishment, extension and termination of peace-keeping operations;
- (b) command and control structures;
- (c) administration and logistic support for operations;
- (d) Funding systems;
- (e) Procedures for acquisition of troops; and
- (f) Modalities for rapid deployment in reaction to situations of aggression against participating member States should be well defined.

Confidence building measures

To restore a lasting state of national and continental security, confidence building measures between African countries are called for under the CSSDCA process to cover inter alia exchange of information on troop locations and movements; joint military training; joint military manoeuvres; joint naval patrols, joint studies and seminars on sub-regional, regional and continental security issues.

Non-aggression pacts

A more enhanced policy measure for continental security requires a non-aggression treaty among all African countries under the CSSDCA process, along the model of a similar treaty that already exists between the member states of ECOWAS. The non-aggression treaty among African countries should also incorporate commitment to defend each other in the event of external military aggression.

Lowering of military expenditures

The undertakings involving all the security preventive measures outlined above should appreciably reduce, if not substantially eliminate, inter-African tension and dangers of open military conflicts. Such collective effort must pave the way for a collective process of lowering of military expenditures in Africa under the CSSDCA process. Overall reduction of military expenditures by participating member states should involve actual reductions and ceilings in manpower and reduced expenditures on military hardware. Consideration should also be given to collective understanding of the type of military equipment justifiable for procurement or manufacture by African countries. To gradually build up some measures of relative self-reliance in the military field as well, collective African effort should be undertaken under CSSDCA for the selective manufacturing of desirable military equipment for Africa's defense. Additionally, member States should undertake to report their arm imports and exports to the OAU Secretariat.

As an effective measure for national defence as well as strategy for reduction of military expenditure, national service schemes should be expanded to cover military training as well as encourage popular participation in defence.

Africa's Elders Council for Peace

To move Africa from the confinement of purely reacting to events, to a capacity of anticipatory and containment measures for its security, an African Peace Council should be formed and charged with the task of ensuring that peace and harmony reigned in the continent and a state of intra-African and inter-African tranquility is created and maintained. Such a body,

under CSSDCA, should be pre-eminently comprised of the most distinguished personalities and African elder statesmen. The Council must be empowered under the CSSDCA and given discretion to effect a measure of intervention in national security problems of participating member states and determine appropriate actions which may involve reconciliation and mediation or recommend the deployment of African peace-keeping operations or both. The Council should operate under the OAU framework.

STABILITY

Promoting political and social stability in individual African countries will be a key component in the CSSDCA process. The stability calabash will have to be guided by certain important principles to be adhered to by all member states.

- (i) Adherence to the rule of law: Governments will have to vigorously follow the provisions of laws or codes legislated by an assembly of freely elected representatives. No one can be exempt from accounting for his conduct when a law is breached.
- (ii) Popular participation in governance: Active and genuine participation of the citizens of every country in the governance of public affairs has to be fostered.
- (iii) Respect for human rights and fundamental freedoms: Promoting and protecting the rights and freedoms of the citizens of member states will be deemed vital.
- (iv) Political organizations should not be created on religious, ethnic, regional or racial basis and considerations and these should not be exploited by leaders.
- (v) Transparency in public policy making: Decisions relating to governance of public affairs should be freely discussed and choices assessed so that the public will be mindful of

Limitation to the tenures of elected political leaders

There should be periodic renewal of the mandate of political leaders. At the same time, the tenure of elected leaders in various branches of government should be constitutionally limited to a given number of years.

Security of tenure for officers in the Judiciary

Not only should the actions of the officers of the bench be unfettered by the legislative and executive branches of government, but their tenure should be guaranteed and provided for in the national constitutions. Decisions relating to the removal of officers from the bench should be exercised by a Judicial Commission. Independence of the judiciary must be effected through an inviolate tenure of offices, and through stable emoluments guaranteed by an act of parliament.

Annual publication of records of compliance with human rights instruments

To promote vigorous observance by African Governments of the various international legal instruments to which they would subscribe or have subscribed, it would be essential that the performance of governments be monitored. In addition to whatever organs, individual governments may establish for this purpose, the charter and mandate of The African Commission on Human and Peoples Rights (ACHPR) should be expanded for ACHPR to undertake an annual assessment of human rights record of each African country and publish its findings. The monitoring role prescribed for the ACHPR is not intended to be exercised only in situations of human rights violations but as an annual routine and applied to all African

the risks and rewards associated with any action of government.

- (v) Religious fundamentalism, no matter from whatever religion, fosters instability. Governments must encourage the principle of separation of State and religion. Religion must remain a personal affair.

To fulfil these principles governments will have to initiate, design and implement policy measures, and strengthen institutions which adjudicate disputes, resolve conflicts and attenuate the possibility of violence. A fundamental link exists between national security, stability and sustainable development and these conditions can only be brought about by democratic practice and democratic institutions encompassing full respect for human rights, official accountability and popular participation.

The following policy measures are recommended for implementation in fostering intra-country stability and cohesion consistent with the proposed principles.

Freely promulgated constitution with Bill of Rights provisions

Every state should have a constitution that is promulgated after thorough national debate and adopted by an assembly of freely elected representatives of the people. Such a Constitution should contain a Bill of Rights.

Existence of plural political structures

Every country would ensure that there is no hindrance to alternative ideas, institutions and leaders competing for public support. In the case of multiparty pluralism, this principle requires that every participating member should ensure the separation of party from the state.

Independence of financing for national institutions of adjudication and accountability

The financing of organs of adjudication and accountability (courts, audit board, code of conduct bureaus or ombudsman) should be paid from consolidated revenue funds not subject to arbitrary interference by executive fiat.

Independence of the Civil Service

An independent civil service having a guaranteed security of tenure, salary and pension with members nominated on professional grounds by an independent Civil Service Commission. Removal of the Civil Servant must be exercised solely by an independent Civil Service Commission.

Right to own property

A constitution approved by a freely elected legislature must guarantee the individual right to own property and the right to enjoy societies' socio-economic and cultural benefits.

Free and fair elections

The national constitution should stipulate *inter alia* that the citizens of participating members have the right to participate in free and fair elections in their countries through a secret ballot election based on universal adult suffrage. By the same token, every citizen of a participating member state has the right to stand for election of public office and participate in the affairs of the state. The presence of international ob-

tion of people in the democratic process and all efforts should be made to eliminate illiteracy.

Proportional representation

With respect to electoral mechanism that promotes maximum participation of all groups in their Government, the principle of proportional representation should be adopted, taken into consideration the peculiar situation of each country. The principle of proportional representation should be applied for legislative elections. To foster stability in governance of national affairs, governments should ensure, that in making appointments, due regard is given to equitable representation at the central, regional and local levels.

National borders

To restore and maintain stability along national borders, bilateral treaties of non-aggression should be ratified by each African nation separately with each of its border neighbors.

Trade union rights

In order to ensure industrial peace and harmony which is a prerequisite for economic growth and development all governments should respect trade union rights in accordance with ILO conventions and recommendations.

DEVELOPMENT

Africa must subscribe to some basic fundamental principles to fashion the common direction of development under the CSSDCA process.

servers is desirable as it will enhance the credibility of election process and results.

Freedom from arbitrary arrest and detention

No citizen should be subject to arbitrary arrest or detention without trial or subject to trial and other forms of human or cruel treatment. Provisions for *habeas mandamus* and *habeas corpus* should be made in national codes or laws. Legal aid services for those who cannot provide legal services for themselves should be funded from public revenue. All participating African countries should remove from their statute books all laws authorizing detention without trial.

The status of women

All the existing laws that discriminate against women should be abrogated and juridical instruments and mechanisms that will guarantee and preserve the rights of women should be adopted. The United Nations Convention on the elimination of discrimination against women should be ratified by and applied in all African countries.

Youth and education

The future of Africa will be in the hands of the youth of today. Educational systems should incorporate in their curricula teaching in African values, cultures, history, philosophy, etc. Research in African humanities should be given no less attention than the pursuit of science and technology. In the face of escalating education costs, strategies should be devised to ensure the acquisition of basic education by all youth. Education is a prerequisite to the full and effective participa-

signatory states of the CSSDCA process. The establishment of African court of justice on Human Rights is recommended. The court will adjudicate between governments and people's rights. ACHPR should be funded separately drawing upon the funds of international organizations and other independent sources.

Signing, ratification and implementation of legal instruments for protection and promotion of human rights

An important element in fostering stability is to protect and promote human rights of individual citizens. This not only assures the individual of his dignity but also enables him to actualize his full potential which itself is necessary for socio-economic development. Therefore, every participating state would be required to sign, ratify and implement African and other relevant international legal instruments in the field of human rights.

Establishment and protection of organs for monitoring accountability

Institutions that promote accountability in public service should be established. These include board of audits for public expenditure, code of conduct bureau for public officials and ombudsman. Once established, these institutions should be given adequate protection through measures that enable independent financing and guarantee tenures for the officers of the institutions.

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- (i) Development based on self-reliance is the only viable basis - in Africa's circumstances - for the internalization of a self-sustaining economic growth on the continent.
 - (ii) Rapid physical and economic integration of the African continent is a *sine qua non* to Africa's economic survival in the 21st century and prospects for socio-economic transformation and competitiveness with the rest of the world.
 - (iii) Reliance on commodity production solely for export has been one of the major causes of Africa's economic crisis. Effective diversification both horizontal in terms of broadening the production base and vertically with respect to processing and marketing is imperative for the socio-economic transformation of the African economies.
 - (iv) Popular participation and equal opportunity and access must be promoted and sustained as a crucial basis for the realization of Africa's development objectives and strategies.
 - (v) Domestic partnership in development. Leaders and the governed should have responsibility for various aspects of development. The Leaders should provide the vision that should guide development.

The development "calabash" is the *raison d'être* for the CSSDCA process. Collective continental policy measures must aim at a development process that epitomizes the African person. A maximum harnessing of the energies and initiatives of people by unlocking and developing their capacity for imagination and developing their ability to participate in the definition and implementation of development goals; CSSDCA should create a truly people-centered development.

Africa's development policy measures must be based in the short-term on Africa's immediate struggle for survival in

order to address the more excruciating long-term imperatives of socio- economic transformation. Out of pragmatic necessity, the CSSDCA process should only address limited but key development issues to ensure a realistic chance of success.

The following measures are recommended for giving effect to these principles.

Human resources development

People are both the means and the desired end of the benefits of development. Africa's development is principally hampered by inadequate human capabilities. Priority measures by Africa under CSSDCA should highlight the relevant elements of the Khartoum Declaration on Human Centered Development and the Mauritius Declaration on education. The CSSDCA process should, in addition, embody the following major collective continental priorities in the field of human resource development:

1. The adoption of programmes aimed at eliminating illiteracy across the continent by the year 2000.
2. Increase in the allocation of financial resources to education and training by diverting a significant proportion of such resources now devoted to military expenditures to education.
3. Adoption of national systems of meritocracy. In addition to appropriate levels of incentive and compensation for professionals and African civil servants must be reproduced, to assist in curbing brain-drain from Africa.
4. Introduction of science and technology at the early years of education should be encouraged.
5. Overall improvement in the quality of education and development of monitoring systems to ensure continuity in quality.

6. The adoption of clear policies of preference for using African talent thereby promoting the development of a critical mass of professionals to replace the expatriate technical skills that currently cost Africa in excess of \$4 billion annually.
7. Promotion of vocational and business training and management skills.
8. Promoting the use of and support for existing and new regional and subregional institutions that serve as centres of excellence.
9. Establishment of Human Resources skills bank for Africa for use in facilitating resource sharing.
10. Implementation of the Mauritius Declaration on education.
11. Harmonization of the continent's educational policies to improve the quality and relevance of education at all levels.
12. African countries should pool resources for specialized training and expand student exchange programmes especially for language training; countries with under-utilized universities should offer opportunities to others at a nominal cost.

Capacity building and development

Collective and coordinated continental policy measures in capacity building must first target development of capabilities in the area of governance; the nurturing and development of those with leadership potential; measures to reverse the decline and enhance the efficiency of government administration in Africa which must remain the hub for originating

policies and strategies on both the process of governance and the direction of economic development. Special policy measures under CSSDCA must be targeted towards a comprehensive development of African entrepreneurial capabilities. The strategy on entrepreneurial development should be buttressed by active government encouragement and support covering extensive exchange of visits by entrepreneurs and some form of technical cooperation among African countries. Focus on entrepreneurial development must go hand in hand with deliberate policy measures for the development of endogenous institutional capabilities especially technical and other forms of private consultancies. The relevant continental professional associations must be strengthened. Considerations must also be directed to policy restrictions at three levels in the use of certain consultancies, national consultants, continental consultants and others. National consultants will be included in any assignment involving the last two categories.

Major change of approach that will lead to instituting accountability, the rule of law, freedom of information and expression and the pursuit of modern systems of managing. Among other measures is to institute a system of orienting leaders at ministerial and senior levels and adoption of the African Charter for Popular Participation in Development. Other recommendations are reflected in many sections of this document.

Economic Transformation of Africa

There is need for complete restructuring of African economies to ensure in the long run a judicious combination of diversified agriculture together with industrialization as basis for sound African development.

Viable development in the long run must depend increasingly on the application of science and technology. Schools and institutions of learning should be made to place more emphasis on science-oriented subjects. Moreover, since technology is, in the main, within the prerogative of transnational corporations which appear to hoard it, African countries should initiate programmes and policies for the development of indigenous technology. This calls for huge investments of resources in Research and Development (R&D).

African countries should adopt liberal economic policies that will attract capital, a factor of production in which African States are enormously deficient. While encouraging privatization and divesting government of equity in public enterprises, the first option must be given to indigenous African entrepreneurs. If necessary they should be offered assistance in the take over of enterprises privatized.

Part of this whole process is to ensure Africa's resource mobilization without which Africa's survival and development cannot be met.

If Africa is to achieve a rate of growth that fosters economic transformation, it will be necessary to adopt those policies and measures that firstly harness the continent's own resources and secondly, provide incentive to attract investment both local and external. Specific policies such as an International Reporting System on capital flight aimed at the repatriation back to Africa of the continent's human and financial resources must be put in place.

In this transformation measures to curb unemployment should be developed through such means as massive infusion of resources into the private and informal sector.

Finance resource mobilization

The CSSDCA process must, as a top priority, seek to mobilize financial resources for Africa's socio-economic development and cooperation through, *inter alia*, advancing a collective continental position on Africa's crippling external debt. Changing circumstances reflected in favourable debt policy shifts by major creditors towards some debtor countries provide a realistic basis for implementing better strategies for reaching the objectives of Africa's Common Position on the External Debt reached by the Special OAU Summit in 1987.

Increased efforts at mobilization of domestic resources will involve control of excessive consumption and adoption of measures to promote domestic savings.

Africa's financial mobilization process should also aim at the collective measures toward an operational common ground between IMF/IBRD supported SAPs in Africa and AAF-SAP as adopted by African leaders. These policy measures must seek changes in IMF's lending conditionalities (to Africa) that must both achieve large net balance of payments support and a measure of greater independent policy by African governments.

Appropriate strategies must be adopted for collective comprehensive policy measures to reverse the net outflow of financial resources from Africa based on a moratorium that must be secured on the external debt and improved arrangements with multinational lending agencies. Promotion of joint projects by two participating members or more for funding from external/internal sources is a more practical measure in resource mobilization. The lending policies of the African Development Bank for joint projects by different sovereign states should be reviewed to devise a mechanism for substantial lending to such projects.

The combined effect of the various policy measures on financial mobilization should be geared to the restoration of Africa's import capacity for the necessary short-term recovery and development of domestic factor input for long-term socio-economic transformation.

Agricultural development for food self-sufficiency

The transformation of the agriculture sector by increasing food productivity and food self-sufficiency with a view to turning Africa into a food exporter is key to Africa's socio-economic development. The strategy for the attainment of this goal is one that should make it possible for Africa to be self-sustaining on food requirements in both the short term and the long run.

This strategy is in keeping with the Lagos Plan of Action and the African Priority Programme for Economic Recovery. We therefore call for their full and effective implementation.

In addition, we recommend the following:

1. Africa should pool together some existing agriculture research centers and mobilize the best available talents for such centers in a collective coordinated research for a "green revolution" in the continent.
2. Other policy measures should include removal of all domestic non-sanitary restrictions to internal food marketing.
3. Consider removal of all duties on some priority food items for intra-African trade under proper rules of origin.
4. Discourage importation from non-African countries of food items available in Africa.
5. Launch an African commodity exchange with emphasis on food items. All these measures should aim at expanding

agriculture output to a minimum target of 4 per cent per year.

6. Governments should establish food and nutrition policy ensure that food and nutrition considerations are made explicit objectives in agriculture and rural development projects;
7. Adopt the food basket concept of using traditional foods in local communities to formulate balanced diets;
8. Establish systems of production, processing, distribution and marketing of traditional foods;
9. Embark on land reform (where this is not yet in place); ensure that land is within the reach of the ordinary person, especially arable farmers in rural areas and opposed to land speculators;
10. Mobilize women especially in the rural areas and ensure that at least one-third of the State's technical assistance to small farmers goes to women. Mobilization should also take into consideration the role of NGOs who in collaboration with small farmers could design, implement and concretise literacy programmes that are production-oriented;
11. Private investment in agriculture should be encouraged. This should be aimed at providing profitable opportunities in the order of producing of local agricultural inputs in satisfying domestic consumption as well as export needs;
12. While mechanized farming should be undertaken for export purposes, it should not be at the expense of rural farming.

To achieve our agricultural objectives, arrest environmental degradation and ensure increased production for sustainable development Africa Governments should formulate sound policies for Water Resources Planning and Development.

technical support. The current excessive import dependence of African industries must be eliminated through the shift of industrial strategy to domestic resource-based manufacturing in order to enhance industrial value-added in Africa. There should also be a shift in the focus of African industries to processing of raw material exports and manufacturing to meet basic domestic needs for food, drugs, educational materials, housing, transport and water treatment chemicals. Mineral industries should be encouraged through sub-regional and regional cooperation. All these require the pooling of limited national capital, technologies and technical expertise as well as the pragmatic use of planning at national, sub-regional and regional levels.

Trade Development

Intra-African trade is the most important component in the necessary structuralist integration of Africa economies. Collective policy measures should target expanded intra-African trade in food and agricultural commodities including raw materials, through an accelerated implementation of special trade preferences. A second set of collective policy measures should create special arrangements for intra-African trade expansion linked to the establishment of some specific core and strategic industries. Further policy focus should be targeted to collective approach to Generalized System of Trade Preferences (GSTP) and multilateral trade negotiations taking into account the impact of Trade Related Investment Measures and Services (TRIMS) and Trade Related Intellectual Property Rights (TRIPS).

Energy development

Next to agriculture and food self-sufficiency, implementation of policies by Africa on energy self-reliance are essential considering, in some respects, the economic crisis in Africa is traceable to shortages and high cost of energy. Collective continental effort under CSSDCA must be concentrated on pooling human talents and material resources for research on alternative sources of energy, especially solar energy. Priority in alternative energy policies must be directed towards sources to address the serious shortage of firewood for an estimated 55 million people in order to alleviate worsening environment problems. Effective policy measures to address this problem should include rural electrification. Major areas to power Africa's socio-economic transformation will remain hydropower and hydrocarbons. Under CSSDCA, joint development initiatives should be undertaken to cover (a) interstate coordination and implementation of hydro schemes in recognition of their spin off effects towards other sectors and (b) expansion of operations for hydrocarbons through joint ownership bearing in mind that large scale development in other developing regions has largely been brought about by state supported efforts. Africa must encourage and be involved in international research on solar energy.

Industrial development

The CSSDCA process should urgently arrest the on-going de-industrialisation in Africa, particularly under orthodox Structural Adjustment Programmes. Intermediate and capital goods industries should be encouraged through multinational projects, and small to medium-scale industrial enterprises should be promoted vigorously with the provision of credit and

Transport and Communication

The CSSDCA process should serve as a vehicle for accelerating within specifically stipulated targets the implementation of the Second Transport and Communication Decade for Africa. A long term policy strategy under CSSDCA should aim at the development of multi-model transportation capable of sustaining the movement of a large volume of intra-African economic activities. The viability of this effort aimed largely at railroad development must be based on its direct linkage with the establishment or expansion of core industries and the use of Africa's technical capabilities. Joint coastal shipping operations should be established and air transportation to regroup carriers in Africa and expand traffic rights should be negotiated and implemented within the CSSDCA.

Population and Environment

In recognition of the link between population expansion and the environment, a set of policy measures must simultaneously target both and proceed on other environmental problems: consideration of harmonized law on minimum age of 18 for female and 21 for male before marriage law; putting a ceiling on number of children per mother; law authorizing property ownership for women and long term national schemes for old age support.

Second set of policy measures under CSSDCA should set targets for reforestation, diversified sources of energy, regulation of all activities in logging in Africa; institute measures for safe disposal of waste and non-disposal of toxic waste from outside the continent; determine a development pattern that is environmentally sensitive; and a long term strategy coordi-

minated with UNEP to deal with Africa's environmental problems.

Science and technology

Science and technology must be promoted to facilitate full exploitation of resources by optimizing on the use of existing institutions (both subregional and national). Financial support for this worthy cause should be increased. Access to the exploitation of resources should be open to both the public and African private sector with the Government playing a regulatory and not a restrictive role that kills African entrepreneurship and initiative. Views of the Business Community could be solicited on how obstacles could be overcome for every country.

Women in development

Africa's development in all aspects cannot be assured without the full involvement of women in decision-making processes at all levels and their full access to all factors of production (land, labor, capital). This calls for appropriate policies and implementation of Strategies at the national, institutional and regional levels. Specifically, we call for the early implementation of African Declaration on the Advancement of African Women, notably the Abuja Declaration, and the Arusha and Nairobi Forward looking Strategies.

In order to assure collaborative efforts in advancing the role of women in all countries and organizations, there is need for Governments to enunciate policies on these matters.

Given the central role of women in food and agriculture all practical measures should be taken to ensure their equal access to technologies that can alleviate their workload and enhance their productivity.

In addition to access to land, women should be given land rights by law so as to improve their access to credit and other services.

COOPERATION

Africa should proceed along the three tiers of cooperation:

1. Among African countries - using bilateral and multilateral agreements and the existing subregional economic groupings as building blocks towards the achievement of an African Economic Community;
2. South-South Cooperation which Africa should pursue to achieve more fruitful results; and
3. North-South Cooperation.

Cooperation as a key component of the CSSDCA process should be guided by certain vital principles to be adhered to by all member states:

- (i) **Economic integration:** African countries cannot expect to compete or develop, individually, in the evolving international economic system dominated by regional economic blocs. Economic integration should be intensified and a shortened timetable for the African Economic Community should be agreed upon. Economic integration should be fostered by encouragement of increased interaction by people through removal of restrictions for temporary entrance and exists by African to any other African country.
- (ii) **Joint development of common natural resources:** African countries will need to collectively act in utilizing such resources as waterways, forests, coastal zones and management of environment.
- (iii) **Interdependence:** African countries must seek to explore opportunities for beneficial cooperative relations with other developing and industrialized nations. There is no contradiction between the need for intensified cooperation between African and non-African countries and the principle for self-reliant and self-sustained development.

Supranationality: As African countries foster cooperation and integration, the need for devolving certain key responsibilities to continental institutions would be imperative. The CSSDCA process should develop a framework for collective action and policy so as to provide impetus for cooperation on a wide range of areas. The par-

icipating states of the CSSDCA process will decide upon what those areas should be. Promotion of integration and cooperation should be guided by some basic common policy measures.

Trade and Production:

Improvement of a variety of trade-related facilities such as transport, communications, payments arrangements are keys to enhanced intra-African trade. At the same time, there is need for African countries to deliberately seek and promote trade opportunities among themselves. The process of seeking trade opportunities should be complemented by joint production, as discussed under joint ventures.

Joint ventures:

The main focus of joint ventures should be increased production, even though such efforts should be directed to other areas as well. African countries should cooperatively stress the production of key components of medium and high technology goods taking into account economies of scale. Such joint ventures should build on comparative endowment of African countries. Thus, the CSSDCA process should promote cooperation in joint production by matching countries that have natural resource endowments with those that have financial capital or other inputs. The private sector should assume the lead role in promoting joint ventures while the public sector assumes the role of facilitator.

Financing regional cooperation programmes:

The policy financing of cooperation and integration should be given special attention. Innovative ways of raising resources for cooperation and integration programmes and projects have to be found, given the very many difficulties associated

with financial resource mobilization, in particular the paucity intra- African savings and investments and donor preference for bilateral cooperation. African countries should set up a fund financed by a certain per cent of surcharges from the imports of individual countries. This approach will need to be implemented alongside with obtaining resources from multi-lateral financial institutions.

Selecting lead countries to promote cooperation projects:

An important element in accelerating cooperation process is the identification, development and management of cooperation projects. Pending the time that cooperation projects are fully established and independent management installed, a lead country should be designated for promoting the project. That way, the other member states can have recognized focal points to which all issues pertaining to the project are directed. The lead country, then, becomes a catalyst for bringing a project to fruition, while the process of sustenance of the project becomes the responsibility of the management of the project.

The participation of non-governmental organizations in promoting cooperation should also be encouraged.

Focal points should be established in various African countries to promote cooperation and integration. In particular priority consideration should be given to establishing ministries of cooperation and integration.

Joint development of infrastructures:

To accelerate cooperation and economic integration among African countries, there should be intensified efforts at common development among of African countries, of such in-

frastructures as railways, roads, air and river transport as well as energy resources.

Accelerating integration among African countries:

The Final Act of Lagos endorsed the approach of phased continental economic integration, with the sub-regional economic groupings as the building blocs. Presently, all the sub-regional groups in Africa now have an economic group, though some countries do not, as yet, belong to any of these groups. The signing of the treaty establishing the African Economic Community would be a watershed event. But more important would be the policy mechanisms which are designed to give effect to the treaty as a framework for African wide cooperation.

The prospects for all the development policy measures in every sector in Africa and the whole CSSDCA process will critically be determined by the degree of collective effort towards continental integration. The locus of policy and development initiatives must therefore be directed to collective measures for a rapid economic and physical integration of the continent. A structuralist model of continental integration should be adopted based on a minimum timetable for an African Economic Community. Continental Integration through strictly subregional models should be reviewed to allow for more innovative measures and strategy.

Promoting and accelerating integration among African countries would depend crucially on the support and commitment of African countries. Equally important, however, is the need to encourage and promote active involvement in the integration process of various socio-economic factors such as trade unions, chambers of commerce, women, youth associations as well as other professional associations. These professional associations should be a vanguard force in cooperatio

in standards, training and research and civil liberties, as well as other areas. The operations of professional associations, entrepreneurs and research scientists must not be restricted by national borders. Free movement of persons must be encouraged bilaterally, sub-regionally and continentally.

Selection of personnel of the secretariat of African Economic Communities should be based on merit to ensure the highest calibre of such personnel.

Rationalization of existing intergovernmental organizations:

Given the multiplicity of intergovernmental organizations in the field of cooperation and integration in Africa, it is vital that their numbers be reduced. Such a step would not only reduce the expenditures of member states for such organizations, but would also enable governments to devote more attention to the IGOs that would remain. The few IGOs should then be designed to render more effective services to member States.

South-South (African and other developing countries) cooperation:

There is considerable scope for promoting cooperation between African and other developing countries. The Global System of Trade Preferences (GSTP) already serves as a framework for accelerating South-South trade. African countries should identify specific areas of benefit in the GSTP in the context of the continents' structural weaknesses.

African countries should encourage foreign investment from other developing countries which can contribute to enhancing their production and export income. Such investments should emphasize technology transfer arrangements and

may be organized through licensing arrangements, franchising and joint ventures. Investments should be targeted at producing not only consumer goods but also intermediate and capital goods.

Cooperation between Africa and the Industrialized countries:

Cooperation between Africa and the industrialized countries would continue to be an important source of acquiring financial and industrial capital for the socio-economic development of Africa. The objective of these cooperation arrangements should be to remove the basic structural weaknesses of the African economies. Seeking to elevate Africa from its status as exporters of raw materials to producer of manufactured and other processed products should be the key consideration in any cooperation arrangements with the industrialized nations. Very importantly, there is need to promote cooperative arrangements in the areas of science and technology, food and agriculture, environment and energy.

International policy initiatives, such as the Global Coalition for Africa and others, designed to promote development and cooperation should include significant African participation in decision-making and management; just as they must produce substantial results leading to increased resources and capacity building in the areas of food and agriculture, science and technology and industrial development.

III. RECOMMENDATIONS FOR THE IMPLEMENTATION OF THE PROCESS

This section embodies recommendations for implementing the process of the CSSDCA in order to realize its objectives.

established a Consultative Secretariat for backstopping the negotiations. There shall also be a Consultative Committee, whose functions will be to assist African governments during difficult times of the negotiations. The Consultative Committee will also organize an annual Forum, on a NGO framework, to assess progress in the implementation of the CSSDCA process with a view to sensitizing and sustaining public awareness about the process. The Committee shall be co-chaired by two African eminent Statesmen.

Funding for the support mechanisms and other measures envisaged under the process shall be sought from voluntary contributions of participating States, international organizations and other donors.

C. PERMANENT SECRETARIAT FOR CSSDCA

A Permanent Secretariat for the CSSDCA process may be established at the end of the negotiations. The Consultative Secretariat that is proposed to backstop the negotiations on CSSDCA could form the nucleus of the Permanent Secretariat of CSSDCA. In this regard, the participating States will have to decide on the size, structure, responsibilities and location of such a permanent secretariat.

D. REVIEW CONFERENCES

The CSSDCA is a process. As such, there shall be periodic review conferences to collectively review the progress made in the implementation of the Convention and in particular to examine the performance of each member country in regard to compliance with the principles and policy measures in the CSSDCA convention. The frequency and the level of these

Thus, it describes what African governments could do from the time that the KAMPALA DOCUMENT on the CSSDCA is submitted to and considered by the Assembly of Heads of State and Governments of the Organization of African Unity in Abuja, in June 1991.

A. LAUNCHING OF NEGOTIATIONS OF THE CSSDCA PROCESS

On submission of the Kampala document to the OAU Summit in Abuja, a decision would have to be taken to launch the negotiations process. The purpose of the negotiations will be to adopt a convention that is politically binding under the CSSDCA. Such negotiations could begin at the level of plenipotentiaries and conclude at the Foreign Ministers level with the final adoption of a convention by participating States at the summit level. The dates as well as venue for launching the negotiations could be set by the current chairman of the OAU after consultations with his colleagues.

The negotiations on the CSSDCA process should centre on the principles and policy measures proposed in part II of this document as well as this Part III, particularly sections C to G.

These negotiations among African countries should not exceed two years, culminating in the signing of the convention. The implementation of the provisions of the convention of the CSSDCA is for limitless duration; hence the CSSDCA is described as a process, subject to periodic review as proposed in section E below.

B. SUPPORT MECHANISMS FOR THE NEGOTIATIONS

For the duration of the negotiations of the convention, a two-tier support mechanism is suggested. There should be es-

bilateral or regional:
relating to policy and other measures requiring action by two or more participating States;
multilateral or international: relating to policy and other measures requiring action by participating States and international international organization(s).

The task of monitoring full compliance with the provisions of the convention shall be carried out by the Permanent Secretariat of the CSSDCA proposed in Section C. In carrying out this task, the Permanent Secretariat shall coordinate with regional and international bodies in the context of the relevant Calabash: security issues (OAU), development and cooperation (ECA and ADB). Support and assistance from other relevant international organizations or institutions especially the UNDP, IMF and IBRD should be utilized to promote realization of the objectives of the CSSDCA process. The area of stability, in particular governance, democratization and popular participation will be directly monitored by the Permanent Secretariat of CSSDCA and the involvement of ACHPR will be sought. An instrument will have to be developed to monitor these elements. Such instrument will include NGOs in these fields.

F. INTERNATIONAL COOPERATION

After the signing of the convention by African countries, many non-African countries whose actions impact on Africa's security, stability, development and cooperation, should be in-

vited to jointly explore with Africa the possibilities for cooperation in implementation of the convention.

G. FINANCING OF CSSDCA

The CSSDCA process would require financing at two levels. Firstly, there should be financing of the meetings for negotiations of the CSSDCA convention. This has two components: funding of participation at the meetings and of the Conference services and facilities. Participating States would be expected to pay for the cost of their representatives participating in such meetings. In addition, they will meet an assessed share of the common costs of conference services and facilities.

The second level of financial requirements pertain to the permanent secretariat of the CSSDCA that will be established on the completion of negotiations. This will be funded as common costs of conference services and facilities.



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review conferences shall be embodied in the convention. A period of two years at the level of Heads of State and Governments is recommended for consideration.

E. MONITORING OF AND COMPLIANCE WITH PROVISIONS OF CSSDCA PROCESS

Strict compliance with the provisions of the CSSDCA process is expected of all participating States. For this reason, while non-African participating States may simply accede to the convention, all African members will incorporate provisions of CSSDCA in their national legislation. Monitoring for compliance will require a mutual interchange of national and collective arrangements. Each participating State will be required to designate one or a few existing national institutions to undertake, on annual basis, monitoring of the country's compliance with the CSSDCA process.

The process of collective evaluation of each member State's compliance at the review Conferences will be based on reports of various continental organizations assigned the role of assessing the performance of each country in specific areas. Such reports will be publicly rendered.

It is envisaged that the implementation of the agreed measures stipulated in the convention could be accomplished at three levels;

unilateral or national: relating to policy and other measures requiring action on the part of individual participating member States within its territory;

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102^D CONGRESS
1ST SESSION

H. CON. RES. 201

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 1991

Received and referred to the Committee on Foreign Relations

CONCURRENT RESOLUTION

Expressing the sense of the Congress relating to the need for a Conference on Security, Stability, Development, and Cooperation in Africa and commending the Helsinki Commission for its leadership on this initiative.

Whereas the Conference on Security and Cooperation in Europe, known as the Helsinki process, established the linkage between respect for human rights, economic development, and genuine security and cooperation in Europe;

Whereas Africa cannot realize security or economic growth without democracy, respect for human rights, and an end to cross-border and civil wars;

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Whereas from May 19 to May 22, 1991, African leaders and delegates held the Kampala Forum on Security, Stability, Development, and Cooperation to discuss the problems threatening Africa's survival and progress and to seek solutions to them;

Whereas it was determined that the responsibility for security, stability, development, and cooperation on the African continent rests not only with the people of Africa but also on international cooperation, support, and participation;

Whereas the African countries expressed their desire for a Conference on Security, Stability, Development, and Cooperation in Africa (CSSDCA) to be modeled on the Conference on Security and Cooperation in Europe (CSCE), the Helsinki process; and

Whereas this Conference would provide the United States with an opportunity to support indigenous African efforts to alleviate the tightening grip of poverty, violence, and debt which is choking the continent: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring).* That the Congress—

3 (1) recognizes the dire political and economic
4 problems facing the continent of Africa;

5 (2) encourages the various governments in Afri-
6 ca to begin redressing these problems through de-
7 moeratzation and conciliation;

1 (3) welcomes Africa's attempt to replicate in
2 Africa the European model of the Conference on Se-
3 curity and Cooperation in Europe;

4 (4) commends the Helsinki Commission for its
5 leadership in moving the Helsinki model to other re-
6 gions; and

7 (5) calls upon the President to—

8 (A) encourage the various governments in
9 Africa to participate in the Conference on Secu-
10 rity, Stability, Development, and Cooperation in
11 Africa;

12 (B) support this process in Africa with the
13 same determination given to the Helsinki proc-
14 ess in Europe; and

15 (C) continue the current United States poli-
16 cy of funding forums which facilitate economic
17 growth and advance democratic goals.

Passed the House of Representatives November 19,
1991.

Attest: DONNALD K. ANDERSON,
Clerk.

**COMMISSION ON SECURITY AND
COOPERATION IN EUROPE**

102d Congress
1st Session



**PEACEFUL SETTLEMENTS OF DISPUTES
IN THE CSCE PROCESS**

A REPORT PREPARED BY THE STAFF
OF THE COMMISSION ON SECURITY AND
COOPERATION IN EUROPE

August 1991

COMMISSION ON SECURITY AND
COOPERATION IN EUROPE

102d Congress
1st Session

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August 1991

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**REPORT ON
PEACEFUL SETTLEMENTS OF DISPUTES
IN THE CSCE PROCESS**

16 August 1991

"Procedures for peaceful settlements of disputes pose basic questions about the future development of the CSCE and for the role of the Council of Ministers. If satisfactory answers cannot be found to these questions the future of the CSCE is bleak."

-- *Institution-Building in the Conference on Security and Cooperation in Europe, paper by James E. Goodby, December 1990*

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Summary

From January 15 to February 8, 1991, the participating States of the CSCE met in Valletta, Malta, for an inter-sessional meeting on the peaceful settlement of disputes (PSD), one of the 10 Principles Guiding Relations between Participating States enunciated in the 1975 Helsinki Final Act. Although it was the third CSCE inter-sessional meeting on this subject, the previous meetings (Montreux, 1978; Athens, 1984) were overshadowed by the polarization of East-West relations and reached little substantive agreement.

The meeting opened on January 15 as the United Nations deadline for Iraqi withdrawal from occupied Kuwait expired. Just hours before the meeting began, Soviet forces attacked and killed civilians in occupied Lithuania. Both events colored subsequent discussions in Valletta.

At the close of the meeting, a document was adopted setting forth tentative provisions for a CSCE mechanism for the peaceful settlement of disputes. However, delegations could not reach agreement designating an institution to oversee the implementation of the mechanism and, consequently, it remained inoperative.

On June 20, 1991, at the Berlin meeting of the CSCE Council of Foreign Ministers, a decision was reached to place the technical aspects of the Valletta mechanism under the auspices of the Director of the Vienna Conflict Prevention Center (CPC). It is expected that a process of nominating persons on whose expertise the participating States may draw in the event of an unreconciled dispute will be completed later in the year (1991), making the mechanism operational. Nevertheless, use of the Valletta mechanism is significantly limited by an "exceptions" clause, inserted at the end of the Valletta negotiations.

Background on Peaceful Settlements of Disputes in the CSCE Context

Generally

During the original Helsinki Consultations (1972 - 1975), Switzerland championed an elaborate proposal on the "peaceful settlements of disputes" (*hereinafter*, PSD), based on a concept developed by Rudolf L. Bindschedler. The idea did not garner much interest or support, enabling the Soviet Union to quash it with little resistance. In the end, Switzerland was forced to settle for a limited reference to PSD in Basket I of the Helsinki Final Act.

The Helsinki Final Act stipulates that all Principles in the decalogue are of primary significance; each must be applied equally and unreservedly; and each must be interpreted taking into account the others. Thus, the duty to settle disputes peacefully, Principle V, is inextricably intertwined with the other Principles, such as the duty to refrain from the threat or use of force (Principle II), the duty to respect human rights and fundamental freedoms (Principle VII), and the duty to respect the equal rights of peoples and their right to self-determination (Principle VIII). In addition, the CSCE commitment to settle disputes peacefully must be read in conjunction with the provisions of the United Nations Charter, which is incorporated by reference in the Helsinki Final Act.

The Montreux Meeting

Although the Final Act language fell far short of the ambitious proposal originally tabled by the Swiss, it ensured a place for PSD

in future CSCE meetings, and each subsequent Follow-up Meeting has taken up the issue. While the first main Follow-up Meeting, held in Belgrade from 1977 to 1978, did not produce any new substantive commitments, the participating States were able to schedule several inter-sessional meetings, including one on PSD in Montreux. According to the Belgrade Concluding Document, the purpose of the Montreux meeting was "to pursue the examination and elaboration of a generally acceptable method for peaceful settlement of disputes aimed at complementing already existing methods."

Discussions at Montreux (October 31 to December 11, 1978) focused on three proposals: Swiss, Eastern, and Western. The Swiss working paper included both binding and nonbinding elements for peacefully settling disputes including negotiation, inquiry, mediation, conciliation, and arbitration. The Soviet delegation presented mandatory consultations and negotiations as the only basis for a possible method for PSD, while rejecting any schema involving compulsory arbitration, which would, in their view, undermine national sovereignty and freedom of choice. The western paper put forward a graduated method for PSD within specific subject areas, concentrating on mandatory, binding procedures including arbitration for disputes of a justiciable, i.e., non-political nature. The U.S. delegation supported proposals which would involve compulsory arbitration.

Although the Montreux meeting also ended without consensus on substantive commitments, it kept the idea of PSD alive in the CSCE process by two means. First, it set forth a common approach to the elaboration of a method for PSD between or among the participating States, i.e., the parameters for any future PSD system; second, its report recommended that the Madrid Follow-up Meeting consider convening another PSD meeting.

The Athens Meeting

A second main follow-up meeting was held in Madrid from 1980 to 1983. It, too, failed to elaborate further provisions on the peaceful settlements of disputes. However, in accordance with the recommendation of the Montreux meeting, the Madrid Concluding Document mandated that another inter-sessional meeting on PSD

be held in Athens in 1984. Opening on March 21, the Athens meeting lasted for approximately 6 weeks, ending on 30 April 1984.

Prior to the start of the meeting, the various approaches to PSD could be characterized as follows: The Soviet Union and other East European countries were generally opposed to any mechanism which would include mandatory third-party procedures for settlement of international disputes, and instead favored compulsory consultations. Western and neutral countries saw some form of compulsory third-party procedures as the way to enhance already-existing methods for PSD, but differed on the extent to which those mechanisms should include legally-binding processes, e.g. arbitration.

The United States circulated two proposals in Athens. One focused on a graduated series of mechanisms (e.g., good offices, inquiry, mediation, etc.) that start out as compulsory but are only binding at the final arbitration stage if the parties agreed to proceed to arbitration. The second proposal would have established bilateral, joint commissions (modeled on U.S.-Canadian and U.S.-Mexican commissions), empowered to make recommendations on "non-security" issues within the CSCE context. Only the first proposal was formally tabled during the course of the meeting.

The first proposal shared many common elements with a European Community proposal, although the United States attempted to give greater latitude for means to avoid entering into the binding-arbitration stage. The second U.S. proposal was criticized by some Western and NNA countries as 1) disadvantaging smaller countries, 2) deviating from the multilateral nature of the Helsinki process, and 3) undermining the concept that Helsinki commitments are owed to *all* of the participating States.

The Athens meeting took place during the Stockholm Conference on Disarmament in Europe, where the United States refused to agree to a non-use of force treaty arguing, *inter alia*, that CSCE is a political process not a legal one and, in any case, it would be unacceptable to elevate military issues to treaty status without tangible progress in the human rights sphere. During the

course of the Athens meeting, the first U.S. proposal was recast in less treaty-like language consistent with the U.S. position in Stockholm.

The Athens meeting was enlivened by the U.S. renunciation on April 6, 1984, of the compulsory jurisdiction of the International Court of Justice (ICJ). Since 1946, the U.S. had accepted the compulsory jurisdiction of the Court in accordance with article 36.2 of its statute. This action, taken without consultations with the U.S. Congress, was an unsuccessful attempt to prevent Nicaragua from suing the United States before the ICJ for the mining of Nicaragua's harbors. Although this action resulted in some open criticism from the East and fairly pointed, private questions from Western and NNA countries, it did not seem to cause a complete rupture in the meeting.

The Athens meeting undertook negotiations on a substantive document, but failed to reach consensus on any of the proposed PSD mechanisms. Indeed, at the end of the meeting significant differences in positions remained unbridged and there seemed to be a general feeling that whatever common ground existed was insufficient to form the basis for commitment. The Athens Report notes that "no consensus was reached on a method" for the peaceful settlement of disputes.

Prelude to Valletta: From The Vienna Follow-up Meeting to the Paris Charter

During the course of the Vienna meeting (1986-89), the CSCE participating States once again attempted to address the issue of peaceful settlement of disputes. The language finally agreed to largely reiterated the basic Final Act commitment and scheduled yet another inter-sessional PSD meeting.

But a funny thing happened on the way to Valletta. In the Soviet Union, the policies of Mikhail Gorbachev had led to a progressive improvement in respect for human rights in the Soviet Union and an overall loosening of Moscow's hold over Eastern Europe. In 1989, decades of popular dissatisfaction with the Communist regimes swelled up, taking advantage of the vacuum created as Moscow's control receded, and culminated in largely

peaceful and democratic revolutions in several East European countries. During the course of 1990, the division of Germany--long the symbol of the divided continent--ended with its unification on October 3, and the Cold War was declared over. Throughout this reform process, it was widely proclaimed, particularly by those leading revolutions and reform movements in the East, that the CSCE process had played an instrumental role in bringing about these improvements.

As a consequence, in November 1990 the heads of State or government from the participating States held their first CSCE summit meeting since 1975. While the overall tenor of the summit was almost euphoric, many commentators had already begun to voice the hope and the expectation that the CSCE would now be able to tackle the most troubling issues confronting Europe today: economic instability, ethnic rivalry, restive independence movements, overwhelming waves of refugees, and new security concerns. In that context, the Valletta Meeting took on a new prominence and new expectations.

Those expectations were reflected in the Paris Charter, which stressed that "full use should be made. . . of the opportunity of the Meeting on the Peaceful Settlement of Disputes which will be convened in Valletta," and further mandated that the Council of Foreign Ministers, which first met in June 1991, would "take into account the Report of the Valletta Meeting."

The Valletta Meeting on Peaceful Settlements of Disputes Mandate and Organization of the Valletta Meeting

The Valletta meeting was tasked with establishing a list of categories of disputes appropriate for the involvement of a third party. That is, it was not mandated with discussing disputes *per se*, but discussing means and processes which might be used to resolve unnamed, theoretical disputes.

The Valletta meeting took place over the course of 19 working days. All sessions were scheduled as plenaries. Although the Vienna mandate provided for these plenaries to be closed, the

United States sought and achieved consensus to open morning plenaries to the public.

The agenda was divided among five items: 1) formal opening of the meeting with an address by the host country; 2) a general exchange of views; 3) examination of proposals; 4) preparation and adoption of a report; and 5) formal closure of the meeting by the host country.

U.S. Delegation to the Meeting and Public Diplomacy

The U.S. delegation to the meeting was headed by Professor Michael Young, Deputy Legal Advisor with the Department of State, on leave from Columbia University's School of Law. John Evans of the State Department served as Deputy Head of the Delegation. Other members of the Delegation included Assistant Legal Advisor Susan Biniaz. Commission staff also participated as members of the delegation.

One public member, Professor Richard B. Bilder from the University of Wisconsin School of Law, joined the delegation during the first week of the meeting. Professor Bilder has written extensively on the subject of peaceful settlements of disputes and is widely recognized for his expertise in this area. During the course of the meeting, Estonian parliamentarian Marju Lauristin was hosted by the U.S. delegation.

Historically, the PSD area has generated less public interest than many other subjects embraced within the Helsinki process, such as security, human rights, and humanitarian issues. It was not surprising, then, that nongovernmental attendance at and press interest in the meeting was, relative to other CSCE meetings, low. In addition, the events in the nearby Gulf region may have further contributed to the small public turn-out. Nevertheless, the Maltese executive secretariat undertook all appropriate steps to ensure that the CSCE standards for openness and access were maintained for non-governmental organizations, the press, and representatives from non-CSCE states.

U.S. Objectives for the Meeting

Given that the Vienna mandate required the Valletta meeting to produce a report, the United States was committed to achieving a document which would expand, rather than narrow, the range of options for settling disputes available to policy-makers. This was considered especially important for the newly emerging democracies in Eastern Europe, which lacked the practical experience which had developed in the West in managing and resolving state-to-state disputes.

Opening of the Meeting and the Crack-down in the Baltics

The first day of the meeting took place in the long shadow thrown from the Gulf, to which some delegates made reference in their opening remarks, as the January 15 deadline for the Iraqi withdrawal from Kuwait expired. But the immediate attention of the delegates was drawn to the shocking events in the Baltic States where, just hours before the Valletta meeting opened, over a dozen unarmed civilians were killed in Lithuania by Soviet occupying forces. The flagrant use of force stood in stark contrast to the spirit and the letter of Principle V of the Helsinki Final Act, committing all participating States to the peaceful settlement of disputes.

No less than 18 countries individually protested the Soviet actions in their opening statements, as well as Luxembourg which spoke for the European Community. Most significantly, all former Warsaw Pact countries condemned the use of force. Romania, for example, stated, "Our position on the Baltics is well known. The use of force has led to dead and wounded. The central and local authorities should act in the spirit of the Helsinki Final Act and other CSCE instruments." Czechoslovakia described events in Vilnius as "tragic and sinister." The Hungarian representative expressed the views of many: "As we see it, domestic and international dispute settlement are interrelated. Dialogue, tolerance, respect for mutual interests characterize both. Two months after the Paris euphoria, my country was shocked by the events in Lithuania. The Soviet leadership has just subscribed to the Charter of Paris, which has as guiding ideas that democratic government is based on the will of the people and that the principles of the rule

of law based on the respect for human rights form the foundation of the new European architecture. We sincerely hope that the Baltic actions were only a one-time deviation from the generally positive political course of perestroika and not a sign of a major change in the politics of the Soviet Union." Remarks by the U.S. delegation are attached in full.

In addition, numerous statements protesting the Soviet actions were circulated to all delegations. Those statements included a press release by the Commission Chairmen Steny H. Hoyer and Dennis DeConcini; the statement by U.S. President George Bush; the formal condemnation by the European Community; the formal condemnation by NATO; the statement of the Canadian Foreign Ministry; the statement by Czechoslovak Foreign Minister Jiri Dienstbier; and the statement of Ambassador John Maresca, head of the U.S. Delegation to the Vienna Confidence- and Security-Building Measures negotiations. Subsequent protests followed additional deaths which resulted from Soviet violence in Latvia later in the meeting.

During the course of the meeting, the events in the Baltics were also simultaneously pursued in other CSCE fora. During the first week, at a meeting of technical experts convened in Vienna, Austria proposed holding a special CSCE emergency meeting to address the Soviet actions. Although the Soviet Union denied the necessary consensus for holding the meeting, every other delegation supported it. (Subsequently, at the June 1991 Council of Ministers meeting, agreement was reached to permit the convening of a CSCE emergency meeting without full consensus, provided that twelve countries endorse the original call.)

During the second week of the Valletta meeting, the crack-down was protested at the 2-day CSCE meeting of the Committee of Senior Officials, which was also held in Vienna. Finally, throughout the meeting, the CSCE human dimension mechanism was invoked by numerous countries, including the United States, with the Soviet Union.

In a pro forma act, Albania's request to attend as an observer was given consensus. In other areas, delegations delved into

matters of substance, laying markers of high expectations for the meeting, notwithstanding events in the Baltics.

Proposals

During the course of the meeting, only eight proposals were tabled. None of these proposals was sponsored by a group of countries constituting a traditional alliance or CSCE negotiating bloc. Of the proposals, two in particular became the core for discussion, taking into account the other proposals; a proposal introduced by Switzerland and co-sponsored by Austria, Cyprus, Czechoslovakia, Liechtenstein, Poland, San Marino, and Yugoslavia, and a proposal introduced by the United States.

The Swiss proposal was considered by some to be relatively more "ambitious" because it would follow a single hierarchy of steps applicable to all disputes, which could lead to binding results. However, such an approach would only apply to a relatively narrow range of disputes. In contrast, the U.S. approach started from the assumption that there are a wide variety of kinds of disputes, and no single method of dispute resolution or settlement is suitable for all of them. Therefore, dispute settlement is facilitated by processes which relate the type of dispute in question with the most appropriate and relevant dispute resolution method.

Negotiations and the Report

Despite the tragic events in the Baltic States, delegations in Valletta did not revert to traditional negotiating blocs, hardened along the lines of military alliances and bogged down by polarized, Cold-War style divisions. Instead, the Valletta alliances seemed to be forged on the basis of shared views on specific issues, rather than along the lines of any formal alliances.

The negotiations in Valletta evidenced a wide range of views on the appropriate steps to facilitate a peaceful settlement of disputes. In fact, the substantive debate among delegates reflected serious consideration of the fundamental questions which drive and ultimately determine the shape of various processes. Among the threshold questions delegations considered were:

- ◆ Should a PSD mechanism permit bilateral action or, consistent with the CSCE framework, must it provide a role for all participating States (the multilateral approach)?
- ◆ Should a PSD mechanism be of a "technical" (i.e., "legal") nature, or of a "political" nature? That is, is it possible to make a determination that some disputes are of a "justiciable" nature, and therefore appropriate for a "technical" resolution; alternatively, should the process emphasize political disputes of the kind that have traditionally been raised at CSCE follow-up meetings?
- ◆ Is it possible to delineate certain categories of disputes as subject to a PSD mechanism while effectively excluding others? That is, can security, political, or other disputes be excluded?
- ◆ Is it possible to develop an opt-in-opt-out clause, that would enable each country to delineate which disputes to submit to the PSD process? If so, does that undermine the long-standing CSCE principle that all participating States are equally bound by all CSCE provisions?
- ◆ Should any phase of the process be compulsory? One school of thought said that a PSD process, if agreed, should enable any one country to bring another into the process *by right*. A second school of thought seemed to reject a compulsory initiation of the process, but argues that the result of the process should be binding. (These two elements are not necessarily mutually exclusive.)
- ◆ Is it acceptable to link PSD with other issues, for example, with a non-use of force treaty?
- ◆ Does the development of a PSD process require institutionalization?

The Report ultimately adopted begins with general principles, which elaborate axioms applicable to any dispute. Those principles were immediately binding on all participating States. These include, for example, the provision that a request to have a settlement procedure does not constitute an unfriendly act and an agreement by the participating States to seek arrangements and procedures for prior notification and consultation regarding actions by one State likely to affect significantly the interests of another State.

A second section of the Report outlines a "CSCE Dispute Resolution Mechanism." This mechanism requires the participating States, should they be unable to resolve peacefully a dispute between them, to seek the assistance of a third party or parties, who are collectively if somewhat awkwardly called "the Mechanism." The ultimate task of the Mechanism is not to resolve the dispute, but to make comments and provide advice to the disputing parties regarding an appropriate and acceptable method for resolving their dispute.

This Mechanism was, however, constrained in several ways. First and foremost, the Mechanism could not exist or come into effect until "the necessary arrangements" were established--that is, until the Mechanism was placed under the auspices of some person or institution capable of overseeing the process of selecting the third party or parties. As a rule, CSCE documents do not create "provisional" commitments which require subsequent action to be brought into effect.

Second, the Mechanism was limited by an exceptions clause that prohibits the Mechanism from being used if either party considers the dispute to raise issues concerning "territorial integrity, or national defense, title to sovereignty over land territory, or competing claims with regard to the jurisdiction over other areas." This self-judging clause, contained in section XII, guts the Mechanism of the power to deal with many of the most pressing issues between and within the participating States.

Conclusions

The dissolution of the East-West polarity created greater expectations regarding the potential for creating a CSCE PSD mechanism. In fact, the removal of that layer of differences has unmasked fundamental questions which must be answered in order to create any PSD system within the CSCE. At the Valletta Meeting, it became clear that the participating States simply do not share a consensus vision regarding how this issue should be approached in the context of CSCE.

The Valletta Report reflects the compromise struck between the desire to maintain the momentum achieved in other recent

inter-sessional meetings such as Bonn and Copenhagen--each of which concluded with substantive new documents--and the reality that, at least in the area of PSD, considerable differences remain among the participating States.

The Status PSD after the Berlin Council of Ministers Meeting

As a practical matter, the Council of Ministers meeting, held June 19-20, 1991, was asked to make the decision that delegations were unable to make in Valletta: Where should the PSD mechanism be housed? While several possibilities were considered, including the Permanent Court of Arbitration at the Hague, the Center for the Prevention of Conflicts in Vienna, and the Secretariat in Prague, it was ultimately decided to house the Valletta Mechanism at the CPC in Vienna, under the auspices of its Director. Participating States were invited by the Council to communicate by August 30, 1991 the names of up to four persons to be included on the register of mechanism candidates.

The Valletta Report also notes that the next CSCE Follow-up Meeting is scheduled to open in March 1992 and recommends that "the commitments contained in the present Report *as well as their implementation . . . be kept under review*" (emphasis added). It remains to be seen whether or not, in fact, the Valletta Mechanism will be implemented prior to the Helsinki meeting. The existence and creation of other CSCE mechanisms (the Human Dimension Mechanism, the Unusual Military Activities provisions under para. 17 of the Vienna 1990 Document on Confidence- and Security-Building Measures, and the newly created Berlin Emergency Mechanism) provide alternatives for raising issues besides the narrowly construed Valletta provisions.

THE CSCE DISPUTE SETTLEMENT MECHANISM:
A GUIDE

From January 15 to February 8, 1991, the 34 CSCE participating States met in Valletta, Malta, for the third inter-sessional meeting on the peaceful settlement of disputes (PSD), one of the 10 Principles Guiding Relations between Participating States enunciated in the 1975 Helsinki Final Act. At the end of that meeting, they adopted THE REPORT OF THE CSCE MEETING OF EXPERTS ON THE PEACEFUL SETTLEMENT OF DISPUTES, VALLETTA 1991. The Berlin meeting of the CSCE Council of Foreign Ministers (June 19-20, 1991) was mandated by the Charter of Paris for a New Europe (November 1990) to "take into account the Report of the Valletta Meeting."

The Valletta Report consists of four parts: an Introduction; Principles for Dispute Resolution; Provisions for A CSCE Procedure for Peaceful Settlement of Disputes [Provisions]; and an untitled conclusion. The third part describes a "CSCE Dispute Settlement Mechanism" [the Valletta Mechanism¹]. While the obligation of the participating States to abide by the dispute settlement principles² commenced with the adoption of the Valletta Report, the Provisions for a PSD procedure required further decisions in order to be made operational. Those decisions were made by the Council of Foreign Ministers at its first meeting, held in June 1991 in Berlin.

What is the Valletta Mechanism?

The "Valletta Mechanism" is not a mechanism *per se* but a group of one or more people--third parties--selected by common

¹Not to be confused with the so called "Human Dimension Mechanism," a product of the 1989 Vienna Concluding Document, elaborated on in the 1990 Copenhagen Document; the "Unusual Military Activities (UMA) Mechanism," a product of the Vienna Document 1990 of the Negotiations on Confidence- and Security-Building Measures; or the "Berlin Emergency Mechanism," a product of the June 1991 meeting of the CSCE Council of Foreign Ministers.

²So described to distinguish them from the "Ten Guiding Principles" of the Helsinki Final Act.

agreement³ by disputing parties from a "register of qualified candidates" maintained by "the nominating institution." The number of persons making up any given Valletta Mechanism is limited only by the disputing parties' ability to reach agreement and by the number of names of on the register itself.⁴

What is the "register of qualified candidates" and the "nominating institution"?

The register comprises the names of up to four persons nominated by each participating State desiring to do so--i.e., currently up to 140 names.⁵ There is nothing in the Valletta Report which speaks to the question of the skills or other criteria for making these nominations; the nominees are merely described as "qualified candidates." However, no member of a Mechanism may be a national of, or permanently resident in the territory of any State involved in the dispute. If the disputing parties both agree, they may create a Mechanism comprised of persons other than those named in the register.

Pursuant to the decisions of the Berlin Council of Ministers meeting, the nominating institution is the Conflict Prevention Center (CPC) in Vienna; its senior official is its Director.

What triggers the Valletta Mechanism?

In the event that parties are unable to settle a dispute, any party to a dispute may request the establishment of the Valletta Mechanism. Although "party to a dispute" is not defined in the Valletta Report, section I of the Provisions begins, "If a dispute arises between participating States . . ." This language reflects the negotiators intention that the Provisions be restricted to CSCE participating States. Thus, even though a dispute may involve non-

³I.e., in traditional CSCE lingo, consensus of the parties.

⁴That is, the number of names on the register of persons who are not nationals or permanent residents of either of the disputing parties' countries.

⁵That is, four times the number of participating States. There are currently 35 participating States.

participating States, nongovernmental entities, or governmental entities which are not States, they are not "parties to a dispute" for these purposes. This underscores the intention of the drafters to restrict the Valletta Mechanism to state-to-state disputes.

The first step requires one party to notify the other that it wants to establish the Valletta Mechanism. If the parties are unable to reach "common agreement" on the composition of the Mechanism within 3 months after one party has notified another of its intention to establish the Valletta Mechanism, the Director of the Conflict Prevention Center will, in consultation with the parties to the dispute, select from the register a number of names less than six. If the Director of the Conflict Prevention Center is a national of any of the States involved in the dispute, his or her functions will be performed by the next most senior official who is not such a national.

Each disputing party has one month to reject, if it wants, up to three of the nominees from those selected by the Director--such rejections will be confidential. In the event that all of the names selected by the Director are rejected by the disputing parties, the *nominating institution* itself (i.e., the Conflict Prevention Center)--as opposed to its senior official--will select from the register an additional five names which have not been included in the "initial nominations." It is unclear whether "initial nominations" means only those nominations made by the disputing parties, or includes the second round of six names selected by the CPC Director.

Each disputing party has 14 days to reject, if it wants, one of the five names selected by the nominating institution, the Conflict Prevention Center. Such rejections will be confidential.

The persons nominated or selected are collectively known as "the CSCE Dispute Resolution Mechanism" or the Valletta Mechanism.

What is the scope of the Valletta Mechanism?

The Valletta Mechanism is designed for use between *not more than two* disputing parties. The reference to "other party or parties to the dispute" in section IV of the Report is inconsistent with the footnote on page 9 of the Report, which states that, "The problems arising when the parties are more than two will require further consideration."

Ironically, the primary function of the Valletta Mechanism is not to resolve disputes, as its name might lead one to believe. On the contrary, it is designed to be a less intrusive intermediary step that would facilitate the resolution of disputes *by the parties themselves* without actually being directly involved in the dispute resolution process. This reflects the view that imposed solutions are often unsuccessful in the long term.

Accordingly, the Valletta Mechanism "will seek appropriate contact with the parties to the dispute, separately or jointly. The Mechanism will adopt its methods of work, proceeding in such informal and flexible manner as it may deem practical." The Valletta Mechanism "will seek such information and comments from the [disputing] parties as will enable it to assist the parties in identifying suitable procedures for the settlement of the dispute. The Mechanism may offer general or specific comment or advice."

Limitations on the functioning of the Valletta Mechanism

1. "The procedure [for implementing the Valletta Mechanism] will not apply if the dispute has previously been dealt with, or is being addressed, under some other procedure for the settlement of disputes, as referred to in section VIII, or is covered by any other process which parties to the dispute have adopted."

Section VIII states that, "The comment or advice of the Mechanism may relate to the inception or resumption of a process of negotiation among the parties, or to the adoption of any other dispute settlement procedure, such as fact-finding, conciliation, mediation, good offices, arbitration or adjudication or any adaptation of any such procedure or combination thereof, or any other procedure which it may indicate in

relation to the circumstances of the dispute, or to any aspect of any such procedure."

On its face, this can be read to mean that if a dispute has been previously dealt with in the framework of another dispute procedure, including fact-finding, conciliation, mediation, good offices, arbitration or adjudication, then the Valletta Mechanism may not apply. It is unclear how this provision is to be reconciled with section IV of the Provisions, which permits the establishment of a Valletta Mechanism when other dispute resolution procedures have failed.

2. Rejections of potential Valletta Mechanism members by the disputing parties are confidential.

3. The proceedings of the Valletta Mechanism, unless otherwise agreed by the parties, will be confidential.

4. Any comment or advice offered by the Valletta Mechanism, unless otherwise agreed by the parties, will be confidential.

5. The Valletta Mechanism may not be established or used "if another [read: either] party to the dispute considers" that "dispute raises issues concerning its territorial integrity, or national defense, title to sovereignty over land territory, or competing claims with regard to jurisdiction over other areas." (Section XII of the Provisions.)

6. "If . . . the parties are nevertheless unable, within a reasonable time, to settle the dispute or to agree upon a procedure for its settlement, any party to the dispute may so notify the Mechanism and the other party to the dispute. Any party may thereupon, consistent with the provisions of section VI, paragraph 2, bring that circumstance to the attention of the Committee of Senior Officials." (Section IX.)

Section VI, para. 2 states, "Unless the parties agree otherwise, the proceedings of the Mechanism and any comment or advice offered by it will be confidential, although the

fact that the Mechanism has been established may be acknowledged publicly."

Together, these provisions could be interpreted to mean that if parties are unable to settle their dispute within an unspecified time, they may notify the Committee of Senior Officials of this fact, but may not discuss with the Committee the proceedings of the Valletta Mechanism or details of the dispute.

7. If the section XII exceptions clause has been invoked, either party may "bring that circumstance to the attention to the Committee of Senior Officials." Taken at face value, this would mean that only the fact that the exceptions clause has been invoked can be brought to the attention of the Senior Officials, not the underlying dispute.

Counter-Limitations

1. In the event the Valletta Mechanism has been unable to assist the parties in identifying suitable procedures for the settlement of the dispute "within a period of 3 months from any notification" [i.e., step one, the date when one party tells another it wants to establish a Valletta Mechanism under section IV], any party may "request the Mechanism to provide general or specific comment or advice on the *substance* of the dispute." (Emphasis added.) Recall that it may take up to 1 1/2 months from the date of notification just to establish the Valletta Mechanism.

2. Disputing parties may, by mutual agreement, go beyond the provisions of the Valletta Report.

3. "Nothing stated in the foregoing will in any way affect the unity of CSCE principles, or the right of participating States to raise within the CSCE process any issue relating to the implementation of any CSCE commitment concerning the principle of the peaceful settlement of disputes, or relating to any other CSCE commitment or provision." (Section XV.)

Unanswered Questions

Who acts on behalf of the "nominating institution"?

In the event that all six names selected by the Director are rejected by the disputing parties, the *nominating institution* itself (i.e., the Conflict Prevention Center)--as opposed to its senior official, the Director--is supposed to select from the register an additional five names which have not been included in the initial nominations. However, the CPC itself is not a person, and it is unclear who exactly would perform this function. There is a Consultative Committee based at the CSCE which consists of the representatives to the CSCE Confidence- and Security-Building Measures. It is unlikely, though, that this body would be able to reach a consensus on selections given that it would contain representatives from the two disputing parties which cannot themselves reach agreement on this subject.

Who pays for the Valletta Mechanism?

"Any expenses incurred in utilizing the CSCE Dispute Settlement Mechanism, *other* than those incurred by the parties to the dispute for the conduct of the proceedings, will be shared equally between the parties to the dispute *unless they agree otherwise.*"

This provision carves out an exception (those expenses incurred by the parties to the dispute for the conduct of the proceedings) but doesn't say who will pay for them. If this meant that the disputing parties would pay for them, wouldn't that clause read, "*including* those incurred by the parties to the dispute for the conduct of the proceedings . . ." ? Does this mean that the disputing parties pay for "any expenses incurred," etc., and the 34 CSCE countries share the rest of the burden ("those incurred by the parties to the dispute for the conduct of the proceedings") according to the proportions established in the Paris Charter?

Presumably, the clause "unless they agree otherwise" could mean that the two disputing parties agree to split their

costs 60-40, instead of 50-50 (for example). Could it also mean that two disputing parties can agree to shift the expenses of their establishment and use of a Valletta Mechanism--costs which have no ceiling in the Valletta Report--to the other participating States?

What if there are more than two disputing parties?

The Valletta Report does not establish procedures for using the Valletta Mechanism when there are more than two disputing parties. The footnote on page 9 of the Report states that, "The problems arising when the parties are more than two will require further consideration."

STATEMENTS BY THE U.S. DELEGATION

**Opening Statement
by Michael K. Young**

**Head of the United States Delegation
to the Valletta CSCE Meeting
on Peaceful Settlements of Disputes**

January 16, 1991

Mr. Chairman, when last November our leaders signed the Paris Charter, it inaugurated a new era in our relations, made possible by the unprecedented scope and pace of change in Europe. In these early days of 1991, it is already evident that far-reaching and rapid change will also characterize the New Year.

It is in everyone's interest that this change should occur peacefully, in an environment that is conducive to the further political and economic development of the whole of Europe. The CSCE process has an important part to play. The participating States must do all they can to ensure that the promise of Paris is realized--not withered by strife and hardship, not crushed by a reversion to repressive methods and violence.

It is therefore with profound sadness that my government joins the many expressions of concern made around this table regarding the tragic situation in Lithuania and the other Baltic States. Soviet actions towards the Baltic States are utterly inconsistent with the principles of the Helsinki Final Act and the precepts of the New Europe envisaged at Paris.

The dramatic progress made in Paris was possible in part because Soviet leaders chose to embark upon the path of *glasnost*, *perestroika*, and democratization. These reforms have opened unprecedented opportunities for the peoples of the Soviet Union. They have also led to dramatic improvements in bilateral and international relations throughout the CSCE and world-wide.

Yet in stark contrast to the bright promise of Paris, and the principles of *perestroika* and *glasnost*, recent days have witnessed the brutal and systematic use of force, and the threat of further use of force, by Soviet authorities against peaceful and democratically elected governments, which represent the will of the people. Brutality also has been used against the citizens who peacefully support these governments. We join with fellow nations across the broad spectrum of the CSCE community in condemning such acts by the Soviet authorities. These acts have resulted in the death of innocent people; they have inflicted grievous injury; they threaten the vital process of reform in the Soviet Union; and, they cast an ominous shadow over the New Europe that we all seek to build.

Reiterating his strong determination to strengthen and encourage processes of peaceful change in the Soviet Union, President Bush has said, "Legitimacy is not built by force--it is earned by the consent of the people, by openness and by the protections of basic human and political rights."

Therefore, in keeping with my government's nonrecognition policy and in light of strong American support for the aspirations of the Baltic peoples to determine their future, my delegation echoes President Bush's appeal to Soviet leaders to refrain from further acts that might lead to more violence. This appeal is most appropriate given the emphasis here in Valletta on finding peaceful means of settling differences. We further urge the Soviet Government to pursue the path of negotiations and dialogue with the freely elected representatives of the Baltic States. And, in solidarity with the other deeply concerned states of the CSCE community, we call upon the Soviet Union to rejoin the path leading from Paris. This must be an important component of our work here--to act collectively and cooperatively to persuade the Soviet leadership to deal with the Baltics in full conformity with CSCE principles.

Here in Valletta, we have an opportunity to give concrete expressions to the commitment we renewed in Paris to settle disputes by peaceful means. My government has come prepared to

do all we can to join in moving the CSCE forward in the peaceful settlement field.

To this end, I would like to make three general comments about the New Europe and the relevance of our work to its development.

First, the best and most effective safeguard for peace is the development of deeply ingrained patterns of peaceful interaction at every layer of society and government. Habits of interaction cannot be imposed or merely proclaimed, however. They are formed through the pursuit of shared interests and under conditions of respect for agreed standards of conduct. For many of us, these habits are part and parcel of our daily engagement in the mainstream of European and international democracy. The Paris Charter envisions that a high degree of peaceful interaction among all signatory states will become the norm rather than the exception.

Second, I want to emphasize that the presence, rather than the absence, of disputes between countries, usual indicates a high degree of interaction and friendliness--necessarily hostility. The United States and its closest friends and allies are routinely engaged in disputes. And, routinely, we find all manner of ways to settle them peacefully. Our goal in CSCE, then, is not the absence of disputes between CSCE states. Rather, in our judgment, it is the effective application of peaceful means to settle the disputes that will certainly arise--and engendering an atmosphere where this is a matter of course.

Third, my government fully recognizes that finding peaceful solutions to disputes is of heightened importance to a Europe in profound transition. My government and I are convinced that CSCE's political and institutional development can help to ease Europe's transition and channel change in a positive direction. Together in CSCE, we can work to hasten the day when peaceful settlement is a routine and unremarkable daily practice throughout the continent and in the United States and Canada as well.

So let us turn now to the task at hand. We are in the favorable position in Valletta of having agreed in advance that CSCE can and should make its own contribution to the peaceful settlement of disputes. The real question before us is how our mission is best accomplished. As is clear from the many approaches and proposals that have been shared with my delegation, there is no single obvious answer as to how best to fulfill our objectives.

Because the identification of principles or guidelines remains a successful tradition in CSCE, I think a good start for this meeting would be to elaborate guiding principles governing the settlement of disputes. Such guiding principles could incorporate commitments, *inter alia*, to manage disputes pending their settlement, to settle disputes peacefully, to involve a third party where the parties have been unable to settle a dispute among themselves, and to encourage appropriate use of existing dispute settlement institutions.

Having elaborated such guiding principles, we could turn to promoting the successful implementation of such principles, and specifically address what role the CSCE could best play.

In our view, the key to successful implementation of the principles will be to draw lessons from practical experience. Experience teaches us that the most important pre-condition of successful dispute settlement is that the states concerned are satisfied with the particular method chosen. In fact, state practice reveals that states have been extremely creative in adapting traditional methods of dispute settlement, as well as devising new methods, to suit particular cases. By the same token, "one-size-fits-all" mechanisms, which are not suited to addressing the nuances of particular cases, have not been particularly successful.

Such lessons from the real world lead us to two conclusions concerning the direction in which the Valletta meeting should be headed, in the opinion of our government. First, we should not attempt to squeeze all disputes into a rigid mechanism, a Procrustean bed, if you will, no matter how ill-fitting such a mechanism might be--rather, we should design a system whereby we allow the

dispute settlement method to fit the nature and circumstances of the particular dispute. Second, an active and innovative role that CSCE could play would be to facilitate identification of the most appropriate dispute settlement method for a particular dispute. This sort of service, which would be process-oriented, would, in our opinion, have several considerable advantages:

- it would focus on what experience shows is the key to successful dispute settlement--finding the right method;
- it would direct attention to a critical area that is often overlooked in international practice as states frequently jump from their inability to settle a dispute either to the conclusion that the settlement is not possible or to a method of settlement with which they are not in the long run satisfied and is consequently therefore not likely to lead to a long-term resolution of the dispute;
- it is likely to be both useful and used; and
- it would put the CSCE in a position where it could lead the way internationally in the direction of what we perceive as the vanguard of modern dispute settlement efforts.

Of course, such a service would be available to CSCE states on a voluntary basis. In addition, however, given our anticipated guiding principle that states must involve a third party if they have been unable to settle a dispute among themselves, we could envision structuring the service in such a way that resort to it would be mandatory if the parties to a dispute had been unable to agree on an appropriate method for settling their dispute.

The question then arises what happens when the concerned states, having gone through such a process-facilitation, are still unable to agree on an appropriate peaceful settlement method? We could envision, in such a case, that the states concerned would be committed to mandatory facilitation concerning the substance of the dispute, along the lines of mediation, or perhaps conciliation calculated to aid in their resolution of the dispute.

Such facilitation would have several important features:

- First, it would operate only as a last resort--a "safety net." This is important because we do not want to either limit the flexibility of states to choose more appropriate methods or create a method that compete with existing dispute settlement regimes.
- Second, it would assist parties themselves in settling the dispute and would not take it out of their hands. This is important because a settlement method that allows the parties themselves to resolve the dispute both encourages interaction between the parties and makes it more likely that the final settlement will be a lasting one.
- Third, such a method, operating under CSCE auspices, would fill a vacuum in existing methods. This is important because if we are simply duplicating existing methods, we are not making an actual contribution to peaceful settlements of disputes.
- Fourth, it would be flexible enough to address not only disputes based on the enforcement of legal rights but the full range of potential disputes. This is important because certain methods are not suited to addressing all types of disputes.
- Finally, it would not exclude any category of topics from its reach. This is important because we will want to ensure that our last-resort CSCE method is capable of addressing the very types of disputes most likely to threaten peace and security in the CSCE region.

We believe that such an approach, which makes third-party involvement in process a mandatory intermediate step before third-party involvement in substance, and which makes third-party involvement in substance of a flexible, broad, and non-duplicative character, holds the best chance of providing a long-term contribution to the peaceful settlement of disputes within the CSCE. Such an approach would put the CSCE on record not only as theoretically supporting the peaceful settlement of disputes, but as taking practical, concrete steps to enhance the likelihood that disputes really will be settled peacefully.

Mr. Chairman, the United States is, as a country, deeply committed to peaceful settlements of disputes, both domestically and internationally. We have extensive experience with peaceful

settlement methods and are routinely engaged in peaceful settlement efforts. U.S. citizens have made some of the most innovative contributions to the practice of successful dispute resolution. Notwithstanding our enthusiasm for this subject matter, however, I would introduce a note of caution with respect to this meeting. While we all agree that this meeting should have as its goal making a genuine step forward in the peaceful settlement of disputes, we should not mistake agreement *per se* for progress. That is, if we cannot find something that is actually a step forward, then we believe that we should be prepared to keep looking.

I am convinced that if the direction of our contribution is proper, then even a seemingly modest step forward will be an important step. On the other hand, if the direction of our contribution is ill-conceived, even a seemingly major step forward may well be only another monument to failure--beautiful on paper, but unused, unworkable, ineffectively, and, worst of all, potentially undermining the credibility of the CSCE process. We believe success will not necessarily be judged by the document achieved at the end of our meeting, but its use in 1991, 1992, and beyond.

To sum up, Mr. Chairman, the U.S. delegation is committed to working in Valletta to address any issue that other participating States wish to address and, through this process, to find the most practical and durable contribution that CSCE can make to the peaceful settlement of disputes.

Mr. Chairman, as Deputy Prime Minister de Marco said so eloquently last night, some might see it as cruel irony that our meeting opened on the very date that the United Nations set for Iraq's withdrawal from Kuwait. Like many of you, my delegation does not view the coincidence of dates as a contradiction. Quite the opposite. Iraq's brutal invasion of its peaceful neighbor only highlights the importance of the peaceful settlement of disputes. The Valletta meeting is a powerful symbol of the way international relations should and must be conducted in the new Europe and in the world at large.

Finally, Mr. Chairman, on behalf of my delegation, I would like to express my warmest thanks to the Government of Malta for its willingness to host this meeting, its generous hospitality, and the warmth and kindness that has been extended by its people. May I echo the sentiments of the distinguished French representative: may we be worthy of this auspicious setting. Thank you.

Statement of Michael K. Young

**Head of the United States Delegation
to the Valletta CSCE Meeting
on Peaceful Settlements of Disputes**

January 21, 1991

Mr. Chairman/Madame Chairwoman, at the outset of this meeting, nearly a week ago, many delegations here, including my own, appealed to the Soviet Union to cease its use of force in the Baltic States. We appealed to Moscow to seek a quick and peaceful settlement of its dispute with the Latvia, Lithuania, and Estonia. We appealed for the rule of the law over the rule of force.

Sadly, I have learned this morning that four Latvians were killed this weekend as Soviet forces stormed government buildings of the freely elected Latvian Government.

Mr. Chairman/Madame Chairman, once again I urge the Soviet Government to renounce the use of force against the peaceful citizens of the Baltic States and to take the necessary steps to demonstrate its commitment to all the principles of the Helsinki Final Act, including the peaceful settlement of disputes.

Thank you.

Statement of Michael K. Young

**Head of the United States Delegation
to the Valletta CSCE Meeting
on Peaceful Settlements of Disputes**

January 22, 1991

Thank you, Mr. Chairman.

This morning, the U.S. delegation distributed a nonpaper aimed at furthering our discussion on possible contributions that this meeting could make to the peaceful settlement of disputes. I would like to take a few minutes to explain our thinking in developing this non-paper.

Section 1 of the non-paper identifies general principles governing the peaceful settlement of disputes. Many of these principles have been voiced by other delegations; a few, however, have not and we believe that the meeting should consider them.

First, we have highlighted the desirability of having participating States develop and implement mechanisms to keep disputes from occurring (for example, arrangements for notification and consultation); in our view, it would be very disappointing if a meeting on PSD neglected to consider the importance of mechanisms designed to reduce the possibility that disputes will arise--or at least permit them to be dealt with at an early stage, while they are easier to resolve.

Second, we have stressed the importance of having parties to a dispute pick a mutually satisfactory method of resolving that dispute; as I stated in my opening statement, experience shows us that mutual satisfaction with the settlement method is a critical aspect of successful dispute settlement efforts.

Third, with respect to concerns that a possible disadvantage of creating a "subsidiary" method is that it may only rarely be used, we have made clear that participating States would always be free, on

a voluntary basis, to use either or both stages of the method in the first instance.

Now, I will turn to the "method" that we offer for discussion. We have called it the CSCE Facilitation Procedure."

The procedure, which would be implemented through the parties' selection of a "CSCE facilitator," would consist of two different types of third-party assistance:

- first, a stage designed to facilitate the parties' reaching agreement on a mutually satisfactory method of settling the dispute; and
- second, a stage designed to facilitate the parties' reaching agreement on the substance of the dispute.

The first stage of the procedure would be a mandatory one, that is, it could be invoked by any party to the dispute if negotiations had not led to a settlement of the dispute or to agreement on a method of settling it.

We would consider very important the inclusion of such a stage in a dispute settlement method:

- First, assisting parties by pointing them in the direction of an appropriate settlement method would focus on a critical aspect of successful dispute settlement that is often overlooked;
- second, assistance of this kind is generally unavailable;
- third, such assistance could increase the likelihood that the method chosen by the parties would lead to a satisfactory settlement in the long term and that there would be compliance with its terms; and
- fourth, it would put the CSCE in the vanguard of modern dispute settlement efforts.

The second stage of the procedure would focus on the substance of the dispute. This stage would be mandatory only if the first stage of the procedure failed to result in agreement on a settlement method.

This stage would be designed to keep the dispute in the hands of the parties and help them reach agreement among themselves. Unlike arbitration, the third party would not issue a binding decision. Unlike conciliation, the third party would not even issue a recommendation unless the parties requested one. Moreover, the process would be confidential, unless the parties agreed otherwise.

Some have said that this kind of procedure should be called "mediation"; others have called it "conciliation." To avoid confusion, we have simply called it "facilitation" and have sought to describe its characteristics.

We would see several advantages to such an approach:

- First, a procedure that leaves settlement of the dispute in the parties' own hands encourages "interaction" rather than "confrontation"--this is something we should promote as we seek to create a new Europe;
- Second, such a procedure could--if properly structured--fill a vacuum in existing methods rather than create yet another arbitration mechanism;
- Third, we believe that such a procedure would not be costly--at least compared with other more formal processes such as conciliation and arbitration;
- Fourth, the procedure is simple and does not require the creation of elaborate institutional structures;
- Fifth, and most important, such a procedure would be an appropriate means of addressing the full range of possible disputes. While I agree with those who are not comfortable with drawing a clean distinction between "legal" and "political" disputes, it must be acknowledged that certain settlement methods are more appropriate for disputes with certain characteristics. In our view, it is critical that our method be of a nature flexible enough to enable it to address the very security among CSCE states and the ones which my Minister wants me to address.

If we wanted to exclude the most important disputes from our method, i.e., those most likely to lead to deteriorations in relationships among CSCE states, there are a number of ways

we could do that: we could create a method which, by its nature, was incapable of addressing the full range of disputes; alternatively, we could create a method which created such a high level of discomfort that states felt that had to exclude such disputes from its reach. But I must be honest, if we were to exclude such disputes from the reach of our method, I believe we would have accomplished very little.

I would note that this nonpaper does not address all the details associated with our idea. We deliberately left many of these open both because we wanted to present the major outlines of the idea for discussion, and because we believe that, if the idea is considered worth pursuing, the details could be addressed in a number of different satisfactory ways.

I would also note that there are two ways in which a CSCE role could be imagined with respect to our approach: a technical role, and a political role:

- In terms of a technical role, it should be noted that our approach would be capable of functioning without any institutionalization. At the same time, if it were considered desirable, a CSCE institution could be given a technical role in implementing the approach by, for example, maintaining and updating the list of potential facilitators.
- In terms of a political role, we would imagine that the existence of PSD principles would make it legitimate for participating States to raise cases of noncompliance at appropriate CSCE meetings. This would include not only disputing States vis-a-vis each other, but other participating States as well if they considered that the principles were not being followed. In a sense, the political dimension of the CSCE will operate as the final "safety net."

I would also note that, when creating any system, the question arises what happens if the parties do not comply? To a large extent, we must rely on the good faith of the participating States to implement their CSCE commitments.

Mr. Chairman, let me close by stating that we have profited from the many ideas that have been shared around this table and we hope that our ideas will be of some use to other delegations as we consider the best way to carry out our mandate.

Statement of Michael K. Young

**Head of the United States Delegation
to the Valletta CSCE Meeting
on Peaceful Settlements of Disputes**

January 24, 1991

Mr. Chairman, this morning we note the presence in the public gallery of the Deputy Speaker of the Parliament of Estonia, Madam Lauristin. On behalf of my delegation, I would like to welcome her to our meeting.

Mr. Chairman, President Bush and Secretary of State Baker have already made clear that the United States condemns the use of force and intimidation by the Soviet Government against the freely elected governments of the Baltic States and their citizens. We have long advocated a genuine and peaceful dialogue between the Soviet Government and the legitimate representatives of the Baltic peoples.

Given our long-standing position of not recognizing the forcible incorporation of the Baltic States into the Soviet Union, we well understand the interest of Baltic representatives in the CSCE process. We also understand their interest in this CSCE meeting of experts on the Peaceful Settlements of Disputes, because the violence and force that have been employed in the past few days in the Baltic States stands in contradiction to the fundamental principle that disputes should be resolved by peaceful means.

Thank you, Mr. Chairman.

Statement of Michael K. Young

**Head of the United States Delegation
to the Valletta CSCE Meeting
on Peaceful Settlements of Disputes**

January 30, 1991

This morning, the Executive Secretariat distributed a proposal for consideration by this meeting. The proposal represents our attempt to modify our original nonpaper so as to reflect many of the constructive comments that have been made by our colleagues around this room. I would like to take a few minutes to point out these modifications.

Concerning section 1 of the proposal, which contains principles of peaceful settlement of disputes:

- first, we have added a new principle #1, based on the comment by many delegates that the best way for states to avoid disputes is for them to abide by international law and CSCE commitments;
- second, we have re-ordered the principles so that they follow a more logical progression from avoiding disputes; then, should disputes nevertheless arise, managing them to avoid conflict; settling them peacefully; choosing a satisfactory settlement method; and, finally, taking general steps to strengthen commitments to peaceful settlement of disputes;
- finally, several of you noted that some of the points that we called principles more properly belonged in the section on the CSCE method; we have thus moved the last three points of our nonpaper to that section.

Now, I will turn to the "method" that we offer for consideration.

As a preliminary matter, regarding the name of the procedure, many of you noted that "facilitation" may or may not be the best word for describing such a procedure. While we have strong views

about the substance of any procedure we might not agree to, our views about the name of such a procedure--provided that we all agree on the substance--are not strong. We have therefore put the word "facilitation" in brackets.

Now, many of you commented on three particular aspects of the procedure we outlined in our nonpaper.

First, many of you noted that we had not provided a means for selecting the third party, if the parties could not reach agreement and the individuals they selected could not reach agreement. You correctly noted that there must be a clear way to get around such an impasse. We have therefore, in paragraph 7, provided a means of selecting the third party. We have suggested the use of the Secretary-General of the Permanent Court of Arbitration. However, we are open to other ideas.

Second, many of you noted that there should be time limits built into the procedure. While we do not believe that time limits could be put on the negotiating process leading up to the use of the procedure--since every case will be different--we did agree that there should be time limits put on the selection of the third party. You will notice the inclusion of such time limits in paragraphs 6 and 7.

Third, many of you commented that the third party should be given the authority in advance to make his or her own suggestions to the parties for possible ways of settling the dispute.

We have given a great deal of thought to this idea. The reason why we have been reluctant to include such an authority was that we did not want to send the wrong signal to the third party. That is, we did not want to give the third party the mistaken impression that we intend for him to serve as a kind of judge, with his or her primary responsibility to listen to the arguments of the parties and issues a ruling (even if that ruling is not binding). Such an impression would be quite wrong and would undermine the kind of procedure we are interested in creating--that is, an interactive procedure where the parties themselves, with the help of the third party, develop the solution to their problem.

After much reflection, however, we have concluded that, as long as it is clear from the rest of the text that the third party is not to act like a judge but is to help the parties reach agreement among themselves, we did not see a reason why the third party should not be given the authority--if he or she chooses--to provide suggested settlement ideas. Thus, you will see in paragraph 14 that we have added such an authority. I cannot stress strongly enough, however, that our ability to agree to such an authority would be contingent upon other indications in the mandate to the third party that the development of his or her own settlement ideas is not the third party's primary responsibility.

Finally, it should be noted that we have added a new section IV to the proposal which addresses the role of the CSCE political process in peaceful settlement of disputes. Many of you commented that, consistent with the CSCE tradition, the ultimate "safety net" for any method we develop here will be the CSCE political process. Specifically, any participating State will be able to raise within the CSCE political process issues related to the implementation of the principles and provisions that we agree upon here. This will serve as the best incentive for states to comply with such principles and provisions.

I hope this explanation has been helpful.

**CSCE DOCUMENTS RELATING TO
PEACEFUL SETTLEMENTS OF DISPUTES**

The Montreux Report
December 1978

REPORT

OF THE MEETING OF EXPERTS REPRESENTING THE PARTICIPATING STATES OF THE CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE, FORSEEN BY THE FINAL ACT OF THE CSCE IN ORDER TO PURSUE THE EXAMINATION AND ELABORATION OF A GENERALLY ACCEPTABLE METHOD FOR PEACEFUL SETTLEMENT OF DISPUTES AIMED AT COMPLEMENTING EXISTING METHODS

In accordance with the mandate of the Final Act of the Conference on Security and Co-operation in Europe and the relevant provisions of the Concluding Document of the Belgrade Meeting 1977, a Meeting of Experts representing the participating States took place at Montreux from 31 October to 11 December 1978 in order to pursue the examination and elaboration of a generally acceptable method for peaceful settlement of disputes aimed at complementing existing methods.

At the opening meeting the participants were addressed by Mr. Pierre Aubert, Head of the Federal Political Department, on behalf of the Government of Switzerland.

The participants adopted an agenda and proceeded to a general exchange of views after which several proposals aimed at complementing existing methods for peaceful settlement of disputes were submitted and discussed. A working paper based on the "Draft Convention on a European System for the Peaceful Settlement of Disputes" was submitted for consideration which put forward the following subsidiary and compulsory procedures: negotiation, inquiry, mediation, conciliation and arbitration. Another working paper was submitted for consideration which put forward a proposal of mandatory consultations as a possible method for peaceful settlement of disputes. A further paper was submitted which put forward the concept of a comprehensive method for peaceful settlement of disputes within specific subject areas, including appropriate mandatory features. Other proposals and ideas were put forward for consideration. Divergent views were expressed and no consensus was reached on specific methods.

The participants stressed the importance their governments attach to détente, which has continued since the adoption of the Final Act in spite of difficulties and obstacles encountered. In this context they underlined the role of the CSCE, the implementation of the provisions of the Final Act being essential for the development of this process.

The participants reaffirmed the adherence of their governments to the principle of peaceful settlement of disputes as enshrined in the Charter of the United Nations and in the Final Act of the CSCE. They also stressed the significance of elaborating, in accordance with the mandate contained in the Final Act, a method for peaceful settlement of disputes.

The participants agreed on a common approach to the elaboration of a method for peaceful settlement of disputes between or among the participating States which should be based on the following:

- consistency with the principles and the purposes of the Charter of the United Nations and with the Final Act of Helsinki, especially principle V of the latter document;
- consistency with sovereign equality of States and the free choice of means;
- experience and the treaty and diplomatic practice and the views of all the participating States in this field;
- acceptability to all participating States irrespective of their political, economic or social systems as well as of their size, geographical location or level of economic development;
- subsidiarity to existing methods and institutions for the peaceful settlement of international disputes;
- complementarity to existing methods so as to promote, in good faith and a spirit of co-operation, a rapid and equitable solution on the basis of international law;
- flexibility of the method;
- capacity for progressive development of the method.

The method to be elaborated should contribute to peace, security and justice in Europe, to the further development of détente and co-operation among the participating States.

The participants recommended that the participating States consider the possibility of promoting and extending the existing practice of including, in appropriate treaties among and between them, provisions for the peaceful settlement of disputes.

The participants recommended to the governments of States participating in the CSCE that they consider, at the Madrid Meeting, the possibility of convening another Meeting of Experts in order to pursue, on the basis of the Final Act, the examination and elaboration of a generally acceptable method for peaceful settlement of disputes aimed at complementing existing methods, taking into account the common approach set forth above, as well as the various proposals and ideas discussed at the Montreux Meeting.

The participants recommended that contacts between the governments of participating States continue in order better to acquaint themselves with each other's views on the subject of peaceful settlement of disputes.

The participants expressed their deep gratitude to the Government of Switzerland for the excellent organization of the Meeting and for the warm hospitality extended to them during their stay at Montreux.

The Athens Report
April 1984

REPORT

OF THE MEETING OF EXPERTS REPRESENTING THE PARTICIPATING STATES OF THE CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE, FORESEEN BY THE FINAL ACT OF THE CSCE AND THE CONCLUDING DOCUMENT OF THE MADRID MEETING, IN ORDER TO PURSUE, ON THE BASIS OF THE FINAL ACT, THE EXAMINATION OF A GENERALLY ACCEPTABLE METHOD FOR THE PEACEFUL SETTLEMENT OF DISPUTES AIMED AT COMPLEMENTING EXISTING METHODS.

In accordance with the mandate of the Final Act of the Conference on Security and Co-operation in Europe, in conformity with the recommendation contained in the Report of the Montreux Meeting of Experts, and in accordance with the relevant provisions of the Concluding Document of the Madrid Meeting 1980, a Meeting of Experts representing the participating States took place in Athens from 21 March to 30 April 1984 in order to pursue, on the basis of the Final Act, the examination of a generally acceptable method for the peaceful settlement of disputes aimed at complementing existing methods. The participants took into account the common approach set forth in the Report of the Montreux Meeting of Experts.

At the opening session the participants were addressed by Mr. Yiannis Capsis, Deputy Foreign Minister, on behalf of the Government of Greece.

The participants adopted an agenda and proceeded to a general exchange of views after which a number of proposals were submitted and discussed. A thorough discussion was held. Some progress was made in the examination of a generally acceptable method for the peaceful settlement of disputes aimed at complementing existing methods. Particular emphasis was put on ways and means of including a third party element in such a method. Divergent views were expressed and no consensus was reached on a method. It was recognized that further discussions should be pursued in an appropriate framework within the CSCE process.

The participants expressed their deep gratitude to the Government of Greece for the excellent organization of the Meeting and for the warm hospitality extended to them during their stay in Athens.

Athens, 30 April 1984

The Valletta Report
February 1991

REPORT OF THE CSCE MEETING OF EXPERTS ON
PEACEFUL SETTLEMENT OF DISPUTES, VALLETTA 1991

The representatives of Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech and Slovak Federal Republic, Denmark, Finland, France, Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg - European Community, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and Yugoslavia met in Valletta from 15 January to 8 February 1991 in accordance with the relevant provisions of the Concluding Document of the Vienna CSCE Meeting 1986 and the Charter of Paris for a New Europe, to consider the question of Peaceful Settlement of Disputes.

The representative of Albania attended the Meeting as observer.

The formal opening was attended by H.E. Dr. Censu Tabone, President of Malta, who gave an address of welcome. The Meeting was opened by the Hon. Professor Guido de Marco, Deputy Prime Minister and Minister of Foreign Affairs and Justice of Malta, who delivered the opening address on behalf of the host country. He also closed the Meeting.

Opening statements were made by Heads of Delegation of the participating States.

The Hon. Gianni de Michelis, Minister of Foreign Affairs of Italy, addressed the meeting.

A number of proposals were submitted for consideration by the Meeting.

The representatives of the participating States held a general exchange of views on the peaceful settlement of disputes. It was observed that developments in Europe and the world since the Vienna Follow-up Meeting had enhanced the importance of the Meeting, and that this was also reflected in the Charter of Paris for a New Europe, signed by the Heads of State or Government of the participating States on 21 November 1990.

During their deliberations, the representatives of the participating States took note of the fact that the States were already bound by a number of agreements containing various methods for a peaceful settlement of disputes, and that, in practice, they made use of an even greater variety of such methods. It was noted in particular that many participating States have devised innovative approaches to dispute settlement designed to suit the characteristics of particular disputes, as well as developed arrangements aimed at preventing or managing disputes, such as notification and consultation arrangements, and the establishment of *ad hoc* and permanent joint commissions. It was also noted that many participating States were parties to the 1899 and/or 1907 Hague Conventions for the Pacific Settlement of International Disputes, and that many of them have accepted the jurisdiction of the International Court of Justice, in accordance with the Statute of the Court.

Following their deliberations, the representatives of the participating States adopted this Report.

PRINCIPLES FOR DISPUTE SETTLEMENT AND PROVISIONS FOR A
CSCE PROCEDURE FOR PEACEFUL SETTLEMENT OF DISPUTES

INTRODUCTION

The commitment of the participating States in the Conference on Security and Co-operation in Europe (CSCE), laid down in Principle V of the Helsinki Final Act, to settle disputes among them by peaceful means represents one of the cornerstones of the CSCE process. This commitment is reaffirmed in the Vienna Concluding Document and the Charter of Paris for a New Europe.

In accordance with the Helsinki Final Act, all ten principles of the Declaration on Principles Guiding Relations between Participating States are of primary significance and, accordingly, apply equally and unreservedly, each of them being interpreted taking into account the others.

In the Charter of Paris for a New Europe the participating States solemnly pledged their full commitment to these ten principles, in order to uphold and promote democracy, peace and unity in Europe. They expressed their conviction that in order to strengthen peace and security among the participating States, the advancement of democracy, and respect for and effective exercise of human rights, are indispensable. They also reaffirmed the equal rights of peoples and their right to self-determination in conformity with the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States.

Full implementation of all CSCE principles and commitments constitutes in itself an essential element in preventing disputes among the participating States.

In accordance with international law and in particular the Charter of the United Nations, and also in accordance with the relevant principles of the Helsinki Final Act, threat or use of force must not be resorted to in order to settle disputes between States. Such disputes must be settled through peaceful means in accordance with international law. All States must comply in good faith with their obligations under the generally recognized principles and rules of international law with respect to the maintenance of international peace and security.

The existence of appropriate dispute settlement procedures is indispensable for the implementation of the principle that all disputes should be settled exclusively by peaceful means. Such procedures are an essential contribution to the strengthening of the rule of law at the international level and of international peace and security, and justice.

International disputes are to be settled on the basis of the sovereign equality of States and in accordance with the principle of the free choice of means in conformity with international obligations and commitments and with the principles of justice and international law.

Agreement, whether ad hoc or given in advance, between the parties to a dispute upon procedures for its settlement, appropriate for the parties concerned and the characteristics of the dispute, is essential for an effective and lasting system for the peaceful settlement of disputes.

Compliance with binding decisions reached through procedures for the peaceful settlement of disputes is an essential element in any overall structure for the peaceful settlement of disputes.

PRINCIPLES FOR DISPUTE SETTLEMENT

General

1. The participating States reaffirm their commitment to abide by international law and their determination to respect and fully implement all CSCE principles and provisions.
2. In conformity with international law, including the Charter of the United Nations, and in accordance with the relevant CSCE principles and provisions, the participating States will refrain from resorting to the threat or use of force to settle their disputes, and will seek a peaceful settlement thereof.
3. The participating States recognize that recourse to, or acceptance of, a settlement procedure freely agreed to by States with regard to existing or future disputes to which they are parties is not incompatible with the sovereign equality of States. A request to have recourse to a settlement procedure does not constitute an unfriendly act.

Dispute prevention

4. The participating States will seek to prevent disputes and to develop, utilize, and improve mechanisms designed to prevent disputes from occurring, including, as appropriate, arrangements and procedures for prior notification and consultation regarding actions by one State likely to affect significantly the interests of another State.

Dispute management

5. Should disputes nevertheless occur, the participating States will take particular care not to let any dispute among them develop in such a way that it will endanger international peace and security, and justice. They will take appropriate steps to manage their disputes pending their settlement. To that end, the participating States will:

(a) address disputes at an early stage;

(b) refrain throughout the course of a dispute from any action which may aggravate the situation and make more difficult or impede the peaceful settlement of the dispute;

(c) seek by all appropriate means to make arrangements enabling the maintenance of good relations between them, including, where appropriate, the adoption of interim measures which are without prejudice to their legal positions in the dispute.

Dispute solution

6. As laid down in the Helsinki Final Act and subsequent relevant documents, the participating States will endeavour in good faith and in a spirit of co-operation to reach a rapid and equitable solution of their disputes on the basis of international law, and will for this purpose use such means as negotiation, enquiry, good offices, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice, including any settlement procedure agreed to in advance of disputes to which they are parties. To that end, the participating States concerned will in particular:

- (a) consult with each other at as early a stage as possible;
- (b) in case they cannot settle the dispute among themselves, endeavour to agree upon a settlement procedure suited to the nature and characteristics of the particular dispute;
- (c) where a dispute is subject to a dispute settlement procedure agreed upon between the parties, settle the dispute through such procedure, unless they agree otherwise;
- (d) accept, in the context of the CSCE Procedure for Peaceful Settlement of Disputes and its scope of applicability, the mandatory involvement of a third party when a dispute cannot be settled by other peaceful means.

Information from participating States

7. The participating States will, upon request from a participating State involved in a dispute, make best efforts to provide information regarding appropriate methods for the settlement of such dispute.

Continued efforts

8. In the event of failure to reach a solution within a reasonable time through the method agreed upon, the participating States parties to the dispute will continue to seek a way to settle the dispute peacefully.

Strengthening of commitments

9. The participating States will strengthen their commitments relating to the peaceful settlement of disputes. To that end, they will in particular:
- (a) endeavour to include, in their future treaties, clauses providing for the settlement of disputes arising from the interpretation or application of those treaties, and to consider whether or not there is an appropriate role for a third party, be it mandatory or non-mandatory;
 - (b) refrain to the extent possible from making reservations to dispute settlement procedures;

- (c) consider withdrawing reservations they may have made regarding dispute settlement procedures embodied in multilateral treaties;
- (d) consider accepting the compulsory jurisdiction of the International Court of Justice, either by treaty or by unilateral declaration under Article 36, paragraph 2, of the Statute of the Court, and minimizing, where possible, any reservations attached to such a declaration;
- (e) if they have made such a declaration accompanied by one or more reservations or if they do so in the future, consider withdrawing such reservations;
- (f) consider submitting by special agreement to the International Court of Justice or to arbitration, using the Permanent Court of Arbitration, as appropriate, those disputes which lend themselves to such procedures;
- (g) to the extent feasible, become party to other appropriate treaties, and other international agreements on dispute settlement;
- (h) make wider use of international dispute settlement institutions;
- (i) consider accepting the jurisdiction of international bodies for the peaceful settlement of disputes or control mechanisms, established by multilateral treaties pertaining, *inter alia*, to the protection of human rights, or, as the case may be, withdrawing existing reservations in respect of such mechanisms;
- (j) examine means of establishing and strengthening mechanisms for securing compliance with binding decisions taken in the framework of the peaceful settlement of disputes;
- (k) work actively within the international community for the advancement of methods for the peaceful settlement of disputes.

Information to natural or legal persons

10. In relation to disputes between them that are of special relevance to particular natural or legal persons, the participating States will, as they deem appropriate, provide information to those persons and hear their views.

PROVISIONS FOR A CSCE PROCEDURE FOR
PEACEFUL SETTLEMENT OF DISPUTES

Section I

If a dispute arises between participating States, they will, without undue delay and in good faith, seek to settle the dispute through a process of direct consultation and negotiation, or seek to agree upon an appropriate alternative procedure of settling the dispute.

Section II

Without prejudice to the right of any participating State to raise an issue within the CSCE process, a dispute of importance to peace, security, or stability among the participating States may be brought before the Committee of Senior Officials by any party to the dispute.

Section III

The procedure described below will not apply if the dispute has previously been dealt with, or is being addressed, under some other procedure for the settlement of disputes, as referred to in Section VIII, or is covered by any other process which parties to the dispute have accepted.

Section IV

If the parties are unable, within a reasonable period of time, in the light of all circumstances of the dispute, to settle the dispute in direct consultation or negotiation, or to agree upon an appropriate procedure for settling the dispute, any party to the dispute may request the establishment of a CSCE Dispute Settlement Mechanism by notifying the other party or parties to the dispute.

Section V

1. A CSCE Dispute Settlement Mechanism consists of one or more members, selected by common agreement of the parties to a dispute from a register of qualified candidates maintained by the nominating institution. The register

comprises the names of up to four persons nominated by each participating State desiring to do so. No member of a Mechanism may be a national of, or permanently resident in the territory of any State involved in the dispute. By agreement between the parties, a Mechanism may include members whose names are not included in the register.

2. If the parties to a dispute have not reached agreement on the composition of a Mechanism within three months from the initial request of a party for the establishment of a Mechanism, the Senior Official of the nominating institution will, in consultation with the parties to the dispute, select from the register a number of names less than six. If the Senior Official of the nominating institution is a national of any of the States involved in the dispute, his functions will be performed by the next most senior official who is not such a national.

3. Each party (*) to the dispute has the right to reject up to three of the nominees. The parties will inform the nominating institution of the rejections, if any, within one month of having been informed of the nominations. This information will be confidential. After one month from the date of informing the parties of the nominations, the nominating institution will notify the parties of the composition of the Mechanism.

4. If the result of the above process is that all the nominees have been rejected, the nominating institution will select from the register an additional five names which have not been included in the initial nominations.

5. Each party to the dispute has now the right to reject one nominee. The parties will inform the nominating institution of the rejections, if any, within fourteen days of having been informed of the nominations. This information will be confidential. After the expiry of fourteen days from the date of informing the parties of the nominations, the nominating institution will notify the parties of the composition of the Mechanism.

(*) The problems arising when the parties are more than two will require further consideration.

Section VI

1. When the Mechanism has been established, it will seek appropriate contact with the parties to the dispute, separately or jointly. The Mechanism will adopt its methods of work, proceeding in such informal and flexible manner as it may deem practical.
2. Unless the parties agree otherwise, the proceedings of the Mechanism and any comment or advice offered by it will be confidential, although the fact that the Mechanism has been established may be acknowledged publicly.
3. The Mechanism may, if the parties so agree, use the premises and facilities of the International Bureau of the Permanent Court of Arbitration.

Section VII

The Mechanism will seek such information and comments from the parties as will enable it to assist the parties in identifying suitable procedures for the settlement of the dispute. The Mechanism may offer general or specific comment or advice.

Section VIII

The comment or advice of the Mechanism may relate to the inception or resumption of a process of negotiation among the parties, or to the adoption of any other dispute settlement procedure, such as fact-finding, conciliation, mediation, good offices, arbitration or adjudication or any adaptation of any such procedure or combination thereof, or any other procedure which it may indicate in relation to the circumstances of the dispute, or to any aspect of any such procedure.

Section IX

The parties will consider in good faith and in a spirit of co-operation any comment or advice of the Mechanism. If, on the basis of the proceedings of the Mechanism and of any comment or advice offered, the parties are

nevertheless unable, within a reasonable time, to settle the dispute or to agree upon a procedure for its settlement, any party to the dispute may so notify the Mechanism and the other party to the dispute. Any party may thereupon, consistently with the provisions of Section VI, paragraph 2, bring that circumstance to the attention of the Committee of Senior Officials.

Section X

The failure of a party to act upon any comment or advice of the Mechanism with regard to a procedure for the settlement of a dispute does not relieve any of the parties of the duty to pursue its efforts to settle the dispute by peaceful means.

Section XI

In the event referred to in the second sentence of Section IX, any party to the dispute may, within a period of three months from any notification, request the Mechanism to provide general or specific comment or advice on the substance of the dispute, in order to assist the parties in finding a settlement in accordance with international law and their CSCE commitments. The parties will consider in good faith and in a spirit of co-operation any such comment or advice of the Mechanism.

Section XII

1. Notwithstanding a request by a party under either Section IV or Section XI, the Mechanism will not be established or continued, as the case may be, if another party to the dispute considers that because the dispute raises issues concerning its territorial integrity, or national defence, title to sovereignty over land territory, or competing claims with regard to the jurisdiction over other areas, the Mechanism should not be established or continued.
2. In that event, any other party to the dispute may bring that circumstance to the attention of the Committee of Senior Officials.

Section XIII

The parties to a dispute may at any time by mutual agreement modify or adapt the present procedure as they may consider appropriate to facilitate the settlement of their dispute, *inter alia*, by agreeing:

- (a) to authorize the Mechanism either to conduct a process of fact-finding, or to entrust one or more persons, one or more participating States, or any competent CSCE institution, or any other body, with a fact-finding mission;
- (b) to request the Mechanism to undertake or organize any expert function in regard to the subject-matter of the dispute;
- (c) to request the Mechanism to report in any other form than provided in the foregoing;
- (d) to accept any comment or advice of the Mechanism as binding, in part or in full, with regard to the settlement of the dispute.

Section XIV

Any expenses incurred in utilizing the CSCE Dispute Settlement Mechanism, other than those incurred by the parties to the dispute for the conduct of the proceedings, will be shared equally between the parties to the dispute unless they agree otherwise.

Section XV

Nothing stated in the foregoing will in any way affect the unity of the CSCE principles, or the right of participating States to raise within the CSCE process any issue relating to the implementation of any CSCE commitment concerning the principle of the peaceful settlement of disputes, or relating to any other CSCE commitment or provision.

Section XVI

All parties to a dispute will implement meaningfully and in good faith the CSCE Dispute Settlement Procedure.

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The representatives of the participating States noted that the Council of Ministers for Foreign Affairs will take into account the Report of the Valletta Meeting at its first meeting in Berlin. In this context, the representatives of the participating States recommend that the Council establish the necessary arrangements in accordance with the Charter of Paris for a New Europe. They, furthermore, noted that the next CSCE Follow-up Meeting in Helsinki will assess the progress achieved at the Valletta Meeting. In this context, the representatives of the participating States consider that the commitments contained in the present Report as well as their implementation should be kept under review, bearing in mind the importance of enhancing the effectiveness of the procedure.

The representatives of the participating States expressed their deep gratitude to the people and the Government of Malta for the excellent organization of the Meeting and for the warm hospitality extended to them during their stay in Malta.

Valletta, 8 February 1991

Summary of Conclusions
of the Council of Foreign Ministers (Excerpt)
June 1991

ANNEX 3

PEACEFUL SETTLEMENT OF DISPUTES

Taking into account the Report of the Valletta 1991 Meeting on Peaceful Settlement of Disputes, containing the Principles for Dispute Settlement and the Provisions for a CSCE Procedure for Peaceful Settlement of Disputes, the Council establishes the following arrangements in accordance with the Charter of Paris.

The Council

1. designates the Conflict Prevention Centre (CPC) to act as the nominating institution in accordance with Section V of the said Provisions, and requests the Director of the Secretariat of the CPC to assume his functions accordingly under the overall responsibility of the Council;
2. invites each participating State desiring to do so to communicate as soon as possible and preferably by 30 August 1991 the names of up to four persons to be entered into the register of qualified candidates to be maintained by the nominating institution in accordance with section V of said Provisions;
3. decides that the mechanism will come into force as soon as forty nominations have been received by the Director;
4. instructs the Director of the Secretariat of the CPC to notify the full list of nominations as soon as the fortieth nomination is received and subsequently to notify any additions or revisions which may be made;
5. recalls the experience of the Permanent Court of Arbitration and its Secretary-General which should be drawn upon, if so agreed, when the CSCE Procedure for Peaceful Settlement of Disputes is implemented;
6. notes that appropriate use can be made of the premises and facilities of the International Bureau of the Permanent Court of Arbitration.