TUESDAY, NOVEMBER 14, 1995

Panel Three: Africa: Conflict, Compromise, and Managing Chaos

The commission met, pursuant to adjournment, at 1:00 p.m., in room 628, Dirksen Senate Office Building, Dorothy Taft, chief of staff of the Commission, presiding.

Ms. **Taft.** Good morning, everyone. I want to give you my warmest welcome for coming out on such a cold, wet morning, and we really appreciate your braving the elements to be here. My name is Dorothy Taft. I'm chief of staff for the Helsinki Commission, and I want to welcome you on behalf of Congressman Christopher Smith, who is the chairman of the commission, and Senator Alfonse D'Amato, who is the co-chairman of the Helsinki Commission.

Also, to begin, I want to express our thanks to the Heritage Foundation for allowing us to move the seminar to this venue on such a short notice. Because of the problems with the government budgetary situation, we had to move out of the legislative buildings. I also want to make it clear that the seminar is being presented on behalf of the Helsinki Commission and is not a part of the Heritage Foundation's work.

Also, Congressman Christopher Smith is not able to join us this morning, and so on his behalf I will read his statement so that we lay the foundation he had hoped to begin this morning. We're waiting for two of our presenters also to arrive. Reportedly they are on their way.

As we continue our seminar this morning, we will begin by examining the relevance of the OSCE model among African nations and make an overview of ongoing efforts by existing regional structures to address Africa's unique circumstances. The Helsinki process offered guidelines based on democratic principles and reinforced the dramatic changes which swept Eastern Europe and the new republics of the former Soviet Union.

Critics have argued that the Conference on Security and Cooperation in Europe was a forum of empty promises, but the process proved to encourage and amplify the voices insisting that CSCE nations adhere to agreed-upon principles. When citizens challenged the legitimacy of totalitarian rule and forced their leaders to recognize a government's accountability to its own people, the Helsinki process then provided a tested framework within which the peoples of the region could begin rebuilding their countries based on human rights and fundamental freedoms.

In 1991, while the world's attention was focused on changes sweeping the former Soviet Union and Eastern Europe, an important process was started that sought to join African nations in a framework promoting mutual security, stability, development and cooperation. That process, which was the subject of a July 1991 Helsinki Commission hearing, was known as the Conference on Security, Stability, Development and Cooperation in Africa, the CSSDCA.

In May 1991, more than 500 individuals, including many heads of state, met in Kampala, Uganda, to discuss and map out a freedom charter for Africa. The Kampala meeting reflected an attempt by Africans from all walks of life to influence their government and play a role in Africa's challenging future, and demonstrated their determination to seek societies based on rule of law and fundamental notions of justice.

Kampala participants set forward commitments for representative government and participatory democracy. The participants believed that without democracy and respect for human rights by their respective governments, Africa would not achieve stability, nor economic growth. Yet while the CSSDCA Kampala document represented a search by Afri-

cans themselves for common denominators among the value systems which shape Africa—a search which could have produced a blueprint for Africa's future—the process seems to have fallen victim to internal African politics.

The Kampala gathering was unique in that a non-governmental organization, the African Leadership Forum, organized it. Representatives of this group are with us today. However, its leader, General Obasanjo, is now in a Nigerian prison. Additionally, initiatives undertaken by the Organization for African Unity in conflict prevention, which borrowed substantially from the CSSDCA, has faltered. There is much to be learned from the failures of the CSSDCA process in the succeeding years, and the panelists will offer their views on this.

It would seem that the tragic crises that plague Africa—the civil wars, the abject poverty, environmental degradation and strangling debt—can only be resolved when all peoples of each African state become engaged. Much like the Helsinki experiment, success will depend on the degree to which the citizens are involved. Many in Africa have urged their governments to make commitments to a process by which all African states may work together to solve the long-term problems in the region. New political leaders and citizens are challenging some oppressive regions to forge political systems and economic programs more genuinely attuned to Africa. We should remember that it was the citizens of the CSCE states, not their governments, who brought the empty promises of Helsinki to life.

I'll turn the program over to our moderator, Ambassador Chester Crocker. We appreciate your being here today with us.

Mr. **Crocker.** Thank you very much. As has been indicated, my name is Chester Crocker and I am affiliated with Georgetown University and also chairman of the board of the U.S. Institute of Peace. I'm speaking this morning on my own personal behalf, not that of any of the institutions that I have mentioned. I think it's fair to say that we are the essential workers here this morning as defined by the weather and the shutdown of the government. The numbers coming into this part of town are somewhat reduced. However, what we are looking for, of course, is quality, not quantity. So we're very pleased that you all could make the effort to be with us.

I'm going to reverse the order a little bit that I discussed with the organizers because we are one panelist short. I think the right thing to do is to ask Ambassador Otunla to kick off, and I will introduce him, and then I'm going to ask Janet Fleischman to say a word or two on her behalf and on behalf of her organization. I will speak after that on the assumption that Gabriel Negatu does not show up. If he does, I'll give him a chance. But I would prefer to do it that way, if it's OK with the organizers.

It's particularly appropriate that Ambassador T.A.O. Otunla is here with us. He has flown in from Nigeria to be with us. He serves as the director of the African Leadership Forum, which, as you all know, I'm certain, was the leading dynamic organization that led to the holding of the Kampala conference in 1991 and was in many ways the father of the concepts of CSSDCA. He is here representing the African Leadership Forum. Before holding that position, he served in the Nigerian foreign service for many years.

He headed the Nigerian diplomatic missions in a number of African countries, including Harare and Accra. He has served as special adviser to General Obasanjo, who is the founder, really, of the Leadership Forum and the key mover and shaker behind the Kampala conference. Ambassador Otunla has served as special adviser to the Commonwealth

of Eminent Persons Group in its efforts during the mid1980's to promote diplomatic and political opening in South and Southern Africa. He's held many jobs in his country's service.

And it's with great pleasure, Ambassador Otunla, that I give you the microphone and ask you to make some opening comments. We welcome you here.

Mr. **Otunla.** Thank you very much, Ambassador Crocker. It is a pleasure to see you again after many years in Southern Africa, crossing paths. I'm also very happy to be here, on behalf of the ALF, the African Leadership Forum, and I alway say all of Africa and myself. I thank the Helsinki Commission for this opportunity for us to participate in the review of the relevance of the Helsinki process to all the parts of the world.

Yesterday I listened to the Asia group, and I was struck by the concern for the debate on the universality and relativity of values in the world in regard to human rights. We will always stumble on this obstacle, but one thing is clear: Humanity at large shares many fundamental values. The right to liberty is one of them, and that's the underpinning factor for human rights struggles all over the world today.

The ongoing political impasse here in Washington between Congress and the White House demonstrates to me the spirit, magic and danger that come with democracy. Here we are, near certain that security, stability, development and cooperation are not under threat in the United States. The chairman of the U.S. Joint Chiefs of Staff is not likely to go on television to announce the suspension of the U.S. Constitution and send President Clinton back to Arkansas and congressmen and women back to their different states.

But when you move out of North America, Western and increasingly Eastern Europe, a crisis of this nature has fundamental significant implications for the locus of political power. I am happy to be here at this moment watching this ongoing one. There will be, as the presence of Ambassador Chester Crocker here reminds me, a constructive engagement between the White House and Congress, and the business of running the United States will continue.

In most parts of Africa today, the democratic way is in serious jeopardy, endangered, in fact, denying room for security, stability, development and cooperation. Africa, as a result, is a world in chaos. To the extent that I don't expect the delinking theory proffered, the chaos becomes a threat to world security, to world stability, development and cooperation. Our economic migrants are pressing on the industrialized world. Our vulnerability in the struggle with the drug problem, our persistent poverty, our debt burden, are all a direct cause and consequence of the interconnection between our world and that of the OSCE nations.

Like the ghetto and urban poverty problems of the rich industrialized nations, Africa's problems cannot be wished away or ignored. It has to be addressed. For more than 30 years now, the colonizing states of Western Europe and the states of North America have, in different ways, had to address Africa's problems with various forms of technical assistance, grants, aid, multilateral arrangements—the World Bank and the IMF—private-sector engagements on the continent. Sadly, the chaos persists.

What is necessary now seems to be a mechanism that demonstrates success on his home terrain. It's appreciated by Africa, recommended and encouraged by the originators for Africa. This, to my mind, is the relevance of the Helsinki process. I ought to add that before I left my fringe of the world, which Lagos has become, there is no direct link any more by air with the United States because of our own local problems.

All I was asked to come and do here is to talk about the relevance or irrelevance of the OSCE experience for Africa. Last night they gave me a set of guiding questions which have reshaped my presentation. I intend, when I have finished, to look quickly at these questions and react to them.

It is also the vision of the founder and chairman of the ALF, the former head of state of the Federal Republic of Nigeria, General Olusegan Obasanjo, currently serving a prison term of 15 years for his political beliefs. There was a strong likelihood that he and more than 30 others would have been executed a month ago but for the strong intervention and pleas for clemency by the world's leaders, especially leaders of the Helsinki process nations. Worst still, nine other Nigerians were executed last week, and the whole world is isolating the military administration in Nigeria, and hopefully forcing it to quicken the pace of democracy in Nigeria.

General Obasanjo and ALF believe that we must act, move upstream as it were, and contain and reduce the drift toward chaos on the continent of Africa. The African Leadership Forum, as the first speaker mentioned, initiated with the United Nations Economic Commission for Africa and the Organization of African Unity, as well as a host of African leaders, a Conference on Security, Stability, Development and Cooperation in Africa.

The Kampala document—I have a copy here, and the ALF will be too happy to let interested organizations or individuals to have copies—the Kampala document was adopted by the 1991 OAU assembly of heads of state, and the ALF has been working at different levels and fora to get the process on track and moving. As you heard also earlier on, we are not making as much progress as we would like, for reasons, some of which are peculiar to African diplomacy. When we start exchanging ideas, that will come up.

I would today like again to thank the OSCE for the support it has given so far to the ALF project. The OSCE's success—the tools it has fashioned—will continue to be relevant because they are compellingly demonstrative of factors that can only lead to its replication in Africa and Asia. Clearly one could say the world is made safer for democracy. The ALF plans to continue its work with the OAU discussions, contacts, and all other agencies to realize the ambitious program of the CSSDCA, as we call the Conference for Security, Stability, Development and Cooperation in Africa.

It is necessary for me at this stage to recognize the contributions of the OAU forum, and one can go back to the liberation committee, which played a central and pivotal role in the liberation of Southern Africa—its conflict management efforts sometimes preemptive and sometimes, under crisis, peacemaking. In spite of the serious constraints of very scarce resources that typify the life of the OAU, I have been asked, "Are existing structures enough?"

I would like to assert that the Helsinki process and the joint initiative led by the ALF, the CSSDCA process, are not distant labor structures. Structures and frameworks are important as vehicles, but the engine of change is a direct function of the awareness, consciousness and the general political will which fire the vision and idealism of the men and women building and working the process. The OSCE nations, the Helsinki Commission, will be advised to look to invest in developing this awareness, consciousness and general political will not only in Africa, where the case is almost life-threatening, but also in Asia and other parts of the world.

For Africa, the CSSDCA and the OAU's conflict management mechanism, its conciliation commission more recently, will find, sooner than later, a common platform for the

comprehensive principles and policy measures contained in the Kampala document and for General Obasanjo's vision. For now, Africa is comparable to a volcanic field, with flashpoints in many parts. This is the relevance of the Helsinki process to Africa: to help us in building and developing the general political will, the awareness and consciousness among the people in the leadership—may I repeat, among the people—so that the process, when in place, is fully internalized.

For now, let me conclude by stating that there is a continuum on which Africa must travel. It begins with security, which ensures stability, without which there cannot be sustainable development. In the absence of these, fear prevents cooperation in Africa. These factors working to ensure and empower anti-democratic forces and tendencies.

This is the self-evident relevance for the Helsinki process for Africa. The African Leadership Forum in 1996 plans to hold seminars, workshops in all the OAU subregions of Africa. The objective will be to sow the seeds of the CSSDCA anew and upstream. There will also be a conference of parliamentarians to ensure that areas of democratic life in Africa have a sharpened awareness and consciousness as the CSSDCA continuum ought to be taken as a target for the governments and peoples of Africa.

In all this, the OSCE is enjoying the success of its 20-year-old process. It must leave room, though, for a little platform for Africa and other regions of the world. We, too, need democracy, security, stability, development, cooperation, to make the space safe for suburbia, as it were. References have been made to my dear country, Nigeria, and the turbulence we are going through. We are going through a very dark passage right now, but we can only go forward to democracy. There will, I dare say, be more matters, but I have no doubt about the potency of instruments like the CSSDCA for enabling Africa, including Nigeria, and probably more so, to travel safely on that continuum.

If I may, a number of questions which should have guided what I talked about were delivered to me last night. If I may have your kind permission, and if I haven't taken too long already——

Mr. **Crocker.** No, go for it. Please.

Mr. **Otunla.** Thank you. I will. I will just take about four or five of these 14 questions and address them quickly.

No. 3, for example, says, "The CSSDCA process, which culminated in the Kampala document, included modified CSCE elements believed to be suitable for Africa. In your opinion, what have been the major obstacles to the realization of provisions modeled on the Kampala document?"

As I was saying, certain peculiar stylistic problems in African diplomacy have stalled rather than brokered the CSSDCA process. But we are used to this. Ambassador Crocker is used to this. We tend to reduce those things to one on one in African diplomacy. It doesn't allow for the grand stage. I think the Kampala conference was a grand stage which was not in an Africa dominated by government. I'm in the Heritage Foundation building, and I believe one of the standing logos there is "big government can't be good." In Africa, it's not just big government; it's dominant, big-brother government. So we at the ALF are now reducing action to styles that work, that are better appreciated on the continent. I have no doubt we will succeed in making more progress.

The absence of the chairman of the ALF will hamper progress, but as I was saying to Ambassador Crocker, the wonderful thing about dictatorships is that, whenever they

have managed to lock people up, they have always failed to close contact with such people. The Nigerian case is not different.

"What role, if any, can the United States play in the development of regional structures in Africa?" I have said, yes, structures are necessary as vehicles, but it will be more meaningful and more successful if the United States government and people helped NGOs like the ALF in working for the spirit of democracy. We have, in the last 30, 35 years, built all sorts of structures. We have senates in Africa. We have senatorial committees. My country, in '79 to '83, went through all of this, spending much money, but one fine morning it was all blown away.

So I am beginning to wonder whether structures as such have the pride of place that they have in the industrialized nations, and whether we should not now accept that in Africa. They are already there. There is need for everyone who loves democracy, who wants democratic governments in Africa, to let us reach the people who have for so long been neglected. There have been cases in the past 30 years where governments of the industrialized nations and powerful nations have dealt with anyone, and I mean literally anyone, who happens to be sitting on the chair.

All these attitudinal directions have to change. The United States governmental people, we hope, will continue. I was saying to Ambassador Crocker we Nigerians are very appreciative of all that the United States government is doing to support the desires of the people of Nigeria for democracy.

I will take one last question here. The others, I'm sure, will probably emerge, and that says, "Some argue that Western nations assisted in the democratization of Eastern Europe, yet suppress this process in African nations for reasons associated with the cold war. Could you please elaborate on the theme as it relates to regional democratization efforts?"

I have never been one to be jealous. From the time Europe was coming together, it became very fashionable to talk about preferences for Eastern Europe, all the investment is now going to Eastern Europe instead of coming to Africa. However, I have always been practical about life. I, one, accept kiss-and-cane logic of human frailty. I will be very surprised if Western Europe abandoned its neighbors to swim across the Mediterranean and the Atlantic to continue to pump resources onto the African continent, especially in view of the rather poor performance or returns to such efforts.

But having said that, the world calls for a balance. I think we will get that balance because we ourselves on the African continent are not going to sit back. We're going to insist on initiatives of this nature that will enable us, persuade the West—or if there is anything by that in today's world—to give fair attention to our problems, which we want to solve ourselves, in our own way, of course, as I said in my intervention, using whatever tested tools. For this the Helsinki process is very relevant. It has a bag of tools, substantive, that we can learn a lot from, and we will take advantage of it if we can.

I'm so sorry, Ambassador Crocker. I have gone on so long.

Mr. **Crocker.** Not at all. Thank you very much, Ambassador Otunla. We're appreciative of your remarks. You were speaking from the heart and from a lot of experience, and I think everybody in the room recognizes that.

Our next speaker is Ms. Janet Fleischman, who is a widely recognized expert in the field of African human rights and advocacy. From 1983 through '89, she worked for Helsinki Watch, so she's no stranger to these kinds of discussions. She became a researcher

in the African division of Human Rights Watch, focusing on West and Central Africa in 1990, came to Washington in 1993. She's now the Washington director of Human Rights Watch Africa and currently also acting executive director of the organization. So we're looking forward to your comments.

Ms. **Fleischman.** Thank you very much. Having worked in the Helsinki division of Human Rights Watch in the '80's, these are subjects that are quite dear to my heart because I think there's an overlap that has been too often ignored in terms of the developments in Eastern Europe in the '80's and then what was going on in Africa, particularly in the early '90's, but still today. These are the kinds of areas that desperately need attention, and the links are important to note.

I was asked to talk about NGOs in Africa, and there's no better way to make that link between the Helsinki process and the events on the African continent to underscore the scene overlooked in Africa and the window opened that unfortunately may be closing because of the lack of attention to the NGO movement in Africa.

The NGO movement in the Helsinki process was a fundamental aspect of the institution of the Helsinki Accord. The Helsinki process and its component about respect for human rights and the ability of local groups to monitor human rights on their own led to the creation of Helsinki groups throughout the former Soviet Union and Eastern Europe; these Helsinki Watch committees, which were quickly repressed and which then sparked the creation of Helsinki groups in Western Europe, and in North America, to help do the work that the repressed Helsinki groups in Eastern Europe and the former Soviet Union were no longer able to do.

As they went underground, links were made between the groups in Eastern Europe and the former Soviet Union and western groups, and then, most dangerous of all to the governments concerned, inter-European—East-East communication, we used to call it in those days, was the most threatening thing to those governments. Obviously that has great echoes for Africa today.

With the end of the cold war, with the fall of the Berlin Wall, there was considerable echo in Africa to the events in Eastern Europe. Unfortunately, with the end of the cold war, Africa as a pawn in East-West relations effectively disappeared. There was no longer the need for the Soviet Union and the United States in particular to be using different countries as cold war staging grounds. So just when the rise in greater initiatives by civil society in Africa was increasing in power and significance, interest in the African continent was receding rapidly on the part of many Western and Northern nations.

In fact, the forces that underlay the vast movement for change in Eastern Europe—the students, the intellectuals, the workers, those who were looking ahead and saw very little, if any, hope for themselves economically, students looking ahead and realizing that they'd have no job, workers—the old adage used to be they pretended to work and the government pretended to pay them. All those tendencies were very much at play in Africa in the same way. Just as those forces led in Eastern Europe and the former Soviet Union to growing discontent and pushing from change, as we used to say, from below, very similar kinds of developments were happening in Africa—students in universities that barely have any chairs or blackboards or texts looking ahead and realizing that there'd be no jobs for them, the kind of economic misery just as we'd seen in Eastern Europe, this generalized repression that in the end of the day was affecting everyone.

Those same forces led to a real awakening and movement in Africa that was really quite exciting in the days of the late '80's and early '90's. You had a flourishing of the independent press, independent human rights organizations, pro-democracy movements, student groups, unions; all the aspects of civil society that were so cherished in Eastern Europe and ultimately led to so many changes.

Unfortunately, those forces in Africa were not given the kind of attention, were not given the kind of credit, and ultimately were not given the kind of support that the groups in Eastern Europe had been receiving for much of the '80's, and certainly the kind of recognition they got with the end of the '80's and the beginning of the '90's. It's hard to emphasize the impact that the events of Eastern Europe in '89-'90 had in Africa. I don't have the exact quote, but to paraphrase Omar Bongo, the president of Gabon, he had said at one point that the winds of change of Eastern Europe will never shake or will never rattle the coconut trees of Africa, something like that. It was a direct impact.

Unfortunately, this lack of echo translated into a lack of support, and I think it's a tribute to the activists in Africa that they have persevered with the number of activities that they have been. This is not to say that they are not beleaguered. The situation of Nigeria is perhaps the best because it illustrates the challenges and the aspirations of human rights activists all over the continent. Nigeria, more than anywhere else except perhaps South Africa during the '80's, illustrates the incredible resiliency and creativity and vibrancy of the NGO movement and civil society.

The Nigerian press and unions and pro-democracy groups and human rights groups and just individual activists have been an example for the rest of the continent for many years, despite the repression, despite the harassment, despite the imprisonment, often without charge or trial, of many leading activists. The movements have continued to shake the Nigerian establishment and continue to document, to publicize, to educate, to raise consciousness and to keep those of us outside Nigeria informed about what's going on in Nigeria. That was only underscored by the events of last week and the executions of Ken Saro-Wiwa and the eight other Ogoni activists.

Human rights groups and activists in Nigeria have been focusing on this case for a very long time. We have also been focusing on and illustrating the blatant disregard for even the most basic principles of due process and the rule of law. This case is an utter mockery of justice. The special military-appointed tribunal with no right of appeal would have been the thing you saw in Eastern Europe in the old days—a complete manipulation of the justice system because the government can do that. There are lots of similarities, and particularly in a case like Nigeria, where it is civil society that is under attack.

There are many echoes to what was going on in Poland or Czechoslovakia in the '80's, because those who were the most threatening to the government were the journalists and the organizers and the human rights monitors and the pro-democracy activists. They had different names and wore somewhat different hats, but it was the same communities and the same motivations that were propelling the activists in Eastern Europe, as those propelling the very vibrant and besieged community now in Nigeria.

I think it's also important to note that the human rights community in Africa could have played a very significant role in the kind of conflict prevention activities that are so often discussed today. In all the so-called failed states, collapsed states, African disasters, to the activists on the ground—these were not surprises. Activists on the ground could have told you what was going on. If you look at Liberia and Zaire and Rwanda and Nigeria and Somalia, these are all situations that when you went there, if you talked to

local activists before, they could tell you exactly what was going on and the kinds of potential for imminent disaster that were on the horizon.

Rwanda is perhaps the best example of that because we were getting faxes from our colleagues in the human rights movement in Kigali in the weeks preceding the start of the genocide. In March of '94 they were sending out frantic faxes saying, "Something is going on. The government is handing out arms to the militias. The tensions are rising. We don't quite know what's going to happen, but it seems like they're waiting for some excuse to launch something very big." Well, within a couple of weeks, genocide began. That is not a word I use lightly.

But I think it's very important that all institutions and all individuals interested in trying to help prevent future disasters in Africa look to the recent history and realize that the NGOs, the human rights monitors, are the ones who have been the best barometer of what's going to come to pass that one could find. I was actually speaking to someone the other day who said that intelligence sources in the U.S. would never have predicted that these executions would take place in Nigeria. Although none of us was prepared for the executions to actually be carried out so swiftly, there was an acknowledgement that the NGOs in Nigeria were much more on target and were raising the alarm bells in a much more serious way than anyone else was willing to take seriously.

So I think in any future-oriented look at how we can deal with the problems in Africa, there has to be a way to look at how the NGOs can be integrated into the process, how human rights can become a fundamental part of what this process is dealing with, and how, therefore, we can begin to try to prevent some of these disasters from taking place, because they don't come out of nowhere. I think that's been proven many times.

Repeating the same mistakes of the past, the U.N. has, in almost every case, failed to incorporate a human rights component into the mandate of these peacekeeping forces. You see that in Liberia. You see that in Somalia and in Angola and Mozambique. The one place that there was a human rights component integrated into the mandate in terms of the second mandate of the U.N. force, UNAMIR in Rwanda, it has been too weak and ineffective to actually achieve the goals that it set out to do. However, I think also one has to look very long and hard about why, time and time again, the U.N. fails to meaningfully incorporate human rights protection and promotion into the mandate of the peacekeeping forces.

I think it's important to look also in terms of positive examples and perhaps the way forward. I think the lessons of the Helsinki process clearly show that having human rights be a part of what these processes are looking at in trying to incorporate was very effective in Eastern Europe and the former Soviet Union. That has to be replicated in Africa. The integration of NGO activities has to be a part of what that process is seeking to achieve. One needs only look at South Africa to realize the richness of the potential.

I think that there is perhaps no better parallel in Africa to the South African example than that of Nigeria today. You have a regime that the international community is now trying to isolate; and at the same time you have an extremely vibrant NGO community. So one has to look at how this regime can be marginalized, funding completely cut off for the regime, and yet support—moral, financial, political—be funneled to those independent NGOs that are in the best position to try to show us the way forward.

Isn't that exactly what was going on in South Africa in the '80's, that there was an effort to help support the independent NGO communities while isolating the regime? I

think obviously the examples of South Africa also indicate that that should take economic forms as well in terms of codes of conduct for companies that will be operating in Nigeria today, just as they had been for South Africa.

One need only look at the oil industry in Nigeria today to realize the importance of bringing codes of conduct to bear on the situation in Nigeria. We at Human Rights Watch have gone as far as to call for the multinational oil companies to withdraw from Nigeria in protest not only the execution of Ken Saro-Wiwa and the other Ogoni activists, but also the pattern of increasing deterioration of respect for human rights and the rule of law.

I actually think that there is a lot of hope for bringing pressure to bear on repressive African governments by working with local African activists who are the most accurate barometers of what is to come in their countries and the most effective way of trying to really protect and promote human rights in their own countries. That clearly is part of what worked in the Helsinki process, and I think that we have to take a hard look at how we can make that work in the African context today.

Mr. **Crocker.** Thank you very much, Janet, for those very inspiring remarks. We're all looking for things to be inspired and hopeful about. And you've given us a lot to think about. We appreciate that.

Our third speaker is Mr. Gabriel Negatu, who is the director of the Federation of African Voluntary Development Organizations. He's been involved in this business which the previous speaker was just talking about for some 20 years, so we have a very nice byplay here in the sequence of speakers—20 years experience in the area of grass roots development, emergency relief operations, refugee assistance and anti-poverty programs, both here and there.

We look forward to your comment, Mr. Negatu.

Mr. **Negatu.** Thank you, Dr. Crocker. Let me begin by thanking the organizers for the opportunity to speak this morning. I am here speaking on behalf of FAVDO, which is the Forum of African Voluntary Development Organizations, which is an umbrella network of over 600 indigenous African institutions affecting sustainable development in Africa. I serve at its headquarters in Dakar, Senegal, and I serve as the director of the North America U.S.-Canada office here.

I've been asked to talk about the CSSDCA process in general and then talk about the question of economic liberalism versus political liberalism. I may not want to put it in such a sharp contrast, one versus the other, but I'll sort of try and touch on the issue of how we should look at the question of security and stability vis-a-vis the economic and political dimensions.

In general, the process, the conference, which was organized by the African Leadership Council which itself is an NGO process, was very encouraging. Our organization was also consulted and supportive of the initiative that gave birth to this process. That said, however, it remains an inter-governmental exercise, an exercise to be implemented, to realize its fullest potential through the perhaps the goodwill of government, and I think that partially explains where the process is found today.

Though NGOs had been consulted—in fact, there was a separate meeting of NGOs with the organizers for this process—and had endorsed the process, our experience, particularly with the OAU, tells us that once these things become institutionalized, the access, the ability to make an impact, to be an effective player in the process for NGOs is extremely limited. With our own experience with the OAU, it took us about 2½ years

to get observer status with the OAU. Even with that status it has really become a meaningless exercise.

So, while we uphold the principles around which the conference was organized, the mechanism by which it is intended to be implemented I think requires some further study.

Let me now get back to the question of economic security before political freedom, and also in relation to that answer some questions that have been put in the discussion papers. As I say, in principle the CSSDCA process and the goals and objectives stated therein, are noble and reflect perhaps the goodwill and best intention of some of Africa's finest sons and daughters. The people who came together to craft this and the non-Africans who are also party to this process, I think, laid out what is perhaps a very comprehensive code of conduct, code of governments that is to be commended.

However, the quest for security, stability, development and cooperation under the conference modeled after the OSCE faces some major structural deficits which have impacted on the implementation and continue to impact upon its implementation. I want to touch on two issues that I think have greatly impacted on the ability of the conference to be effective. One deals with the quality and scope of security being sought today versus what was sought 20 years ago when the Helsinki Commission was coming together. That quality and scope of security is much different today. The East-West ideological alignment and the attendant cold war fall-outs that gave rise to the creation of the Helsinki process no longer exist or no longer dominate society today, particularly in Africa.

That configuration has simply given way to other considerations. I think today in Africa the question of security or the need for security is not a form of protection from some ideologically based aggression, wars of aggression or invasion by one country of another, but rather the threat to security today is more along the lines of a struggle to meet the basic human needs in Africa. The threat is the threat that comes from hunger, deprivation, ignorance, injustice and so on. The basic needs that are lacking that sort of fall under the basic needs rubric. Those are the real threats that face many Africans today, and not the cold war thing that gave rise to the Helsinki process.

Perhaps a stronger difference between what gave rise and subsequent success to the Helsinki process and to the conference in Africa relates to the need for a stronger economic basis to ensure and guarantee the implementation of the principles that were articulated by the African Leadership Council. The situation in Europe at the time of the Helsinki Commission, despite the cold war and despite the East-West configurations, Europe at the time had reached a certain level of economic stability and prosperity, at least enough prosperity to deter an abrupt and disruptive practices that we see in Africa today.

Europe as a society had a shared and collective sense of interest in a system, a sense of belonging in a system. That in my mind emanates largely from a stake in the economic stability of Europe at the time. Even those countries that were part of the Eastern Europe sphere, though they may not have had a strong economic prosperity, there was still a strong Soviet Union willing to underwrite this process or to bring about some semblance of economic prosperity, even if it meant subsidizing these countries. So there was a very strong economic basis for sustaining the implementation of this process in Europe.

Subsequently the stakes, the cost of any disruptive effort and any effort to operate outside the accepted norms of the international relations and so on, were simply not toler-

ated—not only by governments, but society, by civil society itself. People sensed a sense of stake in that society, largely among economic lines, but also at least in Western Europe along political lines. That phenomenon has been lacking and continues to be lacking in Africa today. In most instances in Africa today, people with little or no stake somehow manage to make a dash to a state house and assume state power and by that hold the country and the people as hostages and operate from that premise.

If we look at many countries in Africa, despite the wave of democracies and elections and so on that is taking place in the region, there persists a group of leadership. In some cases, I would even dare to say even among those that have been democratically elected states, governments, the ascension to power, whether it is through the ballot or the bullet, has become a lesson to loot the Nation. I can cite a couple of countries in both elected and non-elected governments where this has been the case, where governments simply positioned themselves as economic gatekeepers of a country.

I think Nigeria is perhaps the most classic of all, where a state immediately becomes, in the absence of a well-developed private sector, a well-developed middle class, a well developed diverse civil society composed of professional associations—human rights groups, farmers' cooperative—that acts as counterweights to police state domination of the economy. The government or the state simply becomes the economic gatekeepers and that almost becomes a carte blanche license to loot and loot until the very pool or until the very next government comes to power, and the cycle continues. This is what they perhaps facetiously call squeezing the orange syndrome, where each government that comes to power squeezes the people in the country harder and harder to get more juice out of the system.

In many countries it has created what you could call predatory states which have range-seeking missions. I mean, in some countries it's sympathetic, but the state apparently simply becomes a range-seeking system. I come from a background in economics, and wherever you have a strong state dominance in the economy, states do not create economic growth, but rather create range-seeking environments. This has been proven in Africa repeatedly.

Again, relating this back to the process of stability and security, the concept that I'm trying to get across here is that people with little or no stake in the system that assume power then to have no incentive at all to make things better. I think that's where this CSSCDA process has sort of this gaping hole in its implementation strategy, because it's like going back to the same beneficiaries and asking them to make things better. Any reasonable person would always look at the cost and benefit of these issues. There is clearly cost and no benefits for them to correct these situations.

Therefore I see the quest to implement the process—as noble as the principles are—through a system where these governments simply have no interest to bring this about—I see it as a flawed system. I'm not—again, going back to the economic issue, there have been arguments from both sides that the free market and so on does not necessarily produce the economic resources required for equitable growth, to give people enough interest in their own societies.

However, I take very strong positions against that, because those who don't think that or who are concerned about the markets not being—granted the imperfections of the market, but those who argue against a market not being a more stable or a way to a more stable form of government, those who are concerned about the invisible hand of the mar-

ket, I think should be more concerned about the not-so-invisible foot of the government in the economy, because that is precisely what seems to be killing the economies in Africa.

Now having said this, this brings us back to the question of whether it is economic or political liberalization, and which should take precedence. Those of you who are students of Africa know that going back 20 to 30 years ago at independence this argument was put forth, that there should be no discussion of the political sphere at this moment. Some of the best leaders in Africa—Nyerere, Kaunda, Nkrumah—all say we should focus on building the economy and building our national wealth and distributing equitable wealth, and then we'll talk of the political power to come after that. Of course, we know what happened in the past 30 years. Their efforts have been the dismal failure by all accounts.

So I think what this brings out is the fact that there is no clear delineation of which one comes first. For Africa, I think what is most effective, especially in light of what is happening in Eastern Europe, in Asia today, it will be more effective for us to look at the process that is taking place in Southeast Asia, where there have been different experiments in political liberalization and economic liberalization, to look at what is happening in the Soviet Union versus in China today.

There are lessons again to be drawn in both instances as to which one liberalized first and which one guarantees stability. I think the incidents of the Soviet Union where you had unbridled liberalization in all the political, the economic and the social aspects have created more chaos than stability, whereas China, while it claims to have the fastest growing economy in the world, has done it at a very high cost to human rights and other aspects. So there are lessons there for Africa in those instances, rather than the situation of Europe 20 years ago.

I think the framework of the Helsinki process as a framework may be a suitable process, but for a more practical approach to what will guarantee sustainable stability in Africa I think the South-South learning experience is much more meaningful.

Let me just conclude by saying that in this regard there is a role for the African Leadership Council to play. I think the challenge here is again to create an economic basis to have a sustainable security and peace in the region. The way to do that is not necessarily to look at the state sector. The state clearly has no interest in bringing that about, particularly where you have predatory range-seeking states. It's just not in their interests.

I think the best prospect for a group like the ALC is to serve as perhaps a sounding board, a reflection center to look at how you create or how you expand this new class of private economic gatekeepers, how you help grow the economy, how you help expand the middle class, the professional class, the human rights groups, the farmers groups, the labor unions, how you create these counterweights to the state. I think when those groups have an interest in the system is really when you begin to have a real sense of stability.

I think perhaps we should always bear in mind that the success of the American Revolution is largely because the framers of the Constitution and the implementers were people who had a tremendous stake in the state. That is true throughout history that you will have serious stability when you have people with a stake in the system standing up at the cost of their own lives to resist any effort to disrupt the system.

The case in Nigeria, Ken Saro-Wiwa and that group--his challenge to the state was not as serious in the political sense as maybe Moshood Abiola, who has gone as far as

not even recognizing the state at some point. However, Ken Saro-Wiwa was hitting the state where it hurts the most—in the economic sphere of dominance. Ken was not challenging the government of Nigeria, but challenging Shell Oil. That was a much bigger sin, a more cardinal sin, than challenging the government of Nigeria. So those that have posed a threat to the government are in jail, where Ken Saro-Wiwa and company have paid the ultimate price.

So I think the states respond most or best to that response, and to the U.S. particularly which has a tremendous influence in terms of the bilateral aid and so on that goes to these nations, I think there's a role that the U.S. can play beyond the 4-year policies that the U.S. has toward Africa. It could have a tremendous role in supporting civil society and helping trade and perhaps aid also, but trade and the flourishment of the private sector in those countries. Let me stop here.

Mr. **Crocker.** Thank you very much, Mr. Negatu. As I was listening to the three previous presentations, I was thinking that if this were a university I would pay to enroll in this course. We've had some excellent and differing perspectives. Without having really a debate, we've had some very differing perspectives. I am going to conclude the panel by offering a few of my own, and then we will give you a chance to put questions and comments to the panel.

A few points of contrast and comparison between Africa and the Europe of 20 years ago is a starting place for my comments. I think that Africa's security structures, like Europe's, and for that matter Asia's or the Middle East's, remain linked to, and partially dependent on, external actors and structures beyond Africa. To put it another way, Africa remains a net importer of security. It remains to a degree both dependent and interdependent for the security maintenance function.

One need only look at the recent appeals [for involvement] for intervention in various "failed state" scenarios to see the point. One need only look at the continuing and very important involvement of such low-profile activities as the British military training teams all over Southern Africa, including in the new South Africa, to see the point. One needs only to look at the French role in much of Francophone Africa to see the point.

In my view, the greatest threat to security in Africa is the risk of shredding or eroding its security links to the rest of the world, which will empower the very forces of brutality which previous speakers have referred to. What needs to happen is a strengthening of Africa's links in many fields, including the security field, the strengthening of those links to the rest of the world. I say that in the knowledge that other parts of the world seem to understand that better than my own country at times. There are, of course, many people in our society who do understand that point, particularly I would say in the world of business and the world of non-governmental organizations. The NGOs have spoken loud and clear here this morning, and their role is a very important one.

Less known perhaps is the recent—in the last 2 or 3 years—activism of the private sector, the U.S. private sector, in organizing to assert its interests in Africa economic development and African trade and investment opportunities. This is a relatively new phenomenon, and it is quite interesting. I refer among others to the Corporate Council on Africa, formed 3 years ago, which now has 80 dues-paying members, and they pay serious dues. They are interested in doing business. The U.S. private sector is looking at Africa with a new enthusiasm, which is a point I want to come back to. In any event, the strengthening of links is my basic theme.

Now, the events of the last few years—5 or 6 years—in Africa, have been described and discussed in various ways by previous speakers, and I find myself in agreement with the snapshots presented. There has been a rough and rugged movement toward democratization and efforts to strengthen human rights with very mixed results—very mixed results. In some cases I would fully agree with the point that elected governments have achieved a license to loot. So it is a very patchy mixed balance sheet, although it's certainly more encouraging than at any previous time in the post-independence history of the continent.

A second trend has been the trend of disengagement by ourselves and of course the former Soviet Union, and some others. The only major power, outside power, which is not disengaging is France. That's for a whole series of reasons that we could talk more about—perhaps because Africa is more strategically important to France than it is to any other outside power.

A third trend is of course the trend of ethno-political crisis and state collapse, which has been referred to.

A fourth, which has not been referred to, and I think is worth pausing on for a moment, is what I would call the differentiation process between African winners and African losers. There's much discussion in this town, and other places, about where our African policy is going. They could say the same thing about our Asian policy or our Middle Eastern policy, but in those other regions nobody pretends that we have an Asian policy. We have an Indonesian policy, and we have a China policy, and we have a Japan policy—or we should have—why would we have a policy toward a place with 53 sovereign, independent countries? We should have a differentiated policy. Africa in my view is differentiating itself at a terrific cost, but at an inevitably historical cost for those who live and work there.

The final trend that I would point to is a much greater measure of African effort to seize Africa's own destiny, or the destiny of individual societies, to step forward, as has been indicated, and do something about the problems, rather than simply describing the problems in scapegoat terms, as problems of history where there is a need for some outsiders to come and play the role as savior.

Now, I realize, and Janet Fleischman has reminded us, that the timing of these different developments that I've referred to has not been ideal. In other words, disengagement coming at a time of African self-assertion has been an unhappy set of sequences, and a lot of lost opportunities because of that. It is very sad to see, and I would say another word about that in a minute.

However, I want to come back again to this point about differentiation. Mr. Negatu was very eloquent in talking, and so was Janet Fleischman about the South African experience, contrasting it with Nigeria. I mean, let's be frank: The Nigerian state is, as you put it, a predatory entity. I would call it a criminal business enterprise. That's really what it is at the top level. It is a criminal business enterprise.

There were times in the last couple of years when there were movements toward a strike—nationwide strikes, strikes in the oil industry, strikes in the other parts of Nigeria. They didn't quite make it. The government could outmaneuver and repress and deal effectively with the threat posed by organized labor to their criminal business enterprise. That is a failure of civil society. It's an indication of a power balance problem, which has simply not been addressed.

South Africa, by contrast, has a stronger civil society, I would argue, than either Russia or any other member of the former Soviet Union, except perhaps the Baltics—a stronger civil society. Now, there is a spectrum between those two, so let's not get so depressed that we generalize and put all of Africa in the Nigerian basket, or so unrealistic that we put all of Africa in the South African basket, because those are poles. It's a quite wide range between those poles.

Actions to strengthen Africa's own capability for conflict resolution have been discussed at previous meetings of this particular forum and elsewhere on Capitol Hill—efforts, for example, to channel resources to the OAU's conflict resolution mechanisms, efforts to strengthen the activity of subregional organizations by using U.S. taxpayer dollars. I'm thinking of ECOMOG and ECOWAS in West Africa and the Liberian case; I'm thinking of the IGADD process in the Horn of Africa; I'm thinking of SADC in Southern Africa, as well as the continent-wide framework.

I look at this as embryonic efforts to retain and strengthen links between Africa's security structures of the governmental level, and external security assistance. Very embryonic. The results are going to take a long time to achieve. But the Kampala conference served as an energizer for the thing that is at this embryonic level beginning to happen inside the OAU secretariat. If as a result of limited taxpayer dollars from this country, from African countries and from European countries and elsewhere, it is possible for the OAU to have an observer presence, to have some activity of a peacekeeping nature, in one African case that prevents it from turning into a Somalia or a Rwanda, just think of the value of that exercise—even if it's just one case. So I look at this embryonic activity as a start, and nothing more than that.

The problems that the region faces are not going to be solved at the governmental or intergovernmental level. I fully identify with what has been said previously on that subject. There are going to be many players, many roles. The goal to me is to inspire and to empower the creativity and the talent of many non-governmental actors in the fields of business, women's groups, labor groups, NGO groups of all kinds. The target is to get control of the men and the boys with guns, and to create alternatives for them and to get control of them, because they are the biggest threat to Africa's civil society.

By not playing any role in this process, the outside world is not ending the evil interventionism of the past—the bad old days of the cold war, and all the things that have been said about interventionism during the cold war days. By not playing a role today, what we are doing is "intervening" negatively: by not being engaged, we are aiding perversely the forces of brutality and physical domination that exist inside all too many African societies—the forces of predatory behavior and greed.

So I would just conclude by saying that the choice isn't whether to intervene or not; the choice is to whether to play a responsible role in trying to strengthen the balance of forces within African societies, obviously respecting their leads, their visions, their models, so that one can get control of the forces of greed and thuggery which are ever present—and not only in Africa, I might say, as a concluding comment.

Now, you've heard from four of us. I would ask questioners, because we are recording this session, to step forward to this microphone and identify yourself, and then pose your comment or your question, so we can get the comments and hear it on the tape, if you would come up here and just grab the mike.

Questioner. Jim Fisher Thompson, U.S. Information Agency. I have a question that I would like to direct to each panelist if they would respond to it in turn, and that is about Nigeria. It seems that the recent execution of Mr. Ken Saro-Wiwa has escalated the government's reaction there to human rights activists. How would you change tactics? Or do you believe tactics should be changed on the part of human rights organizations and the U.S. Government to respond to that? Would you specifically recommend a unilateral or multilateral oil embargo against Nigeria?

Mr. **Crocker.** Are we on the record here? Ambassador Otunla, do you want to take the first crack at that question? We'll go right down the table.

Mr. **Otunla.** Thank you very much, Ambassador Crocker. Let me start by talking about equality and character of the state in Africa. Too often we're looking at competitive groups, exploiters and looters, as if they are groups manufactured somewhere and dropped into the African states.

The problem is that the so-called post-independent states in Africa inherited all the negative characteristics of the colonial state and continued. You just change the actors. In Nigeria, for example, the British exploiters left and were replaced by Nigerian exploiters. The masses are afloat, adrift, uncared for.

If we understand and accept this, then one should not be surprised at all, at all, at all. You're talking about Shell, Mr. Negatu. Multinationals in colonial states behave similarly everywhere and nothing is new, as far as I'm concerned. But the question just put, leads in the direction of sanctions. Having Ambassador Crocker cheers me up because, in Southern Africa, this was the core, the heart of the debate: effectiveness of sanctions.

There are two viewpoints I would like to put quickly on that and then allow my other colleagues to answer. You could take one look at what I've just described as a colonial state and ask who is going to suffer most. We have this in South Africa. If you impose sanctions, the people suffer. Are we going to be saying the same thing about Nigeria? I would say no, as I said then, too. No. The people are suffering enough.

But the second line is that who's imposing the sanctions? The multinationals are well-equipped to buy Nigerian crude 12 miles offshore. If you say you put an embargo on sale of oil. The crude oil will be sold 12 miles offshore. You make more millionaires in Nigeria, more millionaires outside—the independent elements, as it were, who come strongly into play.

For the government, very likely to just be business as usual. I'll stop here.

Ms. **Fleischman.** I think many things have to be done in response to, as I said before, both the executions on Friday and the general disintegration of the rule of law in Nigeria. One main thing that has to happen is that assets have to be frozen for those in the Nigerian government who are responsible for human rights abuses. This is something that's been discussed for a long time, but to the best of my knowledge, nothing has happened.

There has to be a more meaningful arms embargo, not just a voluntary one, but a legally binding arms embargo that the EU will adopt and that the U.S. will adopt. This goes beyond just the case-by-case review with a presumption of denial. This is a legally binding arms embargo, which may even be raised at the level of the Security Council because Nigeria has become a threat. If Nigeria implodes, that is a threat to regional peace and security.

In terms of the visa restrictions, we not only support the extension of those visa restrictions, but the naming of those people denied visas. Various governments have lists about who are those responsible and linked to human rights abuses in Nigeria who are denied visas to this country. That should be made public.

There are also a number of the most draconian decrees that the Nigerian government passed or decreed in recent years. Most notorious, Decree 2, which was amended by Decree 11, administrative detention, decrees suspending the right of habeas corpus, decrees allowing the establishment of the death penalty and military tribunals. These decrees must be repealed and that should be a public condition.

As for elections, I must question the commonwealth's decision to put a 2-year time limit on its review of the Nigerian government and its membership in the commonwealth. I think that's much too long. Transfer of power to a civilian government should be organized in the quickest feasible time. Any eventual elections should be genuine multi-party elections that allow free access for international observers, free press for the Nigerian press, and all basic guarantees of a free and fair process.

We are recommending today that the EU conduct an independent study for which they would get the results within a week or two on the viability of an oil embargo, in isolating the military government, and the impact that it would have on the local population. This is not a study that should take 6 months. There should be results of this study within 2 weeks.

The U.S. Government has said that the oil embargo is not viable, in part, because the Europeans wouldn't come along. I think this is a way of pushing the Europeans to look seriously at whether or not it's an effective weapon. I'll stop there.

Mr. **Negatu.** I just want to point toward the point here. First, I think I should caution about the temptation to subscribe actions or policies from Washington or from any Western capital. At the end of the day, what is going to change Nigeria is a will and the momentum that's building in the country. I think everything else the West does will always be secondary to that. I think that needs to be kept in mind.

But first, I think what the U.S. or any Western power should do is continue to assist the all but decimated resistance, or civil organizations, in Nigeria who are trying to stand up to this government. I'm sure they come in many forms, human rights groups, labor groups and so on. They need to be strengthened, supported unequivocally, and I think the West should really put its money and its commitments in there.

Second, I think there needs to be a differentiation of the winners and losers in Nigeria. Winners have emerged out of the system, like any other system, and whatever action is taken needs to understand who the winners and losers are and hit where it hurts the winners and not necessarily the losers. You know, if you put a total embargo in Nigeria, there may be others and humanitarian needs that need to be factored into the situation. So there's the need to differentiate that.

Third—again, I go back to the question of the Shell Company or any of the oil companies. I think the West, the corporate world needs to have, if it doesn't already have one, to develop a code of conduct in this predatory or non-legitimate state. You know, do you go in and buy oil no matter what happens in Nigeria? Are you, in the sense of corporate civil responsibility, are you your brother's keeper or are you just in there to buy the oil and get out and not look around?

I think there needs to be some effort along those lines to develop a code of conduct for corporate entities operating in a country like Nigeria. The reference by Dr. Crocker to the African Business Council, I think, is a good beginning

Lastly, I would advise toward some sort of sanction on like luxury items. You know, again, you identify the winners and losers and clearly the consumers of the luxury items today are not the middle class or the lower middle class in Nigeria. It's the nouveau riche that have instantly become millionaires. You know, you hit that group hard enough and you make the economic cost of this effort too high to sustain and at some point, even those who have rallied against the government will begin to withdraw. So, there's off-the-cuff thoughts.

Ms. **Fleischman.** Can I just add one point that I forgot? I'm sorry. Shame on me for having neglected to say another condition to be the release of all political prisoners, meaning people who are in prison for the peaceful expression of their opinions or those who have been imprisoned after patently unfair trials.

Mr. **Crocker.** It's a very hard case. We're dealing with a country that has already had one round of civil war. It's conceivable that we could, through our actions, intended or otherwise, break it into pieces and put the bulk of West Africa back to the 19th century without really understanding how we did that.

So I think we do need to recognize that we're talking about a very important set of decisions. I think the guys in charge in Nigeria have figured out that there's not going to be a direct physical challenge to their domination of the state, and all kinds of huffing and puffing in places like Auckland, New Zealand or Washington, DC, aren't going to change that until they get a message that there is going to be a challenge to what they hold dear.

The things that they hold dear are their personal safety, which is not an insignificant issue; the safety of their kith and kin; the safety of their children. The children of these characters are still studying in Western universities. I don't think that Sani Abacha really thinks that Bill Clinton or John Major is serious if their kids can go in and out of Heathrow in the first-class lounge and buy duty-free goods and Chateau Margeaux, is what you were suggesting, sanctions on Chateau Margeaux. I mean, that we're not serious.

As long as that pattern of abuse of consumption of ill-gotten gains continues and their kids are free to go around, we're talking about uniformed thugs. The way you relate to them is in their own terms, physical, coercive challenges to their domination of the state, to their personal security, to that of their families and to their bank accounts, assets, seizure of foreign assets if you can find them. It's very powerful, very powerful.

The next thing one might do is to see if we-the key governments involved, neighboring countries, some key Western countries—could sit down with the relevant oil companies and come to agreement rather than have an open debate which I'm afraid we're about to have. We could come to agreement about what signals might be sent by another special set of envoys, an eminent person's group, Mr. Ambassador, to go down and to knock on General Abacha's door and say, "Hey, your game is over. We understand your fears are that you're going to be hung up by your toes sometime and made to account, and you are going to be made to account, but we can find alternative roads for you if you're prepared to cooperate, alternative roads, ways out of power."

But from my perspective, to wage economic warfare against the 90-plus million people of Nigeria in order to say that we've done something in the memory of Ken Saro-Wiwa is irresponsible. We've got to look at these intermediate power-based, coercive-based instruments before giving up and just writing off the place and driving it backwards even further. Anyway, that's a long answer to an easy question.

Questioner. You're giving us a lecture in life. It's tempting to——

Mr. **Crocker.** Go for it.

Questioner [continuing]. Go for it, yeah, with a long commentary, but I'll try to limit it. On the question that Chet mentioned of how to intervene——

Mr. **Crocker.** Could you introduce yourself?

Questioner. My name is Michael Lund. I was with the Institute of Peace until about a month ago and now I'm with an organization called Creative Associates International, which is doing work on conflict prevention in the Greater Horn of Africa.

On the question of how to intervene, I'd like to shift the emphasis a little bit. I hope this will be interesting and not gratuitously provocative. It seems to me one should think not only about negative measures holding up human rights and governance standards to the governments of Africa, and in situations that develop like Nigeria, coercive power-based standards, as necessary as that may be at this point in that particular issue, but that more attention be paid to positive approaches to the governments through, if I might coin a phrase, constructive engagement, which emphasize the benefits of economic development and the benefits of preventing conflicts before they start.

It seems not every situation is one like in Nigeria now. So one needs to think about what incentives the present government leaders have in a sort of fine-grained way that Chet has, but for those who have not already committed outrageous acts, the chief incentive is staying in power for a while at least, or at least finding a way to get out of power graciously and with some dignity if that is the inevitable trend.

So when we think about this overall question for this very interesting series of discussions here, how does the CSCE apply to Africa, the CSCE, when it was founded, was founded, largely, by governments who had incentives. The U.S. and the Soviet Union each had their reasons for buying into the Helsinki framework.

Subsequently, CSCE perhaps was most effective when the civil society, the NGO side, began, under the umbrella of the legitimate—the acceptance of the organization by the governments, were able to do their thing. But perhaps, to a degree you don't have yet in Africa with even the OAU, the governments bought into the organization and its overall goals, at least.

Subsequently, the grassroots activity was able to mobilize pressure. So I would suggest that more attention be given to what are the incentives of the governments in two areas: economic development, and particularly the gains to economic growth and therefore the benefits of having been presiding over that in the development of one's country for the leaders, and then low-level conflict prevention, which also, I think, is non-threatening.

I'm thinking in this case now of the CSCE High Commission on National Minorities. There is provision in the OAU mechanism for a special envoy. Is it conceivable that the idea of a roving Ambassador such as Max Van der Stoel in Europe who could go into situations at their early stages before they become controversial, before they become confrontational, help to mediate, offer good offices and so on, to groups as well as governments in working out ethnic issues in a low-key way before sides are taken in a rigid way?

Is it possible that mechanism, supported by outside governments such as the U.S. in a more vigorous way, would be more acceptable politically by the governments? So in other words, I'm saying, disaggregate this problem of dealing with all these issues into conflict prevention, take a step-by-step approach in that area, regional economic development, fostering more regional trade among African countries, and therefore requiring third parties to support that strategy, and put off for a while the agenda of transforming the governments and having them follow human rights standards, because those are very threatening.

Not that they are not valid and not that you give up that effort by any means, but it is a matter of emphasis and timing. I'm suggesting that there have been many political obstacles to moving forward cited by the panelists. Perhaps addressing the governments and engaging one-on-one in the African style might remove some of them, as someone said.

Mr. **Crocker.** Who would like to take a crack at this? Janet, you want to answer? Anyone else who would like to, just let me know.

Ms. **Fleischman.** It is provocative and I think it's a bit misguided. I don't think that you can separate the two so easily. I think by doing so, you end up playing into the hands of those governments and those rulers who are seeking to not only manipulate their own populations, but manipulate particularly the donor community as well.

If you look at Kenya, there's nothing, I'm sure, that President Moi would like more than to go along with what you are suggesting, to have all the heat on the human rights and the democratization be taken off him, and to discuss privately, quietly economic incentives and packages, some of which may be very valid and may, in the long term, be extremely productive, but they can't be done in isolation.

I think you end up playing into the hands of the leaders who are hoping to do exactly that: to get the donors and to get the international community to not interfere with their internal affairs and help them along economically. You can't separate corruption from certain human rights abuses because it is a part of the system.

So I think because an example like Kenya shows that by separating the issues, you end up playing into the hands of those rulers, I would disagree with your proposal that they be separated. I think it's the thing that has to be done together.

Mr. **Crocker.** There are incentives and disincentives in many different approaches, but yes, Ambassador Otunla.

Mr. **Otunla.** Thank you very much. We have to be careful here, after all we went through in Southern Africa, and I keep trying to remind Ambassador Crocker of all our reactions to constructive engagement.

Mr. **Crocker.** It worked pretty well, didn't it?

Mr. **Otunla.** I don't know, Mr. Crocker. In the current situation, we will need a basket of forces. We will need the right international climate. We will need the right encouragement to initiatives like the ALF, which empowers Africans to deal with African problems.

The limitation in relying too heavily on multinationals is that we are going to get back to the position where the spirit of capitalism is going to prevent governments here from interfering with the decisions of the private operators. We've been through all of that before, and as I said, you're dealing with a country like Nigeria that has this wonderful product called crude, and you're just going to create a busier Southern Atlantic, with

pirates from the West meeting with the looters from Nigeria and doing thriving business. So one has to be very careful here.

I said "a basket of solutions," but No. 1 of which must be empowering, and here is the relevance of the OSCE. The techniques from its relations with Eastern Europe in the past, not all will be meaningful or useful in our situation, but we'll find one or two here and there. In addition, resources from the United States, the North American countries, Western European countries to NGOs, to enable us to mount workshops, to enable us to talk to people, to enable us to produce pamphlets that—and as I said, the shift must be away from the colonial state to the people who are still subjects, who want to become citizens. It is for us very simple and clear.

When the British were in Nigeria, they were not doing anything different from what's going on here now; they were looting. They were looting. Imperialism was about looting worldwide. Today you have indigents of each so-called state, carved out by the colonial imperialists, just doing what their past masters did. It's more painful because these are our own people. We can look at the Britons and say they're foreigners. However, this is our own people and we will deal with them and we must be empowered, we must be helped.

We take help from foreign NGOs, international organizations, but the Nigerian people must be empowered to deal with the Nigerian situation. We'll take help from wherever it comes. Thank you.

Mr. **Crocker.** Mr. Negatu.

Mr. **Negatu.** Yeah, let me quickly touch on the economic incentive that you talked about. I think Janet has put to rest the human rights angle. You say you work in the Greater Horn. I come from that region so I know that region quite well and I can assure you, you will have your hands quite full in the very near future because if you are not reading what is happening in that region, if you think incentives and as Dr. Crocker said, huffing and puffing about incentives is going to build any sense of stability in that region, then boy, are you off the mark there.

I can go right up and down the Greater Horn countries from the Sudan through Eritrea through Ethiopia, Kenya, Uganda and Burundi and Rwanda. In each of those countries, you've got situations that are potentially explosive, more so in some than in others. The case of Sudan, Eritrea and Ethiopia is a case that could explode any day.

Now, if you think to any of those three governments who have come to power and have through whatever means and have gone through this elaborate electoral dog-and-pony show and now have become legitimate, if you think there is any greater incentive than the incentive to stay in power, then I think again you're off the mark.

Now, with that as the situation I find it hard to understand how it is that you talk about economic incentives, economic development, you know. Economic development is a mid- to long-term phenomenon. It's a minimum of a five- or 10-year exercise. Now, how many of these governments know they will be around next year, much less in 5 years. You know, with this as the situation, the incentive is to do what you can today because tomorrow is definitely uncertain.

So I take very strong issue and I'd be curious to know if this is the kind of advice you're giving these governments because if it is, I think we need to have a talk.

Mr. **Crocker.** I suspect that there may be something of ships passing in the night here and we could probably go on for some length of time on this interesting proposition.

We have time for one more. Could you come up here and identify yourself quickly and maybe direct your question to a specific panelist if that's appropriate?

Questioner. Thank you. My name is Serge Farre, and I'm a second year master's student at the School of International Service and I'm an intern at the Institute for Multi-track Diplomacy in Washington, DC.

My question is first inspired by just one sentence that Mr. Negatu said in his opening statement about South-to-South exchange as opposed to North-South, and then I hereby would like to propose a change in the flow of the debate where here we're trying to—it's always the North or the South trying to learn from the North.

I was going to propose a reversal of that flow with this question, and the question is based on a personal assumption that there is a distinction between adversarial and non-adversarial human rights work. So, based on that, there's two questions to form, mainly addressed to Ms. Fleischman.

The first question would be, do you acknowledge the distinction between adversarial and non-adversarial human rights work? What I mean by that, for instance, adversarial human rights work would be basically most of what this panel has proposed, actually, especially Ambassador Crocker when you were talking about the coercion and that kind of measures.

Then the non-adversarial human rights work, for instance, would be the process that's taking place now in South Africa, as opposed to Yugoslavia and the former Yugoslavia and the War Crimes Tribunal there.

So my second question then is about the reversing the flow from learning from the North, learning from the South. Do you think the South African exercise in reconciliation and healing could be applicable to the situation in the former Yugoslavia today with the genocide there? Thank you.

Ms. **Fleischman.** It sounds to me that the second part of your question is actually about seeking accountability for past abuses and the best way to address that. Let me start in the first part in terms of adversarial and non-adversarial.

I think if you consider South Africa now to be non-adversarial, it's because earlier it was adversarial, and the sanctions and the coercion and all the kinds of elements of protest against the repression, domestically and internationally, were sufficiently effective to allow this new stage to develop.

I wouldn't say that you can avoid either. I think there's a time for both, but I think that what you consider to be adversarial, I wouldn't classify as such. It's perhaps more strident, but if you're seeking to have some impact on very repressive and obstructive regimes, I don't think that you have a choice but to use strong measures and to try not to relegate everything to the realm of quiet diplomacy and perhaps constructive engagement.

In terms of accountability for past abuses, I think the examples of Latin America show that there are many different routes that one can take, and one interesting development in Africa today is the different routes that Africans themselves are seeking out. You have various efforts of seeking accountability underway in Ethiopia, in Rwanda, in Malawi, in South Africa, just to mention a few.

Some of them are going all the way toward prosecutions and some, like in South Africa, are choosing more of a route of a truth commission, although people have to apply for indemnity from prosecution for gross human rights abuses by explaining what they

had done, by confessing what their involvement had been with those abuses in order to apply for indemnity from prosecution.

So it's a way of revealing the truth without going as far as prosecutions. If, however, people don't come forward, there's a chance they may be prosecuted. So the South African example, I think, is a little bit more nuanced.

In terms of the comparison to the former Yugoslavia, I think that the example of the War Crimes Tribunal or the criminal tribunal on Rwanda that's been established as a part of the international tribunal on the former Yugoslavia is a very important step. The problem is that neither it nor the National courts in Rwanda are making much progress.

At this point, you have some 57,000 people in prison in Rwanda in literally life-threatening prison conditions. Hundreds have died this year because of simply the conditions of imprisonment. The fact that the National courts have not made any progress toward indictments of those that they consider to be responsible for the genocide is no longer simply a question of lack of resources, human and financial. It's now also a question of political will.

One has to question why the government has made no progress at all at this point toward prosecuting any of those that they've imprisoned for the genocide. But similarly, you have to ask the same question in terms of the International Tribunal. It was established a year ago, in November '94. It has not handed down one indictment yet. Some of that again is a question of resources, but unfortunately, it is extremely important that there be progress on the international level and on the domestic level in the domestic courts.

If that's considered adversarial, I think it's also an element of seeking the justice and truth that are necessary for future reconciliation. I think the best way you can break the patterns and the cycles of abuse is by making clear by identifying who was responsible, who are the authors of the genocide, who really bears the responsibility versus blaming an entire ethnic group for the genocide.

Therefore, the best way to get over this Tutsi/Hutu divide is by identifying those responsible for the genocide, explaining how it happened, including perhaps providing more information about the outside supporters, the international supporters of the former government, as the best way to ultimately overcome the distrust and fear that permeate Central Africa at this point.

Mr. **Crocker.** Thank you very much. I think we have run out of time. I would like to take this occasion to thank all of the panelists for their most interesting and provocative comments, and to thank you for your participation, your interest, and your patience as we delivered our obiter dicta to you. Thank you all.