CODEL DECONCINI :
TRIP REPORT ON SOUTH AFRICA, NAMIBIA, KENYA AND NIGERIA

4 - 19 August 1991

1992

**A Report Prepared by the Staff of the
Commission on Security and Cooperation in Europe**

ABOUT THE ORGANIZATION (OSCE)

The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

ABOUT THE COMMISSION (CSCE)

The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

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The following is a report on a visit by Dennis DeConcini, former Chairman of the Commission on Security and Cooperation in Europe (Helsinki Commission), to South Africa, Namibia, Kenya and Nigeria from August 4 - 19, 1991.

1. MEMBERS OF THE DELEGATION

Senator Dennis DeConcini, Co-Chairman of the Helsinki Commission
(Mrs. Susan DeConcini)
Mary Sue Hafner, Deputy Director and General Counsel, Helsinki Commission
Jane Fisher, Deputy Staff Director, Helsinki Commission
Michael P. Amitay, Professional Staff Member, Helsinki Commission

II. DELEGATION CONTEXT AND OBJECTIVES

The dramatic realignment of relations between the Soviet Union and the United States has impacted significantly on developments in African states. A fundamental restructuring of internal and external political and economic systems has started to take shape and aspirations for more open and just societies based upon democratic principles are evident across the continent. While some changes have been made possible by the dramatic relaxation of superpower tensions, indigenous democratic movements toward democracy still face enormous barriers. African nations, with few exceptions, are in the midst of a very profound and prolonged economic depression. Other problems confronting Africa are of equally catastrophic proportions: exploding population growth; civil wars sometimes involving ethnic genocide; large displaced populations fleeing violence, persecution and starvation; a burgeoning debt crisis; ravaging famine and spreading diseases.

Yet the problems are not of such proportions that hope has been cast aside. Indeed, there is hope for and in Africa -- and that hope, to some degree, rests in Africans themselves. There is a growing consensus that Africa's devastating economic problems are significantly linked to the absence of democracy and that modern day African leaders must be held accountable for the pervading sense of failure. Africans are asking each other questions, and while the answers are made complex by a bitter and tragic colonial past, it is the more recent past since independence that is being examined.

Senator DeConcini visited Africa to study recent developments and examine how Africans are dealing with present demands, aspirations and problems. A corresponding objective of Codel DeConcini's visit to Africa was to examine the present economic, political and human rights developments and how the newly emerging political process known as the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) intends to address and meet the unique challenges confronting Africa today.

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III. ORIGINS OF CSSDCA

Africa's Helsinki

It has been called "Africa's Helsinki." It is an attempt to establish collectively standards by which African states will deal with each other and their own citizens in the struggle to achieve stability, cooperation and development. The CSSDCA initiative emanated from an April 1990 meeting organized by the Africa Leadership Forum to examine how changes in Eastern Europe were impacting upon Africa. Participants from Africa and elsewhere agreed that chronic problems facing many African nations derived as much from instability and insecurity as from economic circumstances. It was suggested that collective and continent-wide efforts were needed to provide the stability necessary for further economic, social and political development, and formation of a viable partnership between Africa and the rest of the world.

An international roundtable was held in Cologne 20-21 March 1991 to further discuss the concept of CSSDCA, to examine any lessons that might be drawn from the experience gained in the course of the CSCE (the Helsinki process), and to consider their relevance for Africa. The Chairman's Summary of Conclusions and Recommendations noted, inter alia, that notwithstanding the differences between the European and African experiences there were areas where Africa might benefit from the Helsinki process. The Summary noted that "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" and that "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 cooperation." Thus two critical aspects of CSCE were deemed relevant to Africa: the notion of limited sovereignty when it comes to human rights and the role of individuals and non-governmental organizations in reinforcing a government's duty to meet its responsibilities.

The Kampala Forum, jointly sponsored by the African Leadership Forum and the Secretariats of the Organization of African Unity (OAU) and the United Nations Economic Commission for Africa broadened the political process considerably to include Africans from all walks of life. At the 19-22 May conference were over five-hundred participants including five current and three former African Heads of State, senior officials, scholars, artists, students, women, business representatives, journalists and others, including South African parliamentarians and journalists. According to a conference organizer, fundamental objectives of CSSDCA are:

> *To create a process in Africa that would provide simultaneously for security and democracy which are both critical for 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, labor, professionals, farmers, etc.*

The Kampala draft document was discussed at the OAU Summit in June 1991. It was decided that the Secretary General of the OAU would formally forward copies to each member state for further review and commentary and convene an experts meeting to examine the document prior to its formal submission to the OAU Council of Ministers meeting in February 1992. If approved, CSSDCA would then likely be ratifed by African nations at the next OAU summit in June 1992.

IV. THE KAMPALA DOCUMENT

The draft document adopted at the conclusion of the Kampala Forum reflects an attempt to channel a state's political, economic and social development within a regional framework promoting security, stability, development and cooperation among African nations and peoples. The document sets forward commitments to be sought from the governments of each of the African states for representative government and participatory democracy. Following is a summary of the document's provisions.

* * * * *

Preamble

In recognition of the fundamental changes occurring in the world toward political pluralism and regional economic blocs and renewing the search for answers to the continuing crises of instability, underdevelopment and violence - the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) is recommended.

Principles and Policy Measures for CSSDCA

I.   Sovereignty
II.   Linkage between the calabashes
III.   Erosion of security and stability impedes to economic growth
IV.   Necessity of a common African agenda
V.   Establishment of four CSSDCA "calabashes": Security, Stability, Development and Cooperation
VI.   Creation of a new order in Africa to govern intra as well as inter-African relations
VII. Fulfillment in good faith of obligations

Security

The concept of security goes beyond military considerations: it encompasses political, economic and environmental aspects. It is the first pillar of the CSSDCA: The security of Africa is linked to that of each nation and the security of each nation is dependent upon the security of the individual. Despite the principle of non-interference in internal affairs of another state -- the security of the individual must be protected, wherever he or she is being threatened.

Recommended Policy Measures:

*   Strengthening conflict resolution mechanisms
*   Establishing a continental peace-keeping machinery
*   Setting up confidence-building measures among states
*   Signing non-aggression pacts between the states
*   Lowering military expenditures
*   Establishing an African Elders Council for Peace

Stability

Stability is guided by the following principles: rule of law; popular participation in government; respect for human rights and fundamental freedoms; transparency in public policy making; political organizations not based on religion, ethnic, regional or racial bases or considerations; and separation of church and state.

Recommended Policy Measures:

*   Separation of party from state
*   Constitutional limits on tenure in political office
*   Establishment of independent judiciaries
*   Annual publication of human rights compliance
*   Establishment of an African court of justice on human rights
*   Sign, ratify and implement international and African instruments dealing with human rights
*   Promote accountability through establishment of institutions
*   Establishment of independent civil services
*   Constitutional right to own property, to free and fair elections, to run for public office
*   Remove statutes that permit detention without trial, assure the right to legal aid, forbid arbitrary arrest or detention without trial
*   End discrimination against women
*   Ensure acquisition of basic education by all youth
*   Adopt proportional representation
*   Bilateral non-aggression treaties among the states
*   Respect for trade-union rights

Development

Addresses concerns regarding Africa's economic survival. The development calabash is considered the raison d'etre for the CSSDCA process.

Recommended Policy Measures:

*   Human resources development -- eliminate illiteracy; increase funding in education and training; adopt national systems of meritocracy; encourage science and technology at early years of education; promote vocational and business education
*   Enhance efficiency in government administration
*   Adopt liberal economic policies to attract capital
*   Emphasize application of science and technology
*   Curb unemployment
*   Address Africa's crippling external debt (seek changes in IMF's lending conditionalities)
*   Promote food productivity (remove duties, launch an African commodity exchange, land reform, ensure larger share of state resources to women)
*   Arrest the on-going de-industrialization in Africa

*   Seek energy self-reliance
*   Implement special preferences to encourage intra-African trade
*   Impose ceiling on number of children per mother
*   Diversify sources of energy
*   Improve legal status of women

Cooperation

Promote cooperation at three levels: among African states; between African and other developing nations (south-south), and between African and industrialized nations (north-south). Goals of this calabash include economic integration, joint development of common natural resources and expansion of trade and economic ties throughout the world.

Recommendations for Implementation of the Process

Commence negotiations to adopt, at the Foreign Ministers level, a convention that is politically binding and which formally launches a CSSDCA process with periodic review conferences for purposes of collectively assessing implementation and performance of member states. Each state is to designate one or more existing national institutions to undertake on an annual basis, monitoring of that country's compliance with the CSSDCA process. A permanent secretariat would be established to backstop CSSDCA negotiations.

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V. NATIONS AND ISSUES

Each nation visited by the delegation stands at a different point in terms of economic, political and human rights development. Such differences often found substance in varied opinions regarding CSSDCA and perceptions of national roles in the process. South Africa, relatively prosperous economically, still lacks democratic institutions -- although many facets of apartheid have been or are currently being dismantled. Namibia, which recently emerged from a long political struggle with a constitution viewed by many as a seminal African human rights document, faces the difficult task of national reconciliation and economic recovery. Nigeria, whose present military government plans to restore a two-party civilian democracy, is plagued by chronic corruption and teeters on the brink of economic collapse. Kenya, long considered a model of political stability and economic growth, is ruled by a dictator who has increasingly limited political pluralism and suppressed legislative and judicial independence.

Encountered among all with whom the delegation met was the belief that Africa is entering a new era which holds forth opportunities and challenges for its leaders and peoples. A central theme of discussions was human rights and the responsibility of government to ensure, protect and promote them. Discussions touched on topics ranging from one-person one-vote for all Africans with President De Klerk of South Africa, to freedom of movement with President Moi and Attorney General Wako of Kenya. The status of women was discussed at length with high-level government officials in Namibia and Kenya.

Recent events in Angola, Namibia, South Africa and Ethiopia, where longstanding conflicts have been resolved and political and economic reforms initiated, were attributed to the widely perceived inviability of Communist ideology, withdrawal of Soviet aid and general retreat of Soviet influence in Africa. South Africa's Foreign Minister Pik Botha pointedly attributed Nelson Mandela's release and the initiation of the reform process to the Soviet Union's withdrawal from southern Africa. Another result of easing superpower relations is the accord bringing peace to Angola after more than 17 years of civil war which saw the death of more than one million of its people, displacement of another one-half million, and creation of one-half million refugees. Now, a transitional process is being overseen by former rebels and government representatives along with Portuguese, American and Soviet observers until elections are held in late 1992. Those elections were discussed with the two leading political rivals, Jonas Savimbi and Eduard Dos Santos.

Communism's demise as an ideology and political force and the revolutions that swept Eastern and Central Europe in 1989 were noted by many as having had significant effects on African politics. ANC representatives spoke of the need to distance themselves from Communist doctrinal rhetoric. Some characterized South Africa's Communists as dogmatic, as if caught in a time warp some 10 to 20 years ago. Yet the "romanticism" of Communist ideology lingers and some in the ANC are finding it difficult to cut ties to those who were their only

allies for decades. White conservatives in South Africa also acknowledged the change, though warned that decades of mistrust and hate of communism and with it the ANC could not be swept aside easily nor quickly. One well-known conservative parliamentarian warned that unlike Eastern Europe where states largely had homogenous populations, white South Africans did not even have homogenous areas. He further claimed somewhat ominously that a bill of rights was merely an attempt to impose First World values on a Third World nation.

Another major item discussed in each country and emphasized in the Kampala Document was the role of women in Africa and the need to address very serious sex discrimination. Although women form the working backbone of rural agricultural societies in Africa, have primary and often sole responsibility for supporting family units and have begun to achieve high professional levels, they continue to face severe legal and cultural discrimination. Despite these barriers, African women are emerging as a new political and economic force in many nations. It was reported to the delegation that women comprised a majority of voters in recent elections in Kenya and Nigeria. In Soweto township outside of Johannesburg 85 percent of micro-enterprise loans -- funded in part by the Agency for International Development (AID) -- were sought by and given to women, who often established profitable ventures and maintained the highest repayment rates. In Kenya, where very few women hold political office, women lawyers are in the forefront of calls for equal rights, political pluralism, legal reform and environmental protection.

Discussion of possible roles for the United States in a changing Africa received considerable attention. Varied opinions, mirroring the debate concerning the efficacy, purposes, and results of economic sanctions against South Africa, were voiced regarding the use of U.S. foreign aid as a human rights lever. President De Klerk urged removing South Africa from "U.S. internal politics." Arguing that sanctions were counterproductive, De Klerk noted that the sanctions had the effect of hardening public opinion among the present electorate and delaying reform. However, others battling the current government to open its doors to all South Africans, urged the United States to pursue a policy of "phased maintenance" -- that sanctions be phased out as South Africa progresses toward democracy. Once an interim government is agreed upon and in place then all sanctions could be removed. Some argued that withdrawal of U.S. aid because of human rights problems in a country would only hurt those who needed help the most and not the offending government. Others stated that current levels of U.S. aid were insignificant and that attempts to link such aid to human rights performance would create resentment. Still others believed that withdrawal of U.S. aid would have an important psychological effect on offending regimes and would be appreciated as a principled show of support for groups backing democratic reforms. In Kenya most opposition group representatives strongly urged linkage of U.S. assistance to human rights concerns -- noting that untied aid has merely bought extra time for leaders to delay making the necessary political and economic reforms.

Several commented as to how the United States and other developed nations might become involved in the CSSDCA process. Though most believed that the process was a mechanism primarily for Africans, they did envision a role for industrial nations in the CSSDCA later on, believing that some assistance might be appropriate. While no consensus emerged as to what form this support should take, suggestions included use of technical assistance borrowed from experiences with the Helsinki process, financial aid, and some form of participation in the CSSDCA process by the five permanent members of the U.N. Security Council, Japan, Germany and the EC.

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SOUTH AFRICA

"But alas, my dreams had long since taken flight and now hung dry in shining cobwebs to which my fermenting furies clung crucified ..." Ezekiel Mphahlele, Down Second Avenue

In Johannesburg, Pretoria and Capetown, delegation members met with South African President F.W. De Klerk, Foreign Minister Pik Botha, African National Congress Executive Committee Members and other anti-apartheid party leaders, the President of the South African Council of Churches, Rev. Frank Chicane, Inkatha leader Mangosuthu Buthelezi, academics, parliamentarians from the three major political parties, human rights leaders, business persons, journalists and others.

South Africa is a very polarized society. The government sanctioned policy of apartheid has created a totally segregated society in which privileges, benefits, employment opportunities, political participation, even citizenship are granted or denied purely on the basis of race. Political, social, and economic discrimination against all who are not white is legally sanctioned. In 1984, the South African government adopted a new constitution that provided for three separate chambers of parliament -- one for whites, Indians and mixed-race citizens. Blacks to this day have no right to vote in national elections and have no representation in parliament. F.W. De Klerk was elected president by white voters in September 1989 following years of violent unrest. He promised to move South Africa toward negotiations with black leaders for a new constitution providing for power-sharing between whites and blacks. The pace of that promised movement has been the subject of varying criticism as well as support.

Optimism regarding South Africa's movement towards democracy and the dismantling of apartheid was expressed in virtually all meetings. Most agreed that a political transformation of some kind was inevitable -- in De Klerk's view a "transitional arrangement;" in the view of the ANC an "interim government;" and in the words of others, if nothing soon -- then violence. However, there appears to be a growing schism between the leaders involved in the negotiations and their constituencies, as well as a widening gulf of distrust evolving between the main negotiators. According to a number of ANC representatives and church leaders that the delegation met with, it is growing more difficult to "go out on a limb" to explain the conciliatory approach taken toward President De Klerk. At a time when the government is perceived as not particularly interested in stopping the black-on-black violence and in some instances may have even propelled it, time is running short for the current leadership as the high expectations which erupted upon Mandela's release from prison go unmet. As a well-known black artist put it who had been arrested 6 or 7 times, the longest being for 7 months, a spark could set off an explosion at any moment; time has run out and "we are poised on the outskirts to move into the cities."

Though a number of outstanding issues continue to slow progress -- including right-wing violence, continued bloodshed between ANC and Inkatha backers, questions relating to political prisoners and exiles, and disagreement over transitional mechanisms -- negotiations between government and opposition parties continue to progress. While it is expected that a new constitution will be developed and one-person one-vote elections instituted before 1994, outstanding issues remain: who can be trusted as a neutral manager of the transition to democracy; since there are no models for South Africans to follow, can it actually expect to succeed; and even if apartheid is completely dismantled can its effects be eradicated? In a letter submitted to President F.W. De Klerk, Senator DeConcini raised a number of human rights concerns.

Many people met by the delegation who considered transition to a democratic South Africa inevitable placed considerable emphasis on South Africa's potential role in economic and political future of Africa. Some viewed South Africa as an "Africa in microcosm," complete with numerous and sometimes conflicting ethnic groups, developed and developing population centers, and a fluid and volatile political and social mix. Kenyans, Nigerians, Namibians and other Africans contacted later in the visit by the delegation cited the importance of effectively integrating South Africa into the continent, and some hypothesized that South Africa would become an OAU member as soon as some form of a transitional power sharing arrangement was implemented. The CSSDCA process was widely viewed as a suitable vehicle for South Africa's multi-faceted reintegration into Africa. Others, however, pointed to the prospect of South Africa turning inward in light of its economic problems, focussing on restructuring its own political and economic institutions while playing a limited role in Africa.

Two South African parliamentarians from the Democratic Party attended the Kampala Forum, as did the Secretary General of the ANC who represented Nelson Mandela, and a number of South African journalists. Several articles on the Kampala Forum appeared in the South African press and a wide array of emerging NGOs involved in the process of restructuring South Africa, were eager to become involved in the CSSDCA process. Participants at the Kampala Forum referred to South Africa as "Africa's stirring giant," citing the potential economic boost South Africa could provide the rest of the continent. Such a role, however, was predicated upon the complete eradication of apartheid, and those not yet convinced of the irreversibility of the movement towards democracy believed it was not yet time to "reward" the government of F.W. De Klerk. President De Klerk and Foreign Minister Pik Botha, while professing a lack of focus on CSSDCA, cited it as an important development especially in relation to security conditions and demilitarization of the continent.

NAMIBIA

"All citizens shall have the right to form and join political parties and, subject to such qualifications prescribed by law as are necessary in a democratic society, to participate in the conduct of public affairs whether directly or through freely chosen representatives." Constitution of the Republic of Namibia, Chapter 3, Article 17.

The Republic of Namibia became independent on 21 March 1990, ending 74 years of South African rule and a 23 year conflict between the South-West Africa People's Organization (SWAPO) and South African security forces. The transition to independence was overseen by the United Nations. SWAPO won Namibia's first free elections in November 1989 with 57 percent of the vote. Over 97 percent of registered voters turned out to cast their ballot in elections supervised and declared free and fair by the United Nations. The SWAPO dominated government has only two non-SWAPO members among its 18 cabinet ministers. However, it has been given high marks for the degree and level of consultation with opposition and citizens groups undertaken on major issues.

Namibia's Constitution, adopted on 9 February 1990 provides for universal suffrage, a two-chamber legislature, independent judicial and executive branches, rule of law and equal rights for all people. Namibia's adoption of such a constitution is a critically important step in ensuring the protection of human rights in Namibia's future and is suggestive of the path that the government and people desire to take. Some, with whom the delegation met, expressed concern regarding the overwhelming predominance of SWAPO members in government -- in part due to the weakness and fragmentation of the other parties (seven political parties are represented in the parliament). In addition, the failure of the present government to go forward with elections for the second

chamber was cited by some as an unfortunate signal of its uneasiness in implementing meaningful checks on executive power. However, well organized NGO groups and a lively press are presently contributing to an open and free political debate and acting as a check on development of a one-party state.

Human rights issues centered on accounting for missing Namibian detainees formerly held by SWAPO in Angola and by the former South African authorities in Namibia. While there have been calls by government officials for an investigation into the missing persons issue, no action has been taken. It was suggested at one meeting with the delegation that such an investigation could prove embarrassing for current government officials. The present government is involved in a process of national reconciliation and is attempting to address the effects of decades of apartheid. However, Foreign Minister Gurirab declared the "honeymoon over" and stated that the government in power must seriously address and make good on the campaign promises that brought them into power, particularly in the area of jobs. Discrimination and violence against women are very serious human rights problems in Namibia, not unlike most African states. Women are discriminated against in employment and educational opportunities and suffer from pervasive cultural and traditional biases and prejudices.

In developing a new constitution, Namibians addressed a myriad of socio-economic and political problems and the varied needs of more than a dozen distinct ethnic groups. Such a process, and the nation's first fragile steps as a democratic society are drawing the scrutiny of African nations with similar problems that are looking at possible models of democratization. In this regard, it has been suggested that Namibia has an important role to play in the CSSDCA process. Foreign Minister Theo-Ben Gurirab noted that CSSDCA had been placed on the OAU agenda and believed Namibia could play a positive role in the process. The emerging role of NGOs in the development of human rights, fundamental freedoms and government accountability throughout Africa was illustrated in the activities of the Legal Assistance Centre. A major function of this organization was to educate Namibians about the unprecedented rights accorded them by the constitution. Programs were developed for classroom discussion, a network of legal advice clinics has been established and publications promoting the constitution and ombudsmen system are being mass produced. Besides pressing the Namibian government on various human rights issues, attorneys of the organization have begun to establish networks with attorneys of other African nations in order to propel human rights concerns beyond their own borders.

KENYA

"Mr. Speaker Sir, a characteristic of the rule of law is that no man, save for the President, is above the law." Amos Wako, Attorney General, in a speech before the National Assembly, The Nairobi Law Monthly

Kenya became independent in December 1963 after a prolonged and bloody uprising against Britain. Since then, particularly in the 1960s and 1970s, Kenya has had one of the most impressive economic growth rates in Africa and has maintained a relatively stable political system and impressive human rights record. Today Kenya faces serious unemployment, a fast growing population, shrinking per capita income, and a government intolerant of democratic dissent which relies increasingly on threats of violence to quell growing demands for reform. President Moi's claim that such reforms would lead to tribalism and ethnic conflict was described to the delegation as Moi's "last chip" in his bid to retain power as President of Kenya.

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The concentration of executive powers was a leading source of criticism heard by the delegation. One prominent former high-level government official claimed that democratic "institutions have been emasculated and laws prostituted." Most reform-minded lawyers corroborated such charges asserting that Kenyans have no faith in the legal system and do not expect to receive justice from it. Members of parliament have been effectively "straight-jacketed" -- dependent upon Moi for their political survival. Since the 1982 constitutional amendment making Kenya a de jure one-party state, demands for political pluralism have been met forcefully by the Moi government.

In July 1990, security forces arrested two former Ministers, Charles Rubia and Kenneth Matiba, in an attempt to prevent a planned pro-democracy rally. On July 9, after several protests in Nairobi and elsewhere, the Moi government ordered use of deadly force against anti-government demonstrators. By the end of July, 23 demonstrators had been killed and several wounded by security forces. Numerous well-known lawyers, editors and other professionals have been detained or arrested. The government has embarked on a policy of confiscating passports to prevent individuals from leaving Kenya. Jaramogi Oginga Odinga, who served as Vice-President following independence, and who recently attempted to register the National Democratic Party, was prevented from leaving Kenya to attend a conference in London on democracy. Several other well-known political activists and their spouses have had their passports taken from them and some were simply dragged off of airplanes while attempting to travel outside of Kenya.

Kenya's regional influence imparts upon it an important role in development of the CSSDCA process. More than two dozen Kenyans attended the Kampala Forum, comprising one of the largest groups from any one African nation. Among Kenyans attending the Kampala meeting whom the delegation met with were an eminent artist, a former foreign minister as well as parliamentarians, prominent lawyers, business persons, and the president of an organization which aids NGOs working in development areas. The government of Kenya declined to officially send representatives to the forum. It was reported to the delegation that some Kenyan participants were referred to as dissidents and criticized in parliament and by the press.

In meetings with President Daniel arap Moi, Attorney General Wako and other officials, Senator DeConcini raised several issues related to Kenya's deteriorating human rights situation. Co-Chairman DeConcini protested the recent seizure of passports from numerous dissidents and their family members and submitted a list of such individuals to President Moi. In an open letter to President Moi, Mr. DeConcini urged the President to release individuals detained for peacefully expressing a desire for political pluralism and to allow free and open discussion of political issues. Senator DeConcini requested that the U.S. Embassy in Kenya send observers to trials of prominent dissidents later this year.

NIGERIA

"Does it ever worry us that history which neither personal wealth nor power can pre-empt will pass terrible judgment on us, pronounce anathema on our names when we have accomplished our betrayal and passed on? We have lost the twentieth century; are we bent on seeing that our children also lose the twenty-first?" Chinua Achebe, The Trouble with Nigeria

Ethnic strife, civil war, coups d'etat, military regimes and intermittent periods of civilian government mark Nigeria's political history since independence from Britain in 1960. Presently, Nigeria, Africa's most populous nation with approximately 116 million people and home to more than 300 distinct ethnic groups, is ruled by a

military regime, the Federal Military Government (FMG), headed by President Ibrahim Babangida, who came to power following a 1985 coup. A 19-member Armed Forces Ruling Council (AFRC) is the highest political authority in Nigeria. There is no elected national legislative body. Only two political parties have been permitted to register, the National Republican Convention and the Social Democratic Party, both of which have their political manifestoes imposed upon them by the military regime. Though Nigeria's oil and gas reserves (ninth and fifth largest, respectively) make it potentially one of the world's richest states, the poverty rate has climbed and the middle class is threatened with extinction. It is Africa's biggest debtor nation with a debt of about $33 billion and has one of the lowest 10 per capita incomes on the continent.

Nigeria plays a significant role in any continent-wide endeavor, especially vis-a-vis CSSDCA as President Ibrahim Babangida currently serves as chairman of the OAU. The nation's tenuous political, economic and internal security situation and chronic corruption at almost all levels of society, however, raise serious questions about the promised transition to civilian control scheduled for late 1992. Recent actions by President Babangida in creating nine new states, raising to 30 the number of states in Nigeria, unleashed a wave of violence and arson and has caused the two political parties to postpone by six weeks primaries for gubernatorial and state elections scheduled for December. A failed coup attempt on April 22, 1990 was followed by dozens of summary executions, closings of newspapers and journals, lack of fair trials, and confirmed instances of police brutality, torture, and arbitrary detentions of ordinary citizens that continue today. While many Nigerians are in the forefront of promoting CSSDCA and dozens attended the Kampala meeting, past failures of civilian governments and uncertain plans for political and economic restructuring leave some observers skeptical about Nigeria's role in CSSDCA.

A moving force behind the CSSDCA process is General Olusegun Obasanjo, former president of Nigeria. Following the 1975 assassination of Murtala Mohammed, Nigeria's ruler, General Obasanjo who was second in command of the ruling military council, was appointed president. Four years later, he called elections and turned over power to civilian rule. During a meeting with delegation staff members, Obasanjo reflected on the origins of the CSSDCA and where the process was headed in the future. He discussed the positions of various African leaders regarding their nations' participation and the role of the OAU in moving the process forward. He described delicate behind-the-scenes negotiations at the June 1991 OAU summit, at which it was decided to submit the Kampala findings to an experts meeting in February 1992. Obasanjo expected that the OAU would adopt the Kampala findings as an official OAU document at the June 1992 summit, although he pointed out that representatives from a number of nations were actively working to shelve the Kampala process.

VI. CONCLUSIONS

As the twentieth century draws to an end, Africa confronts age-old problems that have left many disappointed and bitter. It is a continent where the rich get richer and fewer while the poor get even more poor and hungrier. While the struggle for survival and the fear generated by brutal acts of repression and civil war keep most from political activism, more and more dissenters are moving from the peripheries of political and social action and trying to force a public dialogue with leaders and the silent majorities. The seeds of change have been planted. Old systems -- weak from years of ineffective governance, dictatorships, lack of accountability, economic robbery and abject poverty --are breaking down.

A consensus is emerging in Africa that devastating economic problems and gross inequities are, to a significant degree, linked to an absence of democracy, and that current African leaders must be held accountable for the pervading sense of failure. The fact is that political issues can not be separated from development issues. And just as so many with whom the delegation met with want to share in the resources of their countries, so too do they want to participate in its political life.

The events in Eastern and Central Europe and the Soviet Union demonstrated graphically the ultimate vulnerabilities of illegitimate regimes. This has not been lost on Africans. Since the fall of communist regimes began in Eastern Europe two years ago, single-party dictatorships have ended in more than a dozen sub-Saharan African nations, and changes in Zaire, Cameroon, Togo, Madagascar and elsewhere are occurring even as this report is being written. While the urgency of the situation may seem readily apparent, many Africans fear that Africa will remain marginalized and relegated to the peripheries of world affairs as events in Europe, Asia, and North America continue to dominate global attention. Some believe that continent-wide integration and cooperation is the only way to promote, preserve and advance the interests of African nations and peoples. In this regard, the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) offers an opportunity that should be seriously considered.