

S. HRG. 106-295

**THE NIGERIAN TRANSITION AND THE FUTURE  
OF U.S. POLICY**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON FOREIGN RELATIONS**  
**UNITED STATES SENATE**  
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FIRST SESSION

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## THE NIGERIAN TRANSITION AND THE FUTURE OF U.S. POLICY

THURSDAY, NOVEMBER 4, 1999

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 2:35 p.m. in room SD-419, Dirksen Senate Office Building, Hon. Bill Frist, presiding.

Present: Senators Frist, Biden, and Feingold.

Senator FRIST. I call to order this meeting of the Committee on Foreign Relations. On our agenda today is the Nigerian transition and the future of U.S. policy. I want to welcome today our witnesses and others who are here to join us, and I want to give our thanks to Senator Helms for calling this committee hearing at such an important time in U.S.-Nigeria relations and in Nigeria's transition to civilian rule. We appreciate the chairman's recognition of the importance of Nigeria to U.S. interests in Africa.

I also want to give my thanks to Secretary Pickering for his willingness to testify on the administration's behalf on this critical issue.

One of the most biting criticisms of American foreign policy is not so much that it is dominated by insular or isolationist thinking, but that it fails to recognize opportunities that are there before us. In the hearing's of the Africa Subcommittee this year and in this full committee hearing today, Senator Feingold and I have focused on both the crises as well as the opportunities that Africa represents to the United States. On a continent where the United States' interests are so often crisis-driven on a day-to-day basis, something I hope we as policymakers can change over time, the current transition in Nigeria stands as a stark contrast of being an opportunity-driven policy, for now at least.

Without a doubt the transition which Nigeria is now undergoing is a monumental opportunity for the United States on the African continent. To clearly recognize and take full advantage of that opportunity is something in the interest of both the U.S. Congress and the administration and a shared agenda upon which our combined efforts will be required.

In pure economic terms, Nigeria is already of great consequence to the daily lives of Americans in terms of being the source for nearly 8 percent of our crude oil imports, 8 percent, although as I talk with people around the country most people do not realize it. Compare that to Americans' understanding of the role of Kuwait's oil in our daily lives, which is less than Nigeria's, and things start to come into perspective.

Nigeria is also the single largest market on the continent of Africa, with an estimated population of 110 million, the tenth most populous on the planet. On a continent which is increasingly being viewed by many investors and financial institutions as the last frontier of direct overseas investment and a virtually untapped market of 700 million, Nigeria is understandably seen as the potential engine to power the region's growth.

Its peacekeeping roles in Liberia and Sierra Leone indicate that Nigeria, even in times of domestic crisis, understands its potential regional hegemony and, more importantly, it is willing and able to assert itself.

For these and other reasons, Nigeria is rightfully seen as a possible linchpin for the entire continent. But the prospects for Nigeria are far from entirely sunny. It has taken a prominent place in America's security calculations because of its criminal elements and as a source and transshipment point for huge amounts of narcotics. Corruption at all levels of the private and public sector is so pervasive and so deep-rooted that it is hard to imagine that the transparency and rule of law necessary to do business and support a responsive and deliberative democracy can be achieved without near-revolutionary changes.

Nigeria is not merely a nation of vast potential wealth, as we so often hear. It is a nation of squandered and stolen wealth. A few people have benefited from that wealth, but the vast majority have suffered under poverty and often brutal military rule. They are understandably restive.

That brings us to the question of whether President Obasanjo can bring the necessary forces to bear to tear down the bases of power which have controlled Nigeria for most of its independence. The dictatorial tradition and the kleptocracy are extremely powerful and richly funded. They are formidable opponents.

Although President Obasanjo has twice proven himself willing to take on those corrupt powers, we must remember that he is still beholden to and is himself a part of an elite governing class which may see true democracy as a risk to their own bases of power or wealth. Does he share our vision of what democracy means?

The desires and thirsts of the vast majority of Nigerians will not be satisfied easily. Expectations are very high and the potential volatility in the country shows itself in significant ways even now. We see it in the Niger Delta and in the recent Hausa and Yoruba violence. Both the Secretary of State's visit to Nigeria and last week's visit of President Obasanjo are important starts to what will undoubtedly be a difficult but potentially rewarding and unusual joint effort to help form Nigeria's future. It is unusual in that Nigerians so clearly want a very active American role in that institution.

I look forward to hearing about all of our witnesses' impressions today as well as the administration strategy to take advantage of this historic opportunity in the life of Nigeria and of all of Africa.

Senator Feingold.

Senator FEINGOLD. Thank you, Mr. Chairman. I want to thank you for holding this timely hearing and your recognition of the interests and work of this subcommittee over the years with regard

to Nigeria. I know that scheduling during this busy time was difficult and I appreciate your perseverance.

I also want to thank Secretary Pickering for being here, and indeed to thank all the witnesses for twice fitting this hearing into your schedules, and in the case of Mr. Akwei for joining us on very short notice.

As you have indicated, Mr. Chairman, this hearing is indeed timely. The Nigeria that we know today is dramatically changed from the Nigeria we knew only a year ago. When I first became involved in the question of Nigeria, the country was a pariah, the counterargument to the claims of an African renaissance. But last week I had the pleasure, along with the chairman, of meeting the democratically elected President of Nigeria right here on Capitol Hill. I certainly do not underestimate how very far Nigeria has come and I share some genuine excitement about that.

Genuine progress is beginning in the fight against corruption and impunity, and gains are being made in Nigeria's struggle for stability and justice. I certainly believe that at this early stage of Nigeria's transition U.S. support for continued democratization, for anti-corruption efforts, for human rights, and for better civil-military relations is critically important.

Mr. Chairman, I am also concerned that the "seize the moment" mentality gripping many in Washington may not leave room for an appropriate degree of caution as we move to engage with Nigeria. A sense of urgency does not give us license to sign off on anything at all, particularly with regard to military-to-military relations. I look forward to hearing more from all the witnesses about this issue in particular.

Given the importance of the topic of this hearing to the work of the Subcommittee on Africa, and indeed to the administration's African policy, I do hope the committee will be able to have the transcript of this hearing printed as an official committee document. If there is no objection, I would like to request that two documents be included in that official publication.

The first is a trip report from one of my staff members, Linda Rotblatt, who participated in official observation missions to both the local and Presidential elections in Nigeria in December 1998 and February 1999. Included in her report is an appendix of the reports of the groups that conducted U.S.-funded observation missions. I think these reports greatly contribute to our understanding of what happened throughout the electoral period in Nigeria and it would be useful to have them published in one place.

[The report referred to is in the appendix on page 57.]

Second, Mr. Chairman, if I could I would like to include for the record a statement of Bronwen Manby, a researcher for Human Rights Watch. Ms. Manby was originally scheduled to be a witness on the private panel, but was unable to participate when we had to change the date. I think her testimony offers an important insight into our subject today, so I would like to have that included in the record as well.

Senator FRIST. Without objection, both of those will be made a part of the record.

[The material referred to is in the appendix on page 71.]

Senator FEINGOLD. I thank you very much, Mr. Chairman.

Senator FRIST. Thank you.

Mr. Secretary, if you can come forward. Welcome. I officially welcomed you just a few minutes ago and appreciate your willingness for testifying on behalf of the administration on this critical issue and, again, your willingness to accommodate the fluid nature of our Senate schedule here today.

We do have two panels today. The first is Mr. Thomas Pickering, Under Secretary of State for Political Affairs. Welcome, Mr. Secretary.

**STATEMENT OF HON. THOMAS PICKERING, UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS, DEPARTMENT OF STATE**

Ambassador PICKERING. Thank you very much, Mr. Chairman and Senator Feingold. Please accept my apologies for the unfortunate delay in my arrival as a result of Washington traffic, both inside and outside the State Department. I deeply apologize. I know you were ready to go and I hate to be the subject or cause of delay.

I want to say both good afternoon and deepest thanks, Mr. Chairman, to you and to Senator Feingold. I am delighted to address the Foreign Relations Committee today on Nigeria, a country I have followed for a significant part of my career at the State Department.

Before I begin my testimony I also want to say that, like you, I bask in what I hope is the glow, but may be for some the gloom, of the passage of the Africa Growth and Opportunities Act, and I say that with some care because I know Senator Feingold had hoped for more. I think we all hope for more in the future, but I thought that the vote, the outstanding vote of the Senate on this legislation and the purpose for which it is directed, is an extremely important ratification of the importance that we attach to Africa. We are happy that this has in the best sense of the word bipartisan support and a bipartisan aspect to it which is all too rare these days in these precincts. So I thank you very much for all of the work and all of the effort that went into that.

I would also say that we have apologized to each other for the rescheduling. I am happy to come. I think that, as opposed to "justice delayed is justice denied," a hearing delayed in this particular case may be a hearing enhanced, in the sense that we have more to work with now. We have more actually to discuss and we have the visit of the Secretary to Africa and the visit of President Obasanjo here to build on, and I hope that will make the committee and the hearing more enlightened and be more useful to you in the work that we have to do.

Eighteen years ago, Mr. Chairman, I arrived in Nigeria as the U.S. Ambassador during the administration of Alhaji Shehu Shagari, Nigeria's first and unfortunately last elected civilian President until last year. Nigeria's early experiment with democracy ended 2 years later, falling victim to institutional flaws, political corruption, and a declining economy. What followed was a succession of military rulers who became increasingly corrupt and contemptuous of democracy, leading to more than a decade of political and economic deterioration that resulted in international isolation.

Last February, 8 months after the sudden death of General Abacha in June 1998, Nigerians again voted in elections that were not perfect, but both Nigerian and foreign observers concluded that those elections reflected the will of the Nigerian people that Olusegun Obasanjo should become their first elected leader in 15 years.

When Secretary of State Albright visited the Nigerian capital Abuja, 2 weeks ago, she praised President Obasanjo and his government for their courage in restoring democratic institutions, fighting corruption, and establishing government accountability. The Secretary encountered a great sense of hope and expectation in what was the first trip by a U.S. Secretary of State to Nigeria in 12 years. She pledged our support for the Government of Nigeria's new effort to rebuild democratic and free market institutions in Nigeria and to accelerate its transformation to the prosperous democratic regional leader it can and should be.

Likewise, President Clinton during President Obasanjo's official working visit to Washington last week promised U.S. assistance to reinforce the fledgling new democracy.

Why is Nigeria's democracy important to us? A strong democratic and prosperous Nigeria can help us meet our two main policy objectives in Africa: to integrate Africa into the global economy through trade, investment, sustainable development strategies, transport, fair legal systems, respect for human rights, and good governance; and second, to deal with transnational threats that affect both Africans and Americans, including drug trafficking, transnational crime, terrorism, environmental degradation, and disease.

Nigeria with its population of over 100 million people, diverse natural and human resources, enormous economic potential, active and free press, and a growing and vibrant society, has the potential to be the economic engine and stabilizing influence in West Africa and for much of the rest of the continent and an important influence on the globe.

Already a major force in the sub-region, Nigeria took the lead in the creation of the Economic Community of West African States, ECOWAS, in 1975, and later in creating its military arm, the Economic Community of West African States Monitoring Group, ECOMOG. Nigeria bore the greatest share of peacekeeping responsibilities in Liberia through both troop and financial contributions between 1990 and the middle of last month, when the last of its troops withdrew.

Nigeria, through ECOMOG, was also instrumental in restoring Sierra Leone's elected government in March of last year. Over the last year and a half, Nigeria's troops, along with those of Mali, Ghana, and Guinea, have defended and protected the Sierra Leonean population, upheld democratically-elected government, and pressed the rebels to go to the negotiating table. The signing of the July 7 Lome Peace Accords between rebel leader Foday Sankoh and President Kabbah marked what we hope will be the beginning of the end of that horrible civil war, many of the aspects of which were of course featured in the Secretary's visit and in the public reporting here in this country of the atrocities and degradations that accompanied that war.



On the economic front, Nigeria is our second largest trading partner on the continent. American companies have invested over \$7 billion in Nigeria's petroleum sector alone. We import about 40 percent of Nigeria's oil production, which constitutes nearly 8 percent of our total oil imports. Nigeria may have one of the world's largest gas reserves, natural gas reserves, and has the potential to revive a once-flourishing agricultural sector. With adequate investment, development of its infrastructure, and good management, Nigeria can become an international economic powerhouse.

Democracy dividend. President Obasanjo knows that democracy and economic progress are mutually reinforcing. He and his government also know that building democratic institutions and combating pervasive corruption while simultaneously reforming a dysfunctional economy is an extraordinarily difficult task. They have repeatedly expressed their concern about the government's ability to meet the high expectation of Nigeria's people.

When President Obasanjo was in Washington for his official working visit last week, he outlined the steps the government has already taken to fight corruption and human rights abuses, reform Nigeria's economy, and promote social reconciliation.

Although Nigeria is still hindered by weak institutions, the government and people have clearly demonstrated their willingness to work with us and with the international community on issues from regional peacekeeping to counternarcotics and anti-crime efforts, to improving social, political, and economic opportunities for Nigeria's people. Nigeria needs and deserves our assistance as it undertakes these very difficult tasks.

On the economy, perhaps the greatest challenge facing Nigeria's new democracy is economic management. Since Nigeria's emergence as a global oil producer in the 1970's, more than 80 percent of government revenues and 90 percent of export income have been derived from petroleum. This explains in part the development of a highly centralized state-dominated economy in which the allocation of petroleum contracts and agreements has been a principal source of patronage, political control, and competition.

Despite Nigeria's great oil wealth, living conditions for average citizens are extremely poor. I am unhappy to report that over the past 15 years average per capita income dropped roughly 75 percent, from \$1,200 per year 15 years ago to only \$300 per year this year. The sharp drop in oil prices last year depressed the economy even further, although global growth and now higher oil prices have improved near-term economic prospects and performance.

We need to help the Nigerian Government and the people to make clear and immediate the benefits of a vibrant reform-oriented society for people who have lost their faith in their government and the faith that their drive and creativity and legitimate enterprises will be rewarded and supported.

In recent years, bureaucratic sluggishness and corruption have been obstacles to the establishment of a dynamic private sector, to an investment climate that welcomes all investors, and to a legal system that supports property rights for everyone. Perhaps the greatest tragedy is continued existence of widespread staggering poverty, and bankrupt institutions and decrepit infrastructure in a

nation of such great promise, so many resources, and such enterprising people.

What is the United States' policy? The United States has a strong national interest in helping transform Nigeria into a genuine democracy and it is a U.S. foreign policy priority. Successful democratic transformation of Nigeria will have an impact on its neighbors; economic prosperity will raise the fortunes of the entire region. As Nigeria rebuilds its political, economic, and civic institutions, it can become a model for the entire continent.

The international community, however, must bring more resources to help Nigeria consolidate its democracy and breathe new life into its economy.

Nigeria is potentially Africa's largest consumer market and magnet for new investment. Over the next 18 months, our approach will be to encourage consolidation of civilian rule, intensively engage Nigeria on a range of mutual concerns, from military reform to environmental issues, and develop a cooperation program that will help to assure that democracy takes root.

While acknowledging Nigeria's disproportionate burden of regional peacekeeping in recent years, we also want Nigeria to remain engaged in regional conflict resolution and peacekeeping and perhaps expand these efforts further. We have started to rebuild our military-to-military relationship, with a strong emphasis on increasing civilian control over the military.

Today we are inaugurating a Joint Economic Partnership Committee, JEPC, with the Nigerians to open a sustained dialog on economic reform, trade, and investment issues.

Mr. Chairman, it is important that we support Nigeria during this critical period. As directed by President Clinton, an inter-agency assessment team, composed of eight U.S. Government agencies visited Nigeria from the 19th of June to the 2d of July. The team explored with the Nigerian Government, civil society leaders, and the American and Nigerian business communities, how the U.S. can best assist Nigeria with its political, economic, and social transformation.

Over a 2-week period, the team met with a wide range of national, state, and local officials in Nigeria, with nongovernmental organizations and business representatives, and also with President Obasanjo and senior members of his government. Mr. Chairman, at this point I would like to introduce into the record and to make available to the members of the committee the executive summary of that team's work.

Senator FRIST. Without objection, it will be made part of the record.

[The material referred to appears in the appendix on page 77.]

Ambassador PICKERING. Thank you, sir.

Following the team's visit, specialized technical teams from the U.S. Departments of Energy, Defense, and Transportation traveled to Nigeria to review cooperation on energy policy, infrastructure rehabilitation, and possible programs to strengthen civil-military relations and improve the transportation infrastructure.

For the first time in many years, Nigeria has the opportunity to build a society based on good governance, the rule of law, transparency, accountability, and a clear commitment to treat all of its

citizens equitably. This administration is committed to working with the Congress to forge a new U.S.-Nigeria relationship in the context of that country's successful transition to civilian democratic rule and to ensure that we have adequate resources to achieve our objectives and forward our national interests in this very important country.

Our mission, let me be clear, is to build Nigeria's own capacity to sustain its democracy and marshal its untapped resources for economic revitalization. To do this, we are developing programs to promote economic reform and growth, build civilian-military relationships, support political structures of good governance, and assist in the rehabilitation of Nigeria's infrastructure, agricultural sector, and health and educational services. This is a large and demanding task.

Nigeria is one of the best examples of why foreign assistance is so important. We have the opportunity to invest in democracy, to invest in counternarcotics efforts, to invest in sound economic reform, and to invest in building institutions capable of returning Nigeria to a strong and prosperous partner. The time to make these investments is now, and I hope that we can work closely with this committee and with other Members of the Congress as we develop a robust and targeted program with Nigeria.

We stand at an important crossroads in Africa. Nowhere can a window of opportunity be developed and exploited so usefully as in Nigeria. What post-apartheid South Africa has done at the end of this century, Nigeria has a chance to do at the beginning of the next: better the lives of hundreds of millions of Africans at home and beyond its borders. It is imperative that we contribute resources commensurate with the challenge and with the enormity of the task.

President Obasanjo and his government have demonstrated the sincerity and commitment, if not the wherewithal, to lead that effort. We believe a strong Nigeria could lead to greater productivity, trade and investment, and over time, less assistance.

We look forward to working with the Congress to support the Nigerian Government's vigorous efforts to build democracy and reform the economy. We believe our current engagement represents the best hope for success.

Now I would be pleased to take any questions that the distinguished members of the committee may have. Thank you very much, Mr. Chairman.

Senator FRIST. Thank you very much, Mr. Secretary.

Oil reserves, which you mentioned, are huge, with the consensus being, depending on who you ask, around 20 million barrels of proven reserves. It is one of the top producers of natural gas in the world, potentially the top producer, supplying about 8 percent of our crude imports. The year 1998 available numbers put the revenues from oil at about \$22 billion, \$22 billion annually, numbers that will increase, as you pointed out, with the rise in the price per barrel over time.

Yet that wealth has not reached the Nigerian people, nor has it seemed to back the legitimate operations of the Nigerian Government. I guess I would like to link that as background to the Secretary, Secretary Albright's, pledge to increase our assistance to Ni-

geria. I guess in view of the fact in my opening statement I made the point that Nigeria does not have potential wealth, it seems to have squandered wealth or stolen wealth, could you comment on those who would question the rationale of providing assistance which would be in the \$100 million, \$112 million range?

Ambassador PICKERING. I would be happy to, because I think that we have to look, of course, at both the opportunity and how Nigeria got to where it is now. With respect to the latter, as I noted in my statement, we had a long period of really inept and at the end obviously corrupt and dangerous military rule, dangerous particularly for Nigeria's economy and the future of its own people.

We were given an opportunity, even more so the Nigerians, by the untimely passing of their leader on a sudden basis in June 1998. How that opportunity is now used depends first and foremost on Nigerians, and they have through a period of interim rule by a successor military leader, General Abubakar, and now with the election of General Obasanjo, in my view answered in a resoundingly positive manner that they are prepared to take steps and support leaders who are willing to take steps to open the door to the new opportunities.

What is lacking on the Nigerian side is the ability to catalyze this process through the use of information, technology, technical assistance, and other things that we in particular have a comparative advantage in being able to supply; and to do that on a basis that allows them to begin to develop all of those possibilities for the enormous wealth that they have so far squandered.

So it is a second chance. As you know, for people who have alcohol addiction second chances are never perfect, but there is a real opportunity. I have to tell you that President Obasanjo has never been an addict. He in fact, as you know, spent 4 years in prison because of his belief about the future of his own country, and he is now being given a second chance in his life in fact to put into practice the beliefs for which he suffered so long.

So I have no doubt about President Obasanjo's commitment. I have had the honor to know him for a number of years and he is a man who is a statesman on the world scene. I also have a strong belief that the Nigerian citizenry, regardless of the faults and foibles of the last election, made a clear choice in President Obasanjo and in a government and elected parliament to work with him.

So it is this opportunity, it is this moment, it is these requirements, that we have looked at. And they are relatively small in comparison with what the future could bring for 100 million or more people on the African Continent.

And our own interests are very large. I am not making this case purely as an eleemosynary case. But after all, our dependence on Nigerian oil—the fact is that Nigerians over the years have developed one of the largest networks of narcotics smuggling and we need President Obasanjo and his new commitment, which is beginning to bear fruit, to deal with this problem to help us in this particular area.

We need Nigerian leadership in West Africa, where even in the bleak days of the worst years their commitment to peacekeeping, however poorly carried out that was in the eyes of some, spelled

a real difference in the future of two countries in the region and over time may for more.

So this is the opportunity. It would be foolish of us not to recognize the risks, but it would be equally foolish of us not to recognize the risks we would incur of letting this opportunity pass us by. The commitment that we must make, your end of the avenue and my end of the avenue, is to be able to put good, solid programs in place, programs that will not be preyed upon by corrupt officials because they will be carried out by Americans and American contractors who are working with people who will bring technical assistance and not cash into the treasury of the country, in ways that can assure us that the past checkered history of this can be overcome.

Senator FRIST. Do we link the \$100 million in aid or this assistance to progress, either in the inter-agency report or in how oil reserves or money flowing is to be used?

Ambassador PICKERING. I believe that, first, there is no such concrete proposal. But both the Secretary and the President have talked about quadrupling the present level, which is in the order of \$27 million. So I believe your figure is in totally the right ballpark.

Second, we will come forward with a concrete proposal in order to make sure that we have your confidence and can justify the funding. I think it is extremely important for us to commit ourselves in areas where Nigerian performance can be judged. I am strongly persuaded that in assistance relationships first and foremost the linkage ought to be to the carrying out of the programs and the projects that we have in mind, and the other portion of the linkage needs to be in the area of doing nothing on the part of the government which undermines or destabilizes the basic objectives which we agree upon with the country concerned.

So I would hope it is in that context, that is continued performance by President Obasanjo on the road that he has taken. We are not in that situation where we have to persuade a President to do the hard things. We are in the situation where we have to help a President who is already persuaded to do the hard things. So it is a little bit different. So in some ways I think it is easier for me to justify this program than a lot of others I have to come up with, where you and we both agree that we should use the program to move the President and the country rather than the program to help the President do what he and we both want to see done in the country.

So I would distinguish it that way. My element of conditionality would be, as long as we and President Obasanjo agree, and I believe that is going to be the case, we should work together to do the things that we agree upon; we should measure performance, both of us, on how well and how effectively that money is used by both of us in the process.

Senator FRIST. Thank you.

Senator Feingold.

Senator FEINGOLD. Thank you.

Secretary Pickering, despite many of the encouraging signs that you talked about in Nigeria today, despite the series of elections that have occurred in the past year, the very foundation of the Ni-

gerian political system, the Nigerian constitution, was handed down by the military regime only weeks before the new government was inaugurated. How important do you think is the question of constitutional legitimacy for Nigeria's transition and how can the United States assist Nigeria to address this issue?

Ambassador PICKERING. I think, Senator Feingold, it is important to have constitutional legitimacy and it is important to have a constitution that broadly reflects what one would have to say is the decent opinion of mankind about what is fair, equitable, just, and legal. I think the Nigerian constitution, despite the fact that it was handed down by the military, does better with the latter test than it does the legitimacy test.

I think it is up to President Obasanjo both to figure out where there are problems in the constitution because it was handed to him, he did not have a choice, and then second how and in what way, should he choose to do so and should he believe in fact that there is a question of legitimacy, he takes it to his people.

In the past in Nigeria, they have talked about having a convention and sitting down and redrafting the constitution and putting it all in place. Coming in the immediate aftermath of a revolutionary change of government, constitution drafting by convention has its own problems. It has a divisive quality inside the country. The Nigerians are getting settled in, seem to be relatively accepting of the electoral outcome and relatively well protected at the moment by what is clearly still an imperfect constitution, in the way in which we have mentioned, to move things along.

I believe it is for Nigerians now, not foreigners, to help settle that very difficult question that they face, is this the right constitution and does it cover the problems that we have to deal with in the right sort of way. I would say this is not in my view, from what I understand to be the situation in the country, the largest problem faced by Nigeria. We should not attempt to make it a larger problem for them than they see it.

Senator FEINGOLD. Fair enough. I think that is an interesting comment. I do worry about the lack of a legitimate organic document for the country and I want to have conversations with Nigerians about it in the future, but I think your comment is a good one.

In your statement you mention the creation of a Joint Economic Partnership Committee between the United States and Nigeria. This is the first we have heard of this. I wonder if you could elaborate further on its goals and modalities.

Ambassador PICKERING. Yes. It was, of course, something that has some history. When the assessment mission went out and as the new government began to be thought about and then elected, my very distinguished colleague Stu Eizenstat went to Nigeria. One of Stu's thoughts, which we all supported fully, was that the economic issue, the management of the economy, as I highlighted in my statement, and the host of economic problems being experienced in Nigeria, could benefit from the establishment on an institutional basis of regular exchanges between U.S. officials and Nigerian officials on the issues of trade and investment and economic management.

So this idea was brought to fruition and now Stu's successor, to be confirmed I hope very shortly, Alan Larson, who is acting in Stu's place, is leading our work in that commission. It pulls together economic expertise inside our Government and the Nigerian Government, with a very full agenda of initial discussions about how and in what way we can work with them to deal with a host of problems that they have experienced.

Obviously, it will have to touch on things like how and in what way can they begin to stabilize and formulate rules, laws, and activities to promote investment rather than to inhibit or chase investment, how can they begin to deal further with the problem of corruption. As you may know, President Obasanjo has introduced a new law, he has removed a lot of people from government, he is prepared to continue to work on accountability.

He has a huge problem. We need to do all that we can to help him, whether it is in the institutions that seem to help us here or with other best practices that can be put into effect. The remarkable thing is that for the first time in a decade or more you have a Nigerian leader who is truly committed on this problem, which has been not a peculiar affliction of Nigerians, but unfortunately something of a primary growth industry in the country that has been really deeply afflicted by this problem. And we all know that you cannot run good government and a good economy in a situation in which the decisionmaking apparatus—and it has been heavily weighted on the government side—is corrupted.

Senator FEINGOLD. Let me follow on with a question on President Obasanjo, who has been so successful in his reform efforts, but some have said it is in part because he has powerful allies, such as General Babangida. I certainly was impressed with the President when I met him the other day and I heard your words describing him as a statesman.

How independent an actor is the President in your view? In what areas might this independence be curtailed in favor of stability?

Ambassador PICKERING. I have been surprised, because I think that General Babangida for his own purposes probably thought it best and useful to support General Obasanjo in his election. But as I have watched and I have kept a careful eye on the situation, I have seen the continued development of the independent policies that General Obasanjo told me when I saw him in the month before he assumed office that he was going to pursue.

I can tell you that Nigerians and Americans watch very carefully this particular set of activities. I know General Babangida. I have known him for a long time. I do not think that his period was either the worst and certainly not the best in Nigerian history, and it was characterized by a lot of complaints about some of the issues we have been talking about. So I do not think that he is necessarily seen as a helpful influence, if I can be careful—I have to be a little diplomatic from this platform occasionally—a helpful influence on things in the future.

If he is putting his weight behind free elections and his weight behind free choice and his considerable resources behind President Obasanjo, it is incumbent in our view that President Obasanjo continue to stick to his guns and represent those policies he has been committed to and carry forward. He has in that sense developed

what I would call transparency and accountability. He has told me and he has told you and others what he intends to do and he has asked us in frankness to judge him on the basis of that.

So I am happy with that. I believe he is proceeding in the right way. I share your concern, but, happily, I cannot report that I see convincing evidence that that is happening. We all want to watch it.

Senator FEINGOLD. Will we be continuing with the Secretary here?

Senator FRIST. No.

Thank you, Mr. Secretary. As Senator Feingold said, we appreciated the opportunity to spend the time with the President and talk about a broad range of issues. One of the issues that we did talk about was privatization. In response to a question, he gave us his assessment of privatization and what he thought it would take. The analogy that he used is one that I guess he uses in many different settings, and that is to selling a car. He basically said that first of all before you sell a car you need to fix it up before you sell it, and he indicated that is what he would do with the parastatals in Nigeria.

In terms of attracting investment, the time line you have spelled out historically where there is going to be some rapid change, he paints a vision and we stay very much on top observing, making sure that vision comes true, is that the best way to attract investment as he moves toward some privatization in the future?

Ambassador PICKERING. I think there are a couple of things. First may I make a remark on privatization? I agree and I think it is very important. I can accept his shining the bumpers and hub-caps as a reasonable response, but after a period of time you cannot shine them any more.

There is in government operation of industry—and I just spent 3½ years in Russia before I came back to this job—huge inefficiencies and terrible inequalities. Even in the name of social justice, the introduction of government control is often perverted and pulled out of order and distorted. So I believe that competition is a balance wheel for this and helps us balance social justice and equity in one side through government regulation with effective and efficient performance on the other side, which builds the income.

This is always subject to debate and argument. But I think in Africa today and maybe in Nigeria today, if I had a criticism I would say there is a reluctance on the part of the state to part with what it had envisaged as a national patrimony in the best sense of the word, and about which I think the notion of poor organization, inefficient management, and costly operation and poor decisionmaking has not caught up with the fact that there are ways under careful regulation and control—after all, we all live in regulated economies, you and we both work at that—we can get better value for our people out of that kind of organization and you can return something to the state.

So I would hope and encourage privatization, and if I have new opportunities to talk with General Obasanjo that is one of the things that is on my agenda and he knows it. That is no secret. We continue to talk about this. This is in my view extremely important. So I think we need to have that go ahead.



Further, privatization is a clear signal to investors that the government wishes to become at least friendly, not antagonistic to, the people who are prepared to put their capital to work in that country. I do not mean that this should be unfettered and have only Adam Smith watch over the process. I think we need to obviously encourage governments to run good economies through careful management, they have taxation, they have health regulations, they have all the things that we know about that make our economies run in the interest of the public as well as the interest of the profits.

This is very important, because I think this will introduce in a country like Nigeria elements of competition and efficiency which sometimes have been absent in this process.

I think, second, the government has to convince the investor that if he puts his money in he can get a fair return on capital, that he will not be robbed, and that he can have governmental peace, ethnic peace where that has been a huge problem, stability, that he can compete on a level playing field, that he does not have enormous extra costs to be involved in. Even if the oil business is lucrative, obviously there are always limitations, and that has to be done.

In general, Nigeria I think has done a fair job with bringing in oil investors. It could do better. It has not done as well with other industries, the service sector, other kinds of manufacturing, and so on. I would urge that in the areas that I have mentioned and others that are related to that you get a sense of transparency and predictability.

Senator FRIST. Let me ask, because we did not have time when we were with him to explore all of these areas, but one area that has not been mentioned is telecommunications. We have heard that Nigeria has essentially changed their policy with respect to the telecommunications sector to one which would attract immediate considerable direct foreign investment and, specifically, that \$100 million will be required up front for a license fee for wireless communications and this would be after fees were paid, license issued, and agreements made under different rules and understandings.

If so, this sounds to me like it would be almost disastrous for attracting investment. Do you know anything about that, or is that true?

Ambassador PICKERING. I do not and it sounds prohibitive to me. It sounds like it is a closing of the sector. I mean, I do not do business in telecommunications, but any license that costs \$100 million has got to be pretty tough.

Senator FRIST. Do you feel that Nigerians are generally satisfied with the Obasanjo regime?

Ambassador PICKERING. Yes, I do.

I just wanted to say, I am not confirming the \$100 million number. This is the first I have heard it.

Senator FRIST. I understand.

Ambassador PICKERING. Yes, I do. I think that there is a new spirit abroad in Nigeria. There is a long way still to go and there are still a lot of abuses and difficulties. But there is more openness in the society. People are responding to General Obasanjo's efforts to get at corruption. I think there is more responsibility.

He himself I know has pointed out, because I read this in the press statements—I was out of the country at the time he was here—that one of the immediate things he has done is he has gotten rid of gas lines. If you have gas lines in one of the world's largest producers of petroleum, you have got real problems, and he recognized that.

So he has introduced responsibility and an effort to put the refineries back into repair and an effort to block what was really I think a huge scam, where people depended upon imports of petroleum products as a way of making extra money. It was in a sense a corrupt channeling of supplies and scarcity and maintenance of scarcity by government collusion in order to increase profits, and that is why they had the horrible problem with higher prices and lines and no available fuel for long periods of time.

I think that that has ended and I think that is a step forward. There are still difficult problems. The ethnic problems in the delta of Nigeria, the oil-producing region, the deep-seated feelings on the part of the people that are there that they have not enjoyed in a responsible way many of the benefits that would have come had some of the oil income come in their direction, is a serious problem.

General Obasanjo has been there several times. He has a new law on delta development. He has worked with the Governors and, even more importantly in my view, has begun to work with grassroots organizations, NGO's in that region, to begin to find ways to deal with the problem.

The problem has taken on proportions beyond merely sensing a feeling of deprivation. It has taken on the prospect of intercommunal—the actuality of intercommunal strife between groups, ethnic groups in the region, and between ethnic groups and the oil producers and the oil producers' foreign employees or non-ethnic employees in some cases, not of the particular local ethnic group.

It is a difficult problem and it will affect production, and people tell me in fact that there is a hesitancy on the part of oil developers to develop onshore resources if they have a choice of developing offshore. So I think it is serious and needs to be faced, and this has been part of our conversations with General Obasanjo.

I think he is working at it. It is a very tough problem. It is going to take some time. It cannot take too long or it will have an effect.

Senator FRIST. Thank you.

Senator Feingold.

Senator FEINGOLD. One or two questions, Secretary Pickering. The first one is, Nigeria has been a very important partner in U.S. efforts to address the tragic crisis in Sierra Leone and I personally witnessed the Nigerian effort in Liberia in 1994 and I remember being intrigued by that commitment despite the nature of the Government in Nigeria. But ECOMOG operations have been costly. President Obasanjo frequently cites, I believe, an \$8 billion figure and he mentions both the human and economic term problems of that and the political unpopularity of this in Nigeria.

Could you talk a little bit about the future of ECOMOG and Nigeria's role in it?

Ambassador PICKERING. Yes. I would say first, to the immediate future, General Obasanjo not only has indicated his deep concern by the continued long-term heavy drain on the treasury, but has

taken firm decisions to remove his forces from Sierra Leone, although with a caveat that not only is he prepared to use those forces now for the disarmament and the demobilization and rehabilitation process, which is to take the weapons out of the hands of parties that should not be having them under the peace agreement, but to leave in place as part of a follow-on United Nations peacekeeping force a considerable number of Nigerian troops. Those troops of course would be financed under the regular United Nations peacekeeping scale and he would be relieved of the financial burden.

Down the road, we are looking first and foremost with the Nigerians at military reform and the primary requirement we see is not only civilian control, but the development of a ministry of defense, not just an army headquarters to run the military, with civilian MOD employees, if I can put it that way. So we have a program already begun working with the Nigerians to do this and to begin this process. That is extremely important.

Second, the Nigerians will be looking at downsizing. They have at their own expense engaged a U.S. firm, NPRI, retired American military who have worked other places in the world, to work on the civilianizing task and I hope eventually to help them start working on the downsizing.

The third thing that I think is extremely important, as I prefaced in my own statement, is the need for Nigerian forces and diplomacy to be available in the region to deal with conflict in the region. Now, ECOMOG is interesting in the sense that it has had a huge amount of peacekeeping experience and a huge effect. It has been Nigerian led and almost Nigerian dominated, certainly Nigerian financed.

If Nigeria were to disappear from ECOMOG, it would unfortunately be tiny and not functionally viable, I think, because of a lack of the resources to make it happen. So Nigeria is not only the key to ECOMOG, it is the cornerstone of ECOMOG.

We have a program in Africa, the African Crisis Response Initiative, in which up to six countries now, I believe we have, work in training peacekeeping battalions. I believe in the future Nigeria, if it continues on the path to civilian democratic government and responsible military, should benefit as well, if it wants it, from that kind of training, so that its peacekeeping skills, its experience, can be honed and developed.

We ought to be able to learn something from a country that has been involved in 5 or 10 years of peacekeeping in one of the toughest places in Africa. I think we have information and technology and ideas to impart to them. And it will put them in a position to work more closely with their previously trained neighbors, because integration and cooperation in working together is also something that we think is extremely important in ACRI.

So those are three focal points that I see as important in response to your question.

Senator FEINGOLD. If I could just as a final question, sort of following on that, I find your reference to ACRI very interesting. Over the last year the U.S. has stepped up its engagement with the Nigerian military and the administration has announced its intentions to resume IMET funding to Nigeria. What kind of direct mili-

tary training is under consideration and why do you believe that this is an important priority at this time, when Nigeria has so many other needs?

Ambassador PICKERING. I think that if I could rely a lot and not waste your time on my answer to the last question, many of those answers have already been prefigured, if not responded to. It is important because of peacekeeping, because of the need to get the military out of political life, the need to begin to bring about civilian control for the military, and the need to, in my view, professionalize a military that has been overblown, bloated, and let go, if I could use typical American expressions, and mainly and significantly to respond to Nigerian desires.

President Obasanjo, we frequently tend to forget, was a military leader, the only one to step into civilian life and leave office to a civilian government. He has a remarkable balance and a remarkable basis. He is extremely important because the military, unfortunately, in Nigeria has always considered itself a court of last resort for correction.

Having an elected former military leader now civilian President to deal with the military is very valuable. It is an opportunity now to help get it right, rather than to permit the military once again to get it wrong.

Senator FEINGOLD [presiding]. Thank you for all your answers, Secretary Pickering.

Senator BIDEN [presiding]. I knew I would get to be chairman again some day. I did not think it would be this easy.

Ambassador PICKERING. Senator, nice to see you again.

Senator BIDEN. I did not think it would be this easy.

I apologize, Mr. Secretary, for being late. I have been working on a matter that is of significant interest to you as well, trying to figure out how we re-establish some semblance of bipartisan consensus on arms control, and I apologize.

I further apologize because I am told after this vote on the spur of the moment they are bringing up a bill which I am responsible for managing or being part of the management of, and that is the bankruptcy bill. So once I get over there, if that is true, I will not be back.

I feel very badly because I cannot think of anything that is, quite frankly, of greater significance to our interests in Africa than the democratic transition and the future of Nigeria. It is amazing to me how many Americans understandably have no notion of the size, significance, and importance of Nigeria in Africa and over time in the world.

So what I would like to do is, rather than bore you with my opening statement, I am going to have my statement placed in the record as if read. And if you will give me 1 second here, since I kind of got caught off guard as I walked in, I have a couple questions I want to ask you.

[The prepared statement of Senator Biden follows:]

PREPARED STATEMENT OF SENATOR JOSEPH R. BIDEN, JR.

Secretary Pickering, thank you for coming here to share the administration's views about the democratic transition in Nigeria and what this means for United States policy toward that country.

You especially have a solid and profound understanding about just how pivotal a country Nigeria is in West Africa. I do not need to recite for you how influential that country has been politically and economically to the surrounding countries. Unfortunately, that influence has not always been positive.

It seems to me, and I am sure you will agree, Nigeria stands at a crucial crossroads. Right now, in that country there is a chance to enact true democratic and economic reform. And I am not talking about holding elections. That was merely the first step. I am talking about improving the electoral process to minimize fraud, taking clear control over the military, providing a climate wherein the judiciary can begin to function independently, and ending corrupt government practices.

While these will not be sufficient to cement a transition to democracy, they represent the conditions necessary to foster its taking root.

We the United States Government must answer a very important question: How can we best aid the Nigerian Government in its efforts to institutionalize an open participatory society?

I understand that the administration would like to increase aid to Nigeria by three times its present amount. Given the current climate here on Capitol Hill, it is unlikely that the foreign aid budget will increase significantly. The vetoed Foreign Operations Appropriations bill was almost \$2 billion below the President's request.

Knowing that, I believe it may be very difficult to increase the amount of funding dedicated to Nigeria by the amount you would like. Therefore, the administration may have to make some tough decisions about what assistance activities it wants to undertake.

These decisions are going to be extremely important because of Nigeria's importance to the United States. I will not overstate the case, but I think we all understand how much we stand to gain and lose from the success of the Nigerian Government in its efforts at reform.

The way I see it, the United States should pursue three major goals in its relationship with Nigeria. They are: an increase in the areas of U.S. trade and investment, an improvement in combating international crime and continued promotion and sustenance of democracy. I want to briefly address these issues.

I do not need to emphasize the significance of our relationship with Nigeria economically. You are well aware that U.S. companies have \$7 billion invested in Nigeria, mostly in the petroleum sector. Oil companies are developing the liquified natural gas sector, which could increase their investment considerably.

The United States imports 8% of its oil from Nigeria, and in the future this figure is likely to rise rather than fall. I believe that it is in our interest to ensure that U.S. investments are protected and that our access to oil continues.

The relationship is not one-sided. With the proper financial controls and management structure, Nigeria could benefit from this relationship as well. The challenge for the new government is ensuring that the population benefits from oil revenues from now on.

While oil is the most prominent area of our trade and investment relationship with Nigeria, reform of the economy and financial sectors could well stimulate investment in other areas. I think it would benefit both of our countries to help Nigeria pursue a program of economic reform in order to create a climate that is suitable and attractive to investors.

Combating international organized crime is something which both the Nigerian Government and this administration should attempt to address with all due haste.

Under the previous Nigerian Government, criminals operated with impunity. Crime was treated with indifference by law enforcement officials who were either underpaid or unpaid altogether. Little or no resources were devoted to training and equipping police. The United States provided very little aid to law enforcement due to sanctions that were in place until General Abubaker took control of the government.

As a result of the lax attitude toward crime, Nigeria has become a major transshipment point for illicit drugs. Nigerian drug trafficking and organized crime in the United States have become such a problem that U.S. law enforcement agencies have had to establish an interagency task force to combat it in five major metropolitan areas, including the Baltimore-Washington area.

Drug trafficking and organized crime is a potentially de-stabilizing force in Nigeria. The massive amounts of money coming into that country from illegal activities abroad in combination with the fragility of the political situation create conditions conducive to corruption of the political process.

Finally, and this goes without saying, but I want to make it clear; we must continue our support for democracy in Nigeria. Is democracy necessary for us to sustain an economic relationship with Nigeria? Clearly not. Is it the only way that we can

get cooperation in the area of law enforcement? Some would argue no, but I believe that for our efforts to be successful and effective, it would help.

If we consider Nigeria's regional role however, it is easy to see why continued promotion of democracy is imperative. With the largest population on the sub-continent, a democratic Nigeria could easily influence the much smaller surrounding countries to enact similar measures.

The Obasanjo administration faces a host of challenges. Restructuring the economy, and paying off international debt are two of the biggest. The new government will also have to deal with the continued unrest in the Niger Delta. Its method of dealing with citizens of the Delta will be closely watched by the international community, and the government's commitment to human rights will be evaluated, fairly or not, on its ability to resolve the situation peacefully.

Social issues such as the effect of AIDs on the workforce and healthcare system will have to be addressed. The list goes on.

Let me state for the record that I approve of a policy of strong engagement with the new Government of Nigeria. We have a window of opportunity through which we can help the government in that country create a sound, viable stable democracy. Not only is it important to the West African region, it is in our interest to do so.

I thank you for coming and look forward to hearing your testimony.

Senator BIDEN. Mr. Secretary, will you briefly outline what the general conclusions of the assessment team were in terms of priorities for U.S. assistance and, given the scarcity of our aid resources and the reluctance of our Republican brethren to meet what I view to be the legitimate needs of our foreign assistance, what in your estimation are the most important areas for us to focus on?

I am not asking you to stunt your—let me start off. I agree with the administration. I agree the aid level in the request is an appropriate request. But can you outline how you arrived at it? And then if you have to, which I am frank to say to you I am afraid we are going to be involved in, decide among—it is like giving you a Sophie's Choice here, but not what you are willing to give up, but what is the most important aspect of the aid that you are requesting, the areas we should focus on?

Ambassador PICKERING. Thank you, Senator Biden, very much. First let me thank you for taking time out of what I know is a hecticly busy schedule to even come and spend a few minutes here. I am very pleased and I know the Secretary will be that your interest in Africa and these issues is important.

The inter-agency assessment team identified a number of activities that we think need to be carried out over 18 to 24 months, first to sustain democratic transition and as well to bring into effect longer term activities that we want to undertake in the future. Now, the recommendations focus our assistance on six major areas: democracy and governance; economic reform; civil-military relations; capacity building in energy, transportation, and infrastructure; agriculture and education; and then health, population, HIV-AIDS and child survival. These tend to reflect some of the budgetary arrangements of the House and Senate, so they will seem in fact familiar, in terms of where these are going.

These were based on a careful look at Nigeria in June and July of this past year, a lot of conversations with both government and nongovernment people, up to and including President Obasanjo himself. They represent areas where we believe that careful, prudent amounts of assistance can help us produce major leverage, if I could put it that way, with other dollars, with Nigerian budgets, and provide capabilities, technical information, skills, technical support, in areas where we have a comparative advantage and

where the Nigerians truly have a hole in the program that they cannot fill with their own resources.

It is invested to help build capacity, but it is also invested over this 18 to 24 month period with the idea in mind of being finite and getting us out of business. In many ways there is an important question: Why should we be helping a country with all this oil income, even though it has a huge population?

The answer is basically the same as the answer to why you need jumper cables and somebody else's battery to start a cold car. It is literally a cold car. It has got fuel in the tank, but we have to do something to jump start it in these critical areas. So that is the reason we are coming up.

Now, triage.

Senator BIDEN. Unfair, I agree.

Ambassador PICKERING. No, no. The remarkable thing about the question is that we have not got enough money yet in the budget to justify the programs that we would like to bring about, and this is one of our problems. So we have proposed in effect a \$20 million program because we had to put the budget together before the assessment team came in for a \$108 million set of projects.

So our problem will be where do we find the additional money or how and in what way do we change our own priorities. The tragedy would be that, if anything like the bills that have been proposed up here with billion dollar cuts goes through, we have no way to rob Peter to pay Paul, not that it is easy to do that anyway. You should see the blood on the floor of my office every time I talk about Nigeria on this issue.

Senator BIDEN. No, I am sure it is true.

Ambassador PICKERING. So in a sense, you are up here, Senator, doing the Lord's work in terms of trying to get the money back that we need just to meet a basic program, and your question to me raises the issue of, if this is not in the base program how do we find it. And I do not have a good answer, but I cannot even approach thinking about that question if we do not get what it is the President has asked for.

Senator BIDEN. I am going to ask you a crazy question. It will not surprise you coming from me. You are one of the most skilled and seasoned diplomats we have and have had in any administration. I have been here 27 years. One of the things that, in my experience with you, you are good at is not only assessing what our relationship should be with other countries, but assessing why there is a willingness to engage some countries and an unwillingness to engage others here.

You have been—knowing you, you have been trying to sell this important initiative not merely today up here on the Hill. What is the strongest argument that you are getting or what does your sense tell you about why we are where we are, and that is not moving forward?

First of all, cutting a billion dollars is mindless in my view. But let me say what you cannot say, maybe would not say, maybe you do not believe. There is this little game going on here up here, and that is let us make foreign policy the last thing we deal with, foreign aid, so we can then juxtapose foreign aid against Social Security in a cynical way and make it sound like, OK, if you want to

raid Social Security, which you have already raided by 18, 20 billion bucks, we are going to do it for those Africans or those Asians or those Europeans or those whomever.

That is the cynical game I think is being played here. I am not suggesting that is the motive of anybody on this committee. I mean the overall rationale of this budget fight, why there is the fight to make foreign aid the last car on the train here.

But beyond that generic kind of debate that is going on here, what is your sense when you talk to my colleagues in the House and the Senate about their sense of the significance of Nigeria?

Ambassador PICKERING. My sense is one of despair about the whole set of activities. I will stay out of the cynical debate department, although over a drink some time I would love to join you.

Senator BIDEN. You should. I am not asking you to.

Ambassador PICKERING. But I guess I am still a diplomat enough to know that such an approach does not really win friends or get things done up here.

I think, however, it is extremely important that we find a way—and it is as much our fault as it is anybody else's, I suppose—to help the American people and their Representatives in this body understand that increasingly everything we do every day depends upon something we have going overseas.

With Nigeria it is our oil supply. With Nigeria it is narcotics trafficking. With Nigeria it is influence in a critical area of Africa. With Nigeria it is dispute settlement. If 30 percent of all new jobs in the United States depend on some overseas activity, it means cutting the throats of people in Peoria or Waukegan or someplace else if we do not pay attention to this.

Somehow we must make that known. Somehow we must get across that in fact everything we do more and more—in the area of globalization—it is a wonderful word, but it really truly means we are more integrated into international activity in business and in every aspect of society. And if we are not prepared to take even up to 1 percent of our budget to put at the service of our own people in this way, it seems to me that we are compounding tragedy. And putting foreign affairs last in order to “dis it” or play a game with it in my view is remarkably cynical, and I said I was not going to get into it.

Senator BIDEN. I think, though, there is a sense that I have up here for the first time in 27 years that the consensus across party lines on engaging the world is slipping a bit. I do not mean to—I am by occupational requirement an optimist, so I still believe we will figure our way out of this. But I think it is going to be a tough, a tough road.

I do not have any more time left to go vote unless I run now. I would like to ask, Mr. Chairman—and I am not looking to make work; I am looking to make a record—if I may submit to you some very good questions, I believe, my staff has drafted for me going into three or four different areas, that I would like to be able to submit for the record.

I am at your leisure. I mean, there is no urgency in the matter of days to get this back to me. But I do think, although some of it may be covered by my colleagues in my absence, I would like very much to be able to submit them for the record.



Senator FRIST [presiding]. Without objection.

RESPONSES OF HON. THOMAS PICKERING TO ADDITIONAL QUESTIONS FOR THE  
RECORD SUBMITTED BY SENATOR BIDEN

U.S.-NIGERIAN RELATIONS

*Question.* The Secretary of State indicated during her visit to Nigeria that the United States is receiving much better cooperation on counter-narcotics activities since President Obasanjo took office.

What law enforcement assistance programs are the United States currently engaged in in Nigeria? Are there any plans to expand or increase the number of programs?

*Answer.* Cooperation between U.S. and Nigerian law enforcement agencies has increased. The ties between the Drug Enforcement Administration (DEA) and its Nigerian counterpart, the National Drug Law Enforcement Agency (NDLEA), and between the Secret Service and the Nigerian Police Force Special Fraud Unit have significantly strengthened and improved during the past eighteen months.

We are working with Nigeria to improve counter-narcotics and overall law enforcement to ensure the country can meet the requirements for certification. In FY99, the Bureau for International Narcotics and Law Enforcement of the Department of State provided approximately \$1,918,000 to assist the Nigerians in fighting crime and narcotics trafficking. These programs were broken down as follows:

FY 1999 INL Training Programs

Agency	Course Description	Cost Estimates
ATF	Post-blast Assessment	\$12,864
ATF	Post-blast Training	220,000
DEA	Drug Enforcement, Basic	66,000
DEA	Drug Enforcement, Basic	66,000
DEA	Drug Enforcement, Basic	60,000
DEA	Airport Operations	51,500
FBI	Police Science Seminar	50,000
FBI	Basic Law Enforcement	50,000
FBI	Internal Controls	50,000
FBI	Computer Crimes	50,000
IRS	Money Laundering & Financial Inv	60,000
INS	Borders/Documents Control	155,000
DOJ/OPDAT	Asset Forfeiture for Prosecutors	29,938
DOJ/OPDAT	Asset Forfeiture, Financial Inv	29,938
DOJ/OPDAT	Anti-corruption Consultation	73,000
USCS	Overseas Enforcement Training	58,850
USCS	Contraband Enforcement Training	48,000
USCS	Short Term Advisory	16,300
USCS	Integrity Training	34,720
USCS	Carrier Initiative Program	25,020
USSS	Economic Fraud and Counterfeiting	60,755
USSS	Fraud and Counterfeit Forensics	45,027

Beyond the listed courses, the Secret Service has conducted, with INL funds, practical financial crimes training and has a task force in country that works with the Nigerian Police Special Fraud Unit. This program has netted arrests and convictions of criminals that victimize American citizens (est \$155,000). DEA also provides similar ongoing training and support to the NDLEA (est \$300,000).

INL provided approximately \$150,000 in material assistance to Nigerian police organizations.

Recognizing that Nigeria is an important regional leader and partner in the fight, against transnational crime, the State Department's Bureau of International Narcotics and Law Enforcement Affairs is also planning to have an officer resident in Lagos as soon as possible.

Crime is a growing problem in Nigeria and throughout Africa. U.S. government money spent on effective training of African police to combat criminal organizations at their source pays dividends by reducing the direct effects of crime on U.S. citizens, decreasing the vulnerability of African countries to corruption, and increasing respect for human rights and the rule of law. The State Department will continue

to make such training an important budget priority and will work with Congress to increase this high return investment as future budgets allow.

*Question.* Nigerian organized crime is said to be a problem all over the world, and clearly such criminal rings operate in the United States.

How prominent are Nigerian crime syndicates in the United States? What sorts of activities are they involved in?

*Answer.* Nigerian organized crime groups, with cells worldwide, supply large quantities of Asian heroin to U.S. markets. Nigerian fraud syndicates operate a wide variety of financial fraud schemes that cost U.S. businesses, individuals, and governments at all levels hundreds of millions of dollars annually.

Nigerian criminal organizations operate throughout the United States. In the narcotics field, they are primarily wholesalers and traffickers with little involvement in street-level sales. Our law enforcement agencies estimate that Nigerian traffickers supply 70% of the heroin to Chicago. The National Drug Intelligence Center's baseline assessment of Nigerian organized crime listed the following cities as key locales for Nigerian narco-criminal activity: Atlanta, Baltimore, Boston, Chicago, Dallas-Fort Worth, Detroit, Houston, Los Angeles, Miami, Newark, New York, San Francisco, Seattle, and Washington D.C. Secondary cities include Columbia, South Carolina; Columbus, Ohio; Fort Lauderdale and Tampa, Florida; Jackson, Mississippi; Milwaukee, Wisconsin; Minneapolis, Minnesota; Oklahoma City, Oklahoma; Richmond, Virginia; Savannah, Georgia, and St. Louis, Missouri.

Fraud committed by Nigerian criminals costs U.S. businesses, individuals, and governments at all levels hundreds of millions of dollars a year. Nigerian criminals victimize institutions through insurance fraud, credit card fraud, loan fraud, identity theft, real estate fraud, benefits fraud, electronic funds fraud, and public housing fraud. They also victimize individuals through flimflam schemes with nicknames such as "wash-wash" and "419." The use of mail, phones, faxes, and e-mail allow for a victim pool that goes well beyond the urban centers listed above.

Nigerian organized criminals also engage in visa, passport, and immigration fraud, sometimes to assist in the commission of other crimes and sometimes as a fee-based "service" to individuals who do not qualify for legitimate entry into the United States.

Investigations have led to criminal prosecutions and convictions in the U.S. and Nigeria.

*Question.* The Nigerian military has a long history of involvement in politics. There have been several times during Nigeria's history when a civilian government has been overturned by a military coup.

What is your estimation of the importance of the U.S. establishing military-to-military contacts, and what are the chances that such a relationship will influence the military's willingness to involve itself in politics again?

*Answer.* The last fifteen years of military rule in Nigeria have left the country in ruins. Ironically, the Nigerian military establishment is also in ruins. Contrary to popular belief, the Nigerian military, as an institution, did not benefit during the succession of military regimes. During the Abacha era, there was a near total lack of training, equipment purchases, and maintenance. Military readiness declined and soldiers were poorly paid, housed, and fed. Morale within the military reached an all-time low. Pride in the military as a national institution disappeared. Most observers, including the Inter-Agency Assessment Team sent to Nigeria in late June 1999, conclude that military reform must be an overriding priority for the new elected civilian government, as a major component of Nigeria's transition to a system of democratic governance.

In our view, the way to keep the military out of politics is to develop a restructured, professional military subordinate to civilian control under a successful, democratic government. We, along with the British Government, are working with the new Obasanjo Administration to achieve these goals. USAID's Office of Transition Initiatives has funded a contract through MPRI, a private consulting firm that employs retired high-level U.S. military officers to develop a program focussed on civil-military relations and the role of the military in a democratic society. The objective is to inculcate these program values within the Nigerian military establishment. MPRI is also helping to develop an action plan to redefine the roles, mission, and structure of the Nigerian military establishment.

In addition, the Administration has budgeted \$425,000 in FY 2000 for E-IMET training to help provide a professional core of officers for the Nigerian military. We have discussed African Crisis Response Initiative (ACRI) peacekeeping training with the Nigerian authorities, although no offer to join has been made by us or tendered by them.

## POLITICS

*Question.* Observers of the Nigerian presidential elections were concerned about the amount of fraud they witnessed in certain areas of the country. Though they do not believe that the outcome of the elections would have been different had they been 100% free and fair, there is still cause for concern.

What steps is the Nigerian Government taking to ensure that there are mechanisms in place to prevent election fraud? Is there a truly independent electoral commission?

*Answer.* Although isolated incidences of fraud were reported in areas throughout the country, the most egregious cases occurred in the southern reaches of the country. There were no widespread allegations that the Electoral Commission was corrupt or incompetent. The short time period for election preparations and the enormous costs involved also contributed to imperfections in the elections.

President Obasanjo was sworn in May 29. In nearly six months on the job, he has made an important start in tackling many of the critical and immediate problems facing Nigeria after fifteen years of misrule under military governments. However, many tough challenges still lie ahead.

Newly elected legislatures at local, state and federal levels are still being organized. A national debate continues over the need for a new constitution or whether the current constitution should be changed by a sovereign national conference or the recently elected National Assembly. Reform of the electoral machinery and the establishment of an Independent Electoral Commission is another important aspect of the political culture that requires further refinement.

An important positive development in last year's elections was the formation of the Transition Monitoring Group (TMG). This coalition of 64 Nigerian pro-democracy organizations fielded more than 10,000 domestic observers in all 36 states for the Presidential election, providing close oversight and the most comprehensive monitoring effort ever for a Nigerian national election. The TMG's membership and leadership crossed all ethnic, regional and religious barriers, making it a truly national coalition. This type of civil society engagement is key to ensuring transparent and credible elections in the future. USAID provided support to the TMG.

The Independent National Electoral Commission needs support in order to become a truly effective arms-length regulatory body that can ensure a fair and legitimate electoral process. Strict enforcement of Nigeria's electoral laws and regulations is essential to prevent fraud and to increase confidence in democratic institutions and processes. Conducting genuinely free and fair elections in the future will be a major test of Nigeria's transition to democratic governance.

## ECONOMICS

*Question.* Last night, November 3, the Senate passed the African Growth and Opportunity Act.

This is the only major piece of legislation dealing with sub-Saharan Africa as a whole that Congress has dealt with all session.

Will this bill have any effect on trade relations between Nigeria and the United States? Do you think it will promote economic growth and/or investment in Nigeria?

*Answer.* Yes, over time and assuming Nigeria proceeds with economic and political reform, we believe this bill will help promote trade with and investment in Nigeria, as well as the rest of Africa. The central factor in the African Growth and Opportunity Act (AGOA) is the expansion of the privileges under the Generalized System of Preferences (GSP). This would give Nigeria and other African countries greater access to the U.S. market without duties. Currently, however, the Nigerian economy is dominated by oil and Nigeria's small scale and underdeveloped export products would need an infusion of investment before textiles and other products are in a position to compete significantly within the U.S. market. Nigerians, however, are optimistic about prospects for trade and investment which would become available under AGOA.

*Question.* Nigeria is burdened with a reported \$31 billion in external debt, most of it owed to the Paris Club of creditors.

What is the current state of the Nigerian economy? How will this affect Nigeria's ability to pay external debt? Is debt forgiveness for Nigeria an option being discussed at the Paris Club? What about bilateral debt owed to the United States?

*Answer.* The Nigerian economy remains depressed and handicapped by a broad array of severe infrastructural (power, water, security) and institutional. (corruption, lack of due process) weaknesses. The formal economy is overly dependent on

fluctuating world oil prices, which provide virtually all of Nigeria's foreign exchange earnings and about 80 percent of government revenue.

There is tremendous competition for scarce Nigerian resources to rebuild social services, infrastructure, and expand the economy. The Obasanjo Administration confronts enormous pressures to deliver a democracy dividend, which would translate into visible improvements in the standard of living. Despite its oil wealth, Nigeria is one of the poorest countries in the world, with an annual per capita income of less than \$300. For these reasons, Obasanjo continues to make the case for debt relief as key to controlling Nigeria's budget deficit and freeing up resources to restore Nigeria's institutional and social infrastructure.

There has been no formal discussion of debt forgiveness for Nigeria in the Paris Club. Nigeria currently owes over \$30 billion to external creditors, including \$869 million to the USG, with an annual debt service burden of about \$2 billion. Its debt to the U.S. accounts for approximately 4% of its debt to Paris Club creditors and about 3% of its total debt. The United States does not, however, require the approval of the Paris Club to unilaterally forgive bilateral debt. President Clinton has stated publicly that the Administration favors generous debt rescheduling as part of a comprehensive economic program that will spur private investment and growth in Nigeria.

#### NIGERIA'S REGIONAL ROLE

*Question.* For years Nigeria has been involved in peacekeeping efforts in Liberia and Sierra Leone. Though the performance of the military units as peacekeepers has been criticized as unprofessional in some instances, even critics agree that without Nigeria's intervention in those two countries, their collapse could have been even more profound.

What role do you envision Nigeria playing economically and politically in the region should the democratic transition be successful? Will this have any impact on the U.S. relationship with Nigeria?

*Answer.* Our hope is that Nigeria will remain actively involved in regional conflict resolution and peacekeeping. It is in Nigeria's interest to do so. Popular disaffection at home, however, obstructs Nigeria's involvement in resolving regional conflicts when many domestic needs remain unsatisfied. Nigeria has borne a disproportionate burden of regional peacekeeping operations in terms of treasure and loss of lives. In the future, Nigeria will look to greater burden-sharing by others in the region as well as greater support by the international community.

Nigeria and the United States share common objectives: regional stability and security. We can work actively with a democratic Nigeria to contain conflicts before they occur.

As the elected President of sub-Saharan Africa's most populous country, Obasanjo can have tremendous influence on other African nations. In the short time he has been in office, he has been active internationally playing a central role in the development of the peace process in Sierra Leone and encouraging dialogue in Angola, Sudan and the Democratic Republic of the Congo. A right-sized, reformed, professional Nigerian military can continue to play a critical role in future peacekeeping efforts in the region, as Nigeria is the only country in the region capable of projecting military force.

Economically, a prosperous and flourishing Nigeria will have a spill-over effect onto other regional economies. If Nigeria realizes its vast economic, commercial, and investment potential, it raises the prospects for stability and economic growth in the entire region. The United States recognizes Nigeria as Africa's largest potential consumer market and as a prospective destination for investment.

Overall, a successful, stable, and economically vibrant democratic government in Nigeria will have a profoundly positive influence on the region and the continent.

Senator BIDEN. Thank you.

And as I said, Mr. Chairman, in your absence, I have been informed 10 minutes before I came over here that we are going to go to the bankruptcy bill, which I am responsible in part for managing on the floor, so I may not be back. But if that is not the case, the bad news is I will be back.

Senator FRIST. Good. Thank you very much.

Senator BIDEN. Thank you very much.

Thank you, Mr. Secretary.

Ambassador PICKERING. Thank you, Senator, very much.

Senator FRIST. Mr. Secretary, thank you very much. You have been very patient. We appreciate your spending this time, arranging the scheduling. It is, I agree, mutually beneficial to be able to have what has occurred over the last several weeks. But we do appreciate it. We appreciate your service and look forward to working with you in the future as well.

Ambassador PICKERING. Thank you, Mr. Chairman, very much for scheduling an important hearing on a very important set of issues for us.

Senator FRIST. Thank you.

Ambassador PICKERING. Thank you.

Senator FRIST. We will proceed with the second panel. There are votes that are going, so we will be moving in and out. But let us go ahead and have the second panel come forward at this juncture. Our second panel consists of Dr. Jean Herskovits, professor of history, SUNY-Purchase, New York, and Dr. Adotei Akwei, advocacy director for Africa, Amnesty International USA, Washington, DC.

Welcome to both of our witnesses, and we will begin with Dr. Herskovits.

**STATEMENT OF JEAN HERSKOVITS, PH.D., PROFESSOR OF  
HISTORY, SUNY-PURCHASE, NEW YORK, NY**

Dr. HERSKOVITS. Thank you very much, Mr. Chairman. I appreciate the opportunity to testify at these hearings, discussing these issues that have long concerned me, for over three decades in fact. Discussing them at so hopeful a time, with so many sharing these hopes, is a great pleasure, and a great contrast to when I was last here in 1996.

I think the breadth of this hearing is appropriate. Relations between the U.S. and Nigeria depend on the success of its transition to civilian rule and democracy. The transition, however, is a work in progress, and Nigeria's problems will not be solved by an election alone, as the Under Secretary mentioned. As President Obasanjo said here last week, democracy is not an event, it is a process, adding that we need to see him hand over to an elected successor to be confident of its durability.

In my prepared statement I look at where Nigeria stands now as Nigerians see it. Where do their hopes rest? Where do their most immediate problems lie? What are the longer range challenges they face? I move then to the relationship between the United States and Nigeria and conclude with policy matters.

We all know Nigeria's vital statistics—size, population, resources—and how damaging the last 15 years of military rule have been. We have heard some of that already. Self-serving policies purposely undermined Nigeria's previously robust institutions, from the civil service through civil society. The vibrant and growing middle class of the 1970's and early 1980's was destroyed. Poverty escalated as insecurity and deprivation ruled the land. Corruption on an unimagined scale was central to control at the top and, for many others, became the only means of survival.

The drop in Nigeria's economic fortunes that began in the early eighties, along with international borrowing, underlay what followed. Combined with massive devaluation of the naira, the demands of debt service would impoverish many in this import-de-

pendent economy. The criminal looting of the treasury that came as well escalated the dire consequences.

These economic circumstances, which continue today, have compounded a problem that for historical reasons afflicts Nigeria, namely the central role of government in people's lives and prospects. It focuses too much attention on politics and power, it interferes with new economic policies, and it is remarkably resilient, going so deep few even discuss it. It underlies many of Nigeria's problems, even as Nigerians continue to look to government for solutions.

President Obasanjo in his first days in office acted decisively on a number of matters important to Nigeria, Nigerians. I will not repeat them here for the sake of time; we have heard from Under Secretary Pickering about a number of them.

I do not think, though, that he mentioned President Obasanjo's having appointed a panel to review contracts awarded by previous governments, as well as seeking to find out what money exactly had been stolen and making clear that his government henceforth would be accountable and its processes transparent.

President Obasanjo also empaneled a group of respected, credible Nigerians to examine allegations of human rights abuses. He retired over 100 high-ranking military officers who had held political positions in previous regimes. All of these measures were popular, and all raised hope and expectations. In Nigeria, as here, these expectations are high, perhaps unrealistically so.

So much needs to be done and prioritizing is vital, though very difficult. Does one start with the economy? If so, where? Does one start with the constitution? If so, how? How high a priority is the military? Does one focus on redressing the wrongs of the past, as the President stressed at the start, or, as he seemed to say last week, put the bulk of one's energies into solving the problems of the present and future?

Among the highest priorities I believe must be the military. Scarcely any need is more pressing than to create a trim, professional military that understands its role in a democratic system and is responsible to civilian authority. This requires training and there is no time to waste in getting started. Grumbings are already audible among junior officers: Where are the benefits, they ask, that come to them from Nigeria's democracy? Here also, expectations are high.

Two immediate challenges face Nigeria's military. One is its peacekeeping responsibilities in West Africa, about which we have been hearing today. The second and more difficult is internal. The military have long been asked to perform duties that seem to Americans more appropriate for the police. But Nigeria's police, neglected, underpaid, and corrupt, lack the training to handle such conflicts as have broken out in the Niger Delta and elsewhere. Thus the military will continue to be called upon when such crises occur. This makes all the more critical appropriate training, for the police certainly, but also for the military in the interim.

In my prepared statement I take up several of the hot button issues of today's Nigeria, among them the constitution, its federal structure, and how to share revenue. Time does not allow me to discuss them here, important though they are, but, especially be-

cause Senator Feingold raised the matter of the constitution, I would be happy to talk further about it if you or he wishes to ask.

But immediate dangers lie in the Niger Delta. Many localities where oil companies operate and now the all-important liquefied natural gas facility is being built have provided one flash point after another. Ironically, the LNG plant, apart from generating needed additional revenue, will play a major role in ending the decades-long destructive and wasteful flaring of the gas associated with oil production that has so damaged communities in the delta.

The delta is the region of the greatest ethnic, linguistic, and geographical complexity in a country where complexity is everywhere. Because its people see themselves as having provided Nigeria's wealth for decades with little coming back to them, their anger has escalated. Combine this rage with the same high unemployment that plagues the whole country, especially among the young, add the demonstration effect of international NGO support for some local efforts, and the combustible nature of the mix is obvious.

Unfortunately, some of the protest has moved beyond spontaneous violence to criminal acts, threatening the economic lifeline of the nation. If people in the oil-producing communities do not see tangible results on the ground, difficult as the terrain literally is, and see them soon, we are likely to see even more violence.

Delta issues, however, are often posed as either matters of justice and fairness or of security. Actually, they are both and more. It serves neither the people of the delta nor Nigeria as a whole to reduce this highly complex crisis to any single issue with a simple solution. And failure to solve the delta problem could deal a severe blow to the hopes for Nigeria's democracy, economic growth, and, even—though I fervently hope not—international support.

Nigeria will need understanding and forbearance here. Resentments built up for decades will unfortunately be with us for a long time.

Turning back to the United States and Nigeria, in Abuja recently some of the Nigerian legislators who had visited here expressed concern about what the United States can and will do to help. They feared that the intricacies of policymaking mean that little will be done. They understand that measures taken since 1993 are difficult to remove, but at the same time they point to the continuous demands that Nigeria democratize and they say—and this is a literal quote: “OK, now we have done it and, even if we did it for our own sake, should you not make a serious effort to help us, instead of explaining to us what is not possible because of this or that regulation or legislation or politics?”

Indeed, the high degree of official interest since May 29, so welcome to Nigerians after their painful isolation, has raised the expectations, probably unrealistically, about what the United States will do to support them. This matches what they expect from their new government. The possibility of disappointment in both cases is considerable.

We know that the greatest constraint on U.S. policy is financial. We must seek imaginative alternative ways to find more resources, even while working to overcome the resistance to increasing, for instance, the budget of USAID and others. The planned U.S.-Nige-

rian Joint Economic Partnership Committee just spoken about this afternoon may provide a vehicle for tackling this challenge.

Nigerians see a double standard when it comes to Africa's needs compared to almost anyone else's. This is not in Nigeria's case mainly a question of aid. President Obasanjo's pleas for debt relief and assistance in recovering stolen money are central to Nigeria's ability to handle its problems. Nigeria insisted on paying its own way in the late 1960's and 1970's. It has also been generous to its neighbors and others. Hence the plea for debt relief.

It is of course true that Nigeria does not meet HIPC or Paris Club conditions for forgiveness, but it should not be impossible to find a new solution to this problem. The United States can press for conditions to be modified, perhaps. What good does it do the countries of West Africa who do qualify for forgiveness if Nigeria's indebtedness were to undermine its economic recovery and even its democracy, with obvious impact beyond its borders?

For democracy to endure, Nigerians must see improvement in their standard of living and especially the creation of jobs. If Nigeria puts in place the conducive policies President Obasanjo says it must and will, the U.S. Government can support frameworks and guarantees that give confidence to a hesitant, if interested, U.S. private sector.

Along with the economy, I believe, as is clear from what I have already said, the police and the military need urgent attention and assistance. Already, through the Office of Transition Initiatives the State Department is working on civil-military relations, stressing the role of the military in a democracy. Meanwhile, essential to achieving the goals for a new Nigerian military are both the IMET and Expanded IMET programs.

I realize there are concerns about IMET, and we have heard some of them already expressed. But based on what I have learned through years of talking with Nigerian officers, senior and junior, and not least while working on regional security issues, I am convinced that making it possible for them to attend courses available through IMET is crucial. The key to professionalization of the forces must be education and professional training, which does of course also include the role of the military in a democratic society.

In addition, we want Nigeria to continue to participate in peace-keeping. But in Sierra Leone the Nigerian troops found themselves with no peace to keep. They had to fight and they took casualties, and some of these surely were because of lack of training. This is another, if you will, humanitarian reason for IMET.

Also critical is internal security when violence erupts. Training special units to better handle such situations is essential. But this also needs a new approach that I think should include support, not only from the administration and Congress, but, especially in reference to the Niger Delta, from human rights and environmental organizations that have played so important a part in bringing the issues there to international attention.

Respect for human rights must be a key component of whatever training the U.S. supports, and those with expertise in this area should participate in and also endorse such vital training. The problems of the delta cannot begin to be solved without both security and human rights restored and respected.



Peacekeeping is the area in which the Africans see a double standard most starkly displayed. Why are the horrific human rights abuses in Sierra Leone less worthy of U.S. attention and resources than the ones in Kosovo or East Timor? Now the Security Council has at least approved an assessed peacekeeping mission for Sierra Leone. Nigeria has borne for years the financial and human cost, as we have already heard, of trying to keep the peace there and in Liberia, and Nigerians will provide the bulk of the up to 6,000-man peacekeeping force charged with disarming and demobilizing Sierra Leone rebel forces.

But U.N. reimbursement for peacekeeping missions is slow at the best of times, which these are not. Nigeria is not unappreciative of the \$100 million of assistance the United States eventually provided to ECOMOG, and only then through some creative policymaking. But Nigeria's burden, the \$8 billion we have heard about today, was obviously disproportionate. The State Department needs greater resources to assist regional peacekeeping efforts. That last year only a paltry \$4 million was available for all of Africa is astonishing, or should be.

The Sierra Leone peacekeeping mission offers another opportunity for creative policymaking. An idea comes from the Government of The Netherlands, which produced a variant of their now-mooted debt for peacekeeping swap to pay earlier for some of the non-Nigerian troops in ECOMOG. I understand that applying this notion to what will be taking place now in Sierra Leone is still in its formative stages. The U.S. should work with this idea so that its eventual terms do not preclude Nigeria as a beneficiary on the grounds that it has oil resources. Ideally, some of the expenditures on peacekeeping made before a swap comes into effect could be taken into account.

So what more can and should the U.S. do? I would like to make just three more small suggestions. One, address as expeditiously as possible the constraints placed on assistance as punitive measures against Nigeria from 1993 on. Of course there is a separate basis for concern about drug trafficking, but with the current cooperation I hope recertification or at least a national interest waiver will be possible.

Two, permit direct flights between the U.S. and Nigeria. I know at firsthand the efforts made to bring Murtala Muhammed Airport in Lagos up to the standards the U.S. requires. I also know from much flying in and out of other airports in Africa and elsewhere that it is not the worst of them. And it is a matter of profound chagrin to Nigerians to see prominently displayed here at every airport warnings against traveling there.

It is true now, as it has been since direct flights were prohibited, that the people this ban hurts most are not the privileged elite. Students and people with sick relatives and even academics like me, for example, sorely miss being able to travel to and from Nigeria more cheaply and efficiently.

Third, bring back the Peace Corps to Nigeria. With the disastrous state of education there and with resourceless local governments now responsible for schools, Peace Corps teachers would be welcome. The needs are so great, indeed, in so many areas that any Peace Corps mission would be helpful.

So then, in conclusion, what lies ahead? I share Nigerians' hopes for their country and am delighted to be able to talk of Nigeria in this new positive atmosphere. But I also remember that in 1978, which is the last time when relations between the U.S. and Nigeria were cooperative and warm, an article I wrote on the subject in the *Financial Times* was headlined "The Dangers of Falling in Love." Expectations were the issue.

Not long after, the "love" disappeared. Now dangers may be there again. Unfulfilled expectations can lead to disillusionment, the positive too readily turning negative.

In today's Nigeria, blessed though it is with a President committed to righting the wrongs and curing the ills of his country, the job is still formidable. Many things could go wrong and some of them almost certainly will. Nigeria needs friends who will not turn away when that happens, and I very much hope that this time the United States will be one of them.

Thank you very much.

[The prepared statement of Dr. Herskovits follows:]

#### PREPARED STATEMENT OF DR. JEAN HERSKOVITS

Mr. Chairman, Senator Feingold, Members of the Committee, I appreciate the opportunity to testify at this hearing on the U.S. relationship with, and policy towards, Nigeria, and on Nigeria's transition to civilian rule and democracy.

I am a professor of history at the State University of New York at Purchase. African history, distant and recent, is my field of specialization, and Nigeria—especially its on-going struggles with governance and relations between it and the United States—has been the central concern of my work since 1970, although my interest in its politics goes back to my first travels there, as a student, shortly before its independence in 1960. Since the end of Nigeria's civil war in 1970, I have spent time there almost every year, for stays ranging from ten days to the 18 months that led to the 1979 transition to civilian rule. I have traveled throughout the country, discussing over the years their concerns with as wide a range of Nigerians as possible in 34 out of the current 36 states. I returned two and a half weeks ago from my fourth trip there this year.

It is a particular pleasure to be able to talk about Nigeria in a climate of hope, very much in contrast to when I was last here, in 1996. I think the breadth of this hearing is appropriate, for relations between the US and Nigeria depend primarily on the success of its transition to civilian rule and democracy. There are some who, looking at the dramatic changes that culminated in the inauguration of President Olusegun Obasanjo on May 29th, would say that the transition has taken place. But Nigerians say that their transition is, to paraphrase, a work in progress. They know their problems, so long in the making, will not be resolved by an election alone, nor even by working at them for a four-year term. As President Obasanjo himself said here last week, "democracy is not an event; it is a process," adding that we need to see him hand over to an elected successor to be confident of its durability.

Thus I will begin this statement with a look at where Nigeria stands now, as Nigerians see it. Where does their hope rest? Where do their most immediate problems lie? What are the longer-range challenges Nigeria's governments and people face? I will then take up the relationship between the United States and Nigeria, moving then to issues of policy.

#### A LITTLE BACKGROUND

As an historian, I must spend a few moments on context. Nigeria is about to turn 40, and during all those years, outsiders especially have tended to minimize its complexities. People recite its vital statistics like a mantra: it is Africa's most populous country, with (now) some 110 million people. It has over 250 ethnic groups and some 400 mutually unintelligible languages. It has adherents, numbering in the tens of millions, of Islam and Christianity. It is the world's 10th largest oil producer (and the United States' fifth largest supplier), but one of the world's poorest countries by per capita GDP, about \$300. Democratically-chosen civilians have ruled Nigeria during fewer than a quarter of its post-independence years.

Behind those statistics are tangled causes and consequences. Shifts in policy have left one encrusted legacy upon another to complicate the challenges its leaders now face. Particularly damaging have been the last 15 years of military rule. During that time, self-serving policies purposely undermined Nigeria's previously robust institutions, from the civil service through civil society. Its judiciary, its educational system, its military, its political organizations, its trade unions, its bar association—all those and more suffered from neglect, manipulation, cooption, and ruthless repression, at times veiled, at others obvious. The vocal (if opinionated) press, was hounded and worse. Arguably, the most tragic broad consequences were economic: the vibrant and growing middle class of the 1970s and early 80s was destroyed. Poverty escalated as insecurity and deprivation ruled the land. Corruption on an unimagined scale was central to control at the top, and for many others became the only means of survival.

The drop in Nigeria's economic fortunes that began in the early 1980s,<sup>1</sup> and the international borrowing on a large scale that was new to Nigeria,<sup>2</sup> underlay all the maneuvering and manipulating that was to follow. Combined with the massive devaluation of its currency, the naira, a few years later, the demands the debt imposed would impoverish many in this import-dependent economy. The criminal looting of the treasury that followed only escalated the dire consequences for Nigerians as a whole and the dwindling middle class in particular.

These economic circumstances, which continue today, have only compounded a problem that plagues Nigeria: the central role of government in people's lives and prospects. Whereas in many parts of the world in the 20th century excessive government involvement derived from socialist ideology, in Nigeria (as in other one-time colonies), the precedent was colonial rule. Under it, power was kept securely at the top of government, and those who wielded it and made key economic decisions automatically had substantial perks—housing, telephones, car loans, “home leave,” and more. This inheritance, which makes government so attractive and so far persists, has undercut the entrepreneurial drive evident to anyone who visits Nigeria. It has undercut the search for opportunities that a vibrant private sector could offer to the country's growth and individuals alike. It has made institutions that should have some independence from government—universities come to mind—even want closer association with it.

This pervasive role of government, combined with all the negative consequences of oil production and the access to oil wealth that control of government provides, has intensified an unhealthy fixation on political power. It has fueled both military and civilian ambitions, including civilian support for military governments. It has escalated demands to create more and more states within the Nigerian federation, and more and more local governments within those states. These steps—taken in the last decade for cynical reasons even if in response to popular demand—have created more, not fewer, tensions, as people fight (at times literally) for access to whatever resources they think only a government can offer.

These, then, are some of the most difficult ingredients of the problems the new democratic Nigeria faces. They need to be kept in mind, in understanding not only what issues need urgent consideration, but also the mind set of many of those in the very process of considering them.

#### NIGERIA NOW

President Obasanjo in his first days in office acted decisively on several matters important to Nigerians. They had for years been plagued by epileptic supplies of petrol at the pump. Long, long queues and double digit hour waits were the norm, and reminded Nigerians every day how miserable was their lot. Within a few weeks of his inauguration, the queues were gone, as he made tangible his promise to Nigerians to improve their lives. He launched a high profile campaign against corruption, starting with immediate investigations into the well-known stealing of public funds by those at the top of previous administrations, notably Abacha's. The magnitude of what was rapidly uncovered shocked even cynical Nigerians, just as the

<sup>1</sup>Beginning with the sudden 1982 drop in oil prices (following an ill-judged OPEC decision in 1979 to double the price, which had led to a popular assumption that revenue from oil was headed unendingly upward), Nigerians' declining economic circumstances contributed to impatience and lack of confidence in the workings of civilian-led government. These in turn fueled popular support for the coup d'etat of December 31, 1983 that ended Nigeria's second attempt at democracy.

<sup>2</sup>At the handover to civilians in October 1979, Nigeria's external debt stood at less than \$3 billion. I remember throughout the late 1970s and early 1980s the scores of international bankers, with growing petrodollar resources, urging on Nigerian governments the view that the country was “under borrowed.”

efforts to recover the “loot” impressed them—efforts in which President Obasanjo is seeking international cooperation and support. He stressed that government henceforth would be accountable, its processes transparent.

He also appointed a panel to review contracts awarded by previous governments, with an aim of securing compensation from those who had not completed—or in some cases even started—the work for which they had been paid. Equally important, he empaneled a group of respected, credible Nigerians to examine allegations of human rights abuses—this was inspired by South Africa’s Truth and Reconciliation Commission—over a period that would, by popular demand, be extended backward several times. And he retired over a hundred high-ranking military officers who had held political positions in previous regimes, and were thus presumed to harbor potential political ambitions of their own; more retirements were known to be possible later. All of these measures were popular, and all raised hope and expectations.

#### EXPECTATIONS AND CHALLENGES

In Nigeria, as here, these expectations are high, perhaps unrealistically so. Because of President Obasanjo’s international standing, some of them rest on the international community, and especially the United States, as I will discuss shortly. Many, however, are domestic. First comes the economy: Nigerians are looking for a revitalized economy that will give them jobs and a decent standard of living. The young have become especially desperate, especially among unemployed high school and university graduates. Many know that turning a stagnant economy around can’t be done quickly, and they don’t expect miracles. But they expect visible signs in the right direction. That the long queues at petrol stations disappeared in early June was important.

So much needs to be done, and prioritizing is vital, though very difficult. Does one start with the economy? If so, where? Does one start with the constitution? If so, how? How high a priority is the military? Does one focus on redressing the wrongs of the past, as President Obasanjo stressed at the start? Or, as he seemed to say last week, put the bulk of one’s energies into solving the problems of the present and future?

#### *The Military*

Among the highest priorities must be the military. Even if they prefer other topics, Nigerians say in any discussion that “the soldiers” are critical to Nigeria’s future. Given its history, that should be obvious. By retiring politically active senior officers as one of his first acts, President Obasanjo implicitly confirmed that. Scarcely any need is more pressing than to create a trim, professional military that understands its role in a democratic system and that it is responsible to civilian authority. Nor is understanding sufficient; officers must subscribe and adhere to that role. This requires training most of all, and there is no time to waste in getting started. As if to underscore the urgency, grumblings are already audible among junior officers: where are the benefits to them of Nigeria’s democracy?

Nigerian civilians may be suspicious of—not to say hostile towards—the military, and for good reason. But they do not doubt the importance to the future of the country of keeping them out of politics and governance. And though many civilians do not wish to hear it, the military too were victims of the abuse of power by their recent leaders.<sup>3</sup> They were often not properly paid, housed, equipped, supplied; most repugnant was the diversion of some funds from the troops in ECOMOG in Liberia and Sierra Leone. Fortunately, President Obasanjo and his minister of defense, retired General T.Y. Danujma, well understand the importance of dealing with, not just downsizing and retraining, but also the welfare of those who will belong to the reprofessionalized national institution that will serve the country, under its democratically-elected leaders. Because both have had military careers, those in uniform at all levels anticipate understanding of their problems and improvement in their circumstances. Here also expectations are high.

Two immediate challenges face Nigeria’s military. The first is in their subregion, West Africa, where they have borne an extraordinary burden for nearly a decade, first in Liberia and then in Sierra Leone, on behalf of the ECOWAS (the Economic Community of West African States). Providing nearly all the personnel, equipment, and funding for the operations of ECOMOG, they spearheaded the only international intervention there would be (despite the US’s long historical ties with Libe-

<sup>3</sup>It seems to me this parallels the allegation often heard in Lagos and elsewhere in the southern part of the country that, because Nigeria’s rulers have almost all come from the North, that “the North” was the recipient of all the country’s wealth. Anyone who has spent time driving around the northern states knows how seriously impoverished they also are.

ria) in both of those brutal civil wars. The international community showed no will to assist until quite late in the day.

This effort may have cost Nigeria as much as \$8 billion, between 500 and 1,000 killed in action, and many hundreds wounded.<sup>4</sup> And, however much those far away may criticize an operation with acknowledged imperfections, I have myself met numerous Liberians and Sierra Leoneans who say, unprompted and with considerable emotion, that, but for the Nigerians, they would not be alive today.

Now that the UN Security Council has authorized an assessed peacekeeping force for Sierra Leone, there is hope that—even as Nigeria continues to supply troops for it—Nigeria's financial burden will be lifted. It has to be, for given the problems discussed here, it is clear that a newly democratic Nigeria cannot continue to sustain the costs.

The second and more difficult challenge is within the country, where the military have long been asked to perform highly sensitive duties that seem to Americans more appropriate, in any case, for the police. As it now stands—and acknowledging the intentions and plans of the current minister of police affairs for the future—the police suffer from years of neglect and pitifully low pay. Corrupted beyond description, they largely lack the training to handle appropriately such conflicts as have broken out in the Niger Delta and elsewhere. Thus, the military will continue to be called upon to safeguard life and essential facilities, when such crises occur. That there is potential for many more incidents makes all the more critical appropriate training, for the police, certainly, but also for the military in the interim, a point I will say more about later.

*Nigeria's constitution: questions of legitimacy*

Meanwhile, the focus of Nigerians on government continues. The contentious issues of the constitution and of revenue sharing (in Nigerian terminology, revenue allocation) are central concerns. Years ago a Nigerian friend commented to me that “Nigerians are over politicized and under governed.” I'm not sure about “under governed,” but “over politicized” is certain. Apart from needing to learn or relearn how democratic governance functions, Nigerians face the complexities of an American-style federal system. The executive president and governors are more limited in freedom of action than the military executives of recent experience, and legislatures, whose members are finding their way after a long hiatus, are also facing executives unaccustomed to sharing power, especially financial power, with legislators.<sup>5</sup> Working all this out will take time, and the budget process is already making the challenges evident.

Underlying these systemic complications is a set of problems that did not face the Second Republic after the 1979 handover from the military: Nigerians questioning and challenging the constitutional basis of the country's existence. Fundamental now is the nature of Nigeria's federalism. The constitution itself is farther removed from being the voice of “We, the people,” thanks to amendments upon amendments made by successive military governments.<sup>6</sup> And the federation is now composed of 36 states, not the 19 of the Second Republic, states having been created by dividing, and dividing further, ones delineated earlier. These problems, though related, need to be dealt with separately.

The first is the more pressing. The demand to rethink Nigeria as a “corporate entity” (as Nigerians put it) was loud during the years after the annulled 1993 elec-

<sup>4</sup>There are those who argue that Nigeria would have had to spend money on its thousands of ECOMOG troops even if they had been at home; true, but they would not have had to spend dollars. Others say, as I have mentioned, that some funds intended for ECOMOG were diverted, but the President's estimate of the cost takes that into account. And the Nigerian casualties are an additional and painful cost.

<sup>5</sup>Then General Obasanjo, commenting from outside in 1979 on this process of learning, described it as “testing for height.” Unsurprisingly, he favors an assertive, strong executive, but even he may find he needs to adjust his thinking about the legislature, and tailor his actions accordingly.

<sup>6</sup>In the 1979 wording, “Sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority.” [Section 14 (1)(a) of the 1979 Constitution.] Many voices are now challenging the legitimacy of the present, 1999, constitution, one of the most eloquent being Chief Rotimi Williams, Senior Advocate of Nigeria and one of the country's most distinguished lawyers. He chaired the Constitutional Drafting Committee that in 1976 produced the draft on which it, and subsequent versions decreed by military governments in 1989 and 1999, were based. The challenge from himself and others rests on the amendments made, not by the almost entirely elected Constituent Assembly that sat in 1977–78 and commanded the respect and support of Nigerians generally, but rather by successive military ruling councils. See “A Constitution for the People of Nigeria,” a lecture delivered by Chief F.R.A. Williams at the inaugural United Bank for Africa Law Lecture Series, Lagos, 19 August 1999.

tion. The call then, and with it the demand for a “Sovereign National Conference,” came largely from the south-west of the country, though the south generally protested “Northern domination.” More recently, as more and more groups in the country have felt aggrieved, the term “marginalized” has come to dominate political discourse, each group claiming it in the present, recent, or more distant past.<sup>7</sup> Now there is growing agitation from many parts of the country (if less from the south-west) for some sort of national conference to address the constitutional issues.

The pressure has increased, unexpectedly, because of an issue that posed a challenge even at the 1978 Constituent Assembly: namely, the institutionalization of Sharia law for Nigerian Muslims. Without getting into the intricacies of the debate, it is necessary to make two points: one, that Nigeria’s Muslims have generally taken Sharia as “personal law,” applying to such matters as divorce and inheritance; the connotations the term calls up in Western minds (chopping off hands of thieves, stoning adulterers, etc.) have not been accurate.<sup>8</sup>

Suddenly, though, the issue is front and center. Perhaps, like his colleagues, having little material benefit of democracy to show his constituents, the governor of recently-created Zamfara State in the north-west of the country, announced that he was going to introduce Sharia law in his state, and has since done so. This has provoked widespread reaction, largely favorable in the almost wholly Islamic population of his state, but often negative from elsewhere in the country, and everywhere producing controversy.

It raises issues of constitutionality: Nigeria is constitutionally a secular state, or, as some Nigerians prefer to put it, a state without an established religion. In fact both the 1979 and the 1999 constitutions seem unambiguous: “The Government of the Federation or of a State shall not adopt any religion as State Religion.”<sup>9</sup> How, then, can a unit of the federation have its own rules on officially adopting a religion? The recent fanfare suggests an extension of the Sharia courts both constitutions allow.<sup>10</sup> It seems an obvious case for the Supreme Court.<sup>11</sup> From my inevitably American perspective (but as one concerned with Nigerians’ long-term welfare), I hope that the issue does indeed come before the highest court in the land.

But it was clear to me in Nigeria a few weeks ago that the issue of constitutional legitimacy cannot be ignored, for the sake of the future of Nigeria and its democratic stability. Because of the legal questions trying to hold a “Sovereign National Conference” would raise, just sorting them out and creating an acceptable process will take a great deal of time and energy. Because the National Assembly, the appropriate body to amend the constitution, has other pressing matters it must deal with, leaving it, or its committees, to bring forward proposals one by one would not resolve matters as expeditiously as seems necessary. How, then, can such a crucial constitutional review take place with minimal disruption and distraction from acting to improve the day-to-day lives of Nigerians?

I would like to offer a suggestion, in all humility, for a possible way forward. Could the National Assembly, through the amendment procedure, consider taking as a package removal of all amendments that military governments have made to the 1979 constitution as approved by the 1978 Constituent Assembly? If such a package passed and the required number of state legislatures approved, the result would be a document that had unquestionably been crafted by the representatives of the “people of the Federal Republic of Nigeria.” That document, then, could provide both a framework for legitimate governance and the basis from which committees of the National Assembly could start a further amendment process as set out in Section 9 of both the 1979 and 1999 constitutions. Whatever amendments—in-

<sup>7</sup>Father Matthew Kukah, a member of the panel set up by the Obasanjo government to examine human rights abuses over the years, commented to me last month that he hoped that hearing from those who feel aggrieved and who come from all parts of the country would work to strengthen the sense of national unity, precisely because airing those grievances would give people a sense of common suffering that would make it possible to turn to building the future together.

<sup>8</sup>Lately, with the rise in crime all over the country and the seemingly endless delays in the sclerotic court system, the attraction of providing quicker justice has grown.

<sup>9</sup>This one sentence section is number 9 in the 1979 constitution and 10 in the 1999 one.

<sup>10</sup>There shall be for any State that requires it a Sharia Court of Appeal for that State.” [1979: section 240 (1); 1999: section 275 (1)], further specifying “. . . appellate and supervisory jurisdiction in civil proceedings involving questions of Islamic personal law . . .” [1979: Section 242 (1); 1999: Section 277 (1)], with specific areas of personal law in the five subsections of the next section.

<sup>11</sup>Only one case has come to the Supreme Court for constitutional interpretation; it was in 1979, just before the handover to civilians. It was highly political and highly controversial, but the precedent was important and the judgment at that time respected. If Nigeria is to continue with an American-style constitution, it needs to entrench the respect for what we may hope will be a rehabilitated judiciary, whose judgments on constitutional matters will be honored.

cluding perhaps some that had been made previously in the national interest—the current elected representatives of Nigerians chose to adopt would become part of a nationally accepted (may one hope even revered?) constitution.

*What is Nigeria's federation?*

The second, related issue has to do with how to build a stable and equitable federation. It is well known and not surprising that the military ran the Federal Republic of Nigeria as a unitary state, unconcerned about the contradiction. But a federal system seemed appropriate for Nigeria, even to the British. The question would be, what are the appropriate units to federate? Independent Nigeria began with three (later four) regions, but voices to create more were heard in the 1950s, culminating in a British-organized commission, "On the Fears of Minorities and the Means of Allaying Them." It reported in 1958 that the fears in the three regions of the non-Yoruba, non-Igbo, non-Hausa living in them were real. But despite consistent testimony from "minority" witnesses, the commission concluded that creating more states wouldn't be the answer. In 1967, in part because of mounting demands—but also as a tactical necessity as secession of the Eastern Region (as Biafra) loomed—Nigeria became a country of 12 states. In 1976 the number would be increased to 19; and from the mid-80s on, first to 21, then 30 and, by 1997, the 36 of today.

Even in the best of economic times, that number of states would have required outsized expenditures on administration alone. In these times, as newly-elected state governors were shocked to discover, the resources were simply not there for much of anything. The problem is that the states' means of support is the allocation of revenue—almost entirely oil revenue—from the center, to them and to local government.

The demand for more states has been driven by wanting a larger share of what Nigerians have long called "the national cake." When the country's earnings rested on cocoa and groundnuts and palm oil, each region had a share in producing them. The size of the three (later four) regions, and a revenue allocation formula that assigned 50 percent to "derivation," gave each of them its own sources of revenue. A federal division of responsibilities made sense, even while the minorities still protested their neglect.

Apart from the neglect, the situation is very different now. A few years back only the governments of Lagos State and the then-undivided Kano and Rivers States were conceivably able to meet their own costs. Now it is not even Lagos that can. Two thoughts follow: one, that there needs to be (as demanded) a review of and change in the revenue allocation formula. But the second is that, if Nigeria is to be a fully functioning federation, states also must take on greater responsibilities, both to raise revenue and to carry out functions constitutionally ascribed to them. This is not possible with 36 states that I have heard Nigerians describe as little more than local governments. Sooner or later the states will have to consider coming together into a few geographically (as opposed to ethnically) defined groupings—six is the number usually mentioned—to provide a more realistic division of labor with the center.<sup>12</sup> What the mechanism will be to address this issue is, for now, not clear, nor is the will to address it yet there.

The biggest problem transcends states and regional groupings. Nigerians now appear to believe that only when someone from their "own place" is in power will they be treated even-handedly. Demands for rotation of high offices, and even for dividing the country, rest on that assumption. But what Nigeria needs is not that at all: not one chance in six (or 36 or 406) to take all (as in "winner-take-all," a phrase much heard there). What Nigeria needs is determination by whoever is in power from whatever part of the country to deal fairly with all Nigerians.

Right now—not sometime in the future—it is critically important that, as a Nigerian businessman put it last month, "all parts of the country feel included: those who were in before and are now out; those who were out before and are still out; those who were out before and are now in." Until this is clearly articulated, accepted as the goal, and seen to be the case, tensions and problems described here will dominate Nigeria's political future.

*The Niger Delta*

Immediate dangers lie in the Niger Delta. With its decades of neglect and environmental destruction now the object of international attention, its many localities

<sup>12</sup>That the political parties, especially PDP and APP, have formalized ticket balancing and distributing appointments according to six zones may be a step towards this. This touches on matters such as "federal character" and the "rotational presidency" that are fraught with difficulties, only some of which are already apparent.

have provided one flashpoint after another where oil companies work and, now, the all-important liquefied natural gas (LNG) facility is being built—which, apart from generating needed additional revenue, will play a major role in ending the decades-long destructive and wasteful flaring of the gas associated with oil production that has so damaged communities in the area.

The region of the greatest ethnic, linguistic, and geographical complexity in a country where complexity is everywhere, the Delta poses arguably the greatest immediate challenge. Because its people regard themselves as having provided Nigeria's wealth for decades, with little coming back to them despite commissions on top of commissions and studies on top of studies, their anger has escalated. Combine this rage with the same high unemployment that plagues the country, especially among the young, add the demonstration effect of international NGO support for some local efforts, and the combustible nature of the mix is obvious. Unfortunately, some of the protest has moved beyond spontaneous violence to criminal acts, which the government will not tolerate.

For many reasons, the Delta has historically not functioned as an effective, unified political unit or even pressure group. This makes the problems all the more intractable now—and yet there have to be solutions. Time has truly run out, and the sporadic and mounting violence imperils the very economic lifeline of the nation. If people in the oil-producing communities do not see tangible results on the ground, difficult as the terrain is, and see them soon, Nigerians and outsiders alike are likely to see even more violent outbursts there. When such incidents come, they must be handled with skill and care. But at the same time, the government cannot simply allow them to escalate, especially where actions become undeniably criminal, as with sabotage of pipelines and kidnapping.

These issues are too often posed as either matters of justice and fairness or of security. They are both, and more. It serves neither the people of the Delta nor Nigeria as a whole to reduce this highly complex crisis to any single issue with a simple solution. No one wants to see the use (or misuse) of force result in loss of life or limb—the lives of local protesters, and of those trying to mediate disputes, and of expatriates or Nigerians employed in the oil industry all need protection. Failure to handle this problem, giving everyone a stake in its resolution at the earliest possible moment, could deal a severe blow to the hopes for Nigeria's democracy, economic growth and even (though I fervently hope not) international support. Nigeria will need understanding and forbearance on this matter, which, with resentments having built up for decades, will unfortunately be with us for a long time.

#### THE UNITED STATES AND NIGERIA: THE PAST AS PROLOGUE?

In 1978, I wrote an article for the Financial Times on US-Nigerian relations. The headline, "The dangers of falling in love," resonates today. I enjoy today's euphoria as much as anyone, but I cannot help fearing an equal and opposite reaction should things be perceived to be going wrong.

The years from 1977 to 1980 were the last time relations between the two countries showed the warmth and ease of communication evident today. Jimmy Carter was the first American president to go to Africa for its own sake (FDR had dropped by Liberia on his way back from Casablanca in 1944), and the country he chose to visit was Nigeria (again Liberia got a few hours en route). In those days, Nigeria worked with the US on issues that concerned them both, especially at the United Nations (and as it would continue to do, even in cooler times), for in those years Nigeria was on the Security Council.

Nigeria was of interest to the US then for some of the same reasons as now: its large population and potential market; its regional leadership—and of course in those days of OPEC dominance, its oil. (Nigeria was for almost the whole of the 1970s the United States' second largest supplier, at times even in first place.) The program that returned Nigeria to democracy was a plus, but hardly the central consideration it has now become. For Americans, Nigerians seemed to be doing things right. Even if their assertiveness and independence on some matters was irritating, the US accepted the important role in which Nigerians cast themselves.

It would all come crashing down in a few years. Nigeria did not matter in the Cold War scheme of things; neither by geography nor ideology was it a critical spot.

The oil market changed, and Nigeria mattered less. Then, as its economic fortunes declined and then plummeted, Nigerian ingenuity found new, and at times unsavory, channels. All of this soured relations further. American attention was else-



where; in any case, when it turned to Africa it was to the south: Angola, Namibia, and of course South Africa itself.<sup>13</sup>

Meanwhile Nigeria's oft-postponed transition to civilian rule became less and less palatable as the world saw democracy "bustin' out all over." Babangida's annulment of the 1993 presidential election—especially once it had been pronounced Nigeria's freest and fairest ever by international observers<sup>14</sup>—and its repressive aftermath, fueled Western anger in general and American anger in particular. There is no need to recount the policy debate of the time from then until the death of Sani Abacha in June 1998; suffice it to say that it took place in an Ice Age climate.

I do not expect, and certainly do not want, this history to repeat itself. But now, far more than during the years when relations were last warm, Nigeria's need for more than words of encouragement and support is great. Nigeria's highest priority, as President Obasanjo makes clear, is debt relief. He argues for forgiveness, but Nigeria's oil resources disqualify it according to the current rules. The generous terms for rescheduling the Clinton Administration announced it would support last week will surely help in the near term, but could not the US work to change the rules so that more would become possible in the long term? It does not take a student of history (though the years following World War I are instructive) to know that a democracy that cannot satisfy the basic needs of its citizens is at risk.

Some of the Nigerian legislators who recently visited these shores took home with them serious concerns about what the United States can and will do to help. They fear that the intricacies of policy making here, and the difficulties of getting past the many constraints on relations, mean that little will be done. They have come to understand that measures taken during the Abacha regime in an effort to show disapproval and exert pressure are more difficult to remove than they were to put in place. But at the same time, they point to the continuous US demands that Nigeria democratize, and they say, "OK, now we've done it, and (even if we did it for our own sake) shouldn't you make a serious effort to help us, instead of explaining to us that whatever we propose is not possible because of this or that regulation or legislation?"

#### US POLICY

In fact, the high degree of official interest since May 29th, supportive of the transition and welcome to Nigerians after their painful isolation, has raised their expectations, probably unrealistically, about what the United States will do to support democracy there. This matches what they expect from their new government. Obviously, the possibility of disappointment in both cases is considerable.

#### *Constraints*

The most obvious constraint on US policy is financial. When the Clinton Administration promises to seek a three-fold increase in aid to Nigeria, that will still bring the total to less than \$100 million. Such a sum, even if it should survive the budgetary process, will not go far in a country that has for years been spending \$1 million a day on peacekeeping in its region. So, in the absence of the ability to commit more sizable financial resources from obvious sources (such as the aid budget), we must seek creative, imaginative alternative ways to find them. The planned US-Nigerian Joint Economic Partnership Committee, designed to coordinate the assistance to Nigeria from 18 federal agencies, may provide a useful forum for ideas about maximizing what is available and exploring new possibilities.

#### *Debt relief, aid, investment*

Nigerians, even with their high hopes, already see a double standard when it comes to Africa's needs compared to almost anyone else's. This is not in Nigeria's case mainly a question of aid, though (as President Obasanjo commented) some aid may be necessary to create the wherewithal to trade. The president's pleas for debt relief and assistance in recovering stolen money are central to his hopes for Nigeria's ability to tackle its own problems financially. Nigeria has a history of paying its own way that goes back to its civil war and the oil boom that followed. It also

<sup>13</sup>Southern Africa had become important to US policy in the 1970s, and the Carter Administration placed a high value on the role Nigeria, as a leading African state, was able to play there.

<sup>14</sup>In 1979, then departing Head of State Obasanjo commented to me that the elections just held would prove to be the freest and fairest this century; judging from what I have seen over the years, he was right.

has a history of generosity with its neighbors and others on the continent and in the Caribbean. Hence, the plea for relief on the debt burden.<sup>15</sup>

It is of course true that Nigeria does not meet HIPC or Paris Club conditions for forgiveness. But it should not be impossible, even as we acknowledge that so much is at stake, to find a creative solution to this problem. With sufficient will, the United States can press for conditions to be modified. What good does it do the countries of West Africa who do qualify for the forgiveness initiatives if Nigeria's indebtedness were to undermine its economic recovery and even its democracy? Its neighbors could not escape the consequences. Just as Nigeria's success will affect the entire African continent, so its failure (too horrible to contemplate) would prove devastating well beyond its borders.

Programs to support strengthening democratic institutions are important to be sure. But the most critical way to support democracy is to enable Nigerians to see improvement in their standard of living, and especially the creation of jobs. That requires resources. If Nigeria puts in place the conducive policies its president says it must, the US government can support frameworks and guarantees that give confidence to a hesitant, if interested, US private sector.

#### *The military and the police*

Apart from the economy, the military and the police need urgent attention and assistance. Already, through the Office of Transition Initiatives, the State Department is working on civil-military relations, with an important educational component on the role of the military in a democracy, subordinate to civilian authority.

It is scarcely possible to overstate how critical the military are to the success of Nigeria's democracy. We cannot wait to see how things go before decided to help President Obasanjo on that front. As I have mentioned, signs of unease are already appearing among junior officers. Among them, and senior officers too, expectations of the United States are high.

Essential to meeting those expectations and achieving the goals already described for a new Nigerian military, are both the IMET and the Expanded IMET programs. I realize that there are concerns about IMET for Nigeria. But—based on what I have learned through years of meeting Nigerian officers, senior and junior (not least while working on regional security issues)—I am convinced that making it possible for them to attend courses available through the IMET program can play a critical part in achieving the professionalization that comes only through education and professional training—which, importantly, stresses studying, and internalizing, the role of the military in a democratic society. I know from talking to them that many Nigerians who have in the past attended such courses are notable for their commitment to a professional, not political, army. That some from Nigeria and elsewhere may not emerge with this commitment does not disprove the value of the training for the many who do.

I cannot stress too strongly how important it is to engage the military, as other segments of Nigerian society. I believe that now is not to soon to do so. What better way to show them the benefits of their new democracy than to bring some of the military here and give them the training to make them first-rate soldiers?

In addition, the US wants Nigeria to continue to participate in peacekeeping in West Africa and elsewhere (as it has done since the Congo in 1960). But in Sierra Leone, the ECOMOG troops found themselves with no peace to keep; facing brutality, they had to fight. They took casualties, as we have seen, and some of those surely resulted from lack of training. So this is an additional—if you will, humanitarian—reason to support IMET programs.

One final point: Nigerians today will not accept, as they have in the past, another military intervention in government. But it is essential to do everything possible to make even an attempt unthinkable over the longer run. Of great importance is the recent initiative, spearheaded by President Obasanjo, to deny recognition and international participation to countries in Africa whose elected governments are overthrown by the military.

Soon after Nigerians read about this, however, they learned of the recent events in Pakistan. In Nigeria at the time, I was struck by how closely they were looking to see the US reaction to the coup there. We need to know that, in this world of CNN and the Internet, people in Nigeria—and no doubt elsewhere—will draw les-

<sup>15</sup> Panafrican News Agency reported (October 31, 1999) that in his speech at Harvard last Saturday, Obasanjo "pointed out Nigeria has done several debt re-schedulings in the past but that the outcome was the expansion in the country's debt stock. For instance, he said, Nigeria's debt to the Paris Club of official creditors in 1985 stood at about five billion dollars. Today, Nigeria's debt to the Club amounts to 21 billion dollars, even though the country has not taken any new loans within this period."

sons from what we do as well as what we say. Key differences from case to case will all too likely be lost.

Meanwhile, Nigeria has another, immediate need: internal security at the country's flashpoints.<sup>16</sup> For decades, the military and units called "mobile police" have been called in to deal with such crises. In general, their record has ranged from sometimes restrained and successful to deplorable, resulting in civilian injury and death. Surely the need to train special units to handle such situations is obvious; it should be a high priority. I was pleased that an outcome of last week's presidential visit was a pledge of support for police as well as military training.

I believe that this effort also needs a new approach: to receive support, not only from the administration and the Congress, but as importantly and especially in reference to the Niger Delta, from human rights and environmental organizations that have played so important a part in bringing the issues there to international attention. Clearly, respect for human rights must be a key component of whatever training the US endorses and assists, and there must be a way to ensure that those with expertise in this area can participate in and also endorse such essential training. The intricate problems of the Delta cannot begin to be solved, to benefit at last those who live there, without both security and human rights restored and respected.

#### *Peacekeeping*

This is the area in which Africans see a double-standard most starkly displayed. If NATO intervention in Kosovo cost billions of dollars, that could be accepted as humanitarian, yes, but also within NATO's area of primary concern. But then comes prompt US logistical and other support, given, at what has to be some cost, to the intervention in East Timor, again on humanitarian grounds. There is testimony galore to the horrors inflicted on Sierra Leone's people in its war, horrors that arguably outstrip all others of the moment. Yet the problem was almost entirely left to ECOMOG (which means Nigeria). And while the US calls for war crimes tribunals to address the human rights abuses in Kosovo and in East Timor, for Sierra Leone there is no such demand. Instead, the US joins in successfully pressuring Sierra Leone's elected president to place in government positions perpetrators of the atrocities there, on the grounds that only this will bring peace (which has not yet resulted).

Now the UN Security Council has, at last, approved an assessed peacekeeping mission for Sierra Leone. What effect will the problem of US arrears to the UN peacekeeping budget have on the costs to Nigeria? Nigerians, all agree, will provide the bulk of the "up to 6,000"-man peacekeeping force, charged with disarming and demobilizing the Sierra Leone rebel forces.<sup>17</sup> But UN reimbursement for peacekeeping missions is slow in the best of times, which these are not.

Nigeria is not unappreciative of the \$100 million of assistance the United States eventually provided to the ECOMOG effort—and that only through some creative policy making—but the burden (Nigeria's \$8 billion mentioned before, along with casualties) was obviously disproportionate. The State Department needs greater resources to assist regional peacekeeping efforts in general. That last year there was a paltry \$4 million available for all of Africa is astonishing, or should be.

Here, with the Sierra Leone peacekeeping mission, is another opportunity for creative policy making. One imaginative suggestion comes from the government of The Netherlands: a debt-for-peacekeeping swap. Following an earlier version, which paid for some Malian and other non-Nigerian ECOMOG troops, the idea is still in its formative stages. The US should try to influence its eventual shape so that the terms do not preclude Nigeria as a beneficiary. Ideally, some of the expenditures on peacekeeping made prior to whenever the swap may come into effect could be taken into account.

#### *What more can and should the US do?*

—Address as expeditiously as possible the constraints placed on assistance as punitive measures against Nigeria from 1993 on. Of course there is a separate basis for concern about drug trafficking, but with the current cooperation, I hope recertification, or at least a national interest waiver, will be possible for Nigeria.

—Reinstate direct flights between the US and Nigeria. I know at first hand the efforts Nigeria has been making to bring Murtala Muhammed Airport in Lagos up

<sup>16</sup>We tend to think that such possible deployments occur only in the Niger Delta, but that is not the case. The recent clashes in Shagamu, Lagos State between Yoruba and Hausa, triggering subsequent ones in Kano required such measures. So also, just last week, did the rally in Gusau, the capital of Zamfara State, with the introduction of Sharia.

<sup>17</sup>Indeed, on this basis, Nigeria plans to send 4,000 "fresh" troops to replace those who have, in some cases, long overstayed what should have been their tours of duty with ECOMOG.

to the standards the US requires. I also know from flying in an out of many other airports, in Africa and elsewhere, that it is by no means the worst. It is a matter of profound chagrin to Nigerians and friends of Nigeria to see prominently displayed at every major airport in this country the warnings against traveling there.

Further, it is as true now as it has been since direct flights were prohibited, that the people this ban hurts are not the privileged elite. Students and people with sick relatives (and even academics like me), for example, sorely miss being able to travel to and from Nigeria with less expenditure of time and treasure. Closing down that route was also a major contributor to the demise of Nigeria's national airline. Other airlines, Nigerian or American, should be extremely interested in the route, considering how lucrative it is bound to be for them.<sup>18</sup>

—Bring the Peace Corps back to Nigeria. Given the disastrous state of education there, and with resourceless local governments now having responsibility for schools, a group of Peace Corps teachers—replicating the successes of the work done there in the 1960s—would, I think, be welcome. The needs are so great in so many areas, that any Peace Corps mission would be helpful.

#### WHAT LIES AHEAD?

I share Nigerians' hopes for their country and am delighted to be again able to talk of Nigeria in a positive atmosphere. In 1977, then-General Obasanjo, gave a speech calling for Nigeria to become a "disciplined, fair, just, and humane African society." President Obasanjo would now, I'm sure, stress guaranteeing these added attributes: democratic, honest, transparent. That is what he and his fellow Nigerians, facing more daunting challenges now, so badly want and need. We can all see that the direction is the right one, even while knowing that reaching the goal will take time.

But I also remember that 20 years ago the "dangers of falling in love" won out over sustained constructive relations between the US and Nigeria. Too high expectations can lead to disillusionment if they are not fulfilled quickly; the positive too readily turns negative. In today's Nigeria, blessed though it is with a president committed to righting the wrongs and curing the ills of his country, the job is still formidable. The problems I have mentioned here are only some of those he and the other elected officials have to face. Many things could go wrong, and some of them almost certainly will. Nigeria needs friends who will not turn away when that happens. I very much hope that this time the United States will be one of them, for Americans and Nigerians must understand that creating a stable, prospering, democracy requires patience at the very least. We must all give it the best possible chance to succeed.

Senator FRIST. Thank you, Dr. Herskovits.  
Mr. Akwei.

#### **STATEMENT OF ADOTEI AKWEI, ADVOCACY DIRECTOR FOR AFRICA, AMNESTY INTERNATIONAL USA**

Mr. AKWEI. Thank you, Mr. Chairman.

My name is Adotei Akwei and I am the Africa advocacy director for Amnesty International USA. On behalf of Amnesty International's members, I would like to thank you for holding these hearings. The energy and interest shown by you and the committee and your staff have been one of the real beacons of hope that we have had in a fairly bleak time on Nigeria work.

Amnesty International and AI USA in particular have been heavily involved in working to improve the human rights situation in Nigeria and to support the work of Nigerian individuals and human rights groups working on the ground there. The heroic and often very dear costs these men and women paid to regain freedom and justice are the main reason that Nigeria has regained a large measure of freedom and human rights. Whether it was Alhaja Kudirat Abiola, Chief M.K.O. Abiola, or Ken Saro Wiwa and the

<sup>18</sup>For British Airways, its London-Lagos route is, in the high season, its second most profitable after New York-London; in the low season, it is the most profitable.

other members of the Ongoni Nine, the fact that we are here to discuss the challenges and the opportunities for the future is a tribute to them and their courage.

It is also a tribute to the Nigerian support network here in the United States that came together from the environmental, labor, youth, African American, human rights, medical communities who worked with you in Congress not to compromise on human rights and freedom in Nigeria.

Very briefly, what I would like to do is just talk about some of the major developments in the positive in Nigeria and then talk about some of the challenges. I would just say that I share my professor's viewpoint that this is a critical opportunity. Professor Herskovits was my thesis advisor in undergraduate school, so this is a double honor, not only speaking to you but following her.

In the 17 months following General Abacha's death, Nigeria has undergone a major transformation in terms of the respect and protection of human rights. At the same time that the political transition process back to civilian rule was under way under General Abubakar, a number of human rights reforms were undertaken and should be acknowledged. The Provisional Ruling Council released most of the country's political prisoners and prisoners of conscience by March 1999. Included were some of the best known prisoners, including the current President, Olusegun Obasanjo, Dr. Beko Ransome Kuti, Bola Ige, Ibrahim Dasuki, Frank Kokori, and Milton Dabibi.

General Abubakar also invited Nig, nullifying the treason charges against pro-democracy activists Chief Anthony Enaharo, Nobel laureate Wole Soyinka, and democracy activist Frederick Fasehun, and others. Furthermore, General Abubakar commuted the sentences, death sentences, of General Oladipo Diya and the former Lieutenant Colonel Olu Akiode. Many of those exiles have returned and have taken part in the transition process.

The regime was also reportedly in the process of preparing to release Chief M.K.O. Abiola, the man regarded to have won the 1993 Presidential elections, when he died suddenly while in detention.

The government also repealed numerous of the sweeping restrictive legislations and decrees that have crippled the country. People have been allowed to associate freely and form policy parties, of course, and take part in the election process. Trade unions and other special interest groups do operate fairly freely. As a result, organizations met in public for the first time in years. In addition, the government abolished specific decrees like Decree No. 24, which restricted the activities of students and academic staff unions, and Decrees 9 and 10 that prohibited union elections.

Also, prior to the handover of power to President Obasanjo other sweeping decrees were repealed, including those that created special military courts and tribunals.

Unfortunately, neither the outgoing government nor the incoming administration effectively disseminated these important legal changes to the Nigerian public. In fact, the new constitution was not even available in its entirety until well into the Obasanjo administration's tenure. However, there is progress in that respect.

In terms of the respect for fundamental human rights, that has also greatly improved. Freedom of speech and the activities of the

press are now in a more normal fashion. Journalists and editors of state media as well as the independent media are not subject to harassment or threats for their editorial decisions.

The Abubakar regime voided most of the restrictive tribal regulations, passports that had been previously confiscated by the government, the former government, were returned to their owners, and former political prisoners were allowed to travel freely. Local human rights activists were no longer harassed and the current government continues to meet with national and international human rights groups and organizations. Most importantly, the Obasanjo government has invited the UHCR Special Rapporteur for Nigeria to visit the country.

But probably the most impressive step that has been taken has been the creation of a human rights panel, which was referred to by Professor Herskovits. The Oputa Panel is mandated to look into serious human rights abuses committed by all military governments since 1966. The panel is headed by a respected retired supreme court justice and it will hold hearings in different parts of the country where it will receive testimony from victims.

However, as we have all noted today, there are major challenges. Accountability for the past remains a critical one. The creation of the Oputa Panel represents a significant step in the direction of establishing accountability in Nigeria. However, it is only a first step and will need to be backed up by the political will to deliver justice. The panel must be given the mandate, resources, and political support to fully investigate all serious human rights abuses. It will be essential that it have the power to subpoena witnesses and to make recommendations for prosecution when and where appropriate.

The panel is expected to look into the deaths of Kudirat Abiola, M.K.O. Abiola, the Ogoni Nine, and Shehu Musa Yar'Adua, and scores of others who were victims of the repressive actions of the Abacha regime. However, the panel will also have to look into the cases of victims under previous regimes, including that of President Obasanjo, which was a previous—who served as head of state in the 1970's.

Given the great desire for justice from the various communities in Nigeria, it will be essential that the Oputa Panel not be overwhelmed by its workload and become a bottleneck for all initiatives to look into past abuses. For example, the Movement for the Survival of the Ogoni People alone has submitted a brief covering 2,000 cases.

In that regard, Amnesty International notes the recent announcement that several former military officials, including the son of the late General Abacha, have been charged with the murder of Kudirat Abiola and Shehu Yar'Adua and will face trial. We hope and expect that their trials will be free and fair, transparent, and will signal the return of the rule of law and the growing capacity of the judicial system.

The rule of law is also a particular priority for Amnesty. Successive military juntas have seriously neglected the country's judicial system and actively undermined its authority. Repressive military decrees created special courts or military tribunals that were used to try civilians or oust judicial authority to take on cases which military officials had a particular interest in.

Even when the courts were allowed and able to make rulings, noncompliance by the security forces was generally the rule, fostering a climate of impunity. Further complicating this, the judiciary's capacity, is the reputation of corruption, violence, and fear of its enforcement mechanism, the police, again a point raised by Professor Herskovits.

It is going to take time to undo this legacy of impunity. While efforts will have to focus on the judicial system itself and its enforcement mechanism, an equal amount of energy will have to be spent reestablishing respect for the judicial system itself and the rule of law by the other sectors of Nigerian society. The critical investigative work of the Oputa Panel must not preclude similar initiatives to support accountability within Nigeria.

We would also call for the same type of professionalism and accountability within the Nigerian security forces and we hope the Obasanjo administration will make this a priority of their regime, of his administration. A recent example showing that this might be the case has been the government's announcement that there would be a public investigation into the September killings in Yenagoa in the Niger Delta.

The role of civil society is also an incredibly important one. The inauguration of President Obasanjo symbolized the end of one of the bleakest periods in the country's history in terms of human rights violations. General Abacha had been ruthless in his adversarial relationship with civil society and in particular the country's independent press. Nigerian civil society and the independent media not only survived Abacha, but went on to play a critical role in the country's struggle to regain democratic governance and respect for human rights, in the process taking on the role of the opposition.

The relationship has changed and must be respected by both sides. It is no longer an adversarial one, but one of a partnership while keeping on the role of watchdog. In that light, Amnesty was dismayed to learn about the arrest of Jerry Needam, the editor of the MOSOP publication "The Ogoni Star," in connection with the release of a police order which characterized MOSOP and other human rights groups as "enemy forces."

Amnesty International has since learned that he was released on bail yesterday and hopes that his trial will be free, fair, and transparent. However, the incident underscores the distance Nigeria has to go to protect and respect the fundamental rights of free speech and the legitimate watchdog role of civil society. The characterization of civil society as "enemy forces" is unfortunately an attitude we have encountered in several of the newly selected government officials and needs to be addressed, starting with the President himself setting the example.

I would just like to close in terms of the challenges by looking at the communal violence and ethnic situation. Following President Obasanjo's inauguration, clashes between several ethnic groups erupted in several locations in the country, resulting in the deaths of scores of individuals. The Obasanjo government faces a difficult economic situation, increased expectations of government, and the opening up of political competition for resources and influence. Even as the government must act to protect the lives of its citizens,

the government has also played the role of reinforcing political space and participation, as well as respect for fundamental human rights of all Nigeria's citizens.

Nowhere is this outbreak of violence more alarming than in the oil-producing areas of the Niger Delta. Tensions, clashes between minority ethnic groups who are now competing for control of resources and political leverage have been further complicated by the presence and activities of multinational corporations and the security forces linked to them.

The residents of the Niger Delta have suffered greatly for demanding freedom from pollution and a more equitable voice in the allocation of revenues generated from their lands. In November 1995 Ken Saro Wiwa, the leader of MOSOP, and eight other Ogoni leaders were arrested and accused of murder by the Nigerian military. They were tried, found guilty, and executed.

Despite the military's allegations, the world knew that the Ogoni Nine, as they came to be known, were killed for organizing peaceful protests against the country's largest oil exporter, Royal Dutch Shell. Shell failed to use its substantial influence with the Nigerian Government to stop the executions.

Since the executions, Shell has publicly admitted that it had invited the Nigerian army to Ogoniland, provided them with ammunition and logistical and financial support for military operations that left scores dead and destroyed many villages. More than 2,000 Ogoni men and women and children have died in the struggle against Shell's pollution. Today Ogoniland remains polluted, well waters in many areas are unsafe to drink, crops do not grow where they used to, there is no electricity, running water, and few paved roads.

Unfortunately, Shell is not the only oil company implicated in environmental and human rights abuses in this area. The drilling in the region by a U.S.-based company, Chevron, is also fueling inter-ethnic unrest in the Niger Delta. On May 25, 1998, about 120 unarmed youths from the Ijaw community occupied Chevron's Parabe production platform. The youths were demanding that Chevron make financial compensation for polluting the water and reinvest in community developments.

In actions eerily reminiscent of those taken by Shell in Ogoniland, Chevron requested the assistance of the Nigerian security forces to stop the protests. On the 28th, Chevron's head of security accompanied Nigerian naval and political officers to the platform in helicopters hired by the company and in the crackdown that ensued two protesters were killed and the security forces detained eleven youths.

The human rights situation in the Niger Delta is complicated by increased incidents of hostage-taking and attacks on oil facilities. However, a focus on the incidents of violence in the area and establishing the rule of law in the region cannot be limited only to the minority communities. It must also take on the activities of multinational corporations. Oil companies in the Niger Delta have the right to protect their facilities, but they also have an obligation not to violate the rights of the Nigerian people or to facilitate the violation of those rights by any others.



Our recommendations are very simple. Nigeria stands at a critical crossroads in its political and human rights development. While it is clear that the country has moved back from the precipice of widespread violence and political chaos that seemed inevitable as a result of the policies of General Abacha, it is not clear how secure the country's new democracy is or how well fundamental human rights will be protected in the long term.

Each of Nigeria's previous military regimes made human rights gestures at the beginning of their terms, only to strip away those rights or re-detain prominent dissidents within months. The record of the country's short-lived civilian administrations is not much more reassuring.

President Obasanjo should be commended for the steps he has taken, but should be made to realize that at every opportunity how much he and the Nigerians have further to go. It is essential that Nigeria's capacity to protect fundamental human rights be rebuilt and strengthened. The United States and the international community should focus and channel their assistance and engagement for the country around building that capacity, both with the Obasanjo administration, but, more importantly, with other sectors of the country. Accountability and the protection of human rights in Nigeria are too important and too large a task to be left just to President Obasanjo, the new legislature, or even to civil society.

Equally important will be the activities of multinational corporations. As they confront increasing anger and frustration over environmental issues and have to navigate communal tensions, corporations would serve themselves and the people of Nigeria best by meeting the same standards of transparency, respect for environmental and human rights that they have to meet here in the West.

I will stop there. We have some specific recommendations at the end of our testimony.

[The prepared statement of Mr. Akwei follows:]

#### PREPARED STATEMENT OF ADOTEI AKWEI

##### INTRODUCTION

Mr. Chairman, my name is Adotei Akwei and I am the Africa Advocacy Director for Amnesty International USA. Mr. Chairman on behalf of Amnesty International USA I would like to thank you for holding these hearings and for allowing AIUSA to testify before this committee. The energy, interest and commitment that you, your colleagues and your staff have shown toward Africa has been one of the few reassuring beacons of hope that the continent and, the people who work on Africa here, in the United States, look to for inspiration. I would like to take this opportunity to personally thank Senator Feingold and his staff for the leadership and hard work and support over the years on Nigeria.

Amnesty International is a worldwide human rights movement that works for the release of prisoners of conscience, fair trials for political prisoners and ending torture, "disappearances", political killings and executions wherever they occur. Amnesty International has one million members and supporters in over 100 countries around the world with about 300,000 here in the United States. The organization is financed by its members and supporters and accepts no money from governments.

Amnesty International and AIUSA in particular have been heavily involved in working to improve the human rights situation on Nigeria and to support the work of Nigerian individuals and human rights working on the ground there. The heroic and often very dear costs these men and women paid to regain freedom and justice are the main reason that Nigeria has regained a large measure of freedom and human rights. Whether it was Alhaja Kudirat Abiola, Chief M.K.O. Abiola, Ken Saro Wiwa and the other members of the Ogoni Nine, the fact that we are here to discuss the challenges and opportunities for the future is a tribute to them and their

courage. It is also a tribute the Nigeria support networks here in the United States that came together from the environmental, labor, youth, African American, human rights, medical and communities and who worked with you in Congress to hold the line and not compromise on human rights and freedom in Nigeria.

Mr. Chairman, my testimony today will focus on four areas:

- A brief chronology of the political transition process.
- A review of the human rights changes that Nigeria has undergone in the last year.
- Human rights issues that remain.
- Recommendations for action by the United States government.
- Recommendations to the Nigerian Government.
- Recommendation for multi-national corporations operating in Nigeria.

#### NIGERIA'S TRANSITION TO CIVILIAN RULE

Nigeria's former head of state, General Sani Abacha died suddenly in June of 1998. Abacha, who had seized power in September 1993, was allegedly conducting a transition process back to civilian rule that had been widely condemned and rejected, both within Nigeria and outside of the country. Abacha was succeeded by General Abdulsalami Abubakar, who instituted a genuine transition process culminating in presidential elections May 1999 won, by former head of State Gen. (retired) Olusegun Obasanjo.

Review of Human Rights Development in Nigeria during the last 17 months in the 17 months following Gen. Abacha death, Nigeria has undergone a major transformation in terms of the respect and protection of human rights. At the same time that the political transition process back to civilian rule was underway under Gen. Abubakar a number of human rights reforms were undertaken.

#### THE RELEASE OF POLITICAL PRISONERS AND DETAINEES

The Provisional Ruling Council released most of the countries political prisoners and prisoners of conscience by March 1999. Nine of the country's best known prisoners including Olusegun Obasanjo, Beko Ransome-Kuti, Bola Ige, Ibrahim Dasuki, Frank Kokori and Milton Dabibi were released on June 16. In addition, the Ogoni 21, who had been incarcerated since 1994, were released in September.

Gen. Abubakar also invited Nigerian exiles that had fled the country during Abacha's rule, to return to Nigeria, nullifying the treason charges against prominent pro-democracy activists like Chief Anthony Enaharo, Nobel laureate Wole Soyinka and democracy advocate Dr. Fred Fasehun. Furthermore, General Abubakar commuted the death sentences of General Oladipo Diya and former Lieutenant Colonel Olu Akiode. Many of those exiles did return.

The Abubakar was reportedly in the process of preparing to release Chief M. K. O. Abiola, the man regarded to have won the 1993 presidential elections, when he died suddenly while still in detention.

#### THE REPEAL OF REPRESSIVE LEGISLATION

In July, the government repealed Decree No. 24, which placed restrictions on student and academic staff unions. People were allowed to associate freely with other political parties, trade unions or special interest groups. As a result, organizations met in public for the first time in years. In addition, the government abolished Decrees 9 and 10 that prohibited union elections.

Prior to the hand over of power to President Obasanjo several other repressive decrees were reportedly repealed, in particular those creating special military courts and tribunals. Neither the outgoing military government nor the incoming civilian administration effectively disseminated these legal changes to the Nigerian public. In fact the new constitution was not even available in its entirety until well in to the Obasanjo administration's tenure.

#### RESPECT FOR FUNDAMENTAL RIGHTS

The government's respect for fundamental human rights has improved. Respect for freedom of speech and press is the norm and journalist and editors of the state media are not subjected to harassment or threats for their editorial decisions.

The Abubakar regime voided most of the restrictive travel regulations. Passports that had been previously confiscated by the former government were returned to their owners. Former political prisoners were allowed to travel freely and passports were provided to political figures and journalist without question.

Local human rights activists are no longer harassed and the current government continues to meet with national and international human rights groups and organi-

zations. The Obasanjo government has also invited the UNHCR Special Rapporteur for Nigeria to visit the country.

#### THE CREATION OF MECHANISMS TO ENFORCE ACCOUNTABILITY

In another important and positive development, President Obasanjo has created a human rights commission, the Human Rights Investigation Panel, that is mandated to look into serious human rights abuses committed by all military governments since 1966. The panel is headed by retired Supreme Court Justice Chukwufidur Oputa and will hold public hearings in different parts of the country where it will hear testimony from victims.

#### HUMAN RIGHTS CHALLENGES AND ISSUES—ACCOUNTABILITY FOR THE PAST

The creation of the Oputa panel represents a significant step in the direction of establishing accountability in Nigeria. However, it is only a first step and will need to be backed up by the political will and deliver justice. The Oputa Panel must be given the mandate, resources and political support to fully investigate all serious human rights abuses. It will be essential that it also have the power to subpoena witnesses and make recommendations for prosecutions when and where appropriate.

The Panel is expected to look into the deaths of Kudirat Abiola, M. K. O. Abiola, the Ogoni Nine, Shehu Musa Yar'Adua and scores of others who were the victims of the repressive actions of the Abacha regime. However, the panel will also have to look in to the cases of human rights victims under previous regimes including under General Obasanjo's previous tenure as head of state. Given the great desire for justice from various communities in Nigeria it will be essential that Oputa Panel not be overwhelmed by its workload and become a bottleneck for all initiatives looking in to past abuses. For example the Movement for the Survival of the Ogoni People (MOSOP) alone has submitted a brief covering over 2,000 cases. In that regard, Amnesty International notes the recent announcement that several former military officials and a son of the late General Abacha have been charged with the murder of Kudirat Abiola and Shehu Musa Yar' Adua and will face trial. All hopes and expects that their trials will be free, fair and transparent and will signal the continued return of the rule of law and the growing capacity of the judicial system.

#### THE RULE OF LAW

Successive military juntas have seriously neglected the country's judicial system and actively undermined its authority. Repressive military decrees created special courts or military tribunals that were used to try civilians or ousted judicial authority to take on cases which military officials had a particular interest in. Even when the courts were allowed and able to make rulings, non-compliance the security forces was generally the rule, fostering a climate of impunity. Further complicating the judiciary's capacity to administer justice is the reputation of corruption, violence and the fear of its enforcement mechanism, the police.

It will take time to undo this legacy of impunity. While efforts will have to focus on the judicial system itself and its enforcement mechanisms, an equal amount of energy will have to be spent re-establishing respect for the judicial system and the rule of law in other sectors of Nigerian society. The critical investigative work of the Oputa Panel must not preclude similar initiatives to enforce accountability within Nigeria.

#### REBUILDING ACCOUNTABILITY AND PROFESSIONALISM IN THE SECURITY FORCES

The record of the Nigerian security forces regarding fundamental human rights under previous regimes has been poor to abysmal. The Obasanjo administration must establish transparency and accountability within the armed forces and must insist upon respect for the public and the rule of law. One example in the right direction is the recent announcement by the Nigerian government that there would be a public investigation into the September killings in Yenagoa in the Niger delta region.

The performance of security forces both before and since the inauguration of President Obasanjo should be investigated in a transparent manner by independent and impartial inquiry. Whether it is the Oputa Panel or some other mechanism, all allegations of human rights abuses and excessive use of violence by the armed services must be reviewed and those responsible for violations brought to justice.

## THE ROLE OF CIVIL SOCIETY

The inauguration of President Obasanjo symbolized the end of one of the bleakest periods in the country's history in terms of human rights violations. Gen. Abacha had been ruthless in his adversarial relationship with civil society and in particular the country's independent press. Nigerian civil society media not only survived Abacha but went on to play a critical role in the country's struggle to regain a democratic government and respect for human rights, in the process taking on the role of the opposition. Amnesty International was dismayed to learn about the arrest of Jerry Needam, the editor of MOSOP publication *The Ogoni Star*. Mr. Needam who has been in detention without charge or trial since Oct. 11 was reportedly arrested in connection with the publication of a police order which characterized MOSOP and other human rights groups as "enemy forces." Amnesty International has since learned that he was released on bail today and hopes that his trial will be free, fair and transparent. However the incident underscores the distance Nigeria has to go to protect and respect the fundamental rights of free speech, and of the legitimate watchdog role of civil society. The characterization of civil society as enemy forces unfortunately is an attitude AI has encountered in several newly elected government officials and needs to be addressed starting with President Obasanjo himself and those who wish Nigeria's democracy to thrive.

## COMMUNAL AND ETHNIC VIOLENCE

Following President Obasanjo's inauguration, clashes between several ethnic groups erupted in several locations in the country resulting in the deaths of scores of individuals. The Obasanjo government faces a difficult economic situation, increased expectations of government and the opening of political competition for resources and influence. Even as the government must act to protect the lives of its citizens, the government must also play the role of reinforcing political space and participation and a respect for the fundamental human rights of all of Nigeria's citizens.

Nowhere is the outbreak of violence more alarming than in the oil producing areas of the Niger delta. Tensions and clashes between minority ethnic groups who are now competing for control of resources and political leverage have been further complicated by the presence and activities of multi-national oil corporations and the security forces linked to them.

## CORPORATE ACCOUNTABILITY

The residents of Nigeria's delta have, suffered greatly for demanding freedom from pollution and a more equitable voice in the allocations of revenues generated from their lands. In November of 1995, Ken Saro-Wiwa, the leader of the Movement for the Survival of Ogoni People and eight other Ogoni leaders were arrested and accused of murder by the Nigerian military. They were tried, found guilty, and executed. Despite the military's allegations, the world knew that the Ogoni 9, as they came to be known, were killed for organizing peaceful protests against the country's largest oil exporter, Royal Dutch Shell. Shell failed to use its substantial influence with the Nigerian government to stop the execution. Since the executions, Shell has publicly admitted that it had invited the Nigerian army to Ogoni land, provided them with ammunition and logistical and financial support for military operation that left scores dead and destroyed many villages. More than 2,000 Ogoni men, women and children died in the struggle against Shell's pollution. Today, Ogoni land remains polluted. Well water in many areas is unsafe to drink, crops do not grow where they used to. There is still no electricity, running water or paved roads. The few existing schools and hospitals do not have even basic equipment or resources.

Unfortunately, Shell is not the only Oil Company implicated in environmental and human rights abuses in the area. The drilling in the region by U.S.-based Company Chevron is also fueling inter-ethnic civil unrest in the Niger Delta area. On May 25, 1998, about 120 unarmed youths from the Ijaw community occupied the Chevron Parabe production platform, effectively taking about 200 employees of Globestar McDermott/EPTM (a subcontractor of Chevron) hostage. The youths were demanding that Chevron make financial compensations for polluting the water and re-invest in community development. In actions eerily reminiscent of those taken by Shell in Ogoniland, Chevron requested the assistance of Nigerian security forces to stop the protest. On May 28, Chevron's head of security accompanied Nigerian Naval and police officers to the platform in helicopters hired by the company. In a crackdown that ensued, two protesters were killed and security forces detained eleven youths.

The human rights situation in the Niger delta area is complicated by increased incidents of hostage taking and attacks on oil facilities. However, a focus on the incidence of violence in the area and establishing the rule of law in the region cannot be limited only to the minority communities. It must also take on the activities of multinational corporations. Oil companies in the Niger delta have the right to protect their facilities but they also have an obligation not to violate the rights of the Nigerian people or to facilitate the violation of those rights by any others.

#### RECOMMENDATIONS

Nigeria stands at a critical crossroads in its political and human rights development. While it is clear that the country has moved back from the precipice of widespread violence and political chaos that seemed inevitable as a result of the policies of the late General Abacha, it is not clear how secure the country's new democracy is or how well fundamental human rights will be protected. Each of Nigeria's previous military regimes made human rights gestures at the beginning of their terms only to strip away those rights or re-detain prominent political dissidents within months. The record of the country's short-lived civilian administrations is not much more reassuring. President Obasanjo should be commended for the steps he has taken but should be made to realize at every opportunity how much further he and the Nigerian government must go.

It is essential that Nigeria's capacity to protect fundamental human rights be rebuilt and strengthened. The United States and the international community focus should channel their assistance and engagement with the country around building that capacity both with the Obasanjo administration but more importantly with the other sectors of the country. Accountability and the protection of human rights in Nigeria are too important and too large a task to be left to just President Obasanjo, the new legislature or only to civil society.

Equally important will be the activities of multi-national corporations. As they confront increasing anger and frustration over environmental issues and have to navigate communal tensions, corporations would serve themselves and the people of Nigeria best by meeting the same standards of transparency, respect for environmental and human rights that they have to meet here in the West.

#### FOR THE NIGERIAN GOVERNMENT

- AIUSA welcomes the creation of the Commission to Investigate Human Rights Violations Investigations Panel, also known as the Oputa Panel. AIUSA urges the Obasanjo government to ensure that Oputa Panel is independent politically and financially and the government upholds its commitment to act on the recommendations of the panel.
- AIUSA urges the Nigerian government to conduct public and impartial investigations in to human rights incidents linked to the activities of multi-national corporations operating in the Niger delta.
- AIUSA calls on the Nigerian government to review and publicize the terms of engagement between the Nigerian security forces and multi-national oil companies operating in Nigeria. The dissemination of such agreements will help clarify under what terms such requests are made and help designate responsibility for ensuring that the intervention does not result in human rights violations.

#### FOR UNITED STATES GOVERNMENT

- AIUSA urges the United States Government to support the work of the Commission to Investigate Human Rights Violations Investigations Panel, also known as the Oputa Panel. The Oputa Panel should be independent politically and financially, transparent and should receive the political and diplomatic support to pursue its mandate. Further the Obasanjo government should be encouraged to uphold its commitment to act on the recommendations of the panel.
- All U.S. training of Nigerian security forces should be focused on improving transparency respect for the rule of law and respect for fundamental human rights. Potential recipients of such training should be thoroughly and publicly vetted to screen out person who might have been involved in the commission of human rights violations. AIUSA would also strongly encourage the consultation of Nigerian human rights groups in such programs.
- AIUSA welcomes the statements made by senior officials in the Administration regarding the importance regarding democracy and respect for the rule of law and for human rights. AIUSA is also aware of the important role that U.S. companies can play in supporting and reinforcing those principles. We therefore recommend that a discussion between members of both governments, Nigerian and international human rights groups and U.S.-based multi-national corporations

be convened to review past incidents and to seek ways to avoid further human rights abuses, as occurred at the Chevron and more recently at the facilities of Wilbros International linked, to the operation of multi-national corporations in Nigeria.

FOR U.S. BASED MULTI-NATIONAL CORPORATIONS OPERATING IN NIGERIA

- Multi-national oil companies operating in Nigeria request the assistance of Nigerian security forces to protect their operations and facilities should clarify under what terms such requests are made and must accept responsibility to work as diligently as possible to ensure that the intervention does not result in human rights violations.
- Multi-national corporations should also ensure that their private security personnel receive training to guarantee the respect and protection of the human rights of the communities that they interact with. Candidates for employment and for such training should be vetted to ensure that they have not committed any human rights abuses. If their personnel should commit any abuses they should support local efforts to prosecute them.
- Corporations in Nigeria should encourage and support governmental efforts to deliver human rights training to the Nigerian security forces. Such training should include consultation with Nigerian human rights groups and with leaders of local communities who potentially interact with the security forces in question.

Senator FRIST. Thank you, Mr. Akwei.

A question to both has to do with the military. The military has ruled Nigeria for I guess 28 of its 39 years since independence, and I think it is important for us to take the long view as well as the short view, to be excited, to be optimistic, but nevertheless look both historically and project forward with that, that 39-year perspective.

Why has the military been so prominent over this period of time? And what are the prospects for another intervention by the military? I guess Dr. Herskovits.

Dr. HERSKOVITS. Well, I think it is a complicated question and it will not have an easy answer. I think one of the problems that you see in countries other than Nigeria as well as in Nigeria itself is that once the military intervenes and has a period in government, it creates that possibility for succeeding groups of officers to entertain that option.

There has been an impatience in Nigeria with successive governments. Nigerians I always thought were an impatient people, but their long waits at the fuel lines have been making me rethink, and I hope that their patience will last with their democracy this time. But certainly in the second republic, from 1979 to 1983, there was a really marked impatience with all manner of what was going on under the civilian government of that day.

That made it possible for a group of military officers—unfortunately aided in financial ways, but also given moral support and other support, by civilians—to seize power. This has been a pattern that has repeated itself. Each military coup has had some civilian collaborators, unfortunately, and because Nigeria's problems cannot be easily solved they can be easily exploited.

So I think that what is different now and what gives me hope is that, because Nigerians have seen so many military regimes come and say, "We can solve the problems where the civilians could not," and they know that is not true—they have seen it too many times to believe it—that the Nigerian people will refuse should anybody get the idea of trying to make another attempt. And there

are many ways of refusing to do that, both at the leadership level and at the popular level.

But beyond that, it is because I think it is vitally important to do everything possible to head off such another attempt that I stressed what I believe is the contribution the United States can make in military training. I have had discussions about this very subject with a considerable number of Nigerian military officers, senior and not so senior, and the ones who have had the opportunity to come here say it has made a difference to them.

The most concrete example I can give is General Abubakar, whom Adotei Akwei commended for some of the steps he took. We know that he also did hand over to civilians, as promised.

There are no guarantees here. There are obviously people who have experienced military training here who are not great supporters of democracy in their countries. But I do think that in Nigeria, and especially because of the style of constitution that they have adopted, which is like ours, we have a particularly important contribution to make in trying to make sure that a military take-over does not happen again.

Senator FRIST. Any comments, Mr. Akwei?

Mr. AKWEI. It is hard to follow your professor. I think I would agree with Professor Herskovits about the fact that it is not just Nigeria that has this issue with the military and the military's apparent national nature in terms of its ability to include different groups and also to present a neat cohesive unit for external interests.

I would say that one of the reasons that Africa in general has a problem with military governments is that they are viewed as effective security guarantors. Democracy is untidy and it appears even untidier in Africa. I would argue that it is easier to do military-to-military training because you know who the partners are and you know what they are supposed to do, and even when they break the rules there is the sense that they will at least maintain security over the country.

That is where we would have some concern about military-to-military training as business as usual. The Nigerian military's problem has been with the Nigerian civilians, not with the U.S. military, and if there is going to be effective training for respect for the rule of law and human rights in Nigeria the Nigerian civilians have to be involved in that training and in the nature of the training and assessing how it is done and who participates.

Senator FRIST. Thank you.

Senator Feingold.

Senator FEINGOLD. Thank you, Mr. Chairman.

Dr. Herskovits, I was not here for your initial remarks. My staff tells me you invited further comment on the question of the constitution for Nigeria. Let me just say that I have respect for what Secretary Pickering said with regard to the reality that it should be up primarily to Nigeria and the Nigerians to determine what kind of a constitutional structure they have.

On the other hand, the only other subcommittee on which I am ranking member is the Constitutional Subcommittee of the Judiciary Committee here in the U.S. Senate. And there is not a day when I do not feel how important it is for our country that we have

a legitimate underpinning in the form of a constitution for our system of government. So it does concern me that any nation as enormous and diverse as Nigeria would not have that kind of a legitimate structure underpinning its new democracy.

I am wondering if you have further comments on that?

Dr. HERSKOVITS. Certainly. I was privileged to be in Nigeria much of the time when in the late 1970's they were crafting the constitution on which the current one is based. It was also put in place, of course, by a military government, at that time General Obasanjo's. But the decisionmaking process, a drafting committee and a constituent assembly, was carried out by elected representatives, and at that time the document they produced carried clear legitimacy in the view of Nigerians.

I think that, because much of that document constitutes the present constitution, it is not totally illegitimate even though it has been put in place by another military government. Part of the problem is that successive military governments have tampered with that original draft or, as they say, amended it. "Legitimacy" depends on your point of view and it depends on which particular provision you consider.

In my written statement I actually made a proposal that I hope I may be able to make to the Nigerians and they might entertain, which is this: that they take the draft that came out in 1978 from the elected representatives of Nigeria, strip away the additions that have been put in place by military governments, perhaps as a package if their legislative process, which is modeled on ours, make it possible, and then proceed to amendments within that framework, using the constitutionally-mandated amendment process.

So I think it is not as bleak as it looks at first glance, but there certainly are a number of topics of a constitutional nature that need addressing and the legitimacy of the constitution is obviously primary.

Let me just say that I did not mention, although I think of it more than occasionally, the importance of the judiciary in Nigeria, to underscore Mr. Akwei's point, and how it tends to get neglected when we talk about assistance. I have seen recently and over the years judges in Nigerian courtrooms who are taking notes on the trial with, metaphorically, a quill pen. The pen is a little more modern than that, but the point is that they are recording the proceedings by hand.

They would be overjoyed to have the kind of technology that there is right here in this room. There is much that can be done, both technically and also through discussing how our judicial system functions, in view of the fact that they have a constitution that resembles ours, but a legal system that is largely British in its structure.

So I think this is another area in which, if we could find some resources, we might be able to make a contribution.

Senator FEINGOLD. That is a very helpful answer. Let me ask you one other question. Just moments before I had a chance with the chairman to meet with President Obasanjo, I learned that a state in northern Nigeria had introduced Islamic law. How can the



new government address the challenges of regional and religious differences that have such a destabilizing potential in Nigeria?

Dr. HERSKOVITS. I also do address that issue and that particular incident in my written statement. But let me just say two things here. First of all, it is highly inflammatory and very unfortunate that this has happened just now. I fear that what this is is a person who finds himself in charge of a state with few resources and he is finding a way to deliver something to an overwhelmingly Muslim population in his state.

Reporting on this is misleading in a number of ways, but the most important is that this very constitution we have just been talking about does provide for sharia to be available to Muslims in matters of personal law, and that is what Nigerians think of when they think of sharia. They do not call up the images that we are accustomed to associating with it of criminal penalties.

Those provisions are there in the constitution. The Governor is not instituting anything that does not already exist. But at the same time there is the very clear statement in the constitution of 1979 and the current constitution that says that no state, no government—central or state—can establish a religion.

It seems to me this is a case for constitutional interpretation by Nigeria's supreme court, and I very much hope that that is the way that the issue is going to be settled.

Senator FEINGOLD. Thank you, doctor.

Mr. Akwei, I just want to clarify what you were saying about IMET. Do you think it is wise for us at this point to use IMET with regard to Nigeria?

Mr. AKWEI. I think that we would certainly support any kind of initiative that would improve the Nigerian military or security forces' capacity to protect and respect human rights. However, there are severe shortcomings, I think, in the IMET and other U.S. training programs. For one, there is no serious attempt at vetting out people who have committed human rights violations. That needs to be done.

There has also got to be a much more serious effort to follow and evaluate what their graduates do. In some cases, people that have come for U.S. training have ended up being heads of state, as in Panama, and their record has been fairly abysmal.

So we would not per se say no to U.S. military training, but we would make a very strong pitch that it be oriented around respect for the rule of law and human rights and that it be made as transparent with the Nigerian public. They are going to be the people who guarantee that your graduates of IMET actually live up to the training.

Senator FEINGOLD. It sounds like the way it is likely to be set up now, though, you would not be very happy with the idea.

Mr. AKWEI. That is right.

Senator FEINGOLD. One other question for you. You spoke at some length about the Niger Delta and the factionalized nature of local politics there and that it must be hard to determine where political legitimacy and leadership can be found in the region. How can this new government and administration engage the citizens in the delta effectively?

Mr. AKWEI. President Obasanjo has I think gone further than any of his predecessors in going to the region to sit down and listen to the grievances of the communities there. He has also set up a number of different panels. I understand from some of his advisors that there is a panel of traditional chiefs, there is a panel, a commission that he meets with with youth leaders, and there is also a panel which involves the Governors of the Niger Delta area.

Those are the right steps. Those are the beginnings of the right steps. I think the problem is whether the message has the time to percolate to the rest of the communities involved and in particular the youth involved, what are the ones who are involved in the violence. I am not saying they are instigating it, but they are involved in it.

He is going to have to do as good a job as a car salesman as he can in terms of saying that, I am not here to give you the same old bill of goods in different packaging, and that this is not just a jobs issue and this is not just a security issue in the Niger Delta, but it is one where I am going to genuinely listen to your grievances about jobs, about environment, and about involvement in politics.

I do not know whether that last component has yet become part of the message of the President.

Senator FEINGOLD. Mr. Chairman, I thank you. I think these two witnesses were extremely informative and I am grateful for your help in understanding the situation in Nigeria.

Senator FRIST. Thank you, Dr. Herskovits and Mr. Akwei. Thank you very much. I agree, it has been a very, very useful panel. I have learned a great deal from it. I remain very optimistic about the future. It has to be guarded optimism, but I really appreciate both of your taking time to share your insights with us and I look forward to being back in touch with you as we go forward.

With that, we will keep the record open until close of business tomorrow.

With that, we will stand adjourned. Thank you.

[Whereupon, at 4:34 p.m., the committee was adjourned.]



## APPENDIX

### STAFFDEL ROTBLATT

REPORT OF TRAVEL TO NIGERIA AND SENEGAL, DECEMBER 2-13, 1998 AND FEBRUARY  
24-MARCH 2, 1999

(Prepared by Linda S. Rotblatt, Legislative Assistant to Senator Russell D.  
Feingold)

APRIL 1, 1999.

The Honorable JESSE HELMS, *Chairman*  
The Honorable JOSEPH BIDEN,  
*Ranking Minority Member*  
*Committee on Foreign Relations,*  
*U.S. Senate, Washington, DC.*

DEAR SENATOR HELMS AND SENATOR BIDEN:

On behalf of the Committee on Foreign Relations and Senator Russ Feingold, I traveled to Nigeria and Senegal from December 2-13, 1998, and again to Nigeria from February 24-March 2, 1999. In Nigeria, the primary focus of both trips was to assess the general political environment during the ongoing transition to democratic rule in that country, including the observation of the December 5 elections for local councilors and of the February 27 elections for president. In Senegal, I attended the final day of the Second Conference of the Parties to the *United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa*, a treaty currently pending before the Senate Committee on Foreign Relations.

In Nigeria, I associated myself with official assessment missions organized jointly by the National Democratic Institute for International Affairs (NDI) and The Carter Center, in addition to arranging an independent program. As part of NDI/Carter's December delegation, I spent four days in Kano, a primarily Hausa-speaking city in the north of Nigeria. There, I met with officials from the three major parties competing in the elections and from the state office of the Independent National Electoral Commission (NEC). I also visited approximately 20 polling and collating stations on election day. In February, I spent three days in and around the city of Lagos, observing voting and collating in nearby Ogun State, and two days in Abuja, the national capital.

In Senegal, I joined the official U.S. delegation to the Second Conference of the Parties to the desertification convention. In addition to attending part of the final plenary session, I met with delegates from other countries, including Benin (head of the Africa Group), Argentina and Ethiopia.

I am grateful for the cooperation of the staffs of the U.S. embassies in Lagos and Dakar. I would particularly like to thank Ambassador William Twadell, Deputy Chief of Mission Nancy Serpa and Ambassador Dane Smith, foreign service officers Chris Jester, Alan Eyre and Andrew Havilland, and members of the U.S. delegation to the Desertification conference, including Diane Graham, Franklin Moore and Theresa Hobgood. Finally, I gained invaluable assistance and insight from the staffs of both the National Democratic Institute and The Carter Center.

The attached report includes a summary of my key findings and recommendations for U.S. policy. Attached as appendices are several statements from the American nongovernmental organizations that observed various stages of electoral process in Nigeria, including the ones from NDI/Carter, which I helped to draft, as well as an assessment by the Transition Monitoring Group, an independent domestic organization. These reports provide an additional sense of the climate surrounding the transition in Nigeria. In addition, as the primary evidence of the election-related programs which the U.S. government has chosen to support, I felt it was important to present these reports to the Committee.

Finally, the conclusions in this report are my own, and do not necessarily reflect the views of Senator Feingold or of the Committee on Foreign Relations.

Sincerely,

LINDA S. ROTBLATT, *Legislative Assistant,*  
*Office of Senator Russell D. Feingold.*

## SECTION I: NIGERIA

### A. STAFFDEL ACTIVITIES

Staffdel traveled to Nigeria December 2-11, 1998 and February 24-March 2, 1999. In order to assess the current transition process and appropriate U.S. policy response to it, Staffdel was associated with two Election Assessment Delegations organized by the National Democratic Institute for International Affairs (NDI) and The Carter Center, in addition to conducting a regular staffdel program. [For additional information about the delegations, their mandates and their assessments, please see Appendix.]

The NDI/Carter Center delegation was invited by Head of State General Abdulsalami Abubakar and accredited by the Independent National Electoral Commission (NEC). In December, Staffdel was appointed to the NDI/Carter team responsible for Kano State, and was deployed to the region for a four-day period. On election day, Staffdel visited more than 20 polling sites and collation centers in this region. In February, Staffdel was part of the NDI/Carter team in Ogun State; visiting nine polling stations and collation centers on election day.

As part of the December delegation, Staffdel met with representatives of the three major political parties competing in Kano State (the All People's Party, the People's Democratic Party, and the Alliance for Democracy), NEC officials and political activists. In February, Staffdel met with NEC officials of Lagos state.

Staffdel also held the following independent meetings during the two trips:

- Dr. A.J. Arije, Acting Executive Secretary, Economic Community of West African States (ECOWAS)
- Col. Ibrahim Babangida, Special Assistant to Charles Eze, Special Advisor to the Head of State for Economic Affairs, Drugs and Financial Crimes
- Members of the Transition Monitoring Group (TMG), a non-partisan coalition of more than 40 civil society organizations, committed to monitor specific aspects of the transition process and responsible for fielding more than 10,000 domestic monitors for the presidential elections
- Ogbonna Onovo, Chairman of the Nigerian Drug Law Enforcement Agency
- Embassy officials
- Members of the NDI/Carter joint delegations

Staffdel's primary interest in these additional meetings was in assessing the level of Nigerian cooperation in the fight against narcotics trafficking; the significance of Nigerian contribution to regional peacekeeping; the relationship between the United States and the Nigerian military (currently, and in a post-transition environment); and the overall climate for political expression in the country.

### B. TRANSITION ENVIRONMENT

*Background:* Following the sudden death in June 1998 of General Sani Abacha, his successor, General Abdulsalami Abubakar made some progress in liberalizing the political environment in Nigeria, including establishing a time line for elections and reestablishing guidelines for political participation. According to his transition plan, power will be handed over to a civilian government on May 29, 1999, after a series of elections, scheduled respectively for December 5, 1998 (local government), January 9, 1999 (state assembly and governors), February 20, 1999 (national assembly) and February 27, 1999 (presidential). Gen. Abubakar also agreed to release political prisoners, and some have indeed been released.

Most Nigerians appear to have embraced this transition program, and the international community has welcomed Gen. Abubakar's bold statements. Nevertheless, observers remain apprehensive about the role of the security forces and of the military, perceived weaknesses in the electoral system, the lack of a clear constitutional order, and the possibility of violence during the electoral period. Nigerians also remain concerned about the important questions of federalism and decentralization—including the control and distribution of national wealth—which have yet to be satisfactorily worked out.

These concerns, which have remained a backdrop throughout the current transition, were exacerbated by multiple reports of fraud during the four rounds of elec-

tions, particularly the February 27, 1999, presidential poll. Although, to date, it remains unclear whether the fraudulent activities had an impact on the ultimate outcome of the elections, such irregularities—including excessively high collated numbers or materials delivered suspiciously late—risk bringing the legitimacy of the process into question and tended to dampen what had otherwise been a largely optimistic and enthusiastic attitude throughout the country.

*Assessment:* Staffdel found the general electoral environment to be calm and orderly. Nigerians seem genuinely optimistic the country will return to civilian rule upon the completion of this transition program, and are therefore willing to put faith in the transition program despite certain difficulties, and even the irregularities. Thus, although the party system was not well developed at the time of the qualifying election (the December 5 local councilor poll), Nigerians generally accepted that three legitimate parties were eligible to participate in subsequent electoral rounds. [This is despite the fact that the processes within each party (for taking positions or electing candidates) may not have been wholly democratic. In addition, the platforms of the major parties were not distinct, so party support has tended to be more regionally or ethnically based.] Similarly, Nigerians tacitly accepted that fraud would occur during the process, but they did not seem to think that such fraud would prevent the transition to civilian rule from taking place, or would threaten the legitimacy of the next government.

That said, Staffdel remains concerned that little, if any, serious discussion of post-election priorities took place. From the outset, the incoming civilian government will face enormous challenges as well as the unrealistically high expectations of the population for early positive results. The Nigerian economy has seriously deteriorated. Fuel is nearly unavailable, and waiting hours in line to purchase gas has become a part of the local lifestyle. Domestic refineries are currently shut down, and will require significant investment to refurbish, and the agricultural sector has collapsed due to years of mismanagement. Some one-third of the work force is unemployed, and yet another third is underemployed. And social services are virtually non-existent in many parts of the country. By all accounts, the new government will come into power with greatly diminished resources, at a time when political stability may depend on sound and consistent economic policy.

Equally disturbing is that little thought is given to the future role of the military in Nigerian society. The military has controlled Nigerian political life for most of the post-independence period. The military is accustomed to being in power, and ruling by decree. As a result, the population is less accustomed to building a consensus around policy issues, but rather tends to protest policies which do not result in tangible identifiable benefits. It is worrisome, then, that the new civilian government will be compelled to enact new policies which are likely to be unpopular with an expectant electorate. Without a serious effort to build support for such policies, riots or other forms of unrest become likely. During similar periods in Nigeria's history, the military has reasserted power under the pretense of "establishing order."

At the same time, the military has for much of the recent past determined the distribution of national resources, a distinction that has been characterized more by corruption and cronyism than by any standard of governance. Although the Abubakar government has taken some strides to investigate the abuses of the past, corruption proliferates and it remains unclear how any new government will be able to extricate itself from such practices.

#### C. RECOMMENDATIONS FOR U.S. POLICY

United States relations with Nigeria have been strained in recent years, particularly since the execution of Ken Saro-Wiwa and eight other Ogoni activists in November 1995. Under the Abacha regime, the human rights situation seriously deteriorated, and Nigerians were unable to exercise their rights. As repression and corruption proliferated, so too did the prevalence of narcotics, with Nigeria increasingly being used as a transit stop for traffickers moving heroin and other drugs from Asia to the West.

For many years, the United States had in place a variety of sanctions against Nigeria pursuant either to statute (most notably the drug certification law), or imposed by executive order in response to the takeover of power by a military government. These sanctions include prohibitions on U.S. foreign assistance (both economic and military) to the government and negative voting requirements at multilateral institutions, among other actions. [Visa restrictions, aimed at top military rulers, were lifted in late 1998 in response to reforms undertaken by the Abubakar regime. The mandate for other sanctions was removed as of March 28 pursuant to President Clinton's February 26, 1999, decision to grant a national interest waiver pursuant to the drug certification law.]

Despite the restrictions on military assistance during the Abacha regime, however, the United States relied heavily on the Nigerian contribution to ECOMOG, the regional peacekeeping arm that played an invaluable role in pursuing U.S. policy goals in Liberia, and more recently in Sierra Leone. The U.S. relationship with ECOMOG, which has included transportation and logistical support, has complicated America's ability to exert pressure on Nigeria's human rights record.

As Nigeria plods through its new transition program, there are numerous U.S. policy issues which must be re-evaluated. Although an analysis of these issues should take into consideration the efforts of the Abubakar regime to enact some political reform, it must also consider the overall political climate in Nigeria, including the human rights situation, and the role that the military is likely to play under the new civilian dispensation.

In general, Staffdel believes it is important for the U.S. to continue to monitor closely the situation in Nigeria—to commend progress when it is made, but not to shy away from harsh criticism if the government slips back into the repressive habits of the past. The U.S. should continue to maintain some distance, even as it pursues more direct ties with the new government.

In particular, Staffdel makes the following analysis of some specific bilateral issues that are further complicated by the ongoing transition process:

(1) *Drug certification law*—Under Section 489 and 490 of the Foreign Assistance Act of 1961, as amended, the President has until March 1 each year to make a determination whether Nigeria has “cooperated fully” with U.S. narcotics reductions goals, or has taken “adequate steps on its own” to achieve full compliance with the goals and objectives established by the 1988 U.N. anti-drug convention. Nigeria is considered a major illicit drug transiting country under the statute. On February 26, the President announced that Nigeria, among other countries, was deemed as not fully cooperating but eligible for assistance due to vital national interests. (Countries that are decertified are subject to a range of sanctions.) The 1999 decision represents the first time Nigeria was granted a waiver pursuant to this law.

The drug certification law has become a particular stickler with Nigerians, who believe they do the best they can with few resources, and are insulted that Americans do not recognize their efforts. This feeling is further compounded by the fact that Nigeria is not a drug producing country. Nigerians are well aware of the debate in the United States, particularly in Congress, surrounding the certification of Mexico in recent years, despite that country's arguably weak cooperation record, and thus are convinced that annual certification decisions are based on political, rather than drug-related, criteria. That said, the Nigerian authorities have been slow, at best, in pursuing only a few of the numerous extradition requests from the United States. In addition, its anti-trafficking organization, the National Drug Law Enforcement Agency (NDLEA), lacks the expertise, management capacity and resources to be a viable partner in the fight against drugs.

To complicate the situation, the March 1 deadline (for presidential certification) occurred just two days after Nigeria's scheduled presidential elections (February 27). The climate at the time in Nigeria was such that if the Clinton Administration had issued a straight decertification decision, it would have been perceived *within* Nigeria as a slap in the face, both to the electoral process itself, as well as to the newly elected civilian leadership. Such a situation, admittedly, would not have been an ideal way for the United States to launch ties with a new government. Indeed, the mandated timing of the determination probably contributed to the President's decision to grant a national interest waiver. The State Department's explanatory message to Congress explained the waiver as follows:

Denial of certification would mandate a cut off of economic and security assistance necessary to support Nigeria's transition to democracy and its attempts to reinvigorate a failing economy. The President determined that it is in the vital national interests of the U.S. to be able to support a new democratically elected government which will pursue narcotic and other objectives in Nigeria with more vigor and potential for success than any of the military juntas which proceeded it.

Nevertheless, the State Department acknowledges that there was “little concrete progress” on key counter-narcotics criteria. According to the International Narcotics Control Strategy Report, “The Nigerians government's counternarcotics effort remains unfocused and lacking in material support . . . [Nigeria] was unable to conclude any of the 24 outstanding extradition cases sought by the U.S. . . . Nigerian law enforcement agencies did not significantly improve their counternarcotics performance.”

Drug trafficking in Nigeria remains a serious issue, and Congress remains serious about implementation of existing law. Staffdel commends the administration for not

using the few extraditions, pursued by the Government of Nigeria during the final days of the 1998 calendar year, as a basis for certifying a country that has not, according to the law, been cooperative on this issue. However, Staffdel is concerned that the vital national interest waiver decision has been interpreted within Nigeria as an endorsement of its efforts with respect to narcotics trafficking, rather than as—as was intended—an acknowledgment of the importance of an open relationship at a crucial moment in Nigeria's transition to civilian rule.

Staffdel recommends the explanation of the national interest imperatives, and the distinction between that decision and a decision of "cooperation," be made very clear. The United States must also clarify that the certification is indeed an annual process, and that ongoing monitoring of Nigeria's efforts will continue. Such explanations are crucial if the United States is to continue to help Nigeria make improvements in its ability to stem narcotics trafficking.

Finally, Staffdel urges the administration to moderate the direct assistance it chooses to deliver under the waiver. (See point 3, below.) Staffdel believes U.S. foreign assistance should be granted to countries that share our country's commitment to democratic principles and respect for internationally-recognized human rights. Although there has been substantial improvement in Nigeria's human rights record in recent months, there remains the potential for continued human rights problems, and the U.S. assistance program should continue to be used to leverage further progress.

In any case, Staffdel encourages the administration to consult closely with Congress on all aspects of the certification issue, and of the foreign assistance program.

(2) *Certification of the airport*—For many years, the Murtala Mohammed International Airport in Lagos, a major hub in West Africa, has not, under Federal Aviation Administration (FAA) standards, qualified for direct flights from the United States. As a result, signs indicating the lack of safety standards in Lagos are posted at all American airports. This lack of certification, which is based entirely on technical grounds, has been a great embarrassment and hassle for Nigerians. According to administration sources, however, the government of Nigeria (under both the Abacha and Abubakar regimes) has made significant progress in updating its airport, and is nearing the technical qualifications for certification. The Nigerians, unfortunately, believed such a certification would be made by late 1998. Administration sources believe it now may occur sometime during calendar year 1999.

Staffdel agrees with the consensus assessment of administration officials and other observers that airport certification should be based solely on the FAA technical criteria. However, administration officials should be aware that the resumption of direct air travel will be perceived as having been based on political considerations, and should take efforts to minimize this perception as much as possible.

(3) *Foreign assistance*—As discussed in point (1) above, the United States has been prohibited from providing economic or military assistance to the government of Nigeria due to sanctions imposed on Nigeria largely pursuant to the drug certification law. Due to President Clinton's decision to grant a waiver, on national vital interest grounds, to this prohibition, the administration is now able to conduct a full bilateral assistance program. [Note: Pursuant to the February 26 determination, all sanctions were lifted on March 28, with the exception of the presumption of denial on military exports, which will remain in effect until the inauguration of a civilian government.]

Until the recent decision, the U.S. development assistance program in Nigeria was conducted solely through non-governmental organizations, and focused primarily on health/population issues and the development of civil society. In FY 1998, total U.S. assistance to Nigeria was only \$7 million, a moderate amount given Nigeria's population of over 100 million people. In FY 1999, the account was increased to \$12.5 million, and the administration's request for FY 2000 brings it up to \$20 million.

Staffdel believes the size of this program until now does not reflect the importance of Nigeria to U.S. interests. However, Staffdel is skeptical about providing any significant amount of direct assistance to the government until the new civilian government is in place and has proven its capacity to use and monitor such resources efficiently. At the same time, it is critical that the United States continue to demonstrate its support for Nigerian civil society.

Staffdel encourages close consultation with Congress on the formation of a more robust development assistance program in Nigeria, in particular the eventuality of providing direct assistance to the government. Staffdel also encourages coordination with other donors who too are poised to make substantial changes in their development assistance programs to Nigeria. The enthusiasm surrounding recent developments in the country raises the potential for careless overlap between and among different donors.



(4) *Military assistance/Relations with the military*—U.S. relations with Nigeria's military have been highly strained in recent years, due in part to decertification under the drug law, but largely because of the military's poor record on human rights. At the same time, the United States has worked closely with Nigeria, and its military, in its capacity as the lead contributor to ECOMOG, the West African regional peacekeeping force. Given the recent political liberalization in Nigeria, the executive branch is anxious to close the gap by developing closer ties to the Nigerian military, including normalizing the direct military-to-military relationship between the two countries. Indeed, powerful arguments can be made about the potential contribution the United States could make, for example, to helping restructure the Nigerian military and/or bestowing upon the Nigerian military the U.S. experience with civilian control of the military. The executive branch has already taken steps to expand ties through several high-level visits, efforts to upgrade the rank of the U.S. defense attache resident in Lagos and the development of plans to launch training and assistance programs upon the inauguration of a civilian government.

Staffdel is concerned that such ties are being strengthened prematurely, i.e., before a larger strategy is developed regarding the military's role in a post-transition Nigeria, and without regard to the signals that the establishment of such ties might send to the Nigerian public. Staffdel is particularly concerned about any activities at this time related to training of the Nigerian military, especially participation in the two of America's premier training programs, the International Military Education and Training (IMET) and the African Crisis Response Initiative (ACRI), in both of which Nigeria is anxious to participate. [Note: This skeptical view has been compounded by events in the oil-producing regions over New Year's weekend, when Nigerian troops reportedly fired upon civilians, killing between 20 and 100 individuals.]

Staffdel recommends that the administration moderate its ties to the Nigerian military, particularly during this insecure transitional period, and/or expand its public diplomacy efforts in order to make clear the position that the United States will not tolerate a repressive military.

(5) *Movement of embassy to Abuja*—Although the Government of Nigeria moved the capital to Abuja, Federal Capital Territory (FCT) in 1991, the United States has maintained its Embassy in Lagos. However, the United States has recently upgraded the status of its presence in Abuja from a "liaison office" to an "Embassy office," and plans are underway to build a new embassy in Abuja. [According to some administration sources, this move was at one time fourth in a list of priority of major projects in the Foreign Buildings Operations (FBO) of the Department of State. Additional efforts are now being made to identify appropriate building locations pursuant to enhanced security needs in the wake of the August 1998 terrorist bombings in East Africa.] In the meantime, the United States has attempted to expand its presence in Abuja through a higher-ranking office that is responsible for maintaining more frequent direct contact with government officials resident in Abuja.

While Staffdel recognizes the move to Abuja is inevitable, there are two concerns about the existing and projected status. First, in the current environment, it appears that the division of labor between staff resident in Lagos and staff resident in Abuja is unclear, and the lack of clarity may cause friction between and among the two offices. For example, some portfolios are more appropriately handled in Lagos, although certain contacts in Abuja may be imperative. In order to best cover this portfolio, the ambassador may wish to make clear whether an officer in Lagos or one in Abuja has primary responsibility. In addition, Staffdel believes communication between officers in both locations can be improved, and should be encouraged.

Second, Staffdel believes the deployment of an American ambassador to Abuja (even if this occurs prior to the actual construction of a new embassy) will be perceived as a significant signal of U.S. approval of the government resident in Abuja at that time.

Therefore, Staffdel recommends the United States consider carefully not only the diplomatic imperatives of the move, but also the public reaction to the move.

Given the possible perception problems of this move, Staffdel urges congressional consultation on this issue.

(6) *Other issues*—There are myriad other U.S. policy issues that need to be addressed, including the following:

- the impact of Nigeria's crushing debt on its economy, and therefore on the transition process as a whole, and whether the U.S. should consider debt relief or restructuring;

- the extent to which massive corruption still exists in Nigeria, its impact on the transition process, and its effect on virtually every option for U.S. financial assistance to Nigeria;
- whether the U.S. can make an appropriate contribution to the debate over federalism in Nigeria; and
- the significance of the policies of U.S. allies (or other countries) in Nigeria.

Staffdel recommends that future congressional and staff delegations consider some of these issues in greater detail.

## II. SENEGAL

### A. STAFFDEL ACTIVITIES

Staffdel attended the proceedings of the final day (December 12, 1998) of the Second Conference of the Parties to the *United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa*, in Dakar, Senegal. (The Conference was held from November 30-December 11, 1998.)

The Desertification Treaty, as it is known, was signed by the United States on October 14, 1994. President Clinton submitted the treaty to the Senate for its advice and consent on August 2, 1996, but review of the treaty is still pending before the Senate Committee on Foreign Relations. The treaty entered into force on December 26, 1996. [See Treaty Doc. 104-29.]

A U.S. delegation (USDEL) participated in the Second Conference of the Parties as an observer, even though the United States is not yet a party to the Convention.

With invaluable assistance from USDEL, Staffdel met with several representatives of delegations representing Parties to the Convention, including:

- The Honorable Rogatien Biaou, Minister Counselor, Foreign Ministry, Republic of Benin, and chair of the Africa group
- Mr. Octavio Perez Pardo, Secretary of Natural Resources and Sustainable Development, Republic of Argentina, and chair of the Latin America group
- Ms. Tsedale Waktoka, representing the Republic of Ethiopia
- Members of the U.S. delegation
- Members of the non-governmental community

Staffdel also met with Dr. Abdoulaye Bathily, a former Minister of the Environment of Senegal and a renowned expert on the issue of desertification. Staffdel attended the final plenary meeting of the Conference.

Finally, Staffdel met with a reduced Embassy country team to discuss recent events in Guinea-Bissau, and U.S. military relations with Senegal.

### B. DESERTIFICATION

*Background:* Desertification is the severe degradation of land in arid and semi-arid regions which renders the land infertile and no longer able to sustain crops or livestock. Desertification claims nearly 10 million acres of the world's arable lands per year and affects millions of people. Dry land degradation is particularly acute in Africa, having been one of the underlying causes of African famine, migration, and emigration. Dwindling land and water resources caused by desertification frequently ignite destabilizing regional conflicts. The United Nations Development Program estimates that economic loss from desertification is about \$42 billion per year, while the cost of actions needed to combat the problem is estimated at between \$10 and \$22 billion annually.

*UN Convention:* The UN Convention To Combat Desertification was designed to combat desertification and mitigate the effects of drought on arid, semi-arid, and dry sub-humid land. The Convention addresses the fundamental causes of famine and food insecurity in Africa by encouraging partnerships between governments, local communities, nongovernmental organizations and aid donors.

The Convention is unique among international treaties in that it requires recipient nations to establish "National Action Plans" to combat desertification. The Convention does not establish a new financial "mechanism" to administer funds for convention-related projects and activities. Instead, it emphasizes the need to mobilize substantial funding from existing sources and to rationalize and strengthen their management. It encourages better use of development resources worldwide, particularly in Africa, where it mandates a process to combat land degradation which draws on lessons learned from past successes and failures. Notably, by mandating the development of the national action plans, the Convention emphasizes local community participation. Signatory countries in affected regions are obligated to adopt

the combating of desertification (or mitigation of its effects) as a central strategy to eradicate poverty.

The Convention also urges improved coordination between donors and national governments. Donor states would have the option of placing their specialists, resources and businesses on a global roster that would be available to all recipient countries. A "Global Mechanism" established by the treaty would inventory existing drylands projects and facilitate better matching of donors with projects. While this mechanism will seek to identify and facilitate funding sources for the desertification programs of affected countries, it will not be a source of financing itself.

*Implications of U.S. Ratification of the Convention:* U.S. ratification of the Convention could boost business opportunities for American agribusiness. Once the United States becomes party to the treaty, U.S. businesses, experts and universities will be listed on the Convention's roster of service-providers. Rising incomes in the agricultural sector of developing countries generate a higher demand for U.S. exports of seeds, fertilizer, farm and irrigation equipment, as well as other U.S.-produced products.

Because of the United States experience with desertification, the Dust Bowl, U.S. universities and farmers are uniquely equipped to combat land degradation, which still affects an estimated 37 percent of the United States. The convention will facilitate closer collaboration between these experts and those in other countries. In particular, U.S. businesses have considerable expertise with successful soil and water conservation activities. It is hoped that U.S. ratification of the Convention will increase opportunities for marketing U.S. technologies abroad.

Unlike most treaties, the Convention requires no new U.S. foreign aid funding and the cost of U.S. participation would be minimal. [Estimates are that the U.S. voluntary contribution would be roughly \$1.25 million per year.] In transmitting the Convention to the Senate, the President noted that "United States obligations under the Convention would be met under existing law and ongoing assistance programs." In addition, with the help of the global mechanism, existing U.S. foreign aid resources would be used more effectively.

Finally, because of the relationship between desertification, poverty and migration, it is believed that successful implementation of the treaty will help reduce the demands placed upon donors as a result of regional conflict or refugee migration.

#### C. ASSESSMENT

Many of the countries already party to the treaty, particularly those in sub-Saharan Africa, have identified desertification as a serious environmental problem. The governments of these countries feel strongly that the Convention will greatly assist efforts to stem the problem of desertification in their countries and regions, and have dedicated considerable human and financial resources to becoming an active party to the treaty, including dedicated solicitation of input from affected communities.

Although the problem of desertification affects land throughout the world, the problem is most prevalent in Africa, where more than 73 percent of Africa's drylands are affected. Some 100 million Africans live on these marginal lands and suffer from the loss of the land's ability to sustain crops and livestock. Many observers blame desertification for Sahelian drought of 1971-73 and 1984-85 which caused mass starvation. As a result of the severe impact of this problem on Africa, the Desertification Convention is therefore considered an "African treaty," i.e., it is considered by African governments and Africans themselves as a recognition by the rest of the world that Africa faces unique challenges.

It is for this reason that it is particularly awkward that the United States has yet to ratify this treaty. As a result of the Dust Bowl experience, the United States is recognized for its technological leadership in combating dry land degradation. More than one-third of the United States is still arid or semi-arid, yet improved land and water management practices have helped stem the pace of desertification. U.S. ratification would elevate the status of the treaty.

By not ratifying the treaty, the United States is perceived as being unfriendly to Africa which detracts from U.S. claims about importance of Africa to United States.

Staffdel believes this treaty represents an admirable model of how international environmental treaties might in the future be structured. It creates no new bureaucracy nor does it require significant contributions from donors. Instead, the burden is shared among the affected countries which are required to develop "national action plans" that encourage grassroots involvement. The bottom-up process involved in developing these national action plans has been beneficial to most of these countries. Finally, the Convention will provide significant opportunities for U.S. businesses and universities.

Staffdel recommends the Committee on Foreign Relations begin consideration in earnest of this important treaty.

### III. APPENDICES

1. IRI Preliminary Statement: December 5 Nigeria Local Elections (December 7, 1998).
2. Post-Election Statement of the AAEA/IFES Observer Mission to the Local Government Elections in Nigeria (December 8, 1998).
3. Carter Center/NDI Statement on the February 20 National Assembly Elections (February 22, 1999).
4. Statement of the Carter Center/NDI International Observer Delegation to the Nigerian Presidential Elections (March 1, 1999).

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#### IRI PRELIMINARY STATEMENT: NIGERIA'S FEBRUARY 27, 1999 ELECTIONS

Published: March 1999

In a historic vote Saturday, Nigerians chose a transition from military rule to civilian government. IRI believes that, despite troubles plaguing the election, yesterday's vote was an important step in the transition process.

IRI noted a number of positive aspects to the election:

Nigerians who chose to vote should be praised for their courage and faith in a democratic future for their country. The Independent National Election Commission (INEC) mounted a successful voter education campaign on last-minute changes regarding the Alliance for Democracy's place on the ballot. INEC is also to be praised for staffing and equipping more than 110,000 polling units in the short time available. The helpful attitude of INEC's local administrators, many of them women and teachers, towards voters and international observers also deserves praise. Political parties participated in the electoral process, and more tolerance than might have been expected existed between them. The current government, led by General Abubakar, initiated Nigeria's democratic transition, including a freer press. Nigeria's military remained in the barracks and overtly outside the political process.

Nigeria's path to democracy must include respect for human rights, the rule of law, and transparent and responsive government. Absent such developments, Nigerians will quickly grow cynical about this weekend's first steps towards democracy. One of the essential features of a democratic system must be elections in which the people have confidence. A major goal of the new government must be to break the patterns of the past. Among the issues that must be addressed are serious irregularities and problems that have occurred in the election process thus far:

Five of the ten IRI teams saw stuffed ballots. One team saw ballots being stuffed into a ballot box, and the rest saw stuffed ballots during the initial counting process.

Fraud was not obvious at the rest of the many polling stations IRI visited before counting began, and none was evident to a Lagos-based IRI team that examined post-counting ward-level results. The new government should hold accountable those responsible for transgressions of the election law. A lack of secrecy existed in the marking and casting of ballots, enabling voter intimidation. Inexpensive ballot booths and opaque ballot boxes (to replace clear boxes intended to discourage ballot stuffing) that are used in other countries should be introduced into Nigeria's electoral system.

The well-intentioned but unusual and impractical split accreditation and voting processes should be changed. Voter turnout was disappointing, given the historic nature of this election. Training of local INEC officials steadily improved during the three elections beginning in December, but still proved inadequate by Saturday's balloting.

INEC does not include polling station results in final election reporting. In other countries, such information has proven a deterrent to fraud at levels higher than the local stations. Political parties need to practice a greater degree of internal democracy, and the resulting leaders need to exert greater influence to discourage corruption of the election process, if they are to fulfill their proper role in Nigerian society.

IRI looks forward to working with Nigeria's new civilian rulers to help institute these necessary improvements.

## BACKGROUND

The International Republican Institute arrived in Nigeria last September to observe and support the transfer of Nigeria's government to elected authorities at the local, state, and national levels.

IRI observed the elections on December 5, January 9 and February 20 and 27. IRI also produced a Polling Agent Handbook for the elections and held 64 training seminars in 26 states between November 30 and February 16. Approximately 300,000 of the IRI handbooks were distributed throughout the country to the three contesting parties.

For the February 27 election, IRI deployed a bipartisan team of 42 observers led by U.S. Congressman Ed Royce (Republican-California), General Colin Powell, U.S. Congressman Donald Payne (Democrat-New Jersey), and former Senator Nancy Kassebaum Baker. Prior to election day, the accredited IRI delegates met with officials from the INEC, political parties, the United States Embassy, and visited local government councils. IRI's 10 teams observed the election in Lagos, Ogun, Nassarawa, Delta, Akwa-Ibom, Jigawa, Dutse, Rivers and Niger states.

IRI evaluates elections based on four criteria. This preliminary statement involves IRI observations of the first two—events leading up to the election and election day. The third stage—the tabulation of ballots—has just begun. IRI reserves the right to modify this statement as circumstances surrounding these processes become clearer. IRI will issue a final report to coincide with the fourth step in Nigeria's transition from military to civilian rule, the inauguration of a new government at the end of May 1999.

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EXECUTIVE SUMMARY OF POST ELECTION STATEMENT OF AAEA/IFES OBSERVER  
MISSION TO LOCAL GOVERNMENTAL ELECTIONS IN NIGERIA

The Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES) undertook a joint mission to observe the December 5, 1998 local government elections in Nigeria. This mission was informed by an AAEA/IFES pre-election assessment mission conducted in November as well as by the presence of long-term IFES monitors who arrived in Nigeria earlier that month and who will remain in the country until the conclusion of the elections that are enabling Nigeria's transition to an elected, civilian government. The AAEA/IFES missions produced a Pre-Election Report (November 30, 1998) and a Post-Election Statement (December 8, 1998) which summarized the mission's observations of the December 5 elections.

This final report on the December 5 elections, and of the monitoring of the immediate post-election period, presents the observations of the AAEA/IFES missions in the hope that our findings will contribute to the preparations for the upcoming Governorship and State House of Assembly elections scheduled for January 1999 and the parliamentary and presidential elections planned for February. We also hope that these observations may support the strengthening of Nigeria's electoral system, enabling the transition to a credibly elected civilian government by May 29, 1999.

Being composed of election officials, election experts and experienced election observers, the joint AAEA/IFES missions focused their assessment of the electoral process on the technical aspects of the administration of the vote. Areas of particular concern to the AAEA/IFES missions were:

the legal framework for the electoral process; the organizational capacity of the Independent National Electoral Commission (INEC); and election procedures.

While this report suggests several means of promoting the credibility of the electoral process within each of these three areas, we hope that the INEC will focus on two issues in the immediate short-term as it works to prepare for the conduct of the January and February votes: (1) additional clarification of election day procedures, and (2) the use of indelible ink to further guard against multiple voting.

On December 5, election day, the AAEA/IFES observer mission noted the lack of a uniform application of election procedures from polling station to polling station, resulting from inadequate specificity concerning the procedures in the electoral guidelines, lack of thorough and timely training of poll officials and the lack of clear direction on the election day process in the Training Manual for Poll Officials. We also noted the lack of uniform application of the electoral guidelines through the tabulation process. The INEC has now revised the poll official manual, and its distribution before the January 9 elections should contribute significantly to the poll officials' understanding of their responsibilities and of the process. However, we also urge the INEC to include in the electoral guidelines specific direction on such elec-

tion day procedures as ensuring the secrecy of the ballot, the confinement of voters from the time of accreditation to voting and the use of indelible ink. We also recommend that the INEC address other aspects of the accreditation, voting, counting and tabulation processes that were not clear in previous guidelines. We recommend the re-training of election officials (including ad hoc/temporary staff as well as permanent staff of the INEC). The training should focus on the provisions of the electoral guidelines to prevent their uneven and often discriminatory application as well as enhance the professional nature of election administration.

Not unreasonable concern has been expressed by many election officials, leaders of political parties, Nigerian citizens and observers of the electoral process, including the AAEA/IFES mission, about the shortcomings of the voter registration process, including the reports of the disenfranchisement of eligible Nigerian citizens resulting from the shortages of voter's cards, reported multiple registration and the apparent lack of controls in the distribution of the cards. While the AAEA/IFES missions were unable to observe the registration process and comment fully on its effectiveness, we are encouraged that the INEC has placed an order to procure further supplies of indelible ink which will be used in the future to mark voters who have cast ballots. The use of indelible ink will help safeguard against multiple voting which might have been facilitated by the weaknesses in the voter registration process. We urge that the poll officials receive clear instructions on the correct application of the ink. We further urge that all polling stations be supplied with sufficient quantities of indelible ink for the January 9 elections. In the long-term, the AAEA/IFES mission urges the examination of all phases of the voter registration process, with efforts made to consider the computerization of the registration list to facilitate the enfranchisement of eligible voters, and the adoption of other measures to enhance the accuracy of the list.

The AAEA/IFES delegation recognizes the great challenge faced by Nigeria's Independent National Electoral Commission in administering the December 5 local government elections given the size of the country, the stated time frame for the transition process and the attendant logistical constraints. We note the tremendous desire of all Nigerians to make the transition to an elected, civilian leadership and to build a sustainable democratic system.

The local government elections of December 5, 1998 demonstrated the commitment of the INEC, the political parties and the Nigerian people to the transition to democracy, as we witnessed people from all walks of life and all political persuasions cast their ballots for local government Councillors and council Chairmen. We are encouraged that this first vote passed with the support of most Nigerians, and we hope that the following months will be marked by a further commitment to a credible, transparent, and representative process on the part of all major stakeholders and the citizens of Nigeria.

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CARTER CENTER/NDI STATEMENT ON THE FEBRUARY 20 NATIONAL ASSEMBLY ELECTIONS

February 22, 1999

The Carter Center and the National Democratic Institute (NDI) were pleased to observe the peaceful conduct of the February 20 elections for the Senate and House of Representatives, and we reaffirm our strong support for the transition process in Nigeria. Voting in many places adhered to electoral regulations, but our observers noted low voter turnout throughout the country and witnessed serious irregularities in several areas. In some cases, abuses of the electoral process were widespread enough to call into question the outcome of elections in certain constituencies and senatorial zones. Our observers documented numerous cases of ballot box stuffing, inflated vote tallies, and other manipulations of results committed by members of all three political parties and poll officials. We have reported our findings to the Independent National Electoral Commission (INEC).

We call on the political parties and INEC to take immediate corrective action, where appropriate, to ensure the integrity of the February 27 presidential election and to build on the progress of the previous rounds of voting. Specific recommendations follow.

*The Delegation and Its Work*

The Carter Center and NDI are in Nigeria to assess the evolving political environment, offer an impartial report on the third of four elections, and demonstrate the support of the international community for Nigeria's developing democratic process. We have maintained an in-country presence in Nigeria since November 1998 to monitor the transition process. The two organizations will bring a 60-member multi-

national delegation to Nigeria this week to observe and assess the presidential elections and are providing ongoing assistance to the work of the Transitional Monitoring Group (TMG), a coalition of NGOs that will field as many as 10,000 domestic election monitors.

For the February 20 National Assembly elections, ten observer teams traveled to nine states and the Federal Capital Territory, where they visited more than 150 polling sites, collation centers and INEC offices in 20 Local Government Areas. The observers coordinated with international and domestic observer groups in each state. They also met with a cross-section of Nigerian political party leaders, election officials, journalists, and representatives of nongovernmental organizations.

#### *Delegation Findings and Concerns*

Given the size of Nigeria and the limited number of polling stations visited, the delegation did not attempt to carry out a comprehensive assessment of the February 20 election. Despite the difficult conditions under which these elections were held, our observers reported that most voting was orderly and peaceful. In several states we visited, elections were conducted in accordance with INEC procedures. Polling agents, party officials, and voters in these states worked to uphold the integrity of the electoral process.

However, low voter turnout and several important shortcomings were noted that warrant serious attention. Irregularities and abuses were especially troubling in Enugu, Rivers, and Kaduna states.

*Low Voter Turnout*—The delegation observed that turnout for the Senate and House elections was notably lower than for previous elections.

*10–15% Turnout*—In most parts of the country our observers and members of other international delegations reported a turnout of 10 to 15 percent of registered voters, a significant drop in participation from last month's election.

*Low Participation by Women*—As in previous elections, our observers noted very low participation of women at the polls.

*Inconsistent Application of Voting Procedures*—The delegation observed that many poll officials failed to abide by the voting procedures outlined in the INEC manual.

*Secrecy of the Ballot*—Little effort was made to ensure the secrecy of the ballot; however, most voters did not seem concerned with the lack of privacy or secrecy.

*Late Opening of Polls*—Many polling sites did not open until 10:00 a.m. and some opened as late as 2:00 p.m. Some polling sites never opened. This delay in opening was usually due to poor distribution of voting materials.

*Materials Late or Lacking*—Ballot papers and other essential materials often did not reach polling sites on time in many areas. This was usually due to a lack of vehicles and fuel. When materials were distributed, several observers noted that few measures were taken to secure sensitive materials, with boxes of ballots left unattended at polling stations.

*Indelible Ink*—There were numerous reports of misapplication or non-use of indelible ink.

*Election Irregularities*—Observers in several parts of the country witnessed widespread voting irregularities and electoral fraud.

*Ballot Box Stuffing*—Several observers witnessed ballot boxes that clearly appeared to have been stuffed with ballots marked by the same person's fingerprint or neatly stacked in sequential order. At a number of polling sites, observers witnessed poll officials and party representatives fraudulently voting multiple times by thumb-printing stacks of ballots in plain view of voters and observers.

*Inflation of Results*—In many cases, observers noted that at the close of accreditation low numbers of voters had been accredited—usually less than 15 percent. However, later in the day when observers visited collation centers they found that the same polling stations were reporting high numbers of voters—up to 100 percent of registered voters. Observers also visited polling stations where at one moment there were no voters in line and less than ten ballots in the box, only to return 15 minutes later to find that 200 or 300 ballots had been cast with no voters in sight.

*Intimidation*—Party members, poll officials, and groups of young men (“area boys”) were seen at several polling stations verbally intimidating voters and attempting to disrupt the electoral process.

## RECOMMENDATIONS

1. INEC should acknowledge that irregularities occurred in this election and should publicly state that such behavior is illegal and will not be tolerated. INEC needs to take immediate action to guarantee the integrity of the presidential election in order to ensure that the results are seen as legitimate by the people of Nigeria and the international community.

2. Political party leaders should swiftly address misconduct by their members and ensure that those who perpetrated abuses are held accountable for their actions.

3. Voter education by INEC and the political parties should be heightened over the next three days to urge voters to participate in the presidential election and to prevent large numbers of invalid votes from being cast.

4. INEC officials should make every effort to ensure that voting procedures are followed by all INEC representatives throughout the country. This includes the timely distribution of election materials, which is subject to providing adequate fuel and transportation. Most important, local polling officials should be instructed to seek immediate assistance from security officials or senior INEC personnel at the first sign of electoral misconduct.

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STATEMENT OF THE CARTER CENTER/NDI INTERNATIONAL OBSERVER DELEGATION TO  
THE NIGERIAN PRESIDENTIAL ELECTION

March 1, 1999

The Carter Center and the National Democratic Institute (NDI) offer this statement on the February 27 presidential election in Nigeria, to supplement the preliminary statement of February 28.

The delegation commends the strong, widespread support of Nigerians for a rapid transition program, including the handover of power to civilian rule. The delegation recognizes the commitment of the Head of State to move forward with a transition program, including the handover of power to civilian authorities on May 29. Although there were many positive aspects of the presidential election, notably the peaceful conduct of polling, we are greatly concerned about evidence of serious flaws in the electoral process in certain areas of the country. Such problems as we observed in the election process, and any grievances, can best be addressed within the context of democratic procedures and the rule of law. We support Nigerian and international efforts to develop democratic institutions and to strengthen political and civic organizations at local, state and federal levels.

*The Carter Center/NDI Delegation and its Work*

The delegation was led by former U.S. President Jimmy Carter, former Niger President Mahamane Ousmane and retired U.S. General Colin Powell, and included elected officials, political leaders, regional and election experts from 10 countries in Africa, Asia and North America. We were invited to participate as international observers by Head of State General Abdulsalami Abubakar and the Independent National Election Commission (INEC). Throughout the process we received full cooperation and support from the government, INEC, Nigerian political parties and nongovernmental organizations that monitored the electoral process.

For the presidential election, the 66-member delegation visited polling stations and collation centers in 20 states and the Federal Capital Territory of Abuja. The delegation visited 335 polling stations in 112 wards in 61 Local Government Areas, in all six zones of the federation. Delegates also observed collation processes at 33 Ward, 20 Local Government, and 6 State levels. Our observers coordinated with international and domestic observers in each state and met with a cross section of Nigerian political party leaders, election officials, and representatives of nongovernmental organizations.

The delegation's mission is intended to assess in an impartial and nonpartisan manner the evolving political environment, to offer a report on the presidential elections, and to demonstrate the support of the international community for Nigeria's developing democratic process. Although the international community may well play an important role in supporting Nigerian democracy, it will ultimately be the people of Nigeria who will determine the legitimacy of the elections and the transition process.

*Transition from Military Rule*

This election represents the final electoral step in the process of transition from military rule to civilian government. Throughout this process The Carter Center and NDI have been impressed by the determination of Nigerians throughout the federa-



tion to realize democratic government. The Nigerian people have expressed their desire for a rapid end to military rule, both through voting and through other forms of popular expression, including the media and public forums. In addition, we are encouraged by the firm commitment of the present military government to adhere to their transition schedule and to achieve a prompt handover to civilian rule on May 29.

#### *Conduct of the Election*

We noted many positive elements of the election process, including the peaceful conduct of the balloting and the pre-election campaign, the general lack of intimidation of voters, and the thorough and fair coverage by the Nigerian media. In addition, in many locations the voting process followed INEC procedures. We also wish to commend many INEC officials, party agents, security officers, and local government officials who helped to ensure proper conduct of the elections in these localities. Millions of Nigerian voters also showed patience and commitment in following procedures and taking the time to cast ballots.

Although there were many positive features of the presidential election, members of the delegation also observed a number of serious malpractices in certain places. These included:

*Inflated vote returns*—At polling sites in at least nine states, particularly in the South-South zone, we observed turnout that was sharply lower than that reported at a statewide level. In general, our observers estimated participation averaging twenty percent at the polling stations we visited. We also observed a distressingly low participation of women voters in many areas. In some places, the reported figures appeared to be so inflated that it was impossible to ascertain who actually won the election in that area.

*Ballot Box Stuffing*—Several observers witnessed instances of ballot box stuffing, including cases of ballots marked by the same persons' fingerprint, or neatly stacked in sequential order inside the boxes.

*Altered results*—In many instances, observers recorded low numbers of accredited voters or few voters at polling stations, sometimes less than 10 percent of those registered. During the counting and/or collation processes, later in the day, however, they found that these same polling stations, or adjacent polling stations, reporting considerably higher numbers of voters, sometimes 100 percent. Usually, the voters in these polling stations were entirely for a single party. In several wards, we noted that a few polling units with extremely high returns could determine the outcome for the entire ward. Observers saw apparent instances where inflated tally sheets were substituted for the original sheets at counting centers. At many polling stations where we witnessed irregularities, it appeared that party agents and/or polling officials were involved in malpractice.

*Disenfranchisement of voters*—Observers noted some wards where voters were denied their opportunity to vote because ballots were delivered at the end of polling and in insufficient numbers.

Another matter of concern was inconsistent application of INEC procedures. These included: the lack or non-use of indelible ink at many polling stations, failure to ensure ballot secrecy, late poll openings, and a failure to adhere to a separate accreditation process. This was seen in most areas. However, the delegation made a clear distinction between those procedural difficulties that did not appear to have an adverse effect on the conduct of this election, and those malpractice which clearly distorted the poll results in some localities.

#### *Resolving Electoral Disputes*

While we witnessed a number of abuses, the delegation has no systematic evidence indicating that these abuses would have affected the overall outcome of the election. Nevertheless these abuses may have substantially compromised the integrity of the process in the areas where they occurred. We would hope that any credible and documented allegations of electoral violations will be investigated by the appropriate authorities.

It is essential that any grievances related to this election be decided according to the rule of law in a transparent manner, and through those procedures that are consistent with democracy.

#### *Recommendations for Development Democracy*

Throughout this transition and beyond, Nigerians must confront a number of challenges in order to consolidate a democratic system of government. In the spirit of international cooperation, The Carter Center and NDI would like to offer the following recommendations for advancing democracy in Nigeria.

*The Electoral Process*

Provide adequate civic education for political parties, polling officials, and voters to ensure adherence to basic electoral laws and democratic procedures. Strengthen INEC's role as an effective, arms-length regulatory body that can ensure a fair and legitimate electoral process. Promote strict enforcement of Nigeria's electoral laws and regulations to prevent fraud and to increase confidence in democratic institutions and processes.

*Party Development.* Political parties should take the opportunity to build stronger links with their constituencies, and elaborate clear positions on key issues of concern to the nation. There must be a move away from the much criticized politics of money, and winner-take-all contests. Ruling and opposition parties alike must work cooperatively to establish common rules of democratic conduct.

*Civil Society.* Throughout the transition, members of this delegation have been impressed by the conscientious efforts of civic groups to educate voters, monitor elections, mobilize constituencies, and bring important issues into the public arena. The Transition Monitoring Group (TMG), in particular, has formed an effective network of nongovernmental organizations that can continue to serve a vital role in promoting popular political participation. These organizations and others can play a crucial watchdog role in safeguarding the integrity of democracy. In addition, there are many human rights organizations, women's organizations, democratic development groups, independent journalists, and popular interest groups active in public life. Their efforts should be encouraged by Nigerians and supported by the international community.

*Institutions of Democracy.* Nigeria's emerging democracy needs a sound foundation in effective and responsive institutions. The adoption of a broadly accepted constitution, including the protection of minority group rights, will be a critical early step in this process. An emphasis on federalism at all three levels of government is important as well. A reinvigorated judiciary would provide an essential contribution to maintaining the rule of law.

*Civilian-Military Relations.* Efforts should be made to integrate the military into a democratic society. Civilian leaders should develop the mechanisms and knowledge needed to oversee and manage security affairs.

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PREPARED STATEMENT OF BRONWEN MANBY, HUMAN RIGHTS WATCH

Thank you, Chairman, for your invitation to Human Rights Watch to address the subcommittee on the issue of human rights in Nigeria. My name is Bronwen Manby and I am a researcher working on Nigeria in the Africa Division of Human Rights Watch. Human Rights Watch has monitored the situation in Nigeria for several years, and has issued numerous publications about human rights violations in that country, most recently focusing on the situation in the oil producing regions of the Niger Delta.

The situation in Nigeria has substantially improved over the last year. Following the death of Gen. Sani Abacha in June 1998, the unprecedented repression he visited on the Nigerian people was relaxed during the interim government of Gen. Abdulsalami Abubakar. The inauguration of President Olusegun Obasanjo on May 29, 1999, brings some hope that the long series of military governments in Nigeria may be over. The U.S. government has responded to these developments by re-engaging with Nigeria, and numerous delegations have traveled to the country, including a high-level interagency assessment team—whose report, however, has not yet been made public. Secretary of State Madeleine Albright is currently in Africa and will visit Nigeria.

While acknowledging the improvements that have taken place, Human Rights Watch would like to highlight our ongoing concerns, and raise issues for U.S. policy towards Nigeria in connection with those concerns. These include defects in the electoral process and the lack of a democratically drafted constitution, as well as the need for restoration of the rule of law and support for the process of investigating past violations. I will focus in more depth on the situation in the Niger Delta, which has the potential to derail the entire experiment in democracy now going forward. Finally, I will also address briefly U.S. military and police assistance to Nigeria.

DEFECTS IN THE ELECTORAL PROCESS

When he took office, General Abubakar canceled, the "transition program" established by General Abacha, released political prisoners, and instituted a fresh transition program under conditions of greater openness. Local, state, and national elec-

tions were held in December 1998 and January and February 1999, which led to the inauguration of a civilian government, headed by former military head of state President Olusegun Obasanjo. Although most international and domestic observers of the elections welcomed their peaceful completion as an important step forward in the return of Nigeria to civilian government, they also noted serious flaws in the process at all stages. These irregularities included vastly inflated figures for voter turnout, stuffing of ballot boxes, intimidation and bribery of both electoral officials and voters, and alteration of results at collation centres. The irregularities were widespread, but were particularly serious in the South-South zone of the country, the Niger Delta region. In addition, the party primaries, including the presidential primary of the Peoples' Democratic Party (PDP) which led to the selection of Obasanjo as the presidential candidate, were marked by blatant purchasing of votes. At local and state level, candidates selected by party members from the district were frequently replaced at the instance of party leaders, without following proper procedures.

#### *U.S. Policy Implications*

Human Rights Watch urges the U.S. government to work with state institutions and nongovernmental organizations in order to strengthen the links between the current government structures and their constituents and to ensure that the next elections held in Nigeria do represent a more genuine process. We also urge a review of the manner in which election monitoring is carried by U.S.-funded groups: it is important that election monitoring missions do not simply legitimize illegitimate processes.

#### THE LACK OF A DEMOCRATICALLY DRAFTED CONSTITUTION

The constitution that came into force in Nigeria on May 29 was promulgated by General Abubakar only three weeks before the new government was inaugurated, following an unrepresentative drafting process that took place virtually without consultation with the Nigerian people. The 1999 constitution was finalized by a panel appointed by General Abubakar and adopted by the military Provisional Ruling Council. There is a consensus among Nigerian civil society organisations that the process by which the constitution was adopted was illegitimate and that the arrangements in relation to a number of crucial areas, including human rights and the rule of law, the structure of the Nigerian federation and the system for revenue allocation and resource management, are not acceptable.

The constitution's content raises a number of human rights concerns. For example, section 315(5) of the constitution provides that "Nothing in the constitution shall invalidate" a set of laws, including the controversial National Security Agencies Act and Land Use Act, which in addition can only be repealed or amended by a special majority of the National Assembly and Senate. Section 6 of the National Security Agencies Act provides that the president may make any law to confer powers on the Defence Intelligence Agency, the National Intelligence Agency and the State Security Services. The Land Use Act provides the government with an extraordinary and often arbitrary degree of control over land; its repeal is one of the central demands of groups protesting oil production in the Niger Delta area. As a result of section 315(5) of the constitution, these laws cannot be challenged in any court of law as being unconstitutional. The provisions relating to independence of the judiciary are also not satisfactory, and the constitution fails to provide for the national Human Rights Commission established under General Abacha, which has, against all the odds, been able to carry out some useful work, and should be strengthened.

On September 9, the National Assembly announced the initiation of a review of the 1999 constitution. The Senate passed a motion for the Senate committee on the judiciary to liaise with the House of Representatives and state legislatures for this purpose. Civil society organizations are responding with an initiative to coordinate input to the process and promote popular participation.

#### *U.S. Policy Implications*

In many ways the lack of a legitimate constitution is the fundamental problem facing Nigeria, with knock-on effects on good governance, corruption, economic policy, as well as human rights and the rule of law. It is very important that the constitutional review process be inclusive and transparent so that it can succeed in drafting a new constitution which will be legitimate in the eyes of all Nigerians. The U.S. government should offer financial and technical assistance, as well as diplomatic support, for this process.

RESTORATION OF THE RULE OF LAW: REPEAL OF MILITARY DECREES, REFORM OF THE  
JUSTICE SYSTEM AND RECOGNITION OF NGO'S

Immediately before the handover of power to President Obasanjo, General Abubakar announced the repeal of a number of military decrees that had permitted a wide range of acts in violation of international human rights law. While a most welcome step, the many years of military rule in Nigeria have built up a large body of other laws that reflect their military origins and infringe on the rights of the Nigerian people. The U.S. should urge the Nigerian government to institute a comprehensive process of review of the laws in force, in conjunction with the national Human Rights Commission and the nongovernmental human rights community, with a view to the repeal or amendment of those that do not comply with the international human rights standards to which Nigeria is committed. Among the laws that should be examined are the Public Order Act and the National Drug Law Enforcement Agency Decree.

The new civilian government has made commitments to respect the rule of law. The minister of justice has announced that the government intends to respect court orders issued against it; a major step forward, if the commitment is real. The government has also stated that it is committed to improving prison conditions, building on the improvements gained by the release of several thousand prisoners from overcrowded jails over the last year, many of them held for years without trial. A number of states have disbanded the notoriously abusive paramilitary anti-crime units established under the military government, replacing them with units that do not include soldiers. These include Operation Sweep in Lagos State, replaced by a new Rapid Response Squad, and Operation Flush in Rivers State, replaced by a Swift Operations Squad. The methods used by the new units seem, however, to resemble those of their predecessors. On June 25, 1999, for example, Adewale Adeoye, chairman of Journalists for Democratic Rights, was arrested by members of the Lagos State Rapid Response Squad, beaten, and detained overnight. He was held together with sixteen other people apparently arbitrarily selected for the purpose of extracting the bribes that they paid to be released.

Human Rights Watch is disturbed to learn that the Corporate Affairs Commission, responsible for registration of not for profit organizations, recently refused to register four nongovernmental organizations (NGOs), the Centre for Democratic Development (CDD), the Kudirat Institute for Nigerian Democracy (KIND), Democracy Watch, and the Youth League for Democracy, insisting that because they have the word "democracy" in their names, they are political parties which should be registered by the Independent National Electoral Commission (INEC). Only a handful of Nigeria's large community of civil society organizations are presently registered, because in the past the Corporate Affairs Commission, which was created by a decree passed during the Babangida regime and is dominated by Abacha's appointees, refused to recognize groups that might challenge the government.

*U.S. Policy Implications*

Although the reforms announced are welcome, they are only the very first steps that are needed. The U.S. government should emphasize the urgent need for root-and-branch reform of the administration of justice, and for recognition of the NGOs who have the capability of assisting the government in accomplishing this challenge. The new administration in Nigeria should work with the human rights community, as well as the national Human Rights Commission and international agencies which can give technical assistance, in order to help restore respect for human rights and the rule of law—respect that is essential not only for the rights of the Nigerian people, but also to promote the sort of external investment that will be necessary to bring Nigeria out of its current economic crisis.

INVESTIGATION OF PAST HUMAN RIGHTS VIOLATIONS

Immediately after he became head of state, President Obasanjo announced the appointment of a seven-member commission chaired by a retired Supreme Court judge, Justice Chukwudifu Oputa, to investigate "mysterious deaths" and assassinations and other human rights abuses under the military governments in office since 1984 and to make recommendations to redress past injustices and to prevent future violations. Recently, the commission's mandate was extended back to 1966, the date of the first military coup, and will therefore take in the events of the Biafran war. The commission has been widely welcomed by human rights groups in Nigeria, though it is not yet clear exactly what mandate, powers, or budget it will have, or the date by which it will have to complete its investigation and present a report.

### *U.S. Policy Implications*

Human Rights Watch also welcomes the appointment of this commission and believes that it has the potential to play an important role in the establishment of a truly new beginning in Nigeria—in the same way that the truth commissions in South Africa or Latin American countries have done. However, this potential will only be fulfilled if the commission is given sufficient powers, political backing and funding to enable it to carry out an independent and effective investigation, subpoena witnesses, and make recommendations, including for prosecutions where appropriate. The U.S. government should support this process, and emphasize the importance for the investigation to be a thorough one, with full independence from the government, to ensure that the cycle of impunity for human rights violations that has been the rule in Nigeria is broken.

#### THE SITUATION IN THE NIGER DELTA

The crisis in the oil producing regions is one of the most pressing issues for the new government of Nigeria and has the greatest potential to lead to a serious deterioration in respect for human rights. The Niger Delta has for some years been the site of major confrontations between the people who live there and the Nigerian government's security forces, resulting in extrajudicial executions, arbitrary detentions, and draconian restrictions on the rights to freedom of expression, association, and assembly. These violations of civil and political rights, which reached a climax during the "Ogoni crisis" of 1993 to 1996, have been committed principally in response to protests about the activities of the multinational companies that extract Nigeria's oil and the lack of local accountability for the way in which the oil revenue is used by the Nigerian government.

Since the relaxation in repression following the death of General Abacha, and in the context of the greater competition within the political environment encouraged by the elections and the installation of a civilian government, there has been a surge in demands for the government to improve the position of the different groups living in the oil producing areas. In particular, youths from the Ijaw ethnic group, the fourth largest in Nigeria who live in the mangrove forest area where the most oil is produced, adopted the Kaiama Declaration on December 11, 1998, which claimed ownership of all natural resources found in Ijaw territory. In addition there has been an increase in criminal acts such as kidnappings of oil company staff in hope of ransom payments, and violence among neighboring ethnic groups over matters such as the location of local government headquarters, crucial in the distribution of oil resources. Just a few weeks ago, in late September, demonstrations at the liquefied natural gas (LNG) terminal on the Atlantic coast at Bonny, reportedly the largest single investment in Africa, delayed Nigeria's first exports of LNG, indicating the continuing threat of major disruption to Nigerian government revenue.

In response, large numbers of soldiers and paramilitary Mobile Police have been deployed across the delta. Although there is a clear need for law and order to be reestablished in those parts of the delta where the violence between neighboring ethnic groups has been worst, the security forces have both failed to protect civilians from violence in many cases, and have also themselves carried out serious and widespread violations of human rights. Security force action has often been indiscriminate, or targeted at those who have not committed any crime but have protested oil production in accordance with their rights to freedom of expression, assembly and association. In recent weeks, there have been worrisome reports that the government is planning to replace troops indigenous to the delta with outsiders. While there are concerns that local forces may be partisan in ethnic clashes, it is also the case that security detachments made up of outsiders to the delta have often been more willing to use lethal force. In all cases of bias or abuse by the security forces, the correct government response is to discipline those responsible, not to create an environment in which abuses become more probable.

During a military crackdown in late December 1998 and early January 1999 in response to largely peaceful protests in support of the Kaiama Declaration, dozens of young men were killed, most of them unarmed. Others were tortured and inhumanly treated; many more were arbitrarily detained. In another incident in January 1999, two communities in Delta State were attacked by soldiers, using a helicopter and boats commandeered from a facility operated by Chevron, following an alleged confrontation that took place at a nearby Chevron drilling rig. More than fifty people may have died in these incidents. Chevron did not issue any public protest at the killings; nor has it stated that it will take any steps to avoid similar incidents in the future. As in this case, the oil companies operating in Nigeria often fail to acknowledge any responsibility when security force action is taken in nominal defense of their facilities, although they have in many respects contributed toward

the discontent and conflict within and between communities that results in repressive government responses.

In May and early June 1999, violence flared up in and around Warri, Delta State, where there has been serious conflict since 1997 among the Ijaw, Itsekiri, and Urhobo ethnic groups. As in the case of similar violence that regularly flares up between different ethnic or religious groups elsewhere in the country, there are persistent allegations that senior figures in the military have favored one or other side in the conflict. Although the agreement of the state government to relocate a local government headquarters has brought greater calm, a curfew is still in place in Warri town. Repeated inquiries into the Warri violence have remained incomplete, or their results unpublished. As recently as September, Nigerian government security forces killed an unknown but substantial number of people in and around Yenagoa, the capital of Bayelsa State, following a confrontation between youths and security forces on September 9, in which a soldier was reportedly killed. Soldiers carried out indiscriminate retaliatory attacks in which several tens of people were reportedly shot and summarily executed, including women and children as well as young men.

President Obasanjo visited the delta area in June 1999 and held discussions with local leaders. He traveled again to the delta to visit Bonny, following the September demonstrations there. He has promised to bring greater development to the delta, and introduced to the National Assembly a bill to establish a Niger Delta Development Commission. Most leaders of the ethnic groups based in the Niger Delta, however, have rejected the bill since it does not address their concerns surrounding revenue allocation and resource control and appears likely to duplicate similar corruption-ridden bodies created by previous administrations. In particular, opponents to the draft bill object to the proposal that 50 percent of the finance for the commission should come from the 13 percent of revenue that the 1999 constitution provides shall be allocated on a "derivation principle," returning to states from which the revenue is derived. In effect, they argue, the commission would actually take away money that should already go to the oil producing states under the new constitution.

The level of anger against the federal government and the oil companies among the residents of the oil producing communities means that further protest is likely, as are further incidents of hostage taking and other criminal acts. Yet any attempt to achieve a military solution to these problems will certainly result in widespread and serious violations of Nigeria's commitments to respect internationally recognized human rights. While it is certainly necessary to establish the rule of law in the delta, a quiet achieved by repressive means can only be temporary and will result in more violence in the longer term.

To avoid a human rights crisis and achieve a peaceful solution to the unrest plaguing the oil producing regions, the new government must allow the peoples of the Niger Delta to select their own representatives and to participate in decision-making concerning the future course of the region. During the recent elections, observers noted especially widespread electoral irregularities in Rivers, Bayelsa, and Delta States, those most troubled by recent protests. These problems make it all the more essential that attempts to address the grievances of the delta communities involve discussions with individuals who are freely chosen by the communities of the delta and with a mandate to represent their interests, rather than with individuals chosen by the government as representative. In addition, the government must take steps to reestablish respect for human rights and the rule of law, and to end continuing human rights violations resulting from the deployment of soldiers in the delta region. The appropriate response to acts of violence is to arrest and prosecute those responsible, not to carry out indiscriminate reprisals against the entire population of the oil-producing regions. Those who peacefully protest the manner in which oil is currently produced have a right to make their voice heard.

#### *U.S. Policy Implications*

The U.S. should urge the Nigerian government, among other steps, to appoint a judicial enquiry to investigate ongoing human rights violations in the delta, and to discipline or prosecute those responsible and compensate the victims. The Oputa commission that is investigating past abuses generally has already received submissions relating to thousands of cases from Ogoniland. The government should take steps to replace soldiers carrying out policing duties in the Niger Delta area and elsewhere with regular police with training in public order policing and ensure that those police deployed have been vetted to exclude abusive officers. The government should institute an immediate, inclusive and transparent process of negotiation with freely chosen representatives of the peoples living in the Niger Delta to resolve the issues surrounding the production of oil.

The U.S.-based oil companies operating in Nigeria, especially Chevron, Mobil and Texaco which operate joint ventures with the Nigerian government, also share a responsibility to ensure that oil production does not continue at the cost of violations of the rights of those who live in the areas where oil is produced. Given the deteriorating security situation in the delta, it is all the more urgent for the companies to adopt systematic steps to ensure that the protection of company staff and property does not result in summary executions, arbitrary detentions, and other violations. Systematic monitoring and protest of human rights violations by the government, and steps to ensure that the companies themselves are not complicit in such human rights violations, are more important than ever. Although it is denied, companies clearly pay ransom money when their employees are taken hostage, and also make payments to youths who occupy company installations in order to allow production to continue. These payments create an incentive for further disruption. Human Rights Watch has developed detailed recommendations to oil companies in its recent reports *The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities* (February 1999) and *Crackdown in the Niger Delta* (May 1999), of which copies have been supplied to the subcommittee.

#### RESUMPTION OF U.S. ASSISTANCE TO NIGERIA'S SECURITY FORCES

##### *Military*

The unrest in the delta raises particular concerns in relation to the resumption of U.S. military assistance to Nigeria now that a civilian government has been installed and U.S. sanctions lifted. Human Rights Watch believes that any military assistance given to Nigeria, including under the International Military Education and Training (IMET) program, should include strict human rights conditions. In particular, resumption of military assistance must be in the context of a well-thought out strategy for increasing the democratic accountability of the Nigerian military, while emphasizing that any future attempt by the military to seize power will be met with tough sanctions.

The U.S. government should enforce Section 570 of the Foreign Operations Appropriations Act, the so-called Leahy amendment, in relation to Nigeria, and should monitor military units that receive U.S. military aid. The Leahy amendment prohibits funds from being provided to any unit of the security forces of a foreign country if the secretary of state has credible evidence that the unit has committed gross violations of human rights, unless the secretary determines and reports to Congress that the government involved is taking effective measures to bring the responsible members of the security forces unit to justice. In this context, support for the commission chaired by Justice Oputa, and for prosecutions of military officials and others based on information received by the commission, could be of particular importance.

Strict control must be exercised over any military materiel supplied to the Nigerian government, for example for use by the Nigerian component of the peace-keeping forces in Sierra Leone, to ensure that it is cannot be transferred for use in other contexts where human rights violations are likely, for example in the Niger Delta.

The U.S. government should take steps to screen any Nigerian army officers selected to benefit from U.S. training to ensure that those who have been responsible for human rights violations in the past are not included.

##### *Police*

Similar issues arise in relation to U.S. assistance for Nigeria's police force. While there is a clear need for the Nigerian police to achieve a higher standard of training and operations, any U.S. assistance in this regard should be subject to careful conditions. In particular, any assistance must be developed in consultation with Nigerian civil society and should begin with support for radical reform of the police, including the drafting of new legislation to replace the colonial law that currently regulates policing. The U.S. government should also press for greater accountability for abuses, judicial reform, and other structural changes, including rooting out rampant police corruption. If U.S. training is offered, individuals receiving training should be screened, in discussion with Nigerian human rights groups, to ensure that well-known abusers are not among them, and the content of training should be focused on skills aimed at reducing the use of force.

Human Rights Watch was disturbed to learn, from testimony to the House Subcommittee on Africa in August by David Miller, a representative for the Corporate Council on Africa, that American oil companies are considering funding "modest efforts to provide training and non-lethal support for Nigeria police officials with responsibility for their area of operations." While he also stated that "any comprehen-

sive re-training of the Nigerian police force on modern methods and techniques needs the legitimacy and scope of a government-to-government or other international program," Human Rights Watch would like to place it on record that we believe *any* initiative in relation to assistance for the security forces should be on a fully transparent basis and take into account the concerns we have raised here.

#### CONCLUSION

In conclusion, Mr. Chairman, Human Rights Watch believes that the developments in Nigeria over the last year offer a real hope that the country can take its rightful place as a leader of the African continent and that its citizens can enjoy the respect for human rights to which they are entitled. However, the new government faces huge obstacles in achieving this goal in the face of the pattern of widespread and systematic abuse that has inherited from its predecessors, especially considering the shaky electoral foundations on which it stands. In particular, we are deeply concerned that the government, or elements within it, may be tempted to respond violently to the discontent in the Niger Delta, a response that would catastrophically reverse progress towards respect for human rights in Nigeria as a whole. The U.S. government can play an important role in supporting legal and practical reforms by the Nigerian government through technical assistance and diplomatic pressure, and by assisting civil society organizations working towards increased respect for human rights. U.S. military and police assistance to Nigeria should be carefully tailored in the context of an overall plan for reform to ensure that it cannot be used to benefit officers who have been responsible for human rights violations or in situations where human rights violations are likely. The U.S. should also make clear to the Nigerian government that any attempt to resolve the crisis in the delta in a way that does not respect the rights of those who live in the oil producing regions is unacceptable. Equally, the administration should insist to the U.S. oil companies working in Nigeria that they must play their part in ensuring that oil production does not continue only due to the threat or actual use of force against those who protest their activities.

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#### NIGERIA

EXECUTIVE SUMMARY OF THE U.S. INTER-AGENCY ASSESSMENT TEAM'S REPORT  
SUPPORTING A NEW PATH TO DEMOCRACY, PROSPERITY AND LEADERSHIP—OCTOBER 1,  
1999

#### ACRONYMS

ABB—Asea Brown Boveri  
ACILS—American Center for International Labor Solidarity  
ACRI—Africa Crisis Response Initiative  
AD—Action for Democracy  
ADEA—Association for the Development of Education in Africa  
ADP—Agricultural Development Program  
AERC—African Economic Research Consortium  
AFSI—Africa Food Security Initiative  
APHIS—USDA's Animal and Plant Health Inspection Service  
APP—All People's Party  
ATRIP—Africa Trade and Investment Program  
BBC—British Broadcasting Corporation  
BCG—Bacillus Calmette-Guerin (tuberculosis vaccine)  
CAREMIS—Current Agricultural Management Information System  
CCA—Consultative Committee on Agriculture  
CIDA—Canadian International Development Agency  
CIMMYT—International Maize and Wheat Improvement Center  
CLDP—Commercial Law Development Program  
CPR—Contraceptive Prevalence Rate  
DATT—Defense Attache  
DEA—Drug Enforcement Agency  
DFID—British Department of International Development (Formerly ODA)  
DOD/OSD—Department of Defense/Office of the Secretary of Defense  
DOE—Department of Energy  
DOJ—Department of Justice  
DOS—Department of State



DOT—Department of Transportation  
 DPKO—Department of Peacekeeping Operations  
 DPT—Diphtheria, Pertussis, Tetanus (vaccine)  
 DSCA—Defense Security Cooperation Agency  
 ECOMOG—Economic Community of West African Monitoring Group  
 ECOWAS—Economic Community of West African States  
 EDA—Excess Defense Articles  
 EDDI—Education for Development and Democracy Initiative  
 EMCAP—World Bank’s Economic Management Capacity Project  
 ENI—Bureau for Europe and the New Independent States  
 ESAF—Enhanced Structural Adjustment Facility  
 ESF—Economic Support Fund  
 EU—European Union  
 EXIM—Export Import Bank  
 FAA—Federal Aviation Agency  
 FAAN—Federal Airport Authority of Nigeria  
 FACU—Federal Agricultural Coordinating Unit  
 FAS/ITP—Foreign Agriculture Service/International Trade Policy  
 FBI—Federal Bureau of Investigations  
 FCC—Federal Communications Commission  
 FCT—Federal Capitol Territory  
 FERC—Federal Energy Regulatory Commission  
 FINCEN—Financial Center  
 FMF—Foreign Military Funding  
 FSN—Foreign Service National  
 GDP—Gross Domestic Product  
 GE—General Electric  
 GIS—Global Information System  
 GNP—Gross National Product  
 GON—Government of Nigeria  
 HIV/AIDS—Human Immuno-Deficiency Virus/Acquired Immune Deficiency Syndrome  
 HRDO—Human Resources Development Office  
 ICAO—International Civil Aviation Organization  
 ICASS—Internal Cooperative Agreement Support and Services  
 ICITAP—DOJ’s International Criminal Investigative and Training Assistance Program  
 IEC—Information, Education, and Communication  
 IFC—International Finance Corporation  
 IMET—International Military Education and Training  
 IMF—International Monetary Fund  
 INL—International Narcotics and Law Enforcement Affairs Bureau (DOS)  
 INS—Immigration and Naturalization Service  
 IPPS—Independent Power Producers  
 IRS—Internal Revenue Service  
 JACC—United States-Nigeria Joint Agricultural Consultative Committee  
 JCET—Joint Combined Exchange Training  
 JEPC—United States-Nigeria Joint Economic Partnership Committee  
 JICA—Japan International Cooperation Agency  
 JSS—Junior Secondary School  
 LGA—Local Government Authority  
 LGAS—Local Government Areas (Nigerian Local Government)  
 MEDFLAG—Military Medical Exercise  
 MLAT—Mutual Legal Assistance Treaty  
 MMIA—Murtala Mohammed International Airport  
 MOD—Ministry of Defense  
 MOH—Ministry of Health  
 MOJ—Ministry of Justice  
 MPRI—Military Professional Resources Incorporated  
 MSF—Medicines Sans Frontiers  
 MW—Megawatt  
 NDLEA—National Drug Law Enforcement Agency  
 NEPA—National Electric Power Authority  
 NGO—Non-Governmental Organization  
 NTPC—Nigerian Investment Promotion Commission  
 NLC—Nigerian Labor Congress  
 NNPC—Nigerian National Petroleum Commission  
 NPF—Nigerian Police Force

NPI—National Program of Immunization  
 NPP—National Population Policy  
 NRCS—Natural Resources Conservation Service  
 NSC—National Security Council  
 NSDD-38—National Security Decision Directive-38  
 OGE—U.S. Office of Government Ethics  
 ONDCP—Office of National Drug Control Policy  
 OPIC—Overseas Private Investment Corporation  
 OPDAT—Office of Overseas Prosecutorial Development and Training  
 OTI—Office of Transition Initiatives/Bureau for Humanitarian Affairs, USAID  
 PCU—Policy Coordination Unit  
 PDP—People’s Democratic Party  
 RH—Reproductive Health  
 RLA—Resident Legal Advisor  
 RUF—Revolutionary United Front  
 STD—Sexually Transmitted Disease  
 TA—Technical Assistance  
 TBD—To Be Determined  
 TDA—Trade and Development Agency  
 TDY—Temporary Duty  
 TIFA—Trade and Investment Framework Agreement  
 TN—Transparency International of Nigeria  
 TMG—Transition Monitoring Group (Nigerian NGOs)  
 UK—United Kingdom  
 UNDP—United Nations Development Program  
 UNFPA—United Nations Family Planning Association  
 UNPAERD—United Nations Program of Action for African Economic Recovery and  
 Development  
 USAID—United States Agency for International Development  
 USCS—United States Customs Service  
 USDA/FAS—United States Department of Agriculture/Foreign Agriculture Service  
 USDH—United States Direct Hire  
 USEUCOM—United States European Command  
 USG—United States Government  
 USIA—United States Information Agency  
 USIS—United States Information Service  
 USPSC—United States Personal Services Contract (employee)  
 USSS—United States Secret Service  
 USTR—United States Trade Representative  
 WATC—West African Training Cruise  
 WCARRD—World Conference on Agrarian Reform and Rural Development  
 WHO—World Health Organization  
 WTO—World Trade Organization  
 WTO—World Trade Organization

## NIGERIA:

### SUPPORTING A NEW PATH TO DEMOCRACY, PROSPERITY AND LEADERSHIP

#### A SUMMARY OF THE U.S. INTER-AGENCY ASSESSMENT TEAM’S REPORT

##### I. INTRODUCTION

After years of oppressive military rule, Nigeria turned a new democratic page in its history with the May 1999 inauguration of President Olusegun Obasanjo. Since June 1998, Nigeria has successfully completed democratic elections at the local, regional, and national levels. Nigerians as well as the international donor community have welcomed the transition to democracy, and engagement and partnership have replaced Nigeria’s isolation by the international community.

The Obasanjo administration is well aware of the challenges and opportunities that Nigeria faces and is determined to put Nigeria on the right path to sustainable economic development. Nigerian government officials, private sector leaders, and civil society organizations recognize that any strategy must include a focus on reducing corruption, improving human capacity, especially at the governmental level, and promoting national reconciliation to mend the wounds of military rule. Nigerian peo-

ple and their newly elected leaders are willing to seek the advice and assistance of the international community within the context of their defined development needs.

United States Secretary of State Madeleine Albright has identified Nigeria as one of the four priority countries for U.S. assistance to support a democratic transition. As a clear demonstration of the United States Government's (USG) commitment to Nigeria's transition, an Inter-Agency Assessment Team went to Nigeria from June 19 to July 2, 1999. The assessment team was co-led by Keith Brown, USAID Deputy Assistant Administrator for Africa, and Ambassador Howard Jeter, Deputy Assistant Secretary of State for African Affairs. The team was comprised of 17 members from the U.S. Agency for International Development and the Departments of State, Agriculture, Commerce, Defense, Energy, Justice and Transportation.

The primary objective of the assessment team was to discuss in a participatory manner with Nigerian Government officials, members of the private sector and civil society, and international multilateral and bilateral donors, ways to support Nigeria's successful transition to a peaceful, democratic and economically stable country. The assessment focused on the following six major sectors:

*Military and Civil-Military Relations*  
*Economic Development Reform and Growth*  
*Political Structures and Democracy*  
*Infrastructure*  
*Agriculture*  
*Social Sectors (Health & Education)*

The team identified and outlined common approaches to three major cross cutting themes: corruption, lack of human capacity to implement change, and conflict. It also identified areas of potential assistance based on available resources and the USG comparative advantage, possibilities for integrating U.S. government programs in providing assistance and opportunities for cooperating and collaborating with other donors. The team identified the challenges and provided recommendations for assistance within two timeframes. The first timeframe includes high priority actions and activities for immediate implementation within the first 6-month period to help keep the democratic transformation process on track. The second timeframe involves priority actions and activities for implementation over a medium-term timeframe of 6 to 18 months. While important to supporting the democratic transformation process, these medium-term actions and priorities are not deemed critical to the process, but are extremely important to shaping a longer-term development program.

The assessment team traveled to four regions including the capital, Abuja, and held intensive discussions with Nigerians from every sector of society. In a June 23rd meeting with President Olusegun Obasanjo, Vice-President Abubakar Atiku and high-ranking officials of the new government, the Assessment team was presented with the Government of Nigeria's priorities. On June 30, the co-team leaders, a third member of the Assessment Team, and the American Ambassador briefed President Obasanjo, Vice-President Atiku, and other ranking members of the Government of Nigeria (GON) on the Assessment Team's findings and conclusions.

It is also important to note that no attempt has been made to strategically prioritize or package the recommendation made in this report. The issue of securing the resources necessary to implement the proposed interventions also has not been addressed. This summary highlights the salient recommendations of the team's Assessment Report entitled, "Supporting a New Path to Democracy, Prosperity and Leadership."

## II. NIGERIA'S IMPORTANCE TO THE UNITED STATES

Provided sufficient financial and human resources are made available, this new era offers the United States a unique opportunity to help ensure Nigeria's successful transition to a healthy, modern, democratic, and economically independent state. Nigeria is a primary U.S. trading partner in Africa. It is the fifth largest supplier of imported oil to the United States. The United States is also Nigeria's primary foreign investor with an estimated \$7 billion in existing assets. Nigeria's economic transformation and resurgence will have an enormous, positive impact on regional economic development and create billions of dollars in opportunities for new economic ties with the United States through exports and other sales and commercial ventures.

Additionally, Nigeria has played a key role in supporting the Economic Community of West Africa Monitoring Group's (ECOMOG) efforts to end conflicts in Liberia and Sierra Leone that have threatened stability in West Africa. A non-democratic, economically crippled Nigeria would not only destabilize West Africa, but would have serious implications for the United States. The humanitarian impact of a col-

lapsed Nigeria with millions of refugees and displaced persons would be incalculable. The international burden would cost billions of dollars, which the U.S. would pay a substantial share in costly programs of regional stabilization.

Democracy is the best guarantor of universal human rights. It produces long-term economic growth as well as social and political stability. In supporting the spread of democracy, the United States is simultaneously promoting American values while helping create a more stable, secure, and cooperative global arena in which to advance all U.S. interest.

It is in our national interest to assist Nigeria's efforts to rebuild its economy, heal national and ethnic divisions, and advance its democratic agenda. It is for this reason that the President waived Nigeria's narcotics decertification this year, to enable meaningful forward movement in areas of shared concern.

### III. COUNTRY OVERVIEW

In the 39 years of independence from colonial rule, Nigeria has been governed for only ten years by a democratically elected civilian government. The most recent episode of military rule began with the overthrow of a civilian regime first elected in 1979. It ended in 1998 with the death of Nigeria's military leader General Sani Abacha and the fulfillment of a long-delayed promise by the military of a return to civilian rule. The 1998 and 1999 state, regional and national elections culminated in the May 1999 inauguration of Olusegun Obasanjo. Despite the national and international euphoria over the return to civilian rule, the elections must be seen as only a first step in addressing Nigeria's problems. Nigeria's newly elected civilian government faces daunting challenges. Apart from the normal policy issues that any national government must address—basic services, fiscal and monetary policy, foreign policy—three issues which have plagued Nigeria since independence in 1960 remain:

- the role of the military inside of Nigeria;
- religious, tribal and regional conflicts and the resultant insecurity; and
- good governance, especially controlling corruption and developing broad-based economic growth.

#### A. *Military*

The military, although no longer in control, still wields considerable power in Nigeria. It will continue to be an important presence in this democratic transition if civilian and military leadership do not define the proper role for the military, a role that is both honorable and circumscribed. The transformation from a military regime to a civilian regime will require a process of divestiture of all non-security and non-military powers and appointments into civilian hands. But this must be done simultaneously with addressing issues regarding the professionalization of the military and its social welfare concerns.

#### B. *Economic*

Nigeria has abundant natural resources and substantial human resources in the form of an educated urban elite, innovative entrepreneurs and private sector participants with knowledge of international business standards and practices. Its deposit of natural gas may be the world's largest and could power not only its own growth but also all of West Africa's. Nigeria's agricultural potential is largely untapped and could provide jobs and food for Nigerians and others. However, years of poor incentives, limited access to credit and technology, and a negative investment environment have taken a heavy toll on the economy.

Nigeria's economy has been relatively stagnant and inflation prone since 1992. It is hamstrung by a top-down, ineffective but pervasive state control and intervention. Nigeria's state-run economic structures have been reinforced with rigorous military discipline. Corruption has become institutionalized into the fabric of society at all levels.

Real incomes in Nigeria have actually fallen in the last two decades. Sharp declines in oil prices in 1998 cost Nigeria around 50 percent of its expected export revenues and a large share (an estimated 40 percent) of government revenue. Oil sales account for 95% of Nigeria's export revenue. In 1998, real GDP contracted by some 1.8 percent and is expected to contract again in 1999 despite rebounds in oil prices. Despite important economic steps taken under former Head of State Abubakar (e.g., unification of the exchange rate) per capita income in Nigeria is roughly \$300. Poverty levels may be as high as 60 percent; unemployment and underemployment affect at least half the labor force.

Nigeria's 1999 current account deficit is estimated to be roughly 15 percent. The budget deficit is expected to reach nearly 8 percent of GDP. Nigeria's external debt is roughly \$30 billion—and annual debt service payments are approximately \$2 bil-

lion—relative to current annual exports of just under \$20 billion. This debt overhang is almost equal to one half of Nigeria's GDP. While Nigeria's debt service ratio is not nearly as serious as that of many other African countries, the existence of such a large debt reduces the government's ability to finance the social sector programs and frightens off private investors.

Another looming issue is the economic impact of HIV/AIDS on Nigeria's growth and poverty alleviation efforts. The problem may be larger than assumed and growing; unchecked now, it could devastate Nigeria's labor forces over the next decade.

#### IV. CHALLENGES/STRATEGY

The next 18 months are perhaps the most critical period in Nigeria's postcolonial history and may well determine the fate of the country's democratic experiment. What happens in Nigeria will affect the future of the African continent. It could also affect the ability of the United States to achieve its multi-faceted goals in Africa. The United States can and should play a major role in helping Nigeria realize its great potential. However, it is the Nigerians who must decide their own destiny.

##### A. *Military and Civil-Military Relations*

*Challenge:* The future of Nigeria is tied to the future of the Nigerian military. In the near term, there is little prospect for the reemergence of military rule, but after 30 years of military regimes, it is commonly seen as a viable and threatening alternative. Nigerians are proud of their role as a regional peacekeeper and understand that, for their nascent democracy to survive, the military must be brought into partnership and incorporated fully into society. Nigeria needs a military force that will defer to civilian authority and accept its subordinate role in a constitutional democracy.

Under the military government, the military high command controlled all political, judicial, and parastatal corporation appointments. It also had a tight grip on the national budget, business, and financial sectors. All economic policies and laws were enacted by military decree. The impact of this control was the permeation of a centralized, autocratic way of doing business in Nigerian public and private sector institutions, commonly referred to as the "militarization" of society.

*Strategy:* The USG could assist the GON to undertake a comprehensive military reform, structure appropriate, strong civilian institutions to ensure civilian control over the military, and gradually begin to transform a militarized culture into a democratic, free enterprise system. The USG could assist Nigeria with training and professionalization of the armed forces and depoliticization of officers.

##### *Illustrative Immediate Action/Activities (1-6 months)*

- Provide technical assistance to develop an action plan for military reform with civilian participation, and conduct seminars to discuss the action plan and civil-military issues with military and civil society leaders;
- Provide technical assistance to the Obasanjo administration for the creation of a Department (Ministry) of Defense and related civilian institutions for executive branch civil-military relations;
- Provide technical assistance to the National Assembly for the creation and development of legislative oversight and budgetary control functions;
- Conduct seminars with civil society, especially business organizations, to develop strategies for reintegration of retired and down-sized military personnel; and
- Conduct seminars with civil society, especially pro-democracy and human rights groups, religious leaders, and organized labor, to develop strategies for the "demilitarization" of society and support civil-military reform.

##### *Illustrative Medium-term Actions/Activities (6-18 months)*

- Provide Military Medical Exercise and Joint Combined Exchange (JCET) training for FY 2000;
- Based on consultations and the approval of the GON provide Africa Crisis Response Initiative (AFCRI) training for two battalions and a brigade headquarters staff, and institute a regular series of exchanges and visits between the Nigerian Minister of Defense and the U.S. Department of Defense; and
- Assign a naval attache to Nigeria.

##### B. *Economic Development Reform and Growth*

*Challenge:* The Nigerian economy needs to grow more than 4% per year, and could achieve growth rates comparable to the Asian tigers in their expansionary phase. In order to achieve this goal, the GON must establish an economic tone and direction to identify specific policies and programs, and build the institutional capacity

and political will for reforms and innovation, which will spur growth and maximize the support of the international community for President Obasanjo's ambitious economic agenda.

*Strategy:* The U.S. Government working with multilateral organizations, would work directly with the Government of Nigeria and Nigerian society to assist in identifying short-term and long-term economic priorities and options. This includes assistance to improve the capacity of the GON to formulate a widely supported economic program and to implement economic reform policies in collaboration with financial institutions and donors. Additionally, assistance could be provided to encourage the development of cost effective improvements in economic infrastructure and supplies.

The USG could help build the human and institutional capacity needed to achieve visible economic improvements within the next 18 months. A focus could be placed on identifying and eliminating obstacles to private investment, improving financial management, increasing transparency and efficiency of government agencies, and identifying options to increase resources and service delivery at state and local levels. Assistance could be provided to enhance Nigerian institutions' economic and policy analysis capabilities. Additionally, the USG could improve commercial ties between the United States and Nigerian in both the private and public sectors.

*Illustrative Immediate Actions/Activities (1-6 months)*

- Provide two to three senior economic consultants to meet with President Obasanjo and his inner policy circle, preferably in advance of the Paris CG, to assist in clarifying options and priorities and the establishment of a coherent economic approach;
- In consultation with the World Bank and the European Union, provide short term economic and other technical experts to assist the National Planning Commission and other relevant GON Ministries and bodies in developing, publishing and disseminating a national economic strategy linked to a realistic budget;
- Provide short term economic experts to provide expertise to the committees and ministries of the federal government to study specific economic issues and formulate initial policy options and implementation strategies;
- Provide rapid-response economic technical assistance teams and regional conferences on electricity sector reform and planning, oil sector and domestic petroleum fuel policy, and natural gas sector development;
- Provide short-term economic and legislative experts to assist the National Assembly to analyze and promulgate economic legislation;
- Initiate a 4-month "Investor Roadmap" diagnostic of the entire investment process with the Nigerian Investment Promotion Commission (NIPC), the Planning Ministry, and other relevant GON agencies for both Nigerian and foreign investors;
- Initiate a high-level, bi-annual, U.S.-Nigeria Joint Economic Partnership Committee (JEPC) to identify further areas of mutual interest and cooperation as well as build relationships between USG agencies and enhance commercial and economic ties;
- Initiate pilot efforts in key locales (including select rural areas, possibly including the Niger Delta) to establish market-oriented micro-credit programs, rudimentary business development, and management training for small- and medium-sized enterprise development;
- Establish a commercial law development program in Nigeria and promote a dialogue on sound regulatory policy between the GON and members of the Nigerian and foreign private sectors; and
- Initiate and provide assistance to a Trade and Investment Framework Agreement (TIFA) with Nigeria to formalize and regularize discussions of issues of mutual interest and concern in these areas.

*Illustrative Medium Term Actions/Activities (6-18 months)*

- Initiate a Leland Initiative program to improve the telecommunications regulatory structure, provide hardware and software, establish internet-linked centers in key government Ministries and institutions research institutions and local governments, and establish economic development-oriented and distance-learning opportunities;
- Provide municipal management specialists for short-term visits to each of the 36 state capitals and the Federal Capital Territory (FCT), to provide training programs for state and local officials on, e.g., budgeting, utilities and environmental management, and urban planning;
- Establish "sister city" programs with U.S. cities focused on local government economic development strategies for Lagos and Abuja;

- Provide technical assistance through retired business executive volunteers to the Nigerian chambers of commerce and business organizations, and assist business advisory groups to improve their ability to interact effectively with the GON on policy issues;
- Establish institutional links based on Leland Initiative and other infrastructure between Nigerian policy-makers, academic economists and private sector research institutions and the African Economic Research Consortium (AERC), and assist Nigerian universities in accessing and financing the economics training, curriculum development and standards-raising services available through the AERC;
- Promote the establishment of close institutional links of economic training, research and student and faculty exchange between Nigerian and U.S. universities;
- Improve Nigeria's commercial links to West Africa and the rest of the continent by examining potential opportunities to reduce barriers to trade and investment, promoting business ties, and introducing programs funded under the USG-funded African Trade and Investment Program (ATRIP);
- Expand micro-credit programs throughout Nigerian communities; and
- Establish and equip an economic policy institute in Abuja.

### C. Political Structures and Democracy

*Challenge:* After sixteen years of military rule, Nigerians have ushered in a newly elected democratic government that has raised hope and optimism about the future. It is a cautious optimism, contingent on performance and not mere promise. Democratic performance will be necessary not only to keep alive the democratic spirit, but also to give the government some breathing room for economic reform. Over the long term, democratic and economic performance should be reinforcing. The democratic transition must be nurtured quite apart from the economic and social changes that it is expected to bring. However, if the democratically elected government cannot provide a framework under which services are restored and economic progress is tangible, the democratic transition itself will be at risk.

*Strategy:* The USG could support the democratic transformation by providing assistance in several institutional arenas. This could include: constitutional reform, national assembly, state and local government, the executive branch, non-governmental organizations (NGOs), media, labor, political parties, international narcotics and financial crimes, conflict prevention and reconciliation, and rule of law.

#### *Illustrative Immediate Term Actions/Activities (1-6 months)*

##### International Narcotics and Financial Crimes:

- Open and maintain a dialogue between the U.S. Justice Department and newly appointed, key Nigerian officials on law enforcement issues, including inviting the Attorney General and the Assistant Inspector General heading the National Drug Law Enforcement Agency to the United States to discuss the present state of drug trafficking and financial white collar crimes.
- Develop a precise plan of action to enable Nigeria to be recommended for full narcotics certification, implemented by the U.S. Justice Department in conjunction with the Department of State's International Narcotics and Law Enforcement Affairs Bureau (INL);
- Pass information from U.S. law enforcement agencies to Nigerian counterpart authorities for assistance and follow-up, sting and lure operations, and to support expedited extradition and judicial assistance; and
- Undertake a joint counter-narcotics assessment with the European Union and the United Nations Development Program.

##### National Assembly:

- Develop an integrated program of assistance for the National Assembly to build its oversight and legislation development capacities;
- Provide direct support to the National Assembly to assist it in analyzing the supplemental budget bill to be submitted by President Obasanjo on July 15, 1999; and
- Provide technical assistance, either through the Department of Justice or U.S. law associations, to the National Assembly in drafting anti-corruption legislation.

##### Executive:

- Support the World Bank's corruption diagnostic, which provides a comprehensive picture of corruption in a society through surveys, interviews, and workshops; and

- Support World Bank civil service reforms to end corruption in public office.

Labor:

- Support organized labor in staging economic fora that draws together government, civil society, and the international financial institutions to discuss privatization and deregulation issues, and their impact on the labor market.

Rule of Law:

- Sponsor senior-level U.S. judges (including, if possible, a Supreme Court justice) to meet with federal and state Nigerian judges to promote judicial independence and the rule of law;
- Provide technical assistance to the chief justice of Nigeria in the convening of an advisory committee that will assist the Chief Justice to make rulings for human rights cases under section 46(3) of the Nigerian Constitution.

*Illustrative Medium Term Activities Actions (6-18 months)*

Constitutional Reform:

- Sponsor consultative workshops or other fora to promote public debate on the Constitution.

Rule of Law:

- Establish a Department of Justice police training program;
- Develop a U.S. Department of Justice-sponsored training program for Nigerian judiciary and executive branch officials who deal with prosecuting public officials, money laundering, and asset forfeiture;
- Provide technical assistance to the Nigerian court system to build operational capacity to handle court records, prepare budgets, make budget presentations to the legislature, and the like; and
- Establish a linkage between U.S. judiciary and bar organizations to provide training to the new National Judicial Council in disciplining judges and managing disbursements, as well as training to the Federal Judicial Service Commission in investigating complaints against judges and court personnel.

State & Local Government:

- Provide technical assistance to the executive and legislative branches of government at the state and local levels to build their governance capacities.

Non-Governmental Organizations (NGOs):

- Initiate a comprehensive capacity building program with a small and carefully selected group of NGOs to strengthen their policy research and advocacy capabilities to shape the public agenda in the areas of constitutional reform, women's political participation and minority interests, civic education, conflict management, and privatization and deregulation; and
- Undertake a comprehensive capacity building program with a small group of selected NGOs working in the anti-corruption field to strengthen their investigative, research, and monitoring capabilities.

Media:

- Undertake a program to foster and develop independent media in Nigeria by focusing on the legal enabling environment for media freedom, training in investigative reporting in the field of economics, strengthening media sector support and law and policy organizations, and encouraging financial independence for diverse and plural media outlets.

Political Parties:

- Provide organizational support to political parties in campaign techniques, platform development, constituency outreach, media relations, leadership development, women's political participation, and coalition building.

*D. Infrastructure*

*Challenge:* An efficient and modern infrastructure is fundamental for economic development. The absence of a modern infrastructure in Nigeria not only hinders economic production and contributes to a malaise, but also clouds the advantages of democracy and an open and free market. The net result of this has been inconsistent services, which frustrate businesses and the populace, and strangle economic growth.

Nigeria's infrastructure assets have been mismanaged and allowed to deteriorate due to a lack of maintenance and investment. New investment in basic infrastruc-



ture development. and improvement is a key component of any economic reform initiative.

*Strategy:* The USG could help the Nigerian Government restructure its investment and management of infrastructure assets, focusing its assistance efforts on Nigerian transportation sector that consists of roads, water, air, telecommunications and transportation as well the energy sector.

*Illustrative Immediate Actions/Activities (1-6 months)*

- Assess all modes of transportation by fielding a technical team to Nigeria.

Aviation:

- Engage the GON on the measures needed to ensure the reestablishment of the air link between the United States and Nigeria;
- Perform an assessment of Nigeria's aviation safety oversight capabilities;
- Conduct 10 aviation security courses with the assistance of the International Civil Aviation Organization (ICAO) and the Federal Aviation Agency;
- Provide a security expert to assist in drafting legislation to establish a new legal structure governing aviation security; and
- Conduct an aviation security survey and assessment.

Rail:

- Conduct a study, in cooperation with the World Bank, on privatizing the rail system.

Energy:

- Provide technical advice and assistance and engage the Nigerian government in a serious dialogue on energy policy and regulatory issues aimed at removing price controls, introducing competition, and privatizing parts of the petroleum and electric power sectors;
- Provide policy advice and technical assistance to help the Nigerian government devise a clear, comprehensive, and consistent policy for the downstream oil and gas market, which will include removal of price controls, the provision of competitively priced products to remote markets, and possible privatization of refining and distribution;
- Provide policy advice and technical assistance focusing on removing the most pressing technical and economic obstacles to the provision of reliable power services, such as electricity pricing, billing, and collection issues, improved operation of transmission and distribution systems, and the introduction of competition through the use of independent power producers;
- Conduct as part of the short-term action plan, workshops, seminars, and training activities on gas utilization, energy pricing, independent power, asset valuation, structural reform, regulation, and the role of the private sector; and
- Provide solar village power and ultraviolet water purification systems for rural application as pilot program demonstrations of progress.

*Illustrative Medium Term Actions/Activities (6-18 months)*

Roads:

- Conduct a feasibility study on the projected need for additional, and the rehabilitation of existing, farm-to-market roads in conjunction with the World Bank.

Energy:

- Address energy sector restructuring and privatization issues, the introduction and development of an independent regulatory function pricing reforms, system reliability and quality of service issues, support for energy efficiency and rural electrification, deployment of new and renewable energy technologies, environmental protection, and other public policy objectives;
- Explore options for rewarding new licenses for oil and gas exploration and development activities, production sharing contracts, and options for sharing revenue from oil and gas development with local governments; and
- Consider options for improving regional energy cooperation in developing natural gas and electricity resources for West Africa.

*E. Agriculture*

*Challenge:* Nigeria is endowed with an abundant agricultural resource base. Historically, the agriculture sector was its major source of employment; income generation, foreign exchange, and provided basic human needs and raw materials for agro-industries. However, with the introduction of oil, the agriculture sector was neglected by the ruling military regimes in favor of the "get rich quick" payoffs from

oil profits. As a result of this, Nigeria's agriculture no longer performs its traditional role as a major development and growth sector of the Nigerian economy. Today, the government's role in the agricultural sector has essentially been reduced to one of inadequate support and stimulus and ineffective regulation.

*Strategy:* The USG could assist the Government of Nigeria to diversify its economy and reestablish agriculture as a major contributor to the economic growth of the country. Despite the years of neglect under military rule, Nigeria has maintained one of the highest sustained rates of agricultural growth in Africa over the past decade.

*Illustrative Immediate Actions/Activities (1-6 months)*

- Provide assistance in reestablishing and strengthening Nigerian agricultural research capacity by expanding linkages between United States and Nigerian researchers and institutes;
- Conduct an agricultural sector assessment and a high-level dialogue with Nigerian agricultural officials to attain a detailed understanding of the state of agriculture in Nigeria and to identify areas for support and mutual cooperation;
- Explore the feasibility of resurrecting the defunct Joint U.S.-Nigeria Joint Agricultural Consultative Committee (JACC) to determine if it or some like mechanism is warranted, and work on expanding two-way trade and establishing joint business ventures between the U.S. and Nigeria;
- Support various two-way trade missions comprised of potential business interests in the agriculture sector;
- Utilize the Export Credit Guarantee scheme to stimulate the sale of U.S. agriculture commodities;
- Provide regulatory and grades and standards support for animal and plant products; and
- Establish a broader cooperative mechanism with Nigeria through the establishment of a Consultative Committee on Agriculture (CCA), a high-level bilateral forum chaired by the U.S. Secretary of Agriculture and counterpart ministers of selected countries, to address priority agricultural issues of mutual concern and implement mutually beneficial agricultural programs.

*Illustrative Medium-Term Actions/Activities (6-18 months)*

- Provide assistance to Nigeria's Agriculture Development Program (ADP) in the following areas: training of extension workers and farmers; environmental issues; forestry development, and youth employment; and
- Provide technical assistance in the development of rural transportation, feeder roads, and jetties, rural industrialization, rural energy (electrification, solar, and biogas), rural water supply, and credit availability.

*Social Sector: Health*

*Challenge:* Nigeria's population was estimated to be 108 million in 1998, making it the most populous country in Africa. The population is composed of about 25 million infants under one year of age, 17 million under five, and 25 million women of child bearing age (15-49) years. The fertility rate, although high, has decreased from 8.2 in 1982 to the present rate of 6.5. The continuing burden of high fertility and population growth rates on the health of Nigerian families, the nation's agriculture and food availability, and the social and health services is unacceptable for achieving sustainable development.

HIV/AIDS is a growing problem in Nigeria. It is estimated as of June 1999 that over 5 million Nigerians are living with HIV infection. The first case of AIDS was reported in Nigeria in 1986, yet it took the GON six years before it was able to carry out its first HIV sentinel survey, with assistance from World Health Organization (WHO). The national prevalence rate was then (1992) estimated to be 1.2 percent. Since then, the number of HIV infected individuals in Nigeria has increased rapidly from about 600,000 in 1992, through 1,900,000 in 1994, and 2,250,000 in 1996, to over 3-4 million in 1998.

*Strategy:* The United States could assist Nigeria in expanding its health program to improve child survival and reproductive health. Specific assistance could be provided to assist the GON in developing a nationwide campaign to reduce the spread of HIV/AIDS.

*Illustrative Immediate Actions/Activities (1-6 months)*

- Expand the current USAID health program in order to undertake family planning and reproductive health advocacy with the private sector, leading decision-makers, traditional leaders, religious leaders, opinion leaders, and community leaders;

- Review and resume under the USAID health program the implementation of the national Information Education and Communication strategies; and
- Develop quickly a campaign for measles immunization in the 12 states where USAID currently has a working presence, providing equal geographic representation nationwide, with a focus on six cities—Lagos, Ibadan, Onisha, Aba, Kano, and Bauchi.

#### HIV/AIDS:

- Provide, through the U.S. Department of Defense, intensive training in counseling for all troops, families, and their civilian neighbors, with a special effort to reach adolescents;
- Assist the GON and the private sector (including NGOs) to develop strong and articulate advocacy initiatives and build their capacity to confront the AIDS epidemic and improve HIV/AIDS prevention and impact mitigation skills;
- Develop a comprehensive advocacy tool (AIDS Impact Model) that highlights the impact of HIV/AIDS on the country's socioeconomic life;
- Convene a national HIV/AIDS conference at a political and multi-sectoral level in support of advocacy; and
- Strengthen national HIV/AIDS monitoring and surveillance systems and the design, implementation, and evaluation of behavior change interventions, including improved condom availability.

#### *Illustrative Medium-Term Actions/Activities (6-18 months)*

- Conduct a phase II campaign for measles immunization in FY 2000 in the same 12 states as mentioned above with a continuation of measles and polio "mop-up" activities; phasing in a DPT and BCG (anti-TB) component at this point and scaling up to 24 states;
- Conduct phase III which will be the implementation of the full immunization program and a scale-up to nationwide coverage, key components of which include cold chain strengthening, increased supply of vaccines and auto-destruct needles, government capacity building, and materials for institutional strengthening;
- Determine national contraceptive requirements, with a focus on capacity building, including training and retraining of service providers to counsel and deliver quality services and revitalizing the management information system to measure the effectiveness of the population program; and
- Expand USAID's health program to provide training for private sector female providers to meet the current gap in sustainable private-sector reproductive health services and counseling.

#### *G. Social Sector: Education*

*Challenge:* In 1984 Nigeria's education system was a model for the rest of Africa, but after years of neglect by successive military regimes it is practically non-functional. Education's share of the national budget is under 20 percent, one of the lowest in Africa for a country that has over 50 percent of its population, or 55 million children, under 15 years of age. By contrast, education's share of the national budget in Ghana is over 40 percent. Educational institutions typically have overcrowded dilapidated classrooms, few supplies and basic instructional materials, and poorly trained, unmotivated, and underpaid teachers. Academic standards have dropped drastically, because there is neither a focus on the quality of education, nor the political will to allocate needed resources to the education sector. There is a marked lack of participation in the education sector by communities and civil society.

Youth, ages 15 to 30, constitute a majority of the population. The lack of jobs in the economy for new entrants into the labor force is a major problem and ultimately the source of conflict and crime, especially in places like the Delta.

*Strategy:* The USG could support the GON in thinking through the management, planning, and oversight abilities of government agencies and how to realign its education system to respond to the needs of the students and, in the case of secondary education, their prospective employers. The USG could assist the GON to think through the issues involved in returning to the high standards of its tertiary institutions. Additionally, support could be provided for a technical education special initiative to meet the needs of unemployed youth and the productive sector.

#### *Illustrative Immediate Actions/Activities (1-6 months)*

- Conduct unemployed youth and unemployment sector assessments;
- Conduct an education sector assessment to include the primary, secondary and tertiary levels to examine the status of the education system and seek strategies for systemic improvement;
- Initiate an education sector policy dialogue with the GON;

- Explore opportunities offered by information technology under the Leland Initiative to link university research, teaching and services to local, regional and national development needs, and establish and strengthen networks among national, regional (Association for the Development of Education in Africa), international and U.S.-based tertiary institutions; and
- Undertake a study tour undertaken for 13 newly elected female legislators through the Education for Development and Democracy Initiative under the auspices of the Michigan State University partnership with the Institute of African Democracy, Council for the Development of Social Science Research in Africa, and the West African Research Centre.

*Illustrative Medium-Term Actions/Activities (6-18 months)*

- Implement, upon completion of assessments, training programs in the workplace and at institutional training sites, with sites selected to match the greatest need for well-trained employees and, to a lesser extent, the pool of unemployed youth, and with a follow-on assessment after year depending on increased demand from industry.
- Under the auspices of Education for Development and Democracy Initiative (EDDI):
- Establish one or more partnerships with leading U.S. and Nigerian universities via the Internet;
- Support, through The League of Women Voters Education Fund, exchanges between Nigeria and the League of Women Voters Chapter in Oklahoma to develop techniques for more effective political participation; and
- Initiate a scholarship fund through the American Embassy to encourage girls to attain higher levels of formal education.

V. CROSS-CUTTING ISSUES

*Challenge:* Nigeria's chances of responding to the opportunities created by the transition from military to civilian rule, and undertaking a progressive political and economic transformation, are hampered in practically every sphere of life by corruption, lack of capacity to implement change, and conflict. President Obasanjo, leaders of the elected bodies, private sector, and civil society all concur in citing these three special problems: corruption, lack of capacity, and conflict. The USG recognizes the importance of these crosscutting issues, and has the capacity to develop approaches in each sector to deal with these issues.

A. *Corruption*

*Strategy:* Many public statements have been made that focus on stamping out the causes and not the symptoms of corruption. Given the pervasive nature of corruption in Nigerian society, USG assistance will not be limited to any one initiative or sector. Assistance could be given to executive, legislative, and judicial branches as needed to tackle the problem in their various areas of competence. Civil society oversight is essential, as an element of participation in the democratic process. Private sector complicity with corruption should be matched with private sector engagement in anti-corruption efforts.

*Illustrative Immediate Actions/Activities (1-6 months)*

- Rigorously enforce the Foreign Corrupt Practices Act, and assist Nigerian law enforcement entities to coordinate with U.S. government agencies.

*Illustrative Medium Term Actions/Activities (6-18 months)*

- Support civil society programs monitoring state and federal government performance;
- Provide technical assistance to government bodies undertaking civil service reform, including downsizing of the public sector, upward adjustment of wages, strict application of entry and promotion exams;
- Provide technical assistance to the Code of Conduct Bureau and the Code of Conduct Tribunal, and other bodies charged with investigation and prosecution of corruption; and
- Support anti-corruption initiatives in a broad range of public and private institutions, such as Transparency International.

B. *Capacity Building*

*Strategy:* Human capacity development was not a priority under military government. As a result, Nigerian institutions suffered and are now unable to effectively manage financial and human resources. Their development of action plans and implementation of these plans are weak. Nigerians, aware of this shortcoming, are eagerly requesting training, capacity building and, skill development.

*Illustrative Immediate Actions/Activities (1-6 months)*

- Provide the GON and private sector with high-level planning assistance, followed by technical assistance on the management of change; and
- Work with top-level policymakers in the legislative and executive branches to help them achieve more specificity in the enunciation of policy choices, and help the appropriate implementing agencies develop detailed and consistent action plans.

*Illustrative Medium Term Actions/Activities (6-18 months)*

- Help develop a unit of Nigerian and expatriate “methodology specialists” who can rotate among various entities, helping with the process of problem solving;
- Select critical offices of the GON and provide them with longitudinal technical assistance, not just occasional capacity-building workshops; and
- Select a limited number of local government areas (LGAs) to receive assistance and serve as “centers of excellence,” models of replicable change.

*C. Conflict*

*Strategy:* Violent conflict or the threat of it continues to impede Nigeria’s efforts to create a secure environment within which sustainable peace and development can be maintained. Poverty, lack of opportunity, corruption, the impunity enjoyed for so long by repressive military regimes, and weakened civil society institutions all continue to nurture the seeds of violence in this country.

*Illustrative Immediate Action/Activities (1-6 months)*

- Assist the GON and civil society in development initiatives for the Niger Delta involving all stakeholders, including the national government, state and local governments, advocacy groups, the oil companies, ethnic groups, and civil society groups; and

*Illustrative Medium Term Actions/Activities (6-18 months)*

- Work with the Nigerians to create a nationwide early warning and response network based on the development and maintenance of a dynamic Global Information System (GIS) map-based conflict information system and designed to anticipate and prevent conflict situations.
- Provide technical assistance to assist the Nigerians in building the institutional capacity of indigenous Nigerian conflict prevention and reconciliation groups to be more effective in their work.

## VI. CONCLUSION

The next 18 months are crucial to solidifying the process of democratic transition in Nigeria. The elections were only one step in this process. The public euphoria over the return to civilian rule will quickly evaporate if concrete actions are not taken to fulfill election promises. Immediate assistance is needed to help the GON establish a positive economic tone and build the institutional capacity and political will for reforms and innovation that will spur growth and maximize the support of the international community for President Obasanjo’s ambitious agenda. The United States has both the expertise and the mechanisms with which to help this government make change positive, irreversible and ultimately self-sustaining. The two constraints to responding to the findings of this report are limited financial resources and moderate institutional capacity.

Nigeria is important to the United States. What happens in Nigeria could affect the future of the African continent as well as the United States’ ability to achieve its multi-faceted goals in Africa. The United States can and should play a major role in helping Nigeria realize its great potential.

