
RECENT DEVELOPMENTS IN NIGERIA

JOINT HEARING
BEFORE THE
SUBCOMMITTEES ON AFRICA AND
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
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HEARING ON RECENT DEVELOPMENTS IN NIGERIA

TUESDAY, DECEMBER 12, 1995

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, JOINT WITH SUBCOMMITTEE
ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The subcommittees met, pursuant to call, at 1 p.m., in room 2154 of the Rayburn House Office Building, Washington, DC, Hon. Ileana Ros-Lehtinen [chair of the Subcommittee on Africa] and Hon. Christopher Smith, [chairman of the Subcommittee on International Relations and Human Rights] presiding.

Ms. ROS-LEHTINEN. The subcommittee will now come to order.

We are pleased to hold this joint hearing, along with the Subcommittee on International Operations and Human Rights which is chaired by my colleague sitting to my left, Congressman Chris Smith of New Jersey.

We would like to make something clear right from the start. The last time that there was a hearing on Nigeria, some members of the audience were extremely disruptive of the committee's business.

I want to make sure that all of us know that this will not be tolerated. The police have been instructed to immediately remove from the audience any person who may seek to disrupt the subcommittee's hearing. The policy toward disruptions of this hearing will be zero tolerance. Thus, I would appreciate it if the audience would help us out in this regard.

There has always been a very strong American interest in promoting democracy and human rights in Nigeria. When Nigeria has had a civilian democratic government, relations with the United States have been strengthened. We want good relations with Nigeria, but those relations must be based upon a solid foundation of shared values and a shared commitment to democracy.

We need to see in Nigeria a full commitment to the rule of law, for the respect of the human rights of all of its citizens, for an impartial and effective judicial system, a police force that protects rather than preys upon the public, and a system of government where government officials—both elected and appointed—are held accountable for the use of government funds.

Last month marked the second year of the current military government of General Abacha. According to the State Department's most recent human rights report, Nigeria's human rights record has remained dismal.

The Abacha government has regularly used arbitrary detention and mass arrests to silence its critics, issuing decrees which prohibit judicial review of government actions.

General Abacha's rise to power has led to the dissolution of virtually every democratic institution in Nigeria at the local, State, and Federal level. Universities have been closed due to a fear of protest. Newspapers have been closed or banned; political dissidents are arrested and held without trial.

General Abacha, in a speech he delivered in October, promised to carry out a transition to democracy within 3 years, but 3 years is too long. There seems to be no commitment to a concrete time schedule and confidence-building measures.

Many in Congress have become frustrated with the lack of progress toward democracy in Nigeria and the continued denial of basic human rights.

We have also become frustrated by the lack of an effective U.S. Government response and an effective Administration strategy to promote a peaceful and lasting transition to democracy in that country.

Reflecting that congressional frustration, legislation has been introduced in both the House and the Senate to impose stricter sanctions against the Abacha regime. Action on that legislation could take place as early as the first quarter of next year, if there is no progress made in Nigeria or in the Administration's policy toward Nigeria.

Representatives of the National Security Council were in Europe earlier this month to discuss with the foreign ministries of the United Kingdom, France and the Netherlands, a possible coordinated approach to promote democracy and human rights in Nigeria.

Nigeria has been suspended from the Commonwealth, but the British appear to be stubbornly resisting any economic sanctions in response to recent negative developments in Nigeria.

We look forward to hearing from the State Department on the Administration's most recent review of its policy toward Nigeria and the results of its recent discussions with other major countries—such as England, France and the Netherlands—which have important business and other links with Nigeria.

Without a firm and dedicated coalition promoting democracy in Nigeria, the prospects for effective international leadership on this issue seem bleak.

Now, I would like to recognize Congressman Chris Smith, Chair of the Subcommittee on International Operations and Human Rights who, as I stated, is co-chairing this important hearing today.

Chris.

Mr. SMITH. Thank you very much. I want to thank the Chairwoman of the African Subcommittee—my valued friend, my good friend and colleague—Ileana Ros-Lehtinen, for her initiative in scheduling this important hearing today.

In the sad story of Nigeria, we are seeing once again the drama that is played out in country after country around the world—in China, in Vietnam, in some of the States of the former Soviet

Union and, perhaps, as we are looking at some ominous signs, in Russia itself.

For a little while it appears that there is a chance for freedom and democracy; then freedom and democracy are crushed. The dictatorship consolidates its power, often by imprisoning or even executing its opponents.

For a while it seems possible that the community of civilized nations might unite in an effort to isolate the dictatorship or, at least, intervene on behalf of its victims.

In the end, however, business as usual prevails. We persuade ourselves that it is more prudent to work the dictators than to work against them. Sometimes we even persuade ourselves that this policy of so-called constructive engagement is better not only for our economic interests, but even for human rights—that the only way to protect human rights in a dictatorship is to win the confidence of the dictators themselves and to persuade them to make gradual improvements.

So far, it appears that constructive engagement is not working any better in Nigeria than it has worked anywhere else.

First, when it appeared that the regime had lost a democratic election, it called off the vote count.

Then, it imprisoned the president-elect.

Now, it has executed an internationally acclaimed writer and eight other leaders of a minority ethnic group after a kangaroo trial.

According to international human rights observers, Ken Saro-Wiwa and the eight other Ogoni leaders were guilty only of protesting the economic and environmental devastation of their homeland and of their people.

So, we must ask the same questions of the Administration and of the U.S. business interests who want more constructive engagement with the Nigerian dictatorship the same questions that we ask about China and other countries: What is constructive about this engagement? How has it helped to bring freedom and democracy to Nigeria? And how many more people do they have to kill before we take stock and change course?

I look forward to our distinguished witnesses and I welcome Ambassador George Moose and look forward to his testimony and yield back to the distinguished lady from Florida.

Ms. ROS-LEHTINEN. Thank you so much, Congressman Smith.

I would like to recognize Congressman Alcee Hastings of Florida for opening remarks.

Congressman Hastings.

Mr. HASTINGS. Madam Chairwoman, I am delighted that you are holding this hearing. As you know, I urged that we do so and am pleased that you are.

In the interest of time and because I know that the Ambassador has much more salient understanding of the issues, I would defer any opening statement.

Seven hours ago, I arrived from Bosnia and Yugoslavia and Croatia. And just a few moments ago, all of us on this committee—and maybe some members of the audience—heard Prime Minister Peres from Israel speak to a joint session of Congress.

No matter how we approach Nigeria, the ultimate goal of all of us has to be for greater peace and understanding. I would hope, that somewhere along the lines in these hearings, we hear how we may achieve that without being too terribly accusatory of the circumstances that exist on all sides in all tribes.

And I thank you, Madame Chairwoman.

Ms. ROS-LEHTINEN. Thank you so much, Congressman Hastings. And we look forward in our committee to find out about your trip to Bosnia this week. Thank you.

I am now pleased to recognize Congressman J.C. Watts who was in Nigeria in May of this year and spent 5 days there. He looks upon this from a very enlightened perspective.

Thank you very much, Congressman Watts, for sharing your time with us today.

Mr. WATTS. Thank you, Madame Chairwoman and Chairman Smith for the opportunity to participate in this most important hearing.

Recent events against the Ogoni people and the murder of Ken Saro-Wiwa have put the world on notice that human rights violations and totalitarian rule by a military dictatorship represents business as usual in the Federal Republic of Nigeria.

Our witnesses are experts in this complex area of study and I look forward to their views on U.S. response to violations taking place under General Abacha's rule.

I would especially like to offer my thoughts and prayers to Mr. Wiwa, his brother's achievements and successes who have long served the Ogoni people and others throughout Nigeria in the struggle for democracy and freedom.

Ken Saro-Wiwa's actions as a spokesman, political activist, and public relations person for the Ogoni people were vital efforts that earned him respect and admiration throughout the world.

Mr. Saro-Wiwa and eight others who lost their lives have profoundly changed, I believe, the consciousness and character of how the world views the current government of Nigeria.

I sincerely hope to see the day when the children of Nigeria will participate in open, free and fair elections that result in a government that represents the interests of their people.

In May of this year, as the Chairwoman mentioned, I travelled to Nigeria. I witnessed the actions of the government and how Nigeria's people are simple pawns in General Abacha's quest for power and money and his quest to sustain his rule.

Allow me to offer a comment on democracy. While America has made great strides in her quest for democracy, our history, too, is replete with human rights violations. Our own leaders have lost their lives in pursuit for fairness and justice.

As did Ken Saro-Wiwa, the great late Dr. Martin Luther King, Jr., valued democracy and freedom above that of his own life.

On August 28, 1963 at the Lincoln Memorial—not more than a couple of miles from where we now sit—Dr. King delivered his "I Have a Dream" speech. In that speech, Dr. King offered his comments on inhumanity, freedom—and, I believe, some of those are most appropriate today. In part, he said:

"This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real

the promises of democracy. Now is the time to make justice a reality for all of God's children."

It is my solemn prayer that the people of Nigeria will soon see the reality of democracy and justice. The torture, inhumanity and disregard for the value of worth of mankind must be ended.

As we listen today, I will make it my pledge to support the actions of those who are working for a better Nigeria. In Nigeria, they can sit at the international table and offer peace, fairness and justice to those who inhabit her shores.

Again, thank you, Madame Chairman, for the opportunity to participate today and I yield back to you for the remaining time.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Watts. Eloquent as always. Thank you, J.C.

And now, I am pleased to recognize a person who has been an expert on African affairs for many, many years; the former chairman of this subcommittee who, just last year, led a congressional delegation to Nigeria. Along with him, went Congressman Payne and Hastings as well.

Congressman Harry Johnston of Florida.

Mr. JOHNSTON. Madam Chair, I thank you for holding this very important hearing.

The situation in Nigeria continues to deteriorate despite international efforts to help ease the suffering and bring a democratic world to this tormented African giant.

The military junta in Nigeria continues its repression and abuses against innocent civilians and appears unswayed by international opinion.

The brutal executions of the Ogoni leaders in November by the military junta should serve as a warning that General Abacha and company will continue their abuses unless the international community acts forcibly.

Abacha's intransigence clearly demonstrates the junta's disregard for human rights and peace in this region.

Madame Chair, the military junta is at war with its own people and it must be stopped. The crises in Nigeria could have serious implications for the rest of the continent. It is in our interest to see to it that a democratically elected government is installed as soon as possible.

The U.S. government must take an active role to help end the suffering in Nigeria. While there is no easy solution to the Nigerian crisis, Washington—i.e., the State Department—should take measures specifically targeted at the military leadership and their civilian allies.

A multilateral measure to freeze the assets of the military leaders and their associates should be pursued aggressively and swiftly.

Thank you, Madame Chair.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Johnston.

I would like to recognize the chairman of the congressional black caucus, a gentleman who, as I said, has been to Nigeria and understands these issues well, Congressman Don Payne.

Mr. PAYNE. Thank you very much, Mrs. Chairperson. And let me acknowledge with appreciation to both you, the chairman of the African Subcommittee and the International Operations and Human Rights Subcommittee for scheduling this very important meeting to

respond to the increasing persecution of human rights violations in Nigeria.

The entire world awaits a proper response from the United States. In southwest Nigeria, several thousand university students denounced the military government in a recent rally to protest the hanging of Ken Saro-Wiwa and eight other of his Ogoni compatriots. They set down to the murderers of Ken, "No to military dictatorship" and "Democracy now".

In South Africa, Bishop Desmond M. Tutu reported on his earlier trip to Nigeria to attempt to secure the release of Chief Abiola at the request of President Mandela. Bishop Tutu reported this on the condition of the obvious winner of the June 12th Presidential elections, and I quote:

"When I visited Chief Abiola, I was truly shocked by what I found. He is held in solitary confinement in a tiny room 24 hours a day. He cannot even tell whether it is day or night. I pray for him and his family and for all of the many political prisoners in Nigeria such as Chief Obasango and many others."

I would like to submit for the record the August 24, 1995 report by Randall E. Eckles, executive assistant, U.S. Affairs for President-Elect M.K.O. Abiola where he describes his visit to Nigeria with Adonis Hoffman of the Carnegie Endowment for International Peace.

The Commonwealth of Nations has suspended Nigeria from membership and the Southern Africa summit is now meeting to determine further sanctions on Nigeria.

Other African nations have spoken out on Nigeria's lack of democracy and Nigeria's response is to threaten them with a cutoff of various assistance programs.

In the United States, the TransAfrica Organization with the assistance of unions, churches and environmental groups have held weekly Friday vigils in front of the Nigerian Embassy calling for an oil embargo. Yet, our U.S. administration remains mute at putting forth any meaningful measures that will move Nigeria to democracy.

For this reason, and with the support of numerous Nigerian human rights groups and with African countries, I have withdrawn H. Con. Res. 40 marked up by our Subcommittee on Africa.

In its place, I, along with Mr. Amo Houghton, have introduced H.R. 2697 called The Nigerian Democracy Act. The bill is basically a companion bill to the Kasselbaum bill introduced in the Senate earlier last week.

A summary of the bill—which is in your folder—calls for sanctions on Nigeria, including the prohibition of any new investments including energy in Nigeria.

The bill also urges the President to ban sporting teams from Nigeria from participating in the United States. In this regard, I would also like to point out that the precedent for this action came from the Federal of International Football Associations which withdrew its invitation for Nigeria to host the World Youth Soccer Championships this year.

And I am told by a Nigerian journalist, who recently visited my office, that the initiative for this also came from the Nigeria human rights organizations.

The bill also includes positive aspects like increasing assistance for democracy building through NGO's in Nigeria like those supported by the National Endowment for Democracy, who, I am informed, urgently needs more funds for groups that are trying to promote democracy in Nigeria.

While an oil embargo is not included in the bill, it would be a logical next step if these and other measures in the bill do not bring about a movement toward democracy and civilian rule.

In conclusion, I would like to compliment the committees on the selection of this outstanding panel we will be hearing from.

Going back to the student demonstrations now going on in Nigeria over the hanging of Ken Saro-Wiwa, I was struck by the statement of one of the leaders who said:

"Ken's blood is going to water the trees of freedom and democracy in Nigeria."

Let us hope our hearing will also contribute to that process.

Thank you, Miss Chairwoman.

Ms. ROS-LEHTINEN. Thank you so much, Don, for those opening remarks.

Congressman Houghton has said he will wait and make some statements in the question-and-answer period. So, I would like to recognize Mr. Victor Frazer.

Would you like to make any statements, Vic?

Mr. FRAZER. Madame Chairwoman, I guess we are all here because we are outraged at the continuing suffering that the Nigerian are going through. So, I am here, really, to support whatever proposals this committee has for a severe sanction as we could conger up until such time as the Nigerian government recognizes that its behavior is unacceptable in the international community.

Ms. ROS-LEHTINEN. Thank you so much, Victor.

Now, I would like to recognize our first panelist who will provide us with insight into the Administration's response to developments in Nigeria.

Following his testimony, we will have a period of question-and-answers before proceeding with our second panel.

Assistant Secretary George Moose has spent his career in the State Department as a specialist on African affairs with well over 20 years experience in the region. In fact, he just got back from yet another tour of Southern Africa and we look forward, at a later time, to hear about that trip.

He has served as an ambassador to both Benin and Senegal, as well as in Washington and at the United Nations in positions responsible for African affairs.

He has received numerous and well-deserved awards for his service to our country and is a good friend to our subcommittee.

Thank you so much for being with us, Secretary Moose.

STATEMENT OF AMBASSADOR GEORGE E. MOOSE, ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS

Ambassador MOOSE. Thank you very much, Madame Chair, Mr. Chairman.

Let me first express our appreciation as well to the two subcommittees for convening this hearing and for your continuing in-

terest in this subject which is of utmost importance to our policies and our objectives in Africa.

As has been acknowledged by all of the members of the subcommittees, the hangings of Ken Saro-Wiwa and the eight other Ogoni activists on the 10th of November, despite the pleas for clemency from the United States and from many others, has had a profound impact and profound implications for our efforts—those of the United States and, indeed, of others—aimed at encouraging a rapid return to elected, civilian rule in Nigeria.

The Administration's reaction to that event was immediate, as announced by President Clinton from the White House, but, in addition, we are also undertaking a comprehensive review of measures aimed at achieving the swift completion of a peaceful transition to civilian rule, while also aiming to curb human rights abuses.

Madame Chair, I want to highlight some of my prepared testimony. I hope that it can be entered in full into the record.

In that policy review, I would stress that we have ruled nothing out. Everything is on the table for consideration, including a possible multilateral oil embargo.

Our interests in Nigeria, I think, are evident and I do not need to explain those to the members of this committee. Suffice it to say that we have a continuing interest based on our significant private investment in Nigeria—some \$4 billion estimated—and the continuing importance of oil imports from Nigeria.

Beyond that, however, we wish to curb narcotics trafficking and other criminal activity that is centered in Nigeria. And, last but not least, we seek Nigeria's cooperation on a whole range of regional and international issues.

But all of those interests ultimately are dependent upon our interest in seeing Nigeria establish an open and democratic system.

We believe firmly that it is only in the context of a democratic Nigeria—and one that respects human rights and resolves disputes through the democratic process—that we can create the context within which all of our other interests can be pursued.

The hangings of Ken Saro-Wiwa and the eight other Ogoni activists is but the most recent example of the Nigerian government's lack of respect for international human rights and judicial norms.

We, along with others, therefore, joined immediately in expressing our condemnation of the government of Nigeria's flouting of due process for the Ogoni activists and for the carrying out of the executions on the basis of that flawed judicial process.

I think this event underscores the fundamental problem in Nigeria and that problem is that over 30 years, the Nigerian people and their governments have never been able to establish a means for an orderly transfer of power in Nigeria.

The result has been a series of increasingly repressive governments whose primary goal has been—or would appear to have been—simply maintaining themselves in power. This, in turn, has led to increasing repression which has fostered growing social and political instability which, in our view, also carries with it the serious risk of instability throughout the region.

To reverse this cycle, we believe that the Nigerian people must have the opportunity to openly discuss and debate their political fu-

ture. And for that to happen, there must be created, first in Nigeria, an atmosphere—one that is free from repression and from fear and one that will allow them to debate openly their future.

The irregularities in the Saro-Wiwa trial and the verdicts and the speedy executions have only contributed to the fear of the Nigerian people. And in this atmosphere, it is impossible to have the kind of constructive dialog that would make political change possible.

It is for that reason that the Administration has spoken out forcefully in reaction to these executions and, in fact, we led the way when President Clinton announced new measures the very day of the hangings, including an extension of our visa restrictions to include all Nigerians who are engaged in formulating, implementing or benefiting from the policies that impede democratization; a total ban on all sales of arms; the termination of all assistance, except that aimed at humanitarian purposes and democratization through non-governmental organizations.

And last but not least, our ambassador in New York, Ambassador Albright, has instructions to spearhead an international effort to adopt a resolution on Nigeria in the United Nations General Assembly.

The Ogoni Nine hangings took place in the context of what we, and most others, regard as a seriously flawed transition program announced by General Abacha on the 1st of October. And, indeed, this program has yet to begin in any effective way.

The proposed 3-year transition timetable is substantially longer than anyone regards as necessary and, thus, has failed to inspire confidence among the Nigerian people.

More importantly, the restrictions on political activities remain in place, even though they were supposed to have been lifted by the Nigerian government, according to its own timetable.

Journalists continue to be harassed. Scores of political prisoners remain behind bars. The right of Nigerians to freely assemble, to express their views contrary to those held by the government, continues to be circumscribed.

And I think, particularly important from our perspective, the right of habeas corpus—which was suspended by the government last year—has not been restored and the independence of the judiciary is not being respected.

These actions clearly are not consistent with a genuine commitment to a rapid restoration of democracy.

Madame Chair, we certainly understand the complexities of Nigeria. We understand the traumas of Nigeria's past history and, particularly, its civil war. We understand the concern that many have expressed about the future viability and integrity of Nigeria.

But we are also deeply troubled by the government of Nigeria's flagrant disregard for international norms of human rights for its own citizens. We do not believe that the current practices offer a solution to Nigeria's problem. On the contrary, they are an invitation for further disunity and for further trauma.

Our own views as to what we believe should happen in order to create the necessary atmosphere for political dialog have been stated on a number of occasions—both publicly and in private—to representatives of the Nigerian government.

They include an accelerated transition process with steps that are politically meaningful; the release of all political prisoners; the restoration of habeas corpus and an independent judicial process which does not rely on special tribunals; the legalization of political parties and the lifting of bans on their activities; the restoration of the independence of the labor unions.

In order to dissipate the skepticism—the distrust—of its handling of the transition process, we believe that the Nigerian government must take these steps now. And we believe it should also invite international observers and appropriate technical assistance from outsiders for any election in that it may conduct for the entire transition period.

In closing, Madame Chair, let me say that we will continue to stress the overriding importance of respect for human rights in our bilateral relations with Nigeria. And we will continue to press for a rapid restoration of democracy and for the Nigerians themselves to be involved intimately in that process.

We do not rule out further sanctions. While we believe multilateral measures would be more effective than unilateral ones, we are not adverse to acting unilaterally if the situation demands it. All of the options, as I said earlier, remain on the table.

Thank you again, Madam Chair, for convening this hearing and I look forward to the opportunity to respond to your questions.

[The prepared statement of Mr. Moose appears in the appendix.]

Ms. ROS-LEHTINEN. Thank you so much, as always, Secretary Moose, for being with us.

We have been joined by two additional members—Congressman Jim Moran of Virginia and Mr. Faleomavaega. I do not know if the two gentlemen would like to make opening statements. And, if not, we will go to the questions.

Jim? Eni?

Mr. MORAN. No, you may go on.

Ms. ROS-LEHTINEN. Thank you.

Mr. Moose, when can we expect the Administration to complete its comprehensive review of American policy toward Nigeria and what has been the delay in completing the review?

Mr. MOOSE. Madame Chair, I cannot give you a specific deadline, but I can tell you that review is urgently underway. I expect that, within the next week, we will be meeting under the auspices of the National Security Council to review the various submissions that have been made. I can assure you that the measures that are under consideration do, indeed, cover the entire gamut.

I think one of the reasons for taking the time and being deliberate about this process is precisely because we wish to include all of the possible options and because we also wish to understand well the implications of the various options that are under consideration—both economically as well as politically.

Ms. ROS-LEHTINEN. Now, those options, would they include some of the items that Mr. Payne has highlighted in his legislation? Have you had a chance to look at that bill and comment on it?

Mr. MOOSE. Indeed, they do include virtually all of the ones, as I recall, that are contained in the proposed House legislation and as well as those in the companion piece that have recently been introduced in the Senate.

I would even note that some of those actions, in fact, have already been undertaken. But, as I suggested earlier, indeed, all of the options are on the table.

Ms. ROS-LEHTINEN. But why has the Administration been so reluctant to develop—after 3 years in office—a real policy toward Nigeria? What factors were you considering, what has changed, and what leads you to take this action now?

Mr. MOOSE. Well, Madam Chair, I think, with respect, I would have to disagree. I think we have had a serious approach and strategy for dealing with Nigeria.

I would also add that we, too, are frustrated—and we share the frustration that has been expressed by members of the two subcommittees—about the seeming lack of progress, notwithstanding our efforts to pursue that strategy.

Our strategy has been twofold. It has been, first and foremost, to demonstrate clearly to Nigeria and to Nigeria's authorities that we take seriously the lack of due process, lack of respect for human rights and the absence of a credible program and plan for a transition to democracy in Nigeria.

The second part of that strategy has been to continue our efforts to engage Nigerians—not only those in government, but those outside of the government—in a conversation about how such a program and how such a process could be established.

As I indicated at the outset, I think the executions of Ken Saro-Wiwa and the other eight Ogonis have radically changed the context in which we have been pursuing our efforts. The executions demonstrate, unfortunately, yet again that the Nigerian authorities are not sensitive either to international concerns nor to the concerns expressed by their own people.

That has led us to this consideration of further measures that we might take, in addition to those begun in June 1993 when the results of the elections were overturned by then head of state, Babangida, and actions taken since October or November 1993 when General Abacha assumed power.

There was been accumulation, if you will, of efforts and actions and measures, the intent of which is, again, to demonstrate that we are seriously concerned with a course of events—a trend of events—which we, and others in the international community, regard as unacceptable.

I believe it is critically important at this juncture that we reinforce that message with meaningful actions with respect to, and in response to, the Nigerian government's most recent action.

I believe that absent some credible action on our part—and, indeed, on the part of the international community—we will, No. 1, cause those human rights and democracy activists inside Nigeria to lose confidence and lose faith in us and in the international community.

And, second, that absent some additional action, we risk sending the wrong signal to the Nigerian government that it can persist in these actions with impunity.

Ms. ROS-LEHTINEN. Thank you. Just one more question, Mr. Moose, so that I may recognize the other members.

What is the actual role of Special Envoy Donald McHenry in the formulation and the execution of American policy toward Nigeria?

Is it true that Mr. McHenry is simply a private citizen and a businessman who is not, in fact, a U.S. Government employee? Do you know of any other examples of private citizens who are acting as special envoys for the Clinton administration?

Mr. MOOSE. Madam Chairman, as part of our effort to better understand the political dynamics in Nigerian society, the Administration asked Ambassador McHenry—who is not in a paid status; he is a private citizen in that regard, but, nevertheless, who is a special envoy and expert who is working on behalf of the Administration—we asked him to undertake a number of contacts in Nigeria, not only with the representatives of the government, but also with a broad range of citizens of Nigeria and also with a view to offering us advice as to how we might more effectively encourage our objective of a rapid transition to civilian and democratic rule in Nigeria.

I believe his consultations have been extremely important, both in sending the message to Nigerians of our sincere interest in such a democratic transition and enabling us to have the additional knowledge and understanding necessary to formulate our policies.

I cannot address authoritatively or inclusively the Administration's use of special envoys. Certainly, the special envoy is not without precedent. We have found the assistance of such envoys to be particularly helpful in other situations.

The one I can think of most immediately that relates to my own responsibilities is that of Ambassador Paul Harr in Angola.

Ms. ROS-LEHTINEN. Thank you very much.

I would like to recognize Congressman Houghton, who has a White House appointment. I have an appointment at the Cannon Carryout later, but he gets to go to the White House. So, we are going to recognize Amo for a question before we turn to Congressman Smith.

Amo.

Mr. HOUGHTON. Thank you, Madam Chairwoman. Thanks very much for having these hearings.

And, Secretary, as always, it is good to be with you.

I am going to make a comment or two, and I do not want to put you on the spot, but maybe you can tell me where I am wrong.

Nigeria, really, is not just any country. It is a Class A country that is acting in a Class B way. And if South Africa or Greece or Argentina did what they were doing in human rights or drugs or lack of democracy, I think we would probably act the way we are.

And it seems to me that, from what you have said, that they had a choice. They chose either to eliminate the international condemnation or to eliminate the internal disagreement.

And they chose one and that was the internal disagreement which flies right in the face of everything that we are trying to do.

So, it would seem to me—and I would like your comments on this—that this particular bill that Mr. Payne is suggesting, this H.R. 2697, is, really, sort of a lay down.

I mean, maybe what we ought to do is to do even more than that, but at least it is a first step because nobody seems to be listening.

I have talked to the Ambassador. We have written letters. And we use our polite approach, but nobody seems to be listening and

maybe this approach is the only thing that we can do to get attention.

Maybe you would like to comment on that.

Mr. MOOSE. Well, I think there are several issues here, Congressman.

First and foremost, I would certainly agree with you that it is critically important at this juncture that we and others in the international community send a strong message and a strong signal to Nigeria that its behavior—with respect to human rights and with respect to the establishment of a process for a democratic transition—has been and remains unacceptable. That is clear.

The question of whether such an approach must be legislated is one, I think, where we may have some disagreement. The Administration has not yet completed its review of the proposed legislation. I hope that before the end of this week, that myself, personally, and others in the Administration will be in a position to come to you and to have a discussion of the various provisions of the legislation.

But, again, the one point on which I think we are absolutely agreed is that the importance of taking meaningful action that will underscore, without any question, the concern of the international community and our willingness to take actions and, if necessary, to escalate those actions if, indeed, there is not an appropriate response.

Mr. HOUGHTON. Yes, if I could just follow up, Madam Chairwoman.

I mean, you know, the State Department practices diplomacy. The Army practices military intervention. The legislators practice laws and legislation.

And maybe the State Department and Congress should be working much more closely together on this because nothing seems to be happening.

Thank you very much, Madam Chairwoman.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Houghton.

I would like to recognize the chairman of the Subcommittee on International Operations and Human Rights, Mr. Smith, for his questions.

Mr. SMITH. Thank you very much, Ileana. And I am very, very happy to be here and I thank you for your testimony, Mr. Ambassador.

As you know—and I think every member of this panel knows—nearly half of Nigeria's oil is exported. Four-fifths of the government revenues comes from oil.

And, yet, in a recent press interview, Commerce Secretary Brown stated that the United States would not support an oil embargo against Nigeria at this time, but would consider doing so if the human rights conditions there worsened.

And, certainly, the execution of Ken Saro-Wiwa and the other eight Ogoni leaders was a horrible, despicable crime against them, as individuals, and human rights activists in general.

And now we understand that next month another 19 Ogoni activists are scheduled to appear before the same special military tribunal.

I would just say and remind my friend that during the 1980's, I remember it so well, this panel—the full International Relations Committee—considered sanctions against South Africa. I was the only one on my side of the aisle—and most of those were not here at that point, including the distinguished Chairlady—who voted for those sanctions, believing that you do not deal with dictatorships and when you have an abomination like apartheid that is wreaking its havoc and its despicable poison on people each and every day, you have got to have a very clear line of demarcation and say, “We will not be a part of that.”

Well, now, when you have a country that is so wedded to oil revenues—again, four-fifths; 80 percent of the government revenues come from oil—when you have Shell and the big giants doing business there, it seems to me that we have an opportunity, if we do impose sanctions, to really say human rights violations will not be tolerated; it is not negotiable.

We tried constructive engagement in other areas—like in China—where Wei Jingsheng—and I will just say this for those who are following this—where Wei Jingsheng goes on trial tomorrow. Later on today, I have a bill on the floor calling for his release, trying to admonish the Administration to be more aggressive in asking for this great leader of the democracy movement in China to be released in a way, perhaps, like Harry Wu was.

Let him out. He has already been held in captivity for more than 15 years and has been held in detention since January or April of a year ago.

I say this because constructive engagement, in my view, does not work.

I try to be consistent. Our subcommittee looks at these issues with a sense of consistency—whether it be in Africa, Asia or anywhere else. If a country is violating human rights and doing it with impunity—as Nigeria is today—we have got to have a very clear unmistakable standard.

And linking trade with human rights is the only way to get their attention.

I am very proud to be a co-sponsor of Mr. Payne's bill. I think it is a very worthwhile piece of legislation and, hopefully, we can move on it as quickly as possible.

I would like to ask you, if you would—and I know this is under review, but any insight you could provide would be helpful—how far along is the Administration in saying, We are going to get serious with these tyrants; We are not going to look the other way and do some slaps on the wrist?

And I think, with all due respect, that is all they are perceiving this to be—pinpricks. It is nothing really serious.

We saw with Bosnia that the dictatorship of Mladic and others—and, perhaps, Milosevic, especially—did not get serious until NATO air strikes were real, until they saw that there was a counterforce that was really serious about curbing their violence.

And it seems to me an embargo—and, you know, Bishop Desmond Tutu has said it, he has called for an oil embargo. I listened to him 10 years ago, 15 years ago when he spoke out so eloquently and I think his voice should be heard and heeded in this day and age as well, when it comes to Nigeria.

So, I would ask you whether or not you support H.R. 2697; whether or not an oil embargo would be supported by the Administration because I think, as I have stated, that that is the way we get them.

The other things are nice, but they will not do the job. I yield to you.

Mr. MOOSE. Thank you, Mr. Chairman. Let me say a couple of things.

First and foremost, I am not entirely familiar with the statement that you attribute to Secretary Brown. And I have learned to be a little bit skeptical about everything I read in the paper, but I can tell you about the statement which Vice President Gore issued at his press conference in South Africa while we were there. That statement is entirely consistent with what I said to you here today; namely, that we are considering all options—including the possibility of a multilateral oil embargo.

Mr. SMITH. Would the gentleman yield briefly?

Would a unilateral oil embargo be entertained as well? Because multilateral—we know how hard it is to get our allies to go along with us.

Mr. MOOSE. I do not, in any way, underestimate the challenge that would await us in that regard. But I would also say—again, I do not want to try to prejudge the outcome of a review that is currently underway; there have been no decisions made. That decision will have to be made, ultimately, by the President himself on the basis of the recommendations made to him.

What I would say is what we have said on the record before. In order to be effective, there are certain actions which are more effective, taken in a multilateral context than they are taken unilaterally.

If our objective is to do something that, in fact, gets Nigeria's attention, I think we want to look carefully at what can be done in a multilateral context. And that will be our emphasis.

There are a whole series of measures which we believe could underscore both our concern and send that signal.

There are two objectives in this. One is to underscore the depth of our concern for what has happened in Nigeria. The other is to try to prompt a reconsideration—by the government and by its supporters in Nigeria—of the course on which it has currently embarked.

I do believe that it is critically important that we not simply isolate or seek to push aside or distance ourselves from what is going on inside Nigeria.

Ultimately, I believe that it is going to require some discussion—some dialog—with Nigerians, including those in government, about how they can get out of the box into which they have currently got themselves.

So, I think both parts of that policy are important. Again, I cannot and will not try to prejudge the outcome of the review that is currently underway, but, as part of that review, I would say, again, two things are important: No. 1, that we take forceful and meaningful action and, No. 2, that we seek to engage in a discussion that would encourage the Nigerians to change the course on which they have currently embarked.

Mr. SMITH. I thank the gentlelady for yielding further.

With the benefit of hindsight, is there anything that the United States could have done differently that might have prevented the execution of Ken and the other Ogonis?

Mr. MOOSE. Certainly, in hindsight, I think many of us, perhaps, underestimated the degree of isolation that has already set in in this regime in Nigeria.

Our sense is, frankly, that the Nigerians did not anticipate the kind of international reaction which those executions precipitated. Again that suggests to us that we need, in addition to the formal measures that we take, we need to continue to impress upon them what it is that we see as being wrong in what they are doing in an effort to convince them to change that.

I do not regard this situation in Nigeria as hopeless, as unsalvageable. I do think that there is an opportunity in this situation for effective diplomacy.

I believe that the opportunity, if, to be best pursued, requires the international coordination that we have been seeking with our friends and allies around the world; with European partners and also, with South Africa and other Africans who have expressed their concern about the situation.

But, again, not to beat a dead horse here, but I do think that both parts of that policy are important if, indeed, we are to have any hope of preventing a further deterioration and a further destabilization—not only in Nigeria, but of the entire West African region.

Mr. SMITH. One final question. How would you characterize the actions of multilateral oil companies like Shell? Are they part of the problem or do you perceive that they are part of the solution?

Mr. MOOSE. I have had an opportunity to meet with many of the representatives of the international oil companies. I think they share a concern about the situation in Nigeria. That is understandable because, obviously, it also affects the environment in which they are trying to work and trying to do their business. I think, in many respects, that they find themselves—as American businesses often do—caught somewhat in the middle.

I think it is important that we continue our discussions with them. And, in fact, you will be hearing later from Ambassador David C. Miller, president of the Corporate Council on Africa, on some of the contacts we have had in trying to see that, if you will, our collective influence can be brought to bear in a way that enhances the opportunities for a restoration of democracy in Nigeria.

Mr. SMITH. I thank the gentlelady.

Ms. ROS-LEHTINEN. Thank you so much, Chairman Smith.

Congressman Harry Johnston.

Mr. JOHNSTON. Thank you, Madam Chair.

Ambassador, I am a big fan of yours and have been for the last 3 years. So, you know with that preface, it is going to be a toughie. This is not an easy question.

As I point out, though, Madam Chair, in the last 3 years since George Moose has been Undersecretary of State for Africa—with the exception of Bosnia and, to a lesser extent, Haiti—every conflict in the world, as you know, has been on this continent. And I think there were about 15 at one time.

They were all revolutions within borders. There are no cross-border conflicts. So, I have great sympathy with Ambassador Moose.

In fact, I had mentioned the other day that if you only had 1 year to live, the thing to do is to be Undersecretary of State for African Affairs and that would be the longest year of your life.

Ambassador, Congressmen Payne and Hastings and myself met with Abacha a year ago. We might as well have been talking to Mount Rushmore when it comes to any response from him.

We were promised, at that time when we spoke to the election commission—the constitutional commission—that there would be free and open elections in 1996; that it would be democratically organized; that he would accept the constitutional commission when it came back from review.

We met with the commissioners and talked to them at length. We have talked to many people in opposition, including Saro-Wiwa's brother, at the time when we were there.

A quick question. Since independence, how many years has there been a democratic government in Nigeria, vis-a-vis a military government?

Mr. MOOSE. Congressman, you are putting me a bit on the spot here, but there has only been one democratic transition in Nigeria.

Mr. JOHNSTON. And that president was jailed, was he not?

Mr. MOOSE. That president is currently in jail, allegedly for his support of a coup plot in Nigeria.

Mr. JOHNSTON. I think you are probably talking about 33 or 34 years of independence, of which four of them were democratic.

Mr. MOOSE. Yes, that sounds about right.

Mr. JOHNSTON. The thing I come down to is your statement here, there are a couple of things that trouble me. In the beginning of your statement:

"We cannot ignore Nigeria's size, population and influence in Africa. Its capacity to influence the West Africa region is significant."

I agree in what they are doing in Liberia now. The problem I have, though, is going back to the cold war strategy in Africa which I thought was a disaster. Mobutu in Zaire, Savimbi in Angola—all people had to say is, "I am an anti-Communist" and we wrote out a blank check to them.

South Africa, Chris Smith took the moral courage of moving early, but the Administrations, during that period, did not.

Mozambique, we picked the wrong side. Internationally, Chile, you know, and Allende.

Are we getting a policy now in Africa that, if you do one right, then you can do no wrong? And I talk about Nigeria and its help in Liberia. So, we lay off them. Ethiopia and its help with Sudan. And, so, we lay off them.

Ethiopia has 1,500 political prisoners in jail without charge—more than all the rest of the countries in Africa combined. And, yet, we do not condemn them.

I might even go further. In language in the appropriations bill slightly condemning them, that language was removed by the conference committee at the request of the State Department which perplexes me because neither I nor Jackson Lee, a representative, were consulted on that.

So, I got down to, finally, asking the second question. In your statement you state:

"We do not rule out further sanctions. While we believe multilateral measures would be more effective than unilateral ones..."

And I follow up with Mr. Smith's question.

"...we are not adverse to acting unilaterally if the situation demands it."

Now, in response to Mr. Houghton's question, almost identically, you said:

"Meaningful actions will be taken."

And then in response to Mr. Smith's question, you said:

"A whole series of actions. One, we will ask Nigeria to reconsider."

That is no specific unilateral or multilateral action that is going to get them to move.

What are we doing about a multilateral U.N. embargo? Now, I think Representative Payne and I asked for a GAO report on a unilateral embargo for oil 3 years ago. And I think the only two people who would be hurt would be the United States—because of transshipment—and, to a lesser extent, Nigeria.

But why are we not approaching very strong condemnation moves in the United Nations and embargo moves within the United Nations to bring these people to their knees because, right now, Abacha is not going to do anything.

We have a whole series of military rulers whose sole desire is to get rich and then leave and go retire on a farm like Vamagida did and his predecessors before him.

That is it, Mr. Ambassador.

Mr. MOOSE. Thank you, Congressman. I appreciate your expressions of sympathy and the support as well.

Let me go back to the first part of your question which is are we somehow falling into a cold war pattern in our relationships with countries like Nigeria. And I would submit that we most certainly are not.

Frankly, I do not see much of a parallel between what we are trying to do with respect to Nigeria and other difficult cases in Africa and what happened during that period of cold war.

I would argue, first and foremost, that, notwithstanding our efforts to collaborate or work with Nigeria in such situations as Liberia—and that is one that most immediately comes to mind—that situation has not, by any stretch of the imagination, caused us to lay off Nigeria in terms of our criticisms.

If you go back and look at the record at what this Administration has said—going back to June 1993, following on October/November 1994 and then, most recently, if you look at the whole record of the statements we have made—there certainly has been no slackening in our expressions of concern and criticism about what this regime is doing or in our willingness to take specific actions against the government of Nigeria.

I think that the situation we are dealing with is, in fact, a far more complicated one. It is a question of how to move a recalcitrant, authoritarian regime to change its way and change its policies.

That, I would argue, is a far more difficult issue. It is one to which we do not profess to have all insight, all knowledge and all answers. That is why we have engaged in a series of ongoing discussions with friends and allies and colleagues, especially those in the region, but also with our European and other partners as well.

We do not regard this government—this Nigerian regime—as being invulnerable to the kinds of efforts and actions that we and others might take, but I propose that those actions are likely to be more effective if they are taken in concert.

We have initiated consultations, first and foremost, within our own administration about what those measures might be, but we have also initiated consultations with our key allies.

I was in Europe just 2 weeks ago meeting with the Dutch, with the Germans, with the British and others, and, with the Vice President last week, meeting with the South Africans.

The objective of these consultations is on measures that might be taken both now, in the immediate term, as well as over time if, in fact, the situation in Nigeria continues to deteriorate.

So, let me simply say, we have not yet completed either our own internal review, nor those consultations with other allies. Our firm hope is that we will find a common basis for action.

You mentioned specifically the United Nations. And here I would simply point out that it was the United States—with strong support from a number of other countries, including South Africa—that led the way in the attempt to get the adoption of a resolution in the third committee that would lay the foundation for international action.

In so doing, I would simply point out that it has been necessary to respond to concerns or criticisms or arguments from others who question whether this is an issue that merits consideration in the United Nations.

We have argued very forcefully that it does concern the United Nations—not only in terms of its human rights concerns, but also that there is a strong argument for consideration of this issue in the U.N. Security Council because, if the situation in Nigeria is not reversed, it will pose a serious risk to the stability of the entire West African region. It is a threat to international peace and security.

We will continue those efforts. And, again, I think it is important that we try to establish the broadest possible base of international support for whatever actions we take because that will make it more meaningful. That is it, as my statement indicated.

At the end of the day, if we feel that it is necessary for us to take unilateral actions, we are prepared to do that.

Mr. JOHNSTON. Thank you, Madam Chair.

Ms. ROS-LEHTINEN. Thank you.

Mr. Watts.

Mr. WATTS. Thank you, Madam Chairwoman.

I do not know if my comments are going to lead to a question, Mr. Moose, but let me first say I am delighted that you are with us today.

The people of Nigeria and the international community were led to believe that the Presidential election held in Nigeria on June

12th of 1993 would result in a return to full democratic civilian rule in Nigeria.

The head of Nigeria's military government, General Babangida, at the time of the June 12, 1993 election interrupted the release of the election results on June 23rd of 1993 and later annulled the election; thereby, preventing a return to civilian rule.

We have seen these types of things happening for the last 2½ years. It seems as though—and I had not documented this—every 4 to 6, 7 months something happens by this regime to give the impression we are moving toward democracy.

The latest shenanigan was on October 1 when the military rule promised to restore democracy within 3 years.

My question, sir, does the Administration have a policy that will bring democracy to Nigeria? Also, what are the thoughts of the Administration about General Abacha's October 1 promise to restore democracy within 3 years?

I believe 3 years is too long to wait. I think most people in this room and on this panel would submit that 3 years is too long. I wonder if the Administration feels the same way.

What are the thoughts of the Administration concerning the appropriate time for holding new elections?

Mr. MOOSE. Well, Congressman Watts, you, I think, have accurately summed up our view as well.

We had hoped that the declaration of October 1st would at least lay out a credible process that would lead to a transition in Nigeria.

To our dismay, that statement proposed a transition process which is cumbersome, and unduly lengthy. In our view, if the government were serious about a transition, it could accomplish a transition in a far shorter period of time than 3 years.

But, more importantly from our perspective, it lacked the necessary elements to create the climate in which a meaningful debate and transition could take place.

As I said in my prepared remarks, in the absence of assurances about respect for basic civil and human rights, in the absence of a respect for the independence of a judicial process—and this is a country, Nigeria, which, over the years, had earned international respect for the quality of its jurists—in the absence of some relief from the arbitrariness of arrests and detentions, it is hard for us, and I think for many others, to see how you can actually conduct a transition.

And that is why we have placed a particular emphasis on the actions that the government must take at the outset in order to make it possible for people to come forward and participate meaningfully in some debate about Nigeria's political future.

We have outlined what those actions should be and they are essentially the things that I have just mentioned. And failing that, I think our view will continue to be that we need to find ways to exert influence and pressure on the Nigerian government to accept a verdict, not only of the international community, but of the majority of Nigerians that this context simply is not propitious for a transition to democracy.

Mr. WATTS. Just to follow, I think the important thing to note in my statement is the fact that we have seen 2½ years lapse and, yet, nothing has happened.

Abacha is saying that now it is going to be 3 years. And we have a track record that has produced no results of leading Nigeria into a democratic rule.

Chief Abiola has said that he is the real president of Nigeria. Does the administration of the United States support Chief Abiola's claim—out of curiosity?

Mr. MOOSE. We have, at the time of the annulment of the elections, deplored the fact and condemned the fact that the process was disrupted.

By the same token, I will say candidly to you that the chances, realistically, of having that process reinstated—going back to June 12th of 1993—in our view, are remote which is why we have stressed doing those things which are important to restoring the human and civil rights of Nigerians and creating a context and a process by which there could be a meaningful debate about Nigeria's political future.

We believe that the most important thing at the moment is for the detainees and political prisoners—including Chief Abiola, including those allegedly involved in the coup plot and other human rights and democracy and union activists—to be released.

If that were accomplished, we believe that that might signal a significant change in the government's attitude and the possibility, therefore, of restoring some credible process for a transition to democracy.

Mr. WATTS. Ambassador, thank you very much.

And thank you, Madam Chairwoman.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Watts for being here with us this afternoon.

Mr. Payne.

Mr. PAYNE. Thank you very much.

As you know, Mr. Ambassador, Nigeria really is a country that should be to the continent of Africa what the United States of America is to the Western Hemisphere.

Its 100 million people, highly educated, very astute in business, a country with tremendous natural resources should be a leader in the world—not only in Africa, but ever since the civil war in the Eastern States called the Biafran War many years ago, many of us have watched Nigeria hoping that this nation could assume its rightful place in the world.

And that is one of the reasons that I have such a tremendous interest in trying to see the democracy in Nigeria.

Now, I know that the Administration has used a carrot-and-a-stick approach—primarily, the carrot—saying, "Well, let's give them more time."

And we know that the elections, since the mid-1980's, they were talking about Presidential elections and finally they were due in 1992 and they were postponed by General Babangida. And, then, finally, in June 1993, elections were called.

It was interesting that in a country of 100 million people, 250 different ethnic groups, 350,000 square miles—that Chief M.K.O. Abiola was leading in the polls in 20 of 30 of the States of Nigeria.

And many of us felt that on June 12th, Nigeria, as a nation, finally was born.

As a matter of fact, Wally Shurianka often talks about June 12th as being the birth of that nation because people, regardless of whether they were Muslim or Christian, whether they were northern or southern—M.K.O. Abiola won in all regions. It was not ethnic. It was not broken down as it had been for so many years on ethnic differences or religious differences.

And, so, Nigeria, on June 12th of 1993, had the opportunity to really see a nation reborn.

Of course, on June 23rd, Babangida aborted the election, annulled the election—the first annulment of an election that I have ever heard of in the world. I have heard of annulment in relationships—marriages—but never in an election.

But this was very creative. And, once again, you know, talking about the creativity of some of the leadership in Nigeria, the government invited observers to come from Western Europe to observe the elections. And the observers—many from Great Britain—indicated that the election was fair and free and transparent. After they made the report, they were expelled from Nigeria because the government did not like the report.

It is a pity that we have seen so much progress, in particular, in southern Africa. We have seen Mozambique turn to democracy.

We have seen Angola with warriors like DeSantos and Savimbe for many years—20, 30 years—fighting each other, finally shaking hands and agreeing.

We have seen life President Banda and Milawi agree to have multiparty elections. And after 30 years, he was sent out of office. And he left. And there was no turmoil.

We have seen the same thing in Zambia with Kenneth Kounda; really, the father of the emerging African leaders in the late 1950's and early 1960's called for multiparty elections and was defeated and has moved out of office without any civil strife.

And we have seen Namibia come aboard in South Africa and on and on. Even Sierra Leone in the West Sahara is trying to manage with elections in Algeria.

And here we have the greatest country in Africa that continues to a pariah government. Now, if we look at the population of Nigeria and we compare it to Rwanda, in Rwanda, when a civil war started—there were only six million people in the country—2.4 million people left and fled.

You take the same percentage and if the same thing occurred in Nigeria, you would have 40 million people. You would have more refugees than you would have in all of western Europe put together or all of western Africa put together.

And, so, there is a very serious consequence. You see Benin sits next to Nigeria that had changed its government to democracy and it is working and is praying that nothing happens in Nigeria.

So, I say all that to say that it seems to me that the Administration would be more forceful in attempting to see a resolution to the problem in Nigeria.

As a matter of fact, I attempted to go to Nigeria early in 1994 and, as you may know, I am one of the only congressmen denied a visa to visit a country. Even back in the 1970's when they had

a white regime in South Africa—apartheid government—Congressman Diggs, a black man, was allowed to visit South Africa, even though there was an apartheid government.

In 1994 I was denied a visa. Well, they did not deny me a visa. They said they just did not issue one. So, I was not denied. A very good, clever, interesting people.

But, finally, in August 1994 with the help of the chairman of our committee, Mr. Johnson, Mr. Johnson was able to convince the authorities that they should let me come to Nigeria.

Mr. Johnson is not here, but thank goodness for Congressman Johnson because I would have still probably been denied entrance to the largest black nation in the world with the most resources.

I just want to say that I believe we need to have a stronger policy, which is one of the reasons that I have introduced this as a bit of legislation and will be talking to the President about the possibility of even unilateral oil embargoes, if the points of the bill are not taken seriously.

We are also thinking about the ban of Nigeria for the Olympics—a country that has probably the most outstanding football team in the world—but if we did it to South Africa, then we should do it to other pariah nations.

And, so, while I really have no question, I just wanted to make the statement that we have to push the government there. We have to continue to have a firm hand and we must insist that the people of Nigeria have the opportunity for a democracy, just as any other free people in the world. Thank you.

Mr. MOOSE. Well, Congressman, I do not know that I can't really add to your statement except to say that certainly we are well aware of the great concerns of Nigeria's neighbors; and we have had an opportunity—even within the last month—to talk to many in the region about their pre-occupations with what could happen if events are not changed in Nigeria.

What has been extremely gratifying to me is the extent to which—notwithstanding their apprehensions—many of these leaders have been willing to speak out publicly about the course of events in Nigeria.

Certainly, President Mandela has been foremost among them, but he has not been alone in that. President Mugabe of Zimbabwe, President Konare of Mali and many others have joined in that.

And I think that that is an important development because it underscores the concerns about Nigeria and its present and its future are not simply those of those of us in the United States or in Europe, but that are felt keenly and profoundly by the people in Africa as well.

I agree, as I indicated earlier, that we must act forcefully, but I also believe that we must act purposefully; we must direct our efforts and our actions—towards a policy that would avert the continuing deepening of the cycle in Nigeria.

I do believe that that possibility still exists. I believe that, again, the Nigerian government—and those around the government who are supportive of it—are not totally impervious to outside influence or pressure and that there is an opportunity for diplomacy in the current situation. But the diplomacy does depend, first and foremost, on the clear demonstration of the depth of our concern. And

that is what our current review is designed to do, but, at the same time, of keeping open a channel or channels of communication to all Nigerians—those in government as well as those outside of government.

Ms. ROS-LEHTINEN. Thank you.

Mr. Payne, based on your eloquent statements about the pariah states, I am glad to see you onboard on the embargo against Castro's Cuba, too, then. Consistency, as Mr. Smith points out, is very important.

We will leave that for another day. You have been a good friend. I am not giving you a hard time.

Mr. Frazer.

Mr. FRAZER. Madam Chairperson, I think we all are kind of getting a little tired of coming here and discussing the situation in Nigeria and hoping that it improves.

It seems to me that the government in Nigeria is convinced that this is nothing but talk and that no action would come of it.

The leaders in Nigeria recognize that it is difficult for us to get a coalition of other countries to go along with a meaningful embargo. So, they limp right along doing whatever satisfies them at the moment.

Nations that refuse to join the United States in any meaningful embargo, they do it out of self-interest. And that is understandable, but I think the countries on the continent of Africa also have a responsibility to get involved in what is happening.

I do not think that this is a Western problem. I do not think that that it is a U.S. problem. I would like to see a little more movement on the part of—not just the neighboring countries, but all the countries in the continent—to express some indignation as to what is happening on that continent and, particularly, in this country.

For too long a period of time, the United States has been viewed—good and bad—as the world's police when it comes to somebody's defense. Yet, when that defense is satisfied, we are viewed as interlopers.

I would hope that this Administration recognizes that this body—the Congress of the United States—is unhappy with the situation in Nigeria and I join any effort and any means to sanction that country. If it only means sanction on the part of this body, I will still support that action.

But, most importantly, Ambassador Moose, could you tell this panel what action the countries on the continent have taken to show that they are, in fact, against what is happening in the country—not just word of mouth, but what specific action.

And are there countries on the continent of Africa that are still having economic intercourse with Nigeria in light of the fact of what is happening as it relates primarily to human rights?

Mr. MOOSE. Congressman Frazer, as I indicated earlier, I have been impressed by the extent to which African governments and African leaders have been willing to stand up and openly express their concern about the trend of developments in Nigeria.

That is in contrast to years past when it has been exceedingly difficult to persuade African leaders to stand up and be counted and be heard on issues like this. I do suggest that that is a positive

development; one that we welcome, one that we encourage, one that we support.

There have been some specific actions that have been taken thus far. To begin with, the African delegations and representatives who were participating in the Commonwealth Summit meeting in Auckland—on the 10th of November when the executions were carried out—were in the lead in proposing Nigeria's suspension from the Commonwealth.

More recently, in response to appeals from African leaders, the OAU Secretary General, Dr. Salim Salim visited Nigeria to convey personally the message of Africa's concern of its unwillingness to accept the actions of the government.

I think beyond that, though, we need to work, as we have been in the United Nations, with concerned African delegations to establish a broad consensus about what needs to happen next.

And I do not suggest that is going to be easy; that there is going to be full agreement, but I do suggest that that is an effort that we need to undertake because I believe that the broader that base of support, the more meaningful and the more effective the action will be.

And that is why we have undertaken this initiative in the third committee of the United Nations and I expect that that vote will take place tomorrow and that there will be broad support for the proposed resolution and that there have been and will be additional African co-sponsors of that resolution—again, unprecedented in terms of the history of African support for these kinds of initiatives.

But at the other end of the spectrum, I think one has to acknowledge that there are many countries—particularly in West Africa—which are deeply dependent on their commercial and other relationships with Nigeria, for their very economic survival.

And I think it is, therefore, understandable that they will weigh very seriously the consequences for them and for their people of taking certain kinds of actions—particularly those aimed at cutting off those economic relationships.

I think each of us in our own way has something to contribute to this discussion and to the international reaction to what is going on in Nigeria. And I would not wish to diminish or demean the efforts that have already been taken by many African countries to address what is, for them, a major concern—a major preoccupation—that will affect their interests far more readily and far more severely than it will ours.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Frazer.

Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Madame Chairman.

I would like to add my name onto my good friend from New Jersey, Congressman Payne's bill—H.R. 2697—to weigh sanctions against Nigeria for this problem that we are faced with.

And I also would like to commend you, Madame Chairwoman, for the situation that we have and also facing sanctions against Cuba.

I would respectfully request that Madame Chairwoman and Mr. Payne and the members of the committee would also join me in my bill that would provide 800 percent tariff against a Beaujolais wine that the French Government is trying to sell all over the world for

violation of some 10,000 human rights—a violation of the 10,000 Tahitians that were subjected to nuclear contamination and the current nuclear testing program that this democratic country called France has imposed on the people of the Pacific region. And I would be very delighted if you would also assist me along those lines.

Secretary Moose, I am very impressed with your eloquence in the statement that you have made before the committee.

Now, we have 700 million people living on this great continent of Africa and I dare say, not just with this Administration, but, in the 7 years that I have served on this committee, I always seem to have this real—I guess you might say—kind of like a sour feeling about whenever it comes to handling issues effecting the millions of people out in Africa, somehow our government and administrations in the past, and I sense even this Administration, does not really seem to give that much emphasis or priority when it comes to problems affecting the African continent.

And I just wanted to ask Mr. Secretary if I am wrong in this observation. I am very concerned about this. I know my good friend from New Jersey and I have been here on this committee now for 7 years and every time we talk about Africa, it is always like, "Let's not discuss it now; we have got more important things in Europe and problems that we have with the European union," but when it comes to Africa, we just seem to just to take it passively.

And, please, share with me if you disagree with that observation.

Mr. MOOSE. Well, Congressman, I do respectfully disagree with that observation. I do think that this Administration has made a particular effort to address the range of our interests and concerns with regard to the African continent.

I think, if I might, one measure of that is the fact that last week, when the Vice President went to South Africa to co-chair the first substantive meeting of our Binational Commission with South Africa, there were the equivalent of four cabinet members on the African continent. That is unprecedented. We have never had a situation where, at any given time, we have had four members of the Cabinet in Africa simultaneously.

Many of them went on to do other things while they were there. The Vice President himself stopped in the Congo on the way down. He stopped in Botswana while he was there.

I think that is a further demonstration of the concern and commitment to Africa.

Mr. FALEOMAVAEGA. Mr. Secretary, I know my time is limited. I appreciate your sharing with me that recent development, but, you know, we have had a heck of a time even dealing with South Africa over the years, in trying to put sanctions, the pressures that we get from the corporate community—not only in our country; from the British, from the French; "Let's go easy on apartheid because it hurts people's feelings," when the fact that the blacks were subjected to this heinous practice.

And I commend you if this is what the Administration is doing. You said earlier that the Administration is considering all options concerning Nigeria. Now, my good friend, Mr. Payne, has got this option right out now—we want to put sanctions on it.

Can you give us a sense of a deadline in terms of when the Administration is going to make that decision about the options that you are about to exercise?

Mr. MOOSE. Again, I do not want to put my leaders on the spot by committing them to a date certain by which they will do this, but what I can tell you is that the consideration of our policies and our options has been urgent and that we will, in all likelihood, be meeting this week and next week to consider the range of options which we were asked to study, to present those recommendations to my Secretary and to the White House.

I am sorry, I lost my train of thought.

Mr. FALÉOMAVAEGA. That is all right. Now, another question, Mr. Secretary, have there been a lot of media reports about the influence of Shell Oil Company with the political processes or with the military regime currently controlling the government of Nigeria?

Now, Shell, I understand, is predominantly owned by the Dutch. Am I correct on that?

Mr. MOOSE. Yes.

Mr. FALÉOMAVAEGA. Partly British?

Mr. MOOSE. Dutch and British, primarily.

Mr. FALÉOMAVAEGA. Is there also part American ownership involved?

Mr. MOOSE. My understanding is that it is predominantly British and Dutch ownership in Shell.

Mr. FALÉOMAVAEGA. Is there truth in what the media says that Shell Oil Company definitely has a very strong influence on the current political decisions that the current government makes?

Mr. MOOSE. I would say in response that I think it is important that we consider the interests, not only of the companies, but the broader interest of the United States, on the one hand, of other countries as well in the economic stake that we have in Nigeria.

I think that is an entirely legitimate—indeed, essential—part of any consideration that we give to whatever measures we undertake.

The United States also is heavily invested in oil in Nigeria to the tune of—

Mr. FALÉOMAVAEGA. Three billion plus.

Mr. MOOSE [continuing]. Three billion plus dollars—

Mr. FALÉOMAVAEGA. Yes.

Mr. MOOSE [continuing]. That we import annually from Nigeria; something on the order of 7 percent of our total oil imports.

That is a factor that I think any administration would have take fully into account as it weighs its options and its considerations.

I think one of the other things, to be candid, that we want to be certain of is that, whatever actions we take, are not taken to the disadvantage of our own companies as they operate there.

That is another reason for ensuring, to the best of our ability, that whatever actions are undertaken are undertaken collectively in a multilateral context.

With that said, I think what I will stress to you—and to come back to your earlier point—it has been made abundantly clear to me by my President, by President Clinton, that he is serious about our policies toward Nigeria; that, therefore, he wishes to see us un-

dertake a full and thorough review of actions that would be effective in the circumstances.

And by "effective" we mean actions that would encourage a change in the policies and practices of the current Nigerian Government and that there is a willingness to engage our key allies and partners in a discussion of what those actions might be.

Mr. FALÉOMAVAEGA. Will there be a similar scenario? You know, we told the Europeans, You take care of the Bosnia situation. The Europeans flunked the test. They could not even do it.

So, now, they had to appeal to the Americans to be the broker and we are doing this.

Do you think it is possible that the African countries could get together and get their act together and see that, perhaps, I notice that President Mandela has really come forward and said, "Let's do it."

Do you think that there is a possibility the African countries might also fail in their efforts, so they will turn again to the United States to be the unilateral broker similar to the way that we have done in the Bosnia situation? Do you think that might be possible down the line?

Mr. MOOSE. I think that there are certainly leaders like President Mandela—and others that I have mentioned earlier—who are serious about engaging African influence in the effort to restore human rights and democracy in Nigeria.

I think those efforts are important as a base for demonstrating to Nigeria that this is not merely a foreign concern, if you will; an extra-African concern.

And I think there are complementarities. I think it would be unfair to assume that Africans, acting on their own, are going to be able to solve the Nigerian problem, any more than the United States, acting on its own, is going to be in a position to solve the Nigeria problem.

But as we have seen in so many other cases, it is critically important that there be leadership in trying to galvanize international support behind a policy and a set of actions.

That is what we are attempting to do. We are doing that in concert with others who share that concern.

Mr. FALÉOMAVAEGA. Mr. Secretary, I would very much like to ask Madam's consent for a submission for the record of exactly how much investments the French have in Africa which I am quite sure is very substantial.

And also for the British because, let's face it, they are both democratic countries, but then they also have economic interests—and probably very substantial—and that it probably will have an impact, even currently, right now, with the problems that we are faced with with Nigeria. I would be very curious to know what that information is.

Madam Chairman, thank you very much.

Thank you, Mr. Secretary.

Ms. ROS-LEHTINEN. Thank you so much for your valuable contributions, Mr. Faleomavaega. We look forward to having you with us frequently. Thank you.

Mr. Secretary, I know you have been so kind for being in the hot seat for so long. If we could just bother you for just a few more

minutes. Mr. Smith and Mr. Payne have just a few followup questions for you.

Mr. MOOSE. By all means.

Ms. ROS-LEHTINEN. Thank you, Mr. Secretary.

Mr. Smith.

Mr. SMITH. Thank you, Madame Chairwoman.

Ambassador Moose, Larry Diamond, who is a senior fellow at the Hoover Institution, in his rather lengthy and, I think, very well written testimony argues—and I just would like you to respond to his general thrust here—that:

“The Abacha clique has judged that the democratic West is a paper tiger; that we will wring our hands, but, in the end, do little of consequence and certainly not do it for very long.”

And he says:

“Already there are signs vindicating that judgment: signs of a Western fatigue and resignation.”

He also argues that:

“Nigeria and the world are now at a turning point. If an international strategy of pressured engagement is not soon mobilized, a moment of historical opportunity will pass and key actors—both domestically and internationally—will resign themselves to the status quo.”

He also points out that:

“The General and his cronies will only surrender power if they conclude that the costs and risks of remaining in power are greater than those of leaving.”

He argues that:

“This requires a coherent program of sanctions by the United States, Europe, Japan and other concerned democracies, but it also demands vigorous diplomatic engagement to reassure the military that its interests will be safeguarded if it departs voluntarily.”

And, finally, he points out—not, finally, but he also points out that:

“The United States has been engaged in a diplomatic dialog since the General came to power in November 1993 and that this has been a dialog of talk without pressure and it has achieved virtually nothing.”

As he will testify. And he also points out that, from his point of view:

“The least likely scenario is that, between now and 1998, a staged transition back to civilian democratic rule will occur.”

And he then points out that:

“The other scenarios of anarchy and widespread bloodshed are there in the offing, if that does not occur.”

Very strong criticism of the Administration, but also a sense that the Nigerian leadership is looking at the West and saying, “Hah, it really does not matter all that much.” And, over time, will matter even less.

If you could respond to his criticisms.

Mr. MOOSE. Thank you, Mr. Chairman.

There, obviously, are some things in that statement with which I would not readily agree, but, on the other hand, the basic thrust of that statement is something with which I can agree. And, in-

deed, it tracks very closely to the ideas that I have sought to express in the course of the hearing today.

We do believe that, indeed, it is important for the international community to demonstrate clearly—particularly right now in the wake of the executions of the Ogoni Nine—that we are serious; that we are prepared to take strong and meaningful action to put pressure on this regime.

That, as I suggested earlier, we do not believe this is a regime that is totally invulnerable or impervious to outside influence. They do believe that there is a calculation which they must make about the costs of pursuing their policies.

And that one of the objectives of our strategy must be to show that there is a cost to the pursuit of those policies.

But the other side of that, again, I would also say, is true and that is to say the sense that there must be, in addition to the pressure, a purpose toward which that pressure is aimed and that is the installation of a process—a transition—that will lead Nigeria back to civilian rule.

If we do not pursue that as well, I think the risk is that what we will see is not a reversal, but growing instability in Nigeria.

I have had the opportunity to talk with Professor Diamond about Nigeria and I know that he has regularly met with our staff. There is a lot in his analysis and his prescription with which I would certainly agree.

Mr. SMITH. Thank you very much.

Ms. ROS-LEHTINEN. Thank you so much.

Mr. Payne.

Mr. PAYNE. Yes. Just two quick questions.

As we know that, through the work of President Soglo of Benin and President Rawlins in Ghana, finally a solution to the Liberian problem temporarily has been found.

And with ECOMOG having about 5,000 troops there, of, primarily, Nigerians, is there any consideration for asking, if a country is behaving in the manner that it is behaving, that the Nigerian troops be requested to leave Liberia.

There are a number of other countries that are trying to downsize their military and are having problems—particularly Ethiopia and the large armies in Uganda and Mozambique and the Iatria and even Senegal who have been involved in this kind of work for many years.

It would appear that there would be adequate peacekeeping troops—from other countries who are downsizing and finding it difficult to demilitarize—to use those countries in Liberia and, since the military earns income from its peacekeeping from the United Nations, that, perhaps, they should be requested to go back home.

And the other question is has our Administration—I know we sent a letter because of when I had the opportunity to visit with Chief M.K.O. Abiola in August 1994, his health at that time was deteriorating and it is 16 months later, he is in a little one-room no windows, no reading material, no radio, no televisions.

When I met with him in August 1994, he was in poor health at that time with pain in his back and problems with his stomach.

Could there be an appeal—at least on a medical situation—to see if Chief Abiola could at least have medical attention outside the country?

And also the imprisonment of one of the world's greatest leaders—one of the only military persons to turn over a military government back to civilian rule—Chief Obasango, if there could be an appeal to see whether he could also be released?

Mr. MOOSE. Thank you, Congressman Payne.

On the first question you raised regarding Liberia and the Nigerian role, there has been—for some time—a consideration given to how one would diversify the ECOMOG force that is currently responsible for maintaining the peace in Liberia.

And, indeed, there has been a willingness expressed on the part of some of the other governments—primarily, those in West Africa—to contribute troops to that operation.

For example, the Government of Ghana has indicated its willingness to increase its participation—which is already significant—in ECOMOG. And approaches have also been made by the OAU and by ECOWAS to a number of other governments in the region.

Frankly, one of the problems here is that this is a force which was volunteered by the member States of ECOWAS—the West African Economic Union—without the benefit of the kind of international support that normally accompanies a U.N. peacekeeping operation.

There has been no direct support from the United Nations, for example, for this operation; such support that has been provided—has been done bilaterally by the U.S. Government and by other governments.

That international support has been modest indeed in proportion to the burden which these governments have assumed in this peacekeeping operation.

One of the problems we face, frankly, as a result of the diminished funding for our U.N. peacekeeping is precisely the ability to support this kind of an operation and to try to encourage some creative formula by which the United Nations might more directly support this operation in Liberia.

I would simply add that, if we were able to do that, it would do two things. First, it would make it possible for other African governments to contribute their forces to this; thus the significance and the proportion of Nigeria's presence and participation in this operation would diminish.

Second, it would also be a tremendous savings to all of us because the cost of this operation, relative to the normal cost of a U.N. operation, is but a fraction.

So, we have a problem of how we can provide, through the United Nations, the necessary support of operations like this.

And, absent that, my concern is that the hope for peace for Liberia will once again flicker and fail precisely because the international community collectively has not found a way to provide the support that this operation both deserves and requires.

On your second question, we, and certainly we, not alone in a variety of different ways—have sought to obtain the release of Chief Abiola and others. We want Chief Abiola released precisely because of the concern about his health.

I do not have a current report as to his health. We know that at least, up until recently, Abiola has still had access to his physicians.

Nevertheless, I think concern is justified—given his continuing detention in conditions which clearly are not favorable to his continued good health.

We will continue to press, not only for his release, but for the release of all of those who have been detained, in our view, without just grounds.

Ms. ROS-LEHTINEN. Thank you so much. Now, for the last question, Secretary Moose, we have been joined by Mr. Chabot of Ohio who is also a co-sponsor of Mr. Payne's bill.

Steve.

Mr. CHABOT. Thank you, Madam Chairman. I will keep my questions very brief.

Mr. Secretary, you said—in my absence before I got here, I understand—that you felt that the situation in Nigeria was not unsalvageable, but in view of the Saro-Wiwa execution and the other displays of defiance thus far from the government and the fact that they, apparently, just do not care too much about world opinion at this point and as the Chairwoman stated, I am a co-sponsor of Mr. Payne's legislation and we just want to do something to, hopefully, help the folks in Nigeria to turn toward democracy, put pressure on the government.

Do you see any logical scenario—anything positive at all on the horizon—that we can look to Nigeria turning toward democracy? Is there anything logical that you could see out there happening?

Mr. MOOSE. I can and I, certainly, Congressman, Chabot, do not want to be Pollyannish about this.

I will acknowledge that the efforts that we have been engaged in over the last 3 years—and, indeed, our efforts jointly with others thus far—have failed to produce the result that we had hoped for.

Nevertheless, I do believe that this is a situation which can be salvaged. I do believe that the leadership in Nigeria is not beyond the reach of actions, pressures, influences that we, and others, can bring to bear.

What is interesting to me—and that is the wrong word—but the reaction of the Nigerian authorities to the international response was one of surprise and shock. And what that suggests to me is that this is a government which, because of its structure, its organization, the way it functions, has become terribly isolated from international reality; and, thus, is insensitive to the concerns that we, and others, have expressed about its behavior and its practices.

I cannot be too explicit here—but we are also seeing that since then, in the wake of this international reaction, there has been, if you will, an uncertainty on the part of the Nigerian leadership and a desire to want to know what it might do in order to relieve this growing international pressure.

I think it is important, nevertheless, that we establish a certain credibility in our dealings with this government by underscoring just how seriously we take the events of November 10th.

And that only when that is done, is there likely to be any real opportunity for a meaningful discussion with them about what the future is all about.

So, there is a question. Just to repeat what I have said before. I do believe that it is important that we do both things; that we communicate forcefully and clearly the level of our concern and we do that with action and that we also seek opportunities to re-engage with Nigerians generally, but those in the government as well, in a discussion about their ways.

Mr. CHABOT. OK, very good. Thank you. And just to follow up, I hope and trust that the Administration and the Congress, this is one where we ought to be together on it and—

Mr. MOOSE. I hope so.

Mr. CHABOT [continuing]. to speak in one voice, if at all possible. Thank you very much.

Mr. MOOSE. Thank you.

Ms. ROS-LEHTINEN. Thank you, Mr. Chabot.

And thank you so much, Secretary Moose, for being with us. We look forward to working with you, with Secretary Christopher; indeed, with all of the officials of the Clinton administration in enforcing tougher sanctions against the rogue regime in Nigeria.

You can count on us. If there is any message that I think you have heard in a bipartisan way in this subcommittee is that we have got to move faster and tougher on that terrible nation for the sake of the suffering Nigerian people. Thank you, Mr. Secretary.

Mr. MOOSE. Thank you very much—

Mr. PAYNE. And Madam Chairperson.

Mr. MOOSE. —Madam Chair.

Ms. ROS-LEHTINEN. Thank you.

Mr. Payne.

Mr. PAYNE. Yes. Let me just indicate to the Secretary. As he could see, I have been at many subcommittee hearings for a number of years. I cannot recall where 13 or 14 members have come to a subcommittee hearing.

And I would like to commend the Chairperson for her sensitivity, but also would like to indicate to the Administration that this is a very serious situation. It is viewed very seriously by Members of Congress. It is viewed very seriously by both sides of the aisle. And I hope that that message is related to the Administration.

Mr. MOOSE. Yes.

Ms. ROS-LEHTINEN. Thank you.

And as you know, Secretary Moose, Mr. Payne is a very credible, intelligent, well respected Member and he feels very strongly about this issue. I want the Administration to pay careful heed to his suggestions, as well as to all of our Members.

Thank you so much, Secretary Moose.

Mr. MOOSE. Thank you, Madam Chairperson.

Ms. ROS-LEHTINEN. It is always a pleasure to have you with us.

Mr. MOOSE. Thank you for making this possible.

Ms. ROS-LEHTINEN. Thank you. Welcome back.

I would like to present our second panel. And while they come up and prepare themselves at the table, I would like to introduce them to those present here today.

Our panel consists of three American experts on Nigeria: Dr. Larry Diamond—who Mr. Smith has already indicated his position on these issues—Dr. John Paden and Ambassador David Miller.

Each of them has had substantial experience in Nigeria over a lengthy period of time.

Dr. Diamond is a senior research fellow with the Hoover Institute at Stanford University, as well as a co-editor of the Journal of Democracy which is published by the National Endowment for Democracy and co-director of the NED's International Forum for Democratic Studies here in Washington. He has received numerous awards and recognition for his published work and research on democracy in developing countries.

Also with us is Dr. Paden. He is the Clarence Robinson professor of international relations at George Mason University. Previously, he served as the professor of international studies and political science, as well as the director of the African studies program at Northwestern University. Prior to that, he taught at two universities in Nigeria. And he has also published extensively on issues pertaining to Africa.

Next, is Ambassador David Miller who served as special assistant for National Security Affairs in the Bush administration's National Security Council and as deputy assistant secretary for African affairs in the Reagan administration. From 1976 to 1980, he lived and worked in Nigeria for the Westinghouse Electric Corporation. He has remained deeply interested in Nigeria since his experience there.

I am very pleased that we have such a distinguished, experienced and knowledgeable group of witnesses with us today. Shall we start with Ambassador Miller?

STATEMENT OF AMBASSADOR DAVID C. MILLER, JR., PRESIDENT, CORPORATE COUNCIL ON AFRICA; ACCOMPANIED BY LARRY DIAMOND, SENIOR RESEARCH FELLOW, HOOVER INSTITUTION; AND JOHN PADEN, ROBINSON PROFESSOR OF INTERNATIONAL STUDIES, GEORGE MASON UNIVERSITY

STATEMENT OF DAVID C. MILLER, JR.

Mr. MILLER. Thank you very much, Madam Chairman and Chairman Smith.

Congressman Payne, it is marvelous to see you here. As your comment indicated, having spent about 20 years of my life worried about Africa, to see this number of members show up and express this level of concern about any of our countries is just marvelous.

Recognizing that we are all short of time, let me ask that the written comment that we gave you be included as part of the record and let me try to summarize, as quickly as I might.

I am here today as a spokesman for the Corporate Council on Africa. The Corporate Council was started in 1993 and 70 corporations in the United States have coalesced around the idea that there ought to be some organization in the United States that spoke for the private sectors' concerns and interests in Africa. We had tried to do this for many years and we were quite pleased when it worked in 1993.

A few months ago, a number of our members came to us, obviously concerned about the Nigeria situation and what we might do that would be constructive—both to protect our employees in that

country and to work with everybody in Washington to see what we might do that would be most helpful.

When looking at the assembled multitude today, I think our members have met with most of the staff members and some of the members. Obviously, we stand ready to do that on a continuing basis.

As has been discussed in some detail today, the history of this independent country is just a sad, long tragedy of failed opportunities.

For those of us who have lived and worked there—my children went to elementary school there; it is where I started my career in Africa—it is a terribly sad thing. The last of these executions was simply another page and another chapter of tragedy—of loss of life—that should have been avoided.

Per capita income in 1980 was about \$1,200.00 a year and in 1993, it is about \$300.00 a year.

The World Bank says that about 50 percent of the children age two to five suffer from persistent malnutrition.

Nigeria has now become one of the 20 poorest countries in the world as measured by Bank's standards. So, there is a part of me that says that, while there was a tragedy and a hanging and killings before that and killings before that, there is a terrible tragedy going on which involves the children of this country.

And that is why, when you look at the paper from the Corporate Council, we argue very strongly for a continued involvement of the American private sector.

It is, I would submit, easy to accuse the private sector of being motivated primarily by greed, but, as a practicing ideologue for most of my life, let me put this case to you.

The reason we started the council is that we deeply believe that the well-being of this continent rests—at least 50 percent—on the growth of a health private sector.

We have 14 stock exchanges coming online in this continent. When President Rawlings was here last time, he spoke about his stock exchange. You would have thought it was Singapore that he was talking about, rather than Ghana. It is marvelous.

And we believe that the U.S. private sector brings the very best of behavior, of technology, of concern for employees to all the countries in this continent. And it concerns us when we find ourselves, as the political tool of choice, to punish governments with which our government has disagreements. And, clearly, we have a massive disagreement with this government.

But the thing that concerns us is that when you use private investors or private businesspeople as tools, eventually they say, "You know, we really ought not invest in this place; it just is not stable enough; it just does not work; perhaps we really ought to put all of our money in Singapore and not go to Africa at all".

And what the Corporate Council is trying to do is to say, "Go to Africa; invest in Africa; there is money to be made; there are more people going."

In the case of this one little country—which is not so little, but one country—there are 300 U.S. corporations today providing goods and services, taking care of their equipment; big companies, little companies.

A small company from Florida provides the pumps and irrigation equipment that, we believe, irrigates virtually all of the irrigated land and provides the country with 10 percent of the agricultural output.

We have built fertilizer plants. We have built water purification plants. We have earth moving equipment. We sell soft drinks—wonderful soft drinks.

And with regard to the oil companies, I must say, for those of us who are concerned about the environment, that Nigeria flares more natural gas than any other country in the world. And it is flaring wet natural gas, which is really dumb.

There are two projects coming online that will do a great deal for that country to capture this natural gas—to stop flaring it, to take the liquids out of it and to increase the flow of income to the people of this country.

Neither of those projects will come online for years. They will not have any impact whatsoever on this government or a revenue stream to the current government, even if this government would stick to its 36-month transition timetable.

So, when we talk about stopping new investment, I think it is worth considering if that is the best tool that we have or if it is the only tool that we have. And are there not other ways to bring about the change that we all want to see without putting a crimp in the investment and the transfer of technology to this country?

I think the last point that is important to American industry is that whatever tool that we believe should be used, sanctions—or whatever you all decide should be pursued—should be done in a multilateral manner.

If there is a one fungible good in the world of high value, it is sweet crude oil.

If we are the only country that applies economic sanctions, I suspect that it would not be noticed much in Nigeria over time. So, whatever we decide to do, I think that we have got to do something to get our allies in Europe and our allies in Africa to work with us

And as a final note, I guess just as all of you have said, if we can get a good series of benchmarks from my friend, Secretary Moose, then the private sector can work with him and work with you to try to see that those benchmarks are adhered to.

Thank you very much, Madam Chairman and Chairman Smith. It is a treat to see people worried about the continent.

[The prepared statement of Mr. Miller appears in the appendix.]

Ms. ROS-LEHTINEN. Thank you so much, Ambassador Miller.

Mr. MILLER. Thank you.

Ms. ROS-LEHTINEN. Thank you for being with us.

Dr. Diamond, we understand that you have a flight to catch. I think that we will be done in time to have the questions and conclude with this panel in time for you to make your flight.

Also, thank you for your more condensed statements as well. Thank you.

**STATEMENT OF LARRY DIAMOND, SENIOR RESEARCH
FELLOW, HOOVER INSTITUTION**

Mr. DIAMOND. Madam Chair, Mr. Chair, I want to thank you, really. The last couple of hours have been a very fascinating and even moving experience: to be honest. In a way, a kind of re-affirmation for me of American democracy when there is so much cynicism about the Congress and about Washington, to see how seriously you have taken this issue. I particularly appreciate the leadership that you—several of you on these two subcommittees—are exercising at a time, when I say with great regret and worry, that there is very little leadership in the governments not only of the United States, but of the West in general.

There has been general neglect of Nigeria and a pervasive attitude in the West, despite all of the protests, that, unless Nigeria is really headed over the cliff, we should not take any risks; we should not stop business as usual.

Now, let me say, with all due respect to Ambassador Miller, these are the same sorts of arguments we heard before with respect to South Africa, and that we have heard before with respect to other crises situations.

I agree entirely—both with Ambassador Miller and Ambassador Moose—that a unilateral oil embargo is not going to be effective and is only going to hurt the United States, but we are stuck in a situation of deadlock.

The Administration is deadlocked; the Western world is deadlocked. And Ambassador Moose was entirely correct that Nigeria is not beyond the reach of pressure.

The current situation in Nigeria is that a criminal Mafia don sitting in Abuja right now running the country, abusing human rights on a scale that has never been seen in Nigeria before and, together with his cronies (both civilian and military), siphoning off into their own pockets approximately a quarter of the country's annual oil revenue. You have a situation—which I describe both in my longer statement and in my shorter statement—of “creeping anarchy” in the country.

That is what one very sober Nigerian academic recently termed the situation of massive corruption, illegal smuggling of oil, arms smuggling, drug trafficking, financial fraud, State terror, criminal and communal violence.

There has been very little attention paid to the rising incidents of ethnic and religious violence in the country, which often are a harbinger of much greater deadly conflict in a country.

And, of course, you know there is a human rights catastrophe still going on in Ogoniland. It is not just nine people who have been executed. There is massive State terror in that part of the country now, in the Niger Delta area, where the oil is being produced.

If you have not done so, I would urge all of the members of the subcommittees to read the July 1995 report of Human Rights Watch on the Orgoni crisis.

Nigeria has become a rogue State—a major source of international lawlessness and an increasingly dangerous place to live in.

And, frankly, Madam Chair and Mr. Chair, distinguished members, this is not just a threat to Nigeria. It is not just a threat to the stability of the West African region, which, as you know, is a

region which has many struggling and potentially hopeful new democracies in it. It is a threat to the American national interest.

This regime, by either its neglect or, very possibly, its complicity, is pouring heroin and cocaine onto the streets of the United States right now and poisoning our young people as part of its absolutely lawless behavior in the search for profit.

So, let me just summarize my recommendations by saying that, frankly, I think you understand the gravity of the situation, the urgency of the situation and the need for action.

Congressman Payne, I think your bill is an excellent bill. I think the bill that Senator Kasselbaum has introduced is an excellent bill.

The only thing that I would suggest adding is a ban on the export of new technology and equipment for the oil sector.

The Assistant Secretary was absolutely correct in talking of the isolation and miscalculations of the Abacha regime, but if you understand the Mafia-like nature of this government, you will appreciate that the only thing it will appreciate now is pressure.

Talk without pressure will get us nowhere and time is running out. Creeping anarchy is gradually eroding the foundations of social and economic order in the country.

So, what I would say to you, with great conviction, on behalf of a great many Nigerians and Americans who are worried about the future of that country, is that someone must stand up finally and assume leadership.

[Applause.]

Mr. DIAMOND. Please, I would ask that you respect the wishes of the Chair at the beginning of this session.

The United States must lead its allies. And, frankly, if we step up and impose the sanctions that you have in your bill, I am convinced, not only will many European countries come along and Australia and Canada come along, but I strongly suspect that the British Government will be shamed into coming along by public pressure in Britain. And, gradually, these will become more multi-lateral and, gradually, the Abacha regime will feel the pressure.

If we combine that with the other half of what Ambassador Moose was talking about—which is diplomatic engagement, a very broad consultation among all Nigerian political actors, military and civilian, to find a safe, secure exit for the military and a transitional civilian government of national unity—I think we can put Nigeria on the course to safety. If you follow the logic of Ambassador Moose, then the only way to effect a reconciliation of forces in Nigeria and a transition to democracy in Nigeria is under civilian rule and not under military rule. I cannot imagine circumstances in which the military will sufficiently cease its terror against the democratic forces and its bias on the political playing field in order to enable a serious transition to occur.

We have to get the military out of power. We need sanctions as well as diplomatic engagement to do that. So, I urge you to press forward with the passage of this bill as rapidly as possible.

[The prepared statement of Mr. Diamond appears in the appendix.]

Ms. ROS-LEHTINEN. Thank you so much for your comments, Dr. Diamond.

Dr. Paden.

STATEMENT OF JOHN PADEN, ROBINSON PROFESSOR OF INTERNATIONAL STUDIES, GEORGE MASON UNIVERSITY

Mr. PADEN. Thank you, Madam Chairman. I will walk through my written remarks very quickly and hope they can be entered into the record.

Ms. ROS-LEHTINEN. Yes, they will. Thank you.

Mr. PADEN. I must state I share the frustrations expressed here today. As an academic, I have spent the last 30 years or so trying to understand how a democratic system in Nigeria could evolve.

The need for action—what is to be done—is the part of the purpose of what we are dealing with here today and I have been asked to comment on H.R. 2697.

Following what Larry Diamond has said about the need to get rid of military rule and move to a civilian system and following up on Secretary Moose's notion that isolation is probably the least desirable way of continuing our leverage on the situation—I have entered some cautionary notes here, both with regard to what I regard as intended and unintended consequences of these kinds of sanctions.

Let me say I fully endorse the goals of the bill—unity and democracy. As Larry has just said, we are all concerned about the fragility of this entire system; and, indeed, I think it goes without saying in this room that most of the inherited British colonial federations have collapsed.

This is not an idle threat. Two months ago we probably would not have said this was a possibility in Nigeria. As we now anticipate, international pressure is increasing and one wants to look at the possible consequences. The basic question is, how do you get military rulers to hand over to civilians.

Recognizing the strong expressions here today with regard to "rogue state", "pariah state" and so forth, let me make a couple of quick points.

In the sense that Tony Lake uses the term, Nigeria is not a backlash state. The irony is that it has been very cooperative in many of the international realms; peacekeeping and so forth.

I am quoting here many of the Nigerian critics who say of Nigeria "good abroad, bad at home". There is a certain tension between those two aspects.

To isolate Nigeria internationally would have clear costs in terms of the international support which Nigeria has demonstrated.

Second, the threat of cutting off all foreign aid to Nigeria, with certain exceptions, is a minor pressure because, as an OPEC country, we really do not give very much aid to these countries anyway.

Ambassador Miller has commented on the issue of new investments in Nigeria and I tend to agree with his analysis. I think not only does it reduce leverage, but, in the long run, it will add to more poverty.

The fourth item is the freezing of assets. I have mixed feelings about this. I think, in some ways, those who would be affected have already moved their money to a safe place.

There are due process issues here. I am concerned that as we get to a post-military phase, we may very well have to think of rec-

conciliation between those who would be affected by such sanctions and those who have opted out of the system all together.

Yet, from what I understand of the current situation in Nigeria, this threat of asset freezes has concentrated the minds of the so-called political class.

On Thursday of this week, I gather that the all-Nigerian politicians meeting will be held in Lagos and that there may be some critical review of the transition program, particularly, the timing aspect of it. So, that this kind of external threat seems to be having some payoff.

Regarding the cluster of policies which aim at isolating Nigeria and weakening communication links with the United States—which include the denial of visas, prohibition of air links, denial of military defense training and so forth—my general sense is that this puts us at a disadvantage in terms of the flow of information and in terms of the leverage points.

I will come back to the point of military training, which may be one of the last levers that we have on the actual inner core of military rulers.

Let me just say that the overall effects of these combined sanctions—and I am talking now just of the items that I have read in H.R. 2697—are very difficult to assess, partly because there will be reciprocal retaliation and I do not know exactly what form that will take.

In terms of these kinds of sanctions, they are, at best, a long-term policy; at worse, an invitation to produce a nationalist backlash or a hardening of military postures which might be counter-productive. So, those are the cautions that I introduce into this discussion.

Nigeria is a large and complex case; not only with an African context, but within the world context. While I realize that we only have 10 minutes to discuss this complexity, I am just simply going to state it as a known factor.

The complexities that concern me in terms of the possible impact of external pressures are the stresses on regionalism, ethnicity, religion, political class, civil/military relations, inter-military relations and intergenerational relations—some of which Larry has already mentioned.

I am encouraged that both the Congress and the executive branch are doing a re-assessment here and, hopefully, there will be some effective policies that will emerge.

My concern, as I have said before, is the isolation stance. I do not necessarily see the parallel to South Africa with constructive engagement. Perhaps there is a comprehensive engagement model out there as well that we would want to look at.

Let me say in conclusion that if the central issue is how to use carrots and sticks to encourage a military regime to speed up a transition time schedule, release political prisoners (including Abiola), commute sentences of putative plotters and so forth—some form of direct engagement, as Ambassador Moose has indicated today (both Track 1 and Track 2) with the top levels of the military command itself might be more effective than the blunt instruments of general sanctions.

I think, as Larry has pointed out, issues of amnesty and personal security will have to come up at some point. Let me just remind the committee that virtually all of the senior military leaders we are talking about here have received advanced training in this country. It should not be too difficult to imagine a more forceful direct diplomacy with military leaders, which does not threaten the stability of the federation as a whole.

Thank you very much.

[The prepared statement of Mr. Paden appears in the appendix.]

Ms. ROS-LEHTINEN. Thank you so much, gentlemen, for being with us.

Ambassador Miller, in your testimony, you state that "we need a policy that is carefully designed and managed to encourage positive trends in Nigeria".

Can you provide us with some concrete examples of what such a policy might be?

Mr. MILLER. Well, let me start off by noting my concerns about the downside of some of the suggestions we have just finished hearing. We are looking at a fragile situation and we have put pressure on some countries where the results have produced something that we did not really want.

In thinking of sanctions applied over the last 3 or 4 years, when we put sanctions on Haiti, I think things just slowly got worse until we were finally faced with a more forceful intervention.

I do not know exactly what the Iraq situation is, but I am concerned there that we have not achieved what we stated as national objectives and we have damaged a large number of people.

So, my first concern about a policy would echo Secretary Moose's; and, that is, we ought to be very careful about what we are trying to achieve and be certain that we put on enough pressure that we achieve it, but not so much that we go backward.

My guess is—and this is not speaking for the council—but my guess is that if the private sector and the Congress and the executive branch can work together, that we will be able to achieve a faster transition; that we will all achieve the goals that we want to achieve and that we will diminish the likelihood of an inadvertent misstep in the situation which might set the country back.

And that would be my concern. And I would share that with at least one or both of my colleagues.

Ms. ROS-LEHTINEN. Thank you.

Dr. Diamond, in your testimony, you emphasized the dangers of civil war and a regime collapse in Nigeria, and the dangers that some unexpected event could set loose large-scale violence. You talk about:

"...the warning signs of political and social decay are increasingly evident today in Nigeria. While no one can predict whether, when or how political order will fail, the trends are ominous."

And you explain some of those trends. How serious would you say is the current situation in Nigeria?

Mr. DIAMOND. I think the most serious aspect of the current situation today is the gradual erosion of political, social and economic order in the country.

I would urge you, if you have an opportunity, to speak to our Ambassador, who has been recalled, just about the situation on the

streets in Nigeria, and the fact that you really cannot travel around unless you are in an armed embassy car, and the fact that people dare not be out late at night because even the regime does not have control of the streets of Lagos and some other major cities at night. The borders are as porous as imaginable. And, in a way, that is useful to the democratic opposition.

Ambassador Miller spoke eloquently about the utter decay and disintegration of the economy. I am very, very concerned about the rise of the kind of religious and ethnic large-scale violence—including some incidents in which probably over a thousand people have been killed that I have already mentioned to you.

It is important to keep in mind, Madam Chair, that the Nigerian civil war was preceded by a progression of events in which there were deadlier and deadlier incidents of ethnic rioting; and there was more and more polarization and a sense of victimization on the part of first one people and then another major section of the country.

What is so dangerous now is that the major ethnic group of the southwestern portion of the country (the Yoruba, who account for about 20 percent of the population) feel, for a variety of reasons—most dramatically symbolized by the continuing incarceration of the president-elect who is a member of that ethnic group—a sense of profound victimization; an increasing desperation. And this leads people, increasingly, to feel that there is no other course but violence.

And, so, I think the most realistic danger in the next year or two is just the gradual continued disintegration of law and order, of economic order, of the conditions experienced by children and ordinary families in the country.

But you should also appreciate, as well, that the military is very divided. It is not—even within the Provisional Ruling Council—a unified group.

There are a number of military officers who think the military is badly misgoverning the country; that the military itself is disintegrating as an institution because of its misrule; that the military needs to get out.

And there is profound anger and alienation in the younger ranks of the military. That is why there are these continuing purges and arrests and imprisonments and executions on trumped-up charges.

It is, to a great extent, out of fear. And it is just impossible to predict at what point some sort of trigger will lead this volatile mix and this sense of rising desperation to explode.

And my fear, Madam Chair, is that, if the West does not act forcefully to try and move the military out of power, people will increasingly feel that there is no alternative but some kind of more violent course.

Ms. ROS-LEHTINEN. Thank you.

Professor, what are the challenges to creating a genuine lasting democracy in Nigeria?

What sort of measures could you outline which the United States should take to foster a real and lasting democracy in that troubled area?

Mr. PADEN. As a first point, I would just follow on what Larry has said. I think the more disorder is created the more military

rule you are going to get. This is not a scenario for a transition to democratic rule.

The second point I would make is that I think we ought to be talking about democratic federalism rather than simply democracy. Often there is assumption that whoever is at the top—the president-elect or whatever—is the issue. Yet Nigeria, on paper, is a three-tier Federal system, as is South Africa. How one actualizes that federalism will make or break the notion of democracy and the relations between these particular cultural zones within the country.

As you know, there is a 30-state federalism at present. The announcement on October 1st of the six zone solution roughly coincides with actual historical and cultural components within the country. We have talked about the southwest, and other regions, within that framework.

The question of the relations between these current zones—and I would suggest moving away from a “winner take all” political or electoral system to some kind of government of national unity—is certainly going to be a key transition step.

Recognizing that the morning after such a transition—where the people, as in South Africa, who were incumbents are now having to function with the people that are incoming—we should anticipate the need for some reconciliation and conflict resolution at precisely that point.

As a basic starter, I would say emphasize federalism, and work on the belling the cat, that is, getting the carrots and sticks to get the military out in the first place.

I dare say the military, being very close to the civilian society in Nigeria, probably has as much to gain by being out as being in power. They will continue to play a role in various ways. We should take seriously the Federal design of the country and, then, to encourage the international system to support whatever emerges.

I made the point in my paper of not trying to pick winners and losers. It is very clear that the amounts of money and resources that are available to senior people—both civilian and military in Nigeria—are going to produce some results in the electoral system which may not make everyone comfortable.

You are either into the democratic game or you are not and you have to accept what comes out. That is where I would urge the international community to be supportive and maybe cautious.

Ms. ROS-LEHTINEN. Thank you so much.

Mr. Smith.

Mr. SMITH. Thank you very much, Madame Chairwoman.

Ambassador Miller, you had mentioned earlier that sanctions, unilaterally imposed, would not be noticed over time. And I would agree that multilateral sanctions are always preferable, but, at some point, moral leadership dictates a moral imperative that someone lead.

Is it my understanding, in reading your testimony, that you said 35 percent of their exports of oil are to this country. Well, I have heard other estimates that put it almost at 50 percent, but about 35 percent of their oil does come to this country?

Mr. MILLER. Yes, it is a very large percentage.

Mr. SMITH. And about 80 percent of their revenues are derived from oil?

Mr. MILLER. Yes.

Mr. SMITH. So, when you say that it would not be noticed when such a large chunk of the pie is directly contingent on the relationship with the United States, why would it not have an impact?

Mr. MILLER. If we did not succeed in a multilateral program, my assumption is they would sell their crude into the European market and displace crude from other sources that would then be sold here. So, they would not notice an immediate dollar drop.

I think, conversely, to make your point, if you could simply get 5 or 10 major players into the multilateral effort, then it would work, but if it is unilateral, I suspect that, on the oil front, it is very hard to track and I do not think that they would notice it as much as I suspect you would like.

Mr. SMITH. So, the oil would be fungible, in your view, like money?

Mr. MILLER. Yes.

Mr. SMITH. Do you support a multilateral approach to sanctions?

Mr. MILLER. If there is no other way to change this government and if that is what this Congress wants to do, then that is the road that this country is going to go down.

Mr. SMITH. Do you support it, though?

Mr. MILLER. Let me tell you what concerns me about the aftermath of it. And perhaps it is the aftermath that Mr. Mandela is facing.

When a company leaves a country and its chairman or its Board or its executives make a judgment that the Middle East is too much trouble or the CIS countries have too much crime, well, then it takes a change in corporate leadership before people go back.

If a lot of private industry decided that Nigeria was simply going to be too unstable—whether there was a change in government and we had 30 States or more than 30 States or less than 30 States or revenue sharing—if the leadership of the international private sector community basically said, “This place is just not worth the candle”, then my question is where are jobs going to come for Nigerian kids.

It is not going to come out of a growing aid program from this country or from other countries. What is their future if we effectively cut off a private sector.

Mr. SMITH. It is the double-edge sword that we face on that as well.

Mr. MILLER. Yes, it is. And I think it should be very carefully thought out beforehand.

Mr. SMITH. I agree, but in that case, the evil of apartheid was deemed by many to be so surpassing that action had to be taken.

Mr. MILLER. Yes. And I think there is a critical difference here that is worth thinking about. In South Africa, you did have six million voters. Now, you had about 30 million that were not, but you had some people for whom sanctions meant something who could vote.

And when you talk to young nationalists, they said, “We are going to change; We are not going to grow up in a racist society; We want to see our team out there”.

Mr. SMITH. If I could—

Mr. MILLER. In Nigeria, if we get the guys holed up in Abuja and sanctions are applied, who is voting? Where is the pressure mechanism that would produce what you want?

And I think that that is something that we need to think about.

Mr. SMITH. But is it not true that Nigerians voted with their feet and made a difference, only to have that election nullified in 1993?

Mr. MILLER. Yes, but now that we are in the sort of nullification process—and I would cede this territory to my colleagues who are more up to speed on the political events—I worry that we might put pressure on a cauldron in which the average person that is being hurt is having a very hard time saying “OK, let’s change”. I do not know how they would react to that.

Mr. SMITH. Dr. Diamond.

Mr. DIAMOND. There is a reason why the regime makes so much effort to buy—and that is, literally, I think, what happens—support from the civilian sector, including for people who will come to the United States and defend it and will put their names to ads in American newspapers to defend it.

There is a reason why the Abacha regime has been so energetic in recruiting civilians into its cabinet. Why it has been so determined to win the support of most of the traditional rulers of the country. And that is, the military—in general, and this military regime specifically—cannot govern without the support of or acquiescence of some broad segment of the civilian elite. I think my colleague will agree with that.

And when Ambassador Miller asked where is the pressure going to come from, where is the voting going to come from, that is the reason why these sanctions are so important, beginning with targeted sanctions.

If we can get our allies to go along with these travel sanctions, they are going to have a powerful psychological impact on the Nigerian elite because you have just heard from several people in the last couple of hours of how desperate and depressing the situation is in Nigeria.

If you think they want to stay in Nigeria—not to be able to send their kids to school and to shop and to vacation in the West—obviously this is not an appealing option to them. They want to be part of an international consuming class. And to do that, they have to be able to go to Europe and the United States and Canada and so on to enjoy their investments and their wealth.

There is a critical public that sanctions will influence beyond the people in Abuja. And it is that very strategic segment of the Nigerian elite—traditional rulers, politicians, unfortunately many intellectuals and professors—who are serving the regime, who are acquiescing in the regime because they see no alternative. If pressure begins to be generated from outside that could change.

You recall from the South Africa days how much political momentum is a critical factor. If someone leads and begins to generate pressure, and other countries come onboard, then other countries begin to feel very awkward at not coming onboard as well. The heat intensifies and elites within the country begin to peel away from the regime, both publicly and in terms of private discussions,

including private discussions within the Provisional Ruling Council.

And the calculations of the General sitting there in Abuja begin to change. He begins to worry, "Well, how can I defend my situation; Is there going to be some coup that takes me out of this place in a coffin and how can I protect myself".

And that is when the other half of the strategy—which is precisely the direct engagement that Professor Paden talks about—can play a role. But I must say, with all due respect to my very distinguished and more senior colleague, if we think that the fact that these people went to military schools in the United States is going to give us any leverage at all with these generals, I think it is ridiculous. You saw how much leverage it had with Noriega. They only respect pressure.

Mr. SMITH. Ambassador Miller.

Mr. MILLER. Yes, sir.

Mr. SMITH. Do you know of any instances in which representatives of U.S. businesses operating in Nigeria have protested human rights abuses publicly?

Mr. MILLER. I know of some that are private and very senior and, I think, very important, but I would not want to put that on the record.

Mr. SMITH. But they publicly raised these issues of human rights abuses?

Mr. MILLER. Publicly? Let me, if I could paraphrase a statement that we made at the Corporate Council on behalf of all our members and it is put in the context of the private sector—investment and technology and jobs will flow to countries that have democratic and accountable governments.

And there is a longer paragraph on that, but that was meant to point out what we think is quite obvious. There is not much investment in Africa because we have not had the kinds of governments in Africa that we all would have like to see.

It is not that the private sector is running to Africa to take advantage of poor governments. It is quite the contrary.

Mr. SMITH. But, again, if a government—a dictatorship—can live like kings and the ruling elite can live in splendor, they do not really give too much of a concern to the average Nigerian who is living in squalor.

Mr. MILLER. Yes.

Mr. SMITH. So, they only need a certain amount to stay living with the silver spoon, so to speak, for they and their families and their close associates. As a matter of fact, it keeps the other people repressed in a way that they cannot, then, rise above.

So, you could make a case that they may say or make a decision, "That is enough; that is all we need to live in our mansions."

Mr. MILLER. Yes.

Mr. SMITH. So, that is why, again, I think sanctions and this idea of pressured engagement—which Dr. Diamond has talked about so eloquently—is so important.

They are already like despots all around the world, as I think many people from North Korea and China took their measure of Mr. Clinton when he delinked human rights with Most Favored Nation status.

And there are good and honorable people who believe that that could work over the long run, but I think, having had both positions, Mr. Clinton certainly lent himself to a certain amount of criticism because he said "Executive order, this is what you need to do in order to get MFN" and they did not do it. It got worse. And now they have the trade without human rights linkage.

And I think the same could go here. Unless there is that strong—

This is that time of opportunity. I do not know how long this window stays open because they make that calculated decision that it really does not matter.

We had the same thing happen in Turkey. We have had it happen in other countries as well.

Let me ask another question, if I could, and I will be very brief because I know that Dr. Diamond has to leave and my time is up.

Do you know, Ambassador Miller, of any contribution by a United States business operating in Nigeria to a human rights organization that is in Nigeria?

Mr. MILLER. I do not know. I have not asked any of them.

The latest series of conversations that we have had about a specific impact of our corporations is that one of the oil companies is giving away about \$13 million a year in their areas for roads, schools, hospitals, housing and so on.

I do not know if, in that, they would say there is a donation to a human rights organization or not, but if you look at the charitable contribution programs of the major corporations, they are large; that would be a measurable percentage of the net income of that company in country because they recognize—as you recognize, as everybody in the panel recognizes—that stability and growth and education is going to lead to an environment in which they can operate better as well.

So, everybody is trying to achieve the same thing, but I, truly, have not polled any of our people to say, "Have you given any money to a human rights organization?"

Mr. SMITH. Well, could you provide that for the record?

Mr. MILLER. Sure.

Mr. SMITH. It would be helpful. And I did catch in your testimony the example you gave with regards to food and the impact on the corporation. I think that is all fine and altruistic. It certainly speaks well of the corporation, but, again, the people who are on the cutting edge who are dying, as so many have died, by hanging; in the case of one, it took 20 minutes. And there are others who, I think, may suffer a similar fate.

As I mentioned earlier in my comments, there are some, as you know—

Mr. MILLER. I understand 19 more.

Mr. SMITH [continuing]. 19 more. And I wonder if the U.S. corporations have had any comments regarding those individuals.

Mr. MILLER. I think they have, but, if I might prevail upon you at a later date to sit down and chat, I think that there are some data that might be worth trading, sir.

Mr. SMITH. OK. Thank you, but, again, I hope, since time is pressing for those individuals, if there is some kind of statement that might be made, I do think, in terms of having standing, the

dictatorship will look at those from which they derive considerable revenue, and it might save their lives.

Mr. MILLER. Quite.

Mr. SMITH. So, I encourage you.

Mr. MILLER. Quite. We have been trying to work very closely with Secretary Moose and Susan Rice at the NSC and your membership as well on that.

Mr. SMITH. Could I ask one final question, if I could and then yield back?

I noticed in your testimony, Dr. Diamond, you said: "The Nigerian criminal rings threaten the rule of law throughout the region."

Could you give some kind of indication as to how many such rings do exist? Do we have any idea how many there are?

Mr. DIAMOND. We have such poor information about criminal rings. And if I may say, one concern I have is that we do have such poor information through all of the sources that we use to gather information.

That should be a source of general concern to these two subcommittees. And I must say, I think some of the budgetary cut-backs have really had an impact. Our embassy and our other means for gathering information are very, very understaffed in Nigeria and in Africa, generally.

Certainly, international criminal activity in Nigeria is not decreasing. And as for the regional impact of lawlessness, Professor Paden has spoken about Nigeria's role as a responsible player and ECOMOG and so on and so forth.

You know, there was a military coup in Gambia that overthrew the longest standing democratic government on the African continent. And those military officers were, at a minimum, inspired by the Nigerian example.

Moreover, there were Nigerian military officers posted to Gambia at the time who may have even given them more than general inspiration.

And it is interesting to note that the Gambian military has now sort of proposed the kind of transition model that looks awfully like the game that the Nigerian military has been playing.

And one of the things that most worries me about allowing this military regime to stand indefinitely without pressured engagement is the signal it will send to other African militaries who are still waiting in the wings and chomping at the bit for the opportunity to dip into their own national treasuries again.

Mr. SMITH. Thank you very much for your comments and I yield back.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Smith.

Mr. Payne.

Mr. PAYNE. Thank you very much.

Dr. Paden, you indicated that you felt there should be more of this sort of a carrot approach trying to get things moving.

And, as you know, there has been a tremendous amount of that going on. It is very rare that the United States would appoint a special envoy and to take a person like Ambassador McHenry, who is a former Ambassador from the United States to the United Nations; to have letters sent by Reverend Jesse Jackson on his visit; by having the U.S. Ambassador.

We have another Member of Congress go to Nigeria just this weekend. He has been successful or started to become successful in Haiti and he was pretty successful up in North Korea and got some prisoners out of North Korea. And he was hoping to be able to make some progress in Nigeria.

And as he left, I told him that I did not want his string to break, but do not be too optimistic.

There has been a tremendous amount of the carrot. And what more do you think the U.S. Government could do or governments to pressure Nigeria? What would you do if you were President Clinton?

And maybe I will ask each of you for a minute—only for a minute, maybe—to be President Clinton—

I do not know if you want to be or if you do not want to be, but be it anyway.

—and tell me what kind of a role that you would suggest.

Mr. PADEN. Well, first, I would want to avoid new Bosnias.

Mr. PAYNE. OK.

Mr. PADEN. The examples of diplomacy you have given include what we, in the academic world, call Track 1 (which is formal) and Track 2 (which is non-governmental or low profile).

I am aware of many of those initiatives and I think we all welcome them, although Secretary Moose has testified here today that they have not worked. And, so, we do need to assess what the reasons are.

As a part of the general assessment of what is working and what is not working, we may want to take a closer look at precisely some of those initiatives, recognizing, perhaps, the more transparent they become, the less effective they become as well.

My suggestions, in terms of the pressure points on the current regime, are to suggest more attention to intramilitary pressure points and to pay attention to the political class in Nigeria. You have to decide whether the "old politicians" are in or they are out of the game.

The third strand, of course, is the international pressure. International pressure alone is not going to do it. You need the other two.

I do not believe it is useful to focus only on the Abuja group in power. Having worked for many years in Kano—which is the home town of the head of state, I am familiar with some of the social networks that he is part of.

There is no reason to think that this regime is just an Abuja phenomenon or just an intramilitary phenomenon. There is a whole network of regime support in parts of the country. I dare say, we have not begun to imagine what the pressure points on that informal network would be.

I will pass in terms of being President Clinton to Larry Diamond.

Mr. DIAMOND. Well, I think I basically say it in the longer version of these prepared remarks, Congressman. I would do basically four things.

First of all, I would impose all of the sanctions that are envisioned in your bill, plus the additional one of embargoing equipment and technology for the oil sector, which is not going to have that much of an effect on the situation for a while, but much of this

is psychological—the psychological impact on the regime and the supporting elite.

Second, I would engage in vigorous diplomacy with the allies; frankly, at a higher level than has been done so far with our democratic allies, to emphasize to them our national interest and our collective national interests in getting the military out of power in Nigeria and getting a civilian transitional government as soon as possible, and in getting their cooperation, both in a multilateral forum like the United Nations and in adopting multilaterally, as a community, the sanctions embodied in your bill.

Third, I would seek the appointment of a tripartite special negotiating team, including a high level American diplomat, and a high level diplomat from the European Union.

Very significantly, I think the biggest breakthrough in Auckland at the Commonwealth meeting last month is that President Mandela finally took the bull by the horns and realized how wicked and stubborn this military regime is in Nigeria and the need for pressure

And, so, I think the third member of that tripartite team should come and would come and could come from South Africa. And together they can engage in this direct diplomacy, a discussion with all sides, that is necessary to find the solution, to give the military a soft landing, a safe landing and get them out of power.

Fourth, I would just add, Mr. Congressman—and I know you can appreciate this because of the tremendous support you have given to the National Endowment for Democracy—Nigerian democratic groups badly need more assistance and the funds within the NED budget just are not there now to do it. I would endeavor to see that \$3 to \$5 million is found somewhere—either by special congressional appropriation or, better still, through an allocation by the Agency for International Development—to be allocated on an emergency basis to Nigerian democratic organizations and movements.

Mr. MILLER. The thought of being President Clinton is enough to paralyze me, but, Congressman Payne, let me offer some of my thoughts. And maybe this is an NSC bias.

I think one of the failures of our attempts to influence events in the last 5 or 10 years—which includes our Administrations as well—has been a failure to think out the long run of a 5- or 10-year engagement and a set of objectives and the resources needed to get there.

So, if I were back working in the executive branch again, I think my memo down to the staff would be basically, as we all know, Nigeria represents most of West Africa, in many terms, and a great deal of Black Africa.

And I want a game plan that, for 10 years, is going to get us from X to Y. And that includes a democratic government quicker, but it includes a democratic government that we think will be stable and will stand the test of time.

And I do not want to speak for people in Abuja, but there are people up there who say, you know, we have rushed into transitions of governments before and they have failed. And we clearly do not want another failure.

So, I think one of the things is how quickly do we think they could responsibly move to a democratic government, but then, over

the longer run, I would push the Administration or policymakers to say what per capita income do we want to see; what level of education do we want to see; what can we do as a country to work with them on a set of goals that will make life better for Nigerian children, not only that they can vote in a local election, but they have enough money to go to school and get some food and aspire to a higher education and a better lifestyle.

And I think if our country did a better job of that longer engagement plan, we would all be more proud of our impact.

Mr. PAYNE. Thank you very much.

I just want to conclude by saying that, as I said, it is a shame that, as you have indicated, the per capita income dropped to 25 percent of what it was at one time. The naira, as you know, is suffering from inflation and devaluation.

And I think also that when the government is a pariah government, behavior on the part of some of its citizens changes.

Unfortunately, Nigeria is getting a bad name in the business community around the United States and in Europe with scams and other kinds of things. I mean, there is legislature—I think it is 415 or 419; I am not sure exactly what section of the legislation it is—in Nigeria that is supposed to work against this, but to have a government that is not working against these kinds of negative images for Nigeria, therefore puts any legitimate Nigerian businessman at question by business people and it is unfair to Nigerians who are now being broadbrushed by the fact that the government is not working against those that they know are perpetrating these scams.

And, therefore, taking away economic opportunities for Nigerians in America to be able to do business because in Indiana and several States now they are saying “Be careful” which is prejudicial.

Mr. MILLER. Absolutely.

Mr. PAYNE. But because the government is allowing these things to occur, because the government is not working seriously on trying to reduce corruption at the airports, they have done the physical part and the airport is upgraded, but it is still difficult if you have a ticket to use your ticket without having to go through a lot of other changes and that is unfortunate.

When I went there first in the middle 1970's when General Johnson was in charge, they were talking about building a couple more lanes from the airport when it was just a single lane. And they did that.

The Sheridan, the other hotels, were first class then. Today, you cannot get water at the Sheridan. It does not work. It is a shame that the leadership allowed a first rate nation to drop to where it is today.

Mr. MILLER. Yes.

Mr. PAYNE. It is absolutely incumbent upon the leadership on the entrance into downtown Lagos, it is suggested that you do, especially if you are a foreigner, to be sure that you have your doors locked and have some guards with you because where the log jam comes on going over the bridge, there have been a number of foreign persons that have been——

That makes no sense. It should not be in a country that is that wealthy. And, so, I think for the people of Nigeria, more than anything else.

And to see an ad in the New York Times—it must have cost \$100,000—last week and with a very fancy scheme that a Madison Avenue P.R. firm probably charged \$25,000 to do the scheme. It cost as much as what 400 people make all year to put an ad to tell the so-called story of democracy in Nigeria in the first section of the New York Times.

It is unbelievable. I have not seen a two-page article in the New York Times in years. And any time you see it, it has 500 names and everybody is throwing in a couple of thousand dollars to get the ad in.

Two whole pages! The New York Times. The first section. A hundred thousand dollars at least; \$20,000, \$25,000 for the layout.

It is a waste of money. It is unfair to the Nigerian people.

Mr. PAYNE. And I think that this kind of thing should not be tolerated. And that is why I am urging and pushing the legislation, not for me, but for the legitimate people of Nigeria who should not have to suffer in a nation that is so wealthy and rich with natural resources and with people who have the desire to achieve the level of achievement that is higher than most countries in the world; not Africa, but I am talking about most countries.

And for them to be imprisoned by dictatorial military greedy leaders, it is sad.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Payne. We appreciate it.

Thank you to the panelists for being here with us. Thank you.

Mr. MILLER. Thank you for the opportunity.

Mr. PADEN. Thank you.

Mr. DIAMOND. Thank you.

Ms. ROS-LEHTINEN. I would like to remind the audience about my clearly stated policy. We have a police officer in the back, and he will be more than happy to escort you from this room if we have another such interruption.

Our next panelist is Mr. Felix Morka. Mr. Morka is legal director for the Nigerian Civil Liberty Organization. Previously, he served as legal officer for Africa for the International Human Rights Law Group. He has also served as assistant editor of the Journal of Human Rights Law and Practice, and was legal officer at the Ibadan Municipal Council. Welcome.

We had another witness, as you know, Mr. Owens Wiwa, scheduled to speak in this panel. Unfortunately, due to last minute travel difficulties, he was unable to join us today.

Welcome, Mr. Morka.

Mr. MORKA. Thank you so much.

Ms. ROS-LEHTINEN. I would like to point out that Mr. Smith, the chairman of the International Operations and Human Rights Subcommittee had to leave to go to the Chinese Embassy. He is meeting with international human rights groups about a resolution over a Chinese dissident, which will be discussed on the floor in just about 40 minutes.

Thus, he has asked me to excuse him from the rest of the procedures today. Thank you.

**STATEMENT OF FELIX MOROKA, LEGAL DIRECTOR, NIGERIAN
CIVIL LIBERTIES ORGANIZATION**

Mr. MOROKA. Thank you, Madam Chair.

Good afternoon, Mr. Payne.

I am so grateful for this opportunity to testify before you today on behalf of the Civil Liberties Organization and the Nigerian Human Rights Community which is a platform of human rights groups, labor unions, student groups and others including women's organizations in Nigeria.

I have listened very carefully to previous testimonies, but before I even go to what I have to say, I just want to respond to Ambassador Miller to say that under the regime of General Babangida, Nigeria was put through 8 years of transition.

Ambassador Miller mentioned that there is a need to be careful in rushing into transitions in Nigeria, but I just want to remind ourselves that the last election we had in 1993 was the culmination of 8 years of transition. To me, that is not rushing into a transition program.

And even that was scuttled. That is a very serious concern as to the current regime and its plans for Nigeria's future.

Let me just put on the record that the CLO was established in 1987. I have given some description of the organization in my written testimony, but I just want to emphasize that the group's work since 1987 has spanned through the broad spectrum of human rights from defending prisoners to defending human rights activists in Nigeria who have been targeted over the years by successive military regimes.

Indeed, the president of the CLO was one of the lawyers who defended the late Ken Saro-Wiwa during the bogus trial before the military tribunal in Nigeria.

Now, a lot has been said about the execution of Ken Saro-Wiwa. I only want to emphasize the implication of that execution for the human rights movement, and for the Nigerian Human Rights Community.

That event has fundamentally changed the way human rights work is done in Nigeria. Nigeria, before now, before the event, boasted of one of the most aggressive, the most unyielding human rights movements on the continent of Africa, but, as you would imagine, the execution has dislocated, to some degree, the forces on the ground in Nigeria combatting the military regime.

As I speak, the executive director of the CLO who has been incarcerated since July without any charges brought against him. Chima Ubani who is also an officer of the CLO as well as the Democratic Alternative—which is more into the democracy movement—has also been imprisoned without charges.

Now, these two individuals represent the many others. At the last count, we had about 86 of my friends, of my colleagues back in Nigeria who are either in jail or have been forced to go underground as a result of consistent harassment.

The Ogoni communities since the arrest of Ken has witnessed indescribable terror unleashed against local peoples, who—on their ways to farms, on their ways to doing their normal domestic activities—have been terrorized.

For what reason? Because the government is seeking to eliminate all supporters of Ken Saro-Wiwa and of the Movement for the Survival of Ogoni People.

Now, I know I do not have a lot of time to be here, but I am just going to quickly go through a paragraph or two of my testimony, just to drive home some points.

Now, it is against the backdrop of the human rights catastrophe which Larry and others very well described in the previous panels that the CLO and the Nigerian Human Rights Community strongly urge great circumspection in your consideration of the so-called transition program embarked upon by General Abacha.

Every step taken and every move made by the regime so far have been totally inconsistent with any real intention to relinquish power to a democratically elected government. Now, I say this with a lot of caution.

Ms. ROS-LEHTINEN. Could you repeat that again?

Mr. MOROKA. Well, I just said that every step which the regime has taken until this day is totally or have been inconsistent with any real intention to relinquish power to a democratically elected government.

Now, it is possible by measures—which were talked about by Larry and others which were just mentioned—to force the regime to rethink its mission in Nigeria, but in the next few months, in the upcoming months, you are going to be treated to a series of measures designed and packaged to assuage the anger of the international community.

Now, these measures are not designed for Nigerians. They are not designed for the people who are suffering in the streets of Lagos, in the villages. They are designed simply for international audience.

And like Congressman Payne just mentioned, it is totally embarrassing and very irresponsible for the government to be pumping millions of dollars into trying to build or to repair what I deem irreparable loss of credibility and legitimacy in the streets of Washington and New York and other Western capitals.

Several millions of workers in Nigeria in the last few months—in some States, up to 6, 7 months—have been unpaid. That is hilarious.

Hospitals, schools, roads, a lot of essential utilities have collapsed in the country. There is no sign of governmental presence, whether in the cities or in the villages. And, yet, the government finds the resources to nourish this irresponsible campaign.

Now, corruption—which has been talked about—has become a celebrated policy. Some of the moneys which the oil companies and businesses have occasionally put toward the provision of basic essential amenities in the country have been siphoned and stolen by these military rulers.

So, that, as far as the average Nigerian is concerned, there is hardly any notice of government's efforts. Which then leads me to the issue of the oil embargo and how that may possibly affect Nigerians and the United States.

Now, before I even go into that, we just want to put on the record that we thank both the U.S. Congress and the Administration for their support so far as demonstrated. We welcome the measures

announced by the U.S. Government against the regime, but we insist that the swift execution of Ken and the other Ogoni activists, if nothing, demonstrates the obduracy of this government.

It is impervious to mild treatment. In fact, mild treatment is irrelevant to the case of General Abacha. So, more forceful measures are called for in order to affect the regime.

The best is the idea of the oil embargo which we support wholeheartedly. We believe that this measure will not significantly exacerbate the already depraved existence which Nigerians have found themselves in.

Now, it is OK to argue here that if you impose the embargo, that Nigerians are going to die. They do not feel the presence of the oil revenues anyway. Within the Ogoni community and the other oil-producing communities in the country, oil has come to represent their suffering and their misery and I think that point has to be noted. But we are not unaware of the possible impact of an embargo on the United States, but our response is that the best and the lasting protection of those interests lies in the immediate withdrawal of the military from rulership in Nigeria and the quick restoration of democracy.

Should a situation of imminent violent conflict develop in Nigeria, if it is not averted, those interests would be totally endangered, as I am sure you are aware.

As far as the Nigerians are concerned, an embargo would have, like I said, no impact. And I also want to emphasize that the constitutional conference which the government put in place—which I am sure you are very familiar with—was not supported by Nigerians. Barely 300,000 people voted at that election.

And, so, all of the promises which were made which the government is pushing in many quarters do not, indeed, represent the interests and aspirations of Nigerians. And, so, I would urge you to continue with your very positive steps. Thank you.

[The prepared statement of Mr. Morka appears in the appendix.]

Ms. ROS-LEHTINEN. Thank you so much for your testimony.

Did your organization send observers or other representatives to the trial of Ken Saro-Wiwa?

If so, do you also plan to send observers or representatives to the upcoming trials of others who will have their day in court?

Also, do you think that the presence of American diplomats or international journalists at these trials will help assure a fair outcome for those who are on trial?

Mr. MORKA. Well, like I said earlier, Mr. Olisa Agbakoba—who was the CLO president until a few weeks ago—was one of the leading defense lawyers for Ogoni activists.

Now, we are concerned, just as we were during the trial of Saro-Wiwa and the others, about the upcoming trial on the 19th. We are very concerned.

They are going to be tried by the same tribunal, with the same membership, the same tribunal that made it impossible for the lawyers on behalf of Ken to argue the case or cases of the defense.

And we do not see that there is going to be any dramatic change in the strategy of the tribunal to simply foreclose an effective defense for the defendants. Yes, we will be needing plenty of international assistance.

I am aware that in North Korea, for instance—I do not know if it is South or North Korea—the State Department has been involved, at least in some nature, with monitoring certain trials.

Both non-governmental and governmental representatives are, indeed, critical to this upcoming trial of the Ogoni activists.

And, so, I would say that the groups in the country are not going to relent. We are putting together an effective team, a good team to be a part of that trial if they are permitted to do their work.

Ms. ROS-LEHTINEN. How would you describe the judicial system in Nigeria over all?

Mr. MORKA. Well, I am at a loss at this stage of our development whether we can even talk of a judicial system. What we have is just—

I mean, it is judicial confusion. Judges are not sure anymore what type of matters or what levels of jurisdiction they are empowered to exercise.

Virtually, every decree has been promulgated in Nigeria since 1985—well, I am saying this in the context of the transition program—has contained an ouster clause which precludes the courts from exercising any powers in respect of human rights or political cases.

So, the judges have become mere official spectators in their own courtrooms. So, we have a judicial anarchy. Lawyers go to court without even any idea of what kinds of laws to urge upon the court.

I mean, I watched the O.J. Simpson trial and despite whatever criticism or doubts people had regarding the whole thing, but lawyers were still able, at least, to express themselves.

So, in the case of Nigeria, those laws, those infrastructures are not available for any legal or effective system.

Ms. ROS-LEHTINEN. Does the military respond to the judicial orders?

Mr. MORKA. No, of course not. Orders are flouted with impunity. Speaking for myself now, I have gotten judgments—hundreds of judgments. Some of my clients are still in prison in spite of orders for their release. Some of them I have never even set my eyes upon. They are detained incommunicado.

Even in relation to the offenses which are nothing but political, they are held without access to their lawyers, without access to medical assistance, without access to their families. It is totally unacceptable to the Nigerians.

Ms. ROS-LEHTINEN. How did your organization collect its data on the folks who were arrested or killed by the Nigerian military forces, and what does this data show in terms of the numbers of persons who were arrested or who were killed?

Mr. MORKA. Now, we do our work just like other international human rights organizations. We rely on research. We rely on reports made by directly affected persons.

So, that if a journalist is arrested, for instance, the wife or the family waits for him to come home and he does not show up. Reports are made with us which are recorded and then investigated.

So, we deploy the best possible methods and techniques for finding our information. And, in most cases, we depend on personal contacts with the family who are concerned.

And, so, when we gather these files, we put out whatever information is necessary to draw both domestic and international attention to the events.

I am sorry. I did not quite get the last aspects of your question.

Ms. ROS-LEHTINEN. That is fine. I was saying what do your statistics indicate? Is there an increase in the amount of people who have been recently detained or killed or do your numbers indicate a reduction in those human rights abuses?

Mr. MORKA. Oh, no, a massive increase. In fact, since the execution of Ken, we now have a vicious cycle of more arrests and detention. Those who call for the release—what I mean is people both within the civilian ranks and the military—who call for the release of arrested persons are themselves arrested and detained without trial.

And, then, you now have a fresh round of activity calling for the release of these second category of people and those are in turn arrested.

So, it has been this unbroken cycle which we are seeing and which needs to be halted.

Ms. ROS-LEHTINEN. Thank you, Mr. Morka.

Mr. MORKA. Thank you.

Ms. ROS-LEHTINEN. Mr. Payne.

Mr. PAYNE. Thank you.

Are there any radio programs that are just free and people have access to the media or TV or newspapers where democracy and criticism of the government can be expressed in Nigeria?

Mr. MORKA. Well, if we are talking about electronic media, we do not quite have any such facility. The electronic media is controlled almost entirely by the Federal and State governments, and of course, we now have military Governors in the States who owe their allegiance to the General in Abuja.

And, so, electronically, it is almost impossible for groups or democracy activists to put information across to Nigerians, but in the print media, you do have pockets of journalists who, in spite of overwhelming pressure and intimidation coming from the military, continue to publish the truth about what is going on.

So, in the print media, we still have those who are publishing mostly from underground places. I am sure you are very aware of all the bans and re-bans of newspaper houses in the country, but, that notwithstanding, the journalists have individually demonstrated extreme courage which needs to be supported by the type of action which you have proposed in your bill.

Mr. PAYNE. Are the prisoners able to have visitors?

I know when I went and was able to see M.K.O. Abiola, they would not let me go to where he was. They took me around town and drove me different places. I ended up in some cottage on some side street and then the secret police brought a dignified man like Chief Abiola in to meet with me.

Are the prisons open? Can people visit them openly in Nigeria?

Mr. MORKA. The prisons, very unfortunately, are completely inaccessible to a casual visitor or to a family visitor or to foreign visitors like yourself. It is completely closed.

If it was that difficult for you to even get access, you can begin to imagine how difficult it is for myself or for my colleagues back

in Nigeria to confer with their clients or deal with them. It is totally and completely closed.

Mr. PAYNE. Even during Mr. Mandela's stay on Robbins Island, P.W. Botha and F.W. de Klerk allowed South Africans to visit him, other than family.

And, so, the regime is even more notorious than the apartheid government of the white racist regime in South Africa.

Let me just mention, once again, that I certainly appreciate you coming and giving this very important testimony. We do hope that we are able to have more and more people.

We feel that Shell Oil, even if there is no embargo, they will be targeted.

We will be in touch with the black caucus of Great Britain where we have relations—and France—where we will be talking about targeting Shell, wherever they are, and definitely here in the United States. And even groups in Holland.

As you know, Reverend Sullivan, with my urging, refused to bring the African-American summit to Nigeria which was scheduled for this summer.

There will be continued boycotts. Of course, they will find people to go and say that everything is all right. We expect that.

There was some journalist—black journalist—that went maybe 3 or 4 months ago and said that everything was fine. Put him up in Abuja in that beautiful hotel, you know. And, so, I guess it was nice. I have been there myself.

The whole question of the very sophisticated process here in the United States where, even in my State of New Jersey, they do not know; I know who the agents are, but the agents are there speaking and green card people and citizens of the State that say we think everything is fine, but, as you know, there is a very extensive system that Nigeria has with having people associated with the government being paid who will speak out to say that everything is just fine and rosy.

Fortunately, I have been in the State much longer than they have. So, I know who they are.

So, they are exposed. We know what is going on and we will continue to push and fight for justice for the people of Nigeria.

And I just thank you for your testimony.

Mr. MORKA. Thank you.

Ms. ROS-LEHTINEN. Thank you very much for your testimony.

Thank you to the audience for being here with us.

The subcommittees are now adjourned.

[Whereupon, at 4:21 p.m., the subcommittees were adjourned.]

HEARING ON THE
"RECENT DEVELOPMENTS IN NIGERIA"

OPENING REMARKS OF
THE HONORABLE ILEANA ROS-LEHTINEN
CHAIRPERSON
SUBCOMMITTEE ON AFRICA
COMMITTEE ON INTERNATIONAL RELATIONS
U.S. HOUSE OF REPRESENTATIVES

December 12, 1995

1:00 p.m., Room 2154 Rayburn Building

I want to make something very clear at the start.

The last time there was a hearing on Nigeria, some members of the audience were extremely disruptive of the committee's business. This will not be tolerated. The Police here have been instructed to remove immediately from the audience any person who disrupts this subcommittee's hearing. The policy towards disruptions of this hearing will be "zero tolerance."

There has always been a strong American interest in promoting democracy and human rights in Nigeria. When Nigeria has had a civilian, democratic government, relations with the United States have been strengthened.

We want good relations with Nigeria, but those relations must be based upon a solid foundation of shared values and a shared commitment to democracy.

We need to see in Nigeria a full commitment to the rule of law, to respect for the human rights of its citizens, an impartial and effective judicial system, a police force that protects rather than preys on the public, and a system of government where government officials, both elected and appointed, are held accountable for the use of government funds.

Last month marked the second year of the current military government of General Sani Abacha.

According to the State Department's most recent human rights report, Nigeria's human rights record has remained dismal. The Abacha government has regularly used arbitrary detention and mass arrests to silence its critics, and has issued decrees which prohibit judicial review of government actions.

General Abacha's rise to power has led to the dissolution of virtually every democratic institution in Nigeria at the local, state and federal level. Universities have been closed due to a fear of protests. Newspapers have been closed or banned, and political dissidents arrested and held without trial.

General Abacha in a speech in October promised to carry out a transition to democracy within three years, but three years is too long. There seems to be no commitment to a time schedule and confidence building measures.

Many in Congress have become frustrated with the lack of progress toward democracy in Nigeria and the continued denial of basic human rights. We have also become frustrated by the lack of an effective American government response, and an effective Administration strategy to promote a peaceful and lasting transition to democracy in that country.

Reflecting that Congressional frustration, legislation has been introduced in both the House and the Senate to impose stricter sanctions against the Abacha regime. Action on that legislation could take place as early as the first quarter of next year if there is no progress made in Nigeria or in the Administration's policy toward Nigeria.

Representatives of the National Security Council were in Europe earlier this month to discuss with the foreign ministries of the United Kingdom, France, and the Netherlands about a possible coordinated approach to promote democracy and human rights in Nigeria. Nigeria has been suspended from the Commonwealth, but the British appear to be stubbornly resisting any economic sanctions in response to recent developments in Nigeria.

We look forward to hearing from the State Department on the Administration's most recent review of its policy toward Nigeria, and the results of its recent discussions with other major countries, such as England, France, and the Netherlands, who have important business and other links with Nigeria. Without a firm and dedicated coalition promoting democracy in Nigeria, the prospects for effective international leadership on this issue seem bleak.

And now I would like to recognize our first panelist who will provide us with insight into the Administration's response to developments in Nigeria. Following his testimony, we will have a period of questions and answers before proceeding with our second panel.

Assistant Secretary George Moose has spent his career in the State Department as a specialist on African Affairs, with well over twenty years experience in the region. He has served as Ambassador to both Benin and Senegal, as well as in Washington and at the UN in positions responsible for African affairs. He has received numerous and well deserved awards for his service to the nation.

PANEL II-

Our panel consists of three American experts on Nigeria: Dr. Larry Diamond, Dr. John Paden, and Ambassador David Miller. Each of them has had substantial experience in Nigeria over a very long period of time.

Dr. Diamond is a Senior Research Fellow with the Hoover Institution at Stanford University, as well as coeditor of the Journal of Democracy published by National Endowment for Democracy and codirector of the NED's International Forum for Democratic Studies in Washington. He has received numerous awards and recognition for his published work and research on democracy in developing countries.

Dr. Paden is Clarence Robinson Professor of International Relations at George Mason University. Previously, he served as Professor of International Studies and Political Science, as well as Director of the African Studies Program at Northwestern University. Prior to that, he taught at Ahmadu Bello University in Zaria, Nigeria and at Bayero University in Kano, Nigeria. He too has published extensively on issues pertaining to Africa.

Ambassador David Miller served as Special Assistant for National Security Affairs in the Bush Administration's National Security Council, and as Deputy Assistant Secretary for African Affairs in the Reagan Administration. From 1976 to 1980, he lived and worked in Lagos, Nigeria for the Westinghouse Electric Corporation. He has remained deeply interested in Nigeria since his experience there.

I am very pleased that we have such a distinguished, experienced, and knowledgeable group of witnesses from the State Department and from the private sector.

PANEL III-

Our next panel is Mr. Felix Morka. Mr. Morka is legal director for the Nigerian Liberty Organization. Previously, he served as Legal Officer for Africa for the International Human Rights Law Group. He has also served as Assistant Editor of the Journal of Human Rights Law and Practice and as Legal Officer of the Ibadan (EE-BAH-DAH) Municipal Council.

**Statement of Congressman Christopher Smith
Chairman, Subcommittee on International Operations
and Human Rights**

I want to thank the Chairwoman of the Africa Subcommittee, my valued colleague and friend Ileana Ros-Lehtinen, for her initiative in scheduling this important hearing.

In the sad story of Nigeria, we are seeing once again the drama that has played out in country after country around the world: in South Africa, in China, in Burman, in Viet Nam. For a little while it appears that there is a chance for freedom and democracy. Then freedom and democracy are crushed. The dictatorship consolidates its power, often by imprisoning or even executing its opponents. For a while it seems possible that the community of civilized nations might unite in an effort to isolate the dictatorship, or at least to intervene on behalf of its victims. In the end, however, business as usual prevails. We persuade ourselves that it is more prudent to work with the dictators than to work against them. Sometimes we even persuade ourselves that this policy of so-called "constructive engagement" is better not only for our own economic interests, but even for human rights --- that the only way to protect human rights in a dictatorship is to win the confidence of the dictators and persuade them to make gradual improvements.

So far it appears that constructive engagement is not working any better in Nigeria than it has worked anywhere else. First, when it appeared that the regime had lost a democratic election, it called off the vote count. Then it imprisoned the President-elect. Now it has executed an internationally acclaimed writer and eight other leaders of a minority ethnic group, after a kangaroo trial. According to international human rights observers, Ken Saro-Wiwa and the eight other Ogoni leaders were guilty only of protesting the economic and environmental devastation of their homeland and their people.

So we must ask the same questions of the Administration, and of U.S. business interests who want more constructive engagement with the Nigerian dictatorship, that we ask about China and other countries: what is constructive about this engagement? How has it helped to bring freedom and democracy to Nigeria? And how many more people do they have to kill before we take stock and change course?

I look forward to the testimony of our witnesses today.

**OPENING STATEMENT BY
DONALD M. PAYNE, M.C.
HEARING ON
DEVELOPMENTS IN NIGERIA
DECEMBER 12, 1995**

Thank you, I want to acknowledge with appreciation that both the Chairs of the Subcommittees on Africa and International Operation and Human Rights have scheduled this important hearing in response to the increasing persecution and human rights violations in Nigeria.

The entire world awaits a proper response from the United States. In south western Nigeria, several thousand university students denounced the military government in a recent rally to protest the hanging of Ken Saro-Wiwa and eight of his Ogoni compatriots. They chanted "down with the murderers of Ken" "No to military dictatorship" and "Democracy Now".

In South Africa Bishop Desmond M. Tutu reported on his earlier trip to Nigeria to attempt to secure the release of Chief Moshood Abiola at the request of President Mandela. Tutu reported on the condition of the obvious winner of the June 12th Presidential elections, and I quote "When I visited Chief Abiola I was truly shocked by what I found. He is held in solitary confinement in a tiny room 24 hours a day. He cannot even tell whether it is day or night. I pray for him and his family and for all the many political prisoners in Nigeria." -- end of quote.

The Commonwealth of Nations have suspended Nigeria from membership and the Southern African Summit is now meeting to determine further sanctions on Nigeria. Other African nations have spoken out on Nigeria's lack of democracy, and Nigeria's response is to threaten them with a cut off of various assistance programs.

In the United States, the TransAfrica organization with the assistance of unions, church and environmental groups have held weekly Friday vigils in front of the Nigerian Embassy calling for an oil embargo. Yet the United States Administration remains mute at putting forth any meaningful measures that will move Nigeria to democracy.

For this reason, and with the support of numerous Nigerian Human Rights Groups and African countries, I have withdrawn H. Con. Res. 40 marked up by our Subcommittee on Africa. In its place, I along with Amo Houghton, the gentlemen from New York, have introduced H.R. 2697, called the Nigeria Democracy Act. The bill, with bipartisan support, is basically a companion bill to the Kassebaum Bill introduced in the Senate.

A summary of the bill which is in your folder calls for sanctions on Nigeria including the prohibition of any new investments -- including energy -- in Nigeria. The bill also urges the President to ban sporting teams from Nigeria from participating in the United States. In this regard I would also like to point out that the precedent for this action came from the Federation

of International Football Associations which withdrew its invitation for Nigeria to host the World Youth Soccer Championship this year. And I am told by a Nigerian journalist who recently visited my office that the initiative for this also came from some Nigerian Human Rights Organizations.

The Bill also includes positive aspects like increasing assistance for democracy building through NGOs in Nigeria like those supported by the National Endowment for Democracy, whom I am informed urgently need more funds for groups they are already supporting.

While an oil embargo is not included in the bill, it would be a logical next step if these and other measures in the bill do not bring about a movement toward democracy and civilian rule. In conclusion I would like to compliment the Committees on the selection of the outstanding panel we will be hearing from.

I mentioned previously the student demonstrations now going on in Nigeria over the hanging of Ken Saro-Wiwa. I was particularly struck by the statement of one of the leaders who said "Ken's blood is going to water the tree of freedom in Nigeria." Let us hope our hearing will also contribute to this purpose.

**OPENING STATEMENT OF THE
HONORABLE CONGRESSMAN
JOHNSTON
SUBCOMMITTEE ON AFRICA
HEARING ON NIGERIA
DECEMBER 12, 1995**

Madam chair, I thank you for holding this important hearing. The situation in Nigeria continues to deteriorate despite international efforts to help ease the suffering and bring democratic rule to this tormented African giant. The military junta in Nigeria continues its repression and abuses against innocent civilians, and appears unswayed by international opinion.

The brutal executions of the Ogoni leaders in November by the military junta should serve as a warning that General Abacha and company will continue their abuses unless the international community acts forcefully.

Abacha's intransigence clearly demonstrates the junta's disregard for human rights and peace in the region.

Madam chair, the military junta is at war with its own people, and it must be stopped.

The crisis in Nigeria could have serious implications for the rest of the continent. It is in

our interest to see to it that a democratically elected government is installed as soon as possible.

The United States government must take an active role to help end the suffering in Nigeria. While there is no easy solution to the Nigerian crisis, Washington should take measures specifically targeted at the military leadership and their civilian allies. A multilateral measure to freeze the assets of the military leaders and their associates should be pursued aggressively and swiftly.

**J.C. WATTS, JR., A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF OKLAHOMA**

STATEMENT FOR THE RECORD

**INTERNATIONAL RELATIONS COMMITTEE
AFRICA SUBCOMMITTEE**

Thank you madame chairman for the opportunity to participate in this most important hearing. Recent events against the **O-GO-NI** people and the murder of **KEN SARROW-WI-WA** have put the world on notice that human rights violations and totalitarian rule by a military dictatorship represent "business-as-usual" in the Federal Republic of Nigeria.

Our witnesses are experts in this complex area of study and I look forward to their views on U.S. response to violations taking place under General **A-BA-CHA**'s rule.

I would especially like to offer my thoughts and prayers to Mr. **WEE-WA**. Your brother's achievements and successes will long serve the **O-GO-NI** people and and others throughout Nigeria in their struggle

for democracy and freedom. **KEN SARROW-WI-WA's** actions as spokesman, political activist, and public relations person for the **O-GO-NI** people were vital efforts that earned him respect and admiration throughout the world. Mr. **SARROW - WI- WA** and the eight others who lost their lives have profoundly changed the consciousness and character of how the world views the current government of Nigeria. I sincerely hope to see the day when the children of Nigeria will participate in open, free, and fair elections that result in a government that represents the interests of her people.

In May of this year, I travelled to Nigeria. I witnessed the actions of the government and how Nigeria's people are simple pawns in General **A-BA-CHA's** quest for power and money.

- example.

- example.

- example.

Allow me to offer a comment on democracy. While America has made great strides in her quest for democracy, our history too is repleat with human rights violations. Our own leaders have lost their lives in pursuit for fairness and justice. As did **KEN SARROW-WI-WA**, the great Dr. Martin Luther King Jr., valued the democracy and freedom above that of his own life.

On August 28, 1963, at Lincoln Memorial, not more than a couple of miles from where we now sit, Dr. King delivered his "I Have A Dream" speech. In that speech Dr. King offered his comments on inhumanity, freedom, and I believe some of those word are most appropriate today. In part, he said,

"...This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy...now is the time to make justice a reality for all of God's children."

It is my solemn prayer that the people of Nigeria will soon see the reality of democracy and justice. The torture, inhumanity, and disregard for the value and worth of mankind must be ended.

As we listen today, I will make it my pledge to support the actions of those who are working for a better Nigeria. A Nigeria that can sit at the international table and offer peace, fairness, and justice to those who inhabit her shores.

Again, thank you madame chairman for the opportunity to participate today, and I now turn to the witnesses for their remarks.

TESTIMONY BY GEORGE E. MOOSE
ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS

HOUSE INTERNATIONAL RELATIONS COMMITTEE
SUBCOMMITTEE ON AFRICA
AND
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

DECEMBER 12, 1995

Good afternoon. I welcome the opportunity to appear before the committee to discuss our policy objectives toward Nigeria.

Introduction

The hangings of Ken Saro-Wiwa and eight other Ogoni activists on November 10, despite pleas for clemency from the U.S. and the international community, have profound implications for policies aimed at encouraging a rapid return to elected, civilian rule in Nigeria. We are undertaking a comprehensive review of measures aimed at achieving the swift completion of a peaceful transition to civilian rule while curbing human rights abuses. Nothing is ruled out; everything is on the table, including a possible multilateral oil embargo.

Why we care about Nigeria

We cannot ignore Nigeria's size, population and influence in Africa. Its capacity to influence the West Africa region is significant. We believe it is essential to continue dialogue on issues of concern to us.

As I told the Senate in July, our principal interest is to have a stable, democratic Nigeria with which the U.S. can pursue productive, cooperative relations. We do not wish to see Nigeria become a pariah state that might use its influence and resources recklessly and irresponsibly.

Additionally, the U.S. has:

- significant economic interests in Nigeria, with \$3.9 billion invested, mainly in the petroleum sector;
- a specific interest in curbing narcotics trafficking and other criminal activity centered in Nigeria; AND

-- an interest in enlisting Nigeria's cooperation on a range of regional and international issues.

Of central importance to all these goals, however, is our interest in seeing Nigeria establish an open, democratic system. We cannot cooperate effectively with Nigeria on drug trafficking or law enforcement if its government flouts the rule of law. Our companies will not have a stable climate for investment in Nigeria as long as unaccountable government exercises absolute power in an arbitrary way, tolerating corruption but not criticism. It is our firm belief that a democratic Nigeria that respects human rights and resolves disputes through the democratic process will create a context within which our other interests can best be pursued.

U.S. Concerns

Given the multiplicity and complexity of our interests in Nigeria, we are especially troubled by the evolution of events in Nigeria. The hangings of Ken Saro-Wiwa and the eight other Ogoni activists is the most recent example of the Nigerian government's lack of respect for international human rights and judicial norms. Nigeria is a signatory to various human rights conventions. Nigeria was at the forefront in the fight against what was at the time one of the most egregious violations of human rights in the world -- apartheid in South Africa. Consequently, we were dismayed when Nigeria ignored appeals from the U.S., fellow African nations, and the international community at large to grant clemency and the right of appeal for the Ogoni Nine. We joined with the international community to express our condemnation of the Government of Nigeria's flouting of due process for the Ogoni activists.

This terrible act of violence underscores, in our view, Nigeria's fundamental and crucial problem: Over the 30 years of Nigeria's independence, the Government of Nigeria has not been willing to conduct an orderly transfer of power. Never have there been two successive elections. The occasional elected government was displaced not at the ballot box, but by a military coup. Only one of the military governments, that of General Olusegun Obasanjo -- now imprisoned for advocating democracy -- has succeeded in handing power over to elected civilian officials. The net result is that Nigeria has become locked in a vicious cycle of increasingly repressive governments whose goal appears to be maintaining themselves in power. This repression has fostered growing social and political instability, which in our view, could have serious consequences not just for Nigeria but for the region.

To reverse this cycle, this seemingly inexorable slide toward chaos and regional instability, the people of Nigerian must have the opportunities to resolve their problems. For that to happen, an open atmosphere in Nigeria, one free of repression and fear, needs to be established now. The irregularities of the Ken Saro-Wiwa trial, the verdicts and the speedy executions, have contributed to the fear of the Nigerian people. It is impossible to have constructive dialogue in such an environment.

It is for that reason that the Administration has spoken out forcefully in reaction to the executions. In fact, we led the way when the President announced new measures the same day the hangings occurred including visa restrictions on all Nigerians who formulate, implement or benefit from the policies that impede democratization, banned arms sales, terminated all aid except humanitarian/democratization aid through non-government organizations and suspended consideration applications for EXIM and OPIC financing. Following the President's instructions, Ambassador Albright has been spearheading the international effort to adopt a resolution on Nigeria in the United Nations General Assembly. This resolution would condemn the execution of Ken Saro-Wiwa and call for the UN Human Rights Commission to consider Nigeria at its meeting next March.

The Ogoni Nine hangings took place in the context of what we and most others regard as a seriously flawed transition program announced by General Abacha on October 1. Indeed this program has yet to begin in an effective way, although three committees were recently established. The proposed three-year transition timetable is substantially longer than necessary and thus has failed to inspire confidence among the Nigerian people. More importantly, restrictions on political activities remain in place, even though they were supposed to be lifted under the Government of Nigeria's own timetable.

Journalists continue to be harassed and scores of political prisoners remain behind bars. The right of Nigerians to freedom of assembly and to express views contrary to those held by the government continue to be circumscribed. The right of Habeas Corpus, suspended by the government last year, has not been restored, and the independence of the judiciary is not being respected. These actions are not consistent with a genuine commitment to the rapid restoration of democracy.

We understand the complexities of Nigeria, a land of 250 tribes and nearly 100 million people. We know it is difficult to maintain national unity in such a potentially fractious land. We understand the trauma many Nigerians felt during the

Biafra war and their desire not to repeat such a conflagration in their lifetimes. But we remain deeply troubled by the Government of Nigeria's flagrant disregard for international norms of human rights for its own citizens. It is no solution to Nigeria's problems. It is an invitation for further disunity, further trauma.

What we believe needs to happen/What needs to change

Our views on what needs to be done to create a positive atmosphere for change are well known. We have conveyed them to the Nigerian Government on a number of occasions. We believe the Government of Nigeria should:

- accelerate the transition process with steps that are politically meaningful;
- release all political prisoners now;
- restore habeas corpus and an independent judicial process which does not rely on special tribunals now;
- legalize political parties now;
- and restore the independence of labor unions.

In order to dissipate its handling of the transition process, the Government of Nigeria should take these steps now. We believe it should also invite international observers and appropriate technical assistance for any elections it may conduct and for the entire transition period.

In closing, let me say that we will continue to stress the overriding importance of respect for human rights in our bilateral relations with Nigeria. We will continue to press for a rapid restoration of democracy and for the Nigerian people themselves to be involved intimately in that process. We do not rule out further sanctions. While we believe multilateral measures would be more effective than unilateral ones, we are not adverse to acting unilaterally if the situation demands it. All options are on the table.

Thank you once again for this opportunity to come before your joint subcommittees. I look forward to answering any questions.

Ambassador David C. Miller, Jr.

**President,
Corporate Council on Africa**

December 12, 1995

House Committee on International Relations

Subcommittee on Africa

The Corporate Council on Africa

Madam Chairman and members of the Committee, it is a great pleasure to have been invited to appear before you as a representative of the Corporate Council on Africa. As you may know, the Corporate Council on Africa is a private, non-profit organization, composed of approximately 70 American corporations and individuals who came together in 1993 to promote the growth of the private sector in Africa. Our members hold a variety of views on most African issues, including Nigeria, but they all agree on the Corporate Council on Africa's guiding principle that the engine for economic growth in Africa must be the indigenous African private sector. It is the African private sector, not foreign assistance, which will create jobs, stimulate new enterprises, provide a local tax base for African governments, and improve the quality of life for all Africans.

Several months ago, a number of our members approached the Council to express their concerns about the course of events in Nigeria. They were concerned about the safety and well-being of their employees in Nigeria, both American and Nigerian, in the wake of possible political turmoil. They were also concerned that the domestic debate about Nigeria was being framed inaccurately and simplistically as the struggle between democracy and human rights versus "evil and oil," as one columnist recently phrased it. Our members, which represent the full range of U.S. business interests, sought a mechanism to demonstrate that they, like all Americans, want to see good and accountable government in Nigeria. American companies work best in democratic environments, with stable political systems based on the rule of law.

In response to these requests, the Corporate Council on Africa established a "Working Group on Nigeria." The objective of the "Working Group on Nigeria" is not to usurp the role of international diplomats as they provide advice and pressure to keep the political process in Nigeria moving in a positive direction. Instead, this initiative is designed to facilitate a dialogue with policy-makers about the appropriate and constructive role the U.S. private sector can continue to play in Nigeria. We believe American business can be most helpful during this difficult phase by contributing to the strengthening of the Nigerian economy, which provides the foundation upon which a new democratic government must inevitably rise.

The current reality in Nigeria

Madam Chairman, this Committee is well aware of the painful course of events in Nigeria over the past few months. Indeed, the history of Nigeria since its independence has been fraught with missed opportunities and crushed expectations for democracy and economic development which reaches all the people. Like all Americans, members of the Corporate Council on Africa deeply regret the loss of life that has accompanied that troubled history. The recent executions are the latest manifestation of that unfortunate legacy. As I have already stated, American companies which are members of our organization would like nothing better than a stable democracy in Nigeria and the growing economy that will flourish in tandem with it.

The image many Americans mistakenly hold of Nigeria is that of a rich nation, awash in revenues from oil pumped out of the ground, whose economic destiny could be easily reversed if only the benefits were shared more equitably. No one would deny that for too long, Nigeria's potential has been stalled due to domestic political turbulence and economic mismanagement by both military and civilian regimes.

However, Madam Chairman, the American companies which are operating in Nigeria tell us of another reality which they and their employees face on a daily basis. They tell us of a Nigeria which is struggling with the most basic of human needs. They tell us of a country where a once buoyant middle class is being squeezed out of existence, where per capita GDP has crashed from nearly \$1200 in 1980 to only \$300 in 1993, and where half of all children aged 2 to 5 show signs of persistent malnutrition. According to the World Bank, "basic social indicators place Nigeria among the 20 poorest countries" and "in real per capita terms, consumption and income are no higher than they were in the 1970s."

The prognosis for the future is no rosier. By the year 2020, according to U.S. Bureau of the Census estimates, the population of Nigeria will more than double, to over 215 million, concentrated primarily in the urban areas. I am reminded of the article, "The Coming Anarchy" by Robert Kaplan, which appeared in the February 1994 *Atlantic Monthly*. Kaplan's thesis, widely discussed at the time in academia as well as senior government circles, is that economic and environmental degradation, a product of under-development, tribalism, unchecked disease, over-population and war, threatens to create a category of "failed states" which would prove impossible to govern by anything resembling a democratic government. Kaplan astutely gave particular attention to Nigeria as a "bellwether for the region," the dominant economic and political power in West Africa, with 20% of the continent's people and the hub of 80% of the region's trade.

Madam Chairman, the Corporate Council on Africa does not share Mr. Kaplan's pessimistic view that the course toward anarchy in Africa is inevitable. To the contrary, we are encouraged by numerous developments which indicate that countries of Africa -- South Africa, Ghana, Uganda, and others -- understand the promise of democracy and the private sector to encourage development and empower their peoples. Nevertheless, Mr. Kaplan's argument does raise a salient point about how we formulate our political and economic policies toward Nigeria, as well as other developing nations.

Engagement, not isolation

The members of the Corporate Council on Africa believe that the policies we pursue toward Nigeria should be carefully crafted to move us toward the goals we seek, not propel us toward the fate we fear. We believe that our efforts in Nigeria should be designed to encourage positive development, raising the standard of living for the Nigerian people and demonstrating the promise of our democratic values. Given the current realities in Nigeria, members of the Corporate Council find it hard to imagine how measures which further stifle economic growth

and drive one of the world's 20 poorest countries deeper into poverty and hopelessness can bring about a successful political transition to democracy and prosperity.

Madam Chairman, the members of the Corporate Council do not claim to have any precise prescriptions for a problem which remains essentially one the Nigerian people must ultimately solve for themselves. We look to our highly capable cadre of diplomats and other experts to define bilateral and multilateral policies which are designed to help Nigeria along the democratic path. At the same time, it seems clear to members of the Corporate Council that the key role for the U.S. at this critical time is responsible engagement, not isolation. We can assist in this difficult process, but we must do so within a carefully designed and managed policy to encourage the positive trends we favor and prepare the necessary economic foundation upon which future Nigerian governments will be based. There must be benchmarks, but there must also be rewards and incentives.

A viable economy is crucial to any new government's stability and its ability to meet the real needs of the Nigerian people. We believe the U.S. private sector has a large role to fill in helping Nigerians create the confidence and economic wherewithal to develop and maintain a new pattern of government. American companies are already heavily committed to Nigeria, not just by their quest for profits as some critics may charge, but by their commitment to the long-term viability of the country. As I stated earlier in my testimony, U.S. companies work best in democratic environments.

Good for Nigeria

Madam Chairman, the nature of the ongoing involvement of U.S. business in Nigeria is extremely complex, far-reaching, and sometimes not well understood. According to Department of Commerce figures, U.S. direct investment in Nigeria totals \$3.7 billion and U.S. companies employ 9,700 Nigerian workers. These figures vastly understate the real impact of this U.S. engagement on both sides of the Atlantic. For example, the jobs that American businesses create for Nigerians pay top wages and good working conditions. U.S. companies have aggressive job training programs, and seek to use indigenous expertise to the maximum. Moreover, the Department of Commerce figures do not include the employees of sub-contractors and distributors who derive good incomes -- for themselves and their extended families -- from the presence of U.S. firms. For example, one U.S. oil company directly employs only about 1,200 Nigerians, but estimates that its maintenance, security, service and other contracts provide employment for at least 10 times that many Nigerians. Another U.S. company, which manufactures consumer goods, provides income for another 10,000 Nigerians through its nationwide distribution network.

U.S. companies bring with them American standards of financial accountability. In their joint ventures with Nigerian entities, U.S. corporations are subject to the full range of financial controls, including regular audits and adherence to U.S. law regarding foreign trade practices. In many cases, receipts are held off-shore and payment of obligations are guaranteed, with the appropriate percentages remitted to the Nigerian partners. American technology, introduced and operated by U.S. companies, is a crucial link in the improvement of the environment in Nigeria.

Newer equipment is cleaner and safer to operate. American companies are also heavily committed to projects which capture and process natural gas, providing new sources of revenue instead of flaring it.

U.S. companies are active in many segments of the Nigerian economy. A substantial percentage of Nigerian food production (perhaps as much as 10%) would not exist without the irrigation products provided by one U.S. company alone. U.S. firms operating plants in Nigeria build equipment that brings clean drinking water to Nigerian communities, while factories built with U.S. technology produce fertilizers and other chemicals upon which much of Nigerian agriculture depends.

Good for the U.S., too

Madam Chairman, I would be remiss if I did not relate the fact that a policy of responsible engagement toward Nigeria is clearly also a good policy for American workers and businesses. The issue of U.S. economic interests in Nigeria is often over-simplified as a question of dependence on Nigerian oil. Approximately 35% of Nigeria's production reaches the U.S., where it makes up about 10% of total imports and about 5% of total U.S. consumption. The "sweet crude" oil from Nigeria -- much of it produced and refined by American companies -- does have unique characteristics which makes it particularly suited to the American marketplace, particularly along the eastern seaboard of the U.S., where it provides clean and competitively priced fuel for American homes, cars, and businesses.

However, Madam Chairman, vastly more significant to the American economy is the \$1.8 billion which U.S. joint venture companies in the oil sector will be spending to support their operations in Nigeria in 1995, with similar plans for the near future. By conservative estimates, at least half of this amount -- approximately \$1 billion -- will be spent on U.S.-origin equipment and services, produced by American companies and using American labor throughout the United States, in supplying drilling rigs and equipment, helicopters, communications and electronics equipment, engineering and other consulting services and ocean-going work vessels.

Additionally, U.S. companies share in major construction contracts, including projects which will begin to tap Nigeria's tremendous natural gas reserves which are only now being explored but which already have proven to exceed 120 trillion cubic feet of gas. (This compares with total U.S. reserves, including Alaska, of approximately 167 trillion cubic feet.) Dozens of American contractors and sub-contractors will be providing hundreds of millions of dollars in U.S.-origin equipment and services, ranging from bulldozers to telephones to blueprints, but the lead-times are long and decisions are being made today for projects which will not begin to provide a return on the investment (or revenue to the Nigerian government) until early in the next century.

Over 300 U.S. manufacturers and other businesses have local distribution networks which sell and service U.S. heavy machinery, gas turbines, telecommunications and electronics equipment, foodstuffs, and other items in Nigeria. Department of Commerce figures peg total U.S. exports to Nigeria in 1994 at \$509 million, down from nearly \$900 million in 1993, but still

the second largest total in Sub-Saharan Africa. Madam Chairman, I will not attempt to translate this dramatic economic interaction into any precise number of U.S. jobs created or income produced. However, it would be fair to say that every section of America has a very real stake in our effort to find a responsible and effective policy for managing our economic relationship with Nigeria.

Search for solutions

Madam Chairman, the members of the Corporate Council, as a group, have what is probably an unparalleled record of successfully doing business in Africa, extending to the early part of this century, across a full range of activity. Given that basis of experience, many people have approached the Corporate Council for suggestions about what could constructively be done in Nigeria. Our members do not presume to have the answers. However, our members have thought long and hard -- and demonstrated their commitment by establishing a "Working Group" to help them grapple with that issue.

While we do not have the answers, we are convinced that a successful policy for Nigeria must be based on two basic propositions. First, some clear benchmarks should be established. Too often, international policy toward Nigeria has been reactive, not proactive. A clear set of benchmarks -- publicly articulated and based on Nigerian progress toward democracy and a responsible economic infrastructure -- could provide a goal for the Nigerian government and a standard for the international community to judge the pace of progress. Second, to be effective initiatives must be truly multilateral. The U.S. should move in close coordination with its European and other allies, sharing the same goals and coordinating their policies. Multilateral coordination is not only more likely to result in the objectives we seek, but it also ensures that American businesses are not asked to make unilateral sacrifices that yield strategic commercial advantages to their highly-motivated international competitors.

Conclusion

Madam Chairman, the members of the Corporate Council believe there is much that can be done to assist Nigeria in making a difficult transition to democracy. The consequences of failure -- to the people of Nigeria and to their neighbors in West Africa -- are simply too high to countenance. As members of the private sector, we are convinced that a policy of responsible engagement offers the best prospects for helping Nigeria move through this traumatic period. We would very much welcome an opportunity to discuss with you and your Committee the experiences and perspectives of our members and to explore how we might work together to bring Nigeria back to the road of democratic government and economic progress. Thank you.

**Oral Remarks to the Sub-Committee on Africa
House International Relations Committee
Hearings on Nigeria, December 12, 1995**

by Larry Diamond

Madame Chair, Distinguished Members:

This hearing could not be more timely. In Nigeria today, political, economic, and social order are gradually disintegrating. This broad decay has been underway for well over a decade, but it has accelerated at an alarming rate since the annulment of the June 12, 1993 presidential election. That election, the freest and fairest in the country's history, which could have set the country on a different path if its victor, Moshood Abiola, had been allowed to take office.

The past two years of rule under General Sani Abacha have witnessed the most brutal and widespread violations of human rights ever in the peacetime history of the country. The military campaign of terror against the people of Ogoniland, and others in the Niger Delta where most of Nigeria's oil is produced, constitute a human rights catastrophe.

Under Abacha, all pretence of economic reform has collapsed and the economy is in ruins, sustained by income from oil and international criminal activity, the benefits of which go mainly to a tiny elite. Corruption drains away an estimated 20-25% of the country's annual oil revenue. Like the country at large, the military is a seething cauldron of ethnic, regional, religious, political, and personal divisions - and its badly frayed unity could shatter altogether in a moment of crisis. Incidents of large-scale, deadly ethnic and

religious violence have also been increasing. The stability and unity of Nigeria is now more gravely in danger than at any time since the civil war.

If the present trends continue, the best we can hope for is "creeping anarchy" - the inexorable march of corruption, oil smuggling, arms smuggling, drug trafficking, financial fraud, state terror, and criminal and communal violence. These trends have already made Nigeria a rogue state - a major source of international lawlessness and unpredictability, and an increasingly dangerous and desperate place in which to live. This lawlessness is a menace to world order, to democracy and regional stability in West Africa, and to the national interests of the United States. Worse still, at some point, these trends of creeping anarchy are likely to tip Nigeria into state failure or civil war.

If Nigeria's decay is to be arrested and potentially catastrophic violence averted, the military must urgently be compelled to relinquish power. The Nigerian military is utterly incapable of providing Nigeria with decent governance, much less returning the country to democratic rule. It cannot negotiate the compromises, understandings, and new institutional arrangements necessary to manage the deepening ethnic and religious divisions and restore political order. Its political credibility and legitimacy are gone. Nigerians obey it simply out of fear or favor. To be sure, Nigeria's politicians are corrupt and opportunistic, but only they have the skills to negotiate and thrash out a workable and legitimate new political order for Nigeria.

We now urgently need an international strategy to compel immediate military withdrawal in favor of a broad-based and exclusively civilian INTERIM GOVERNMENT

OF NATIONAL UNITY. Leading democrats - including many who favor the inauguration of Abiola as the country's rightful president - would respond to this transitional arrangement. So would key power elites opposed to Abiola who currently see no other way to protect their interests other than to accept a reviled military regime.

Dialogue without pressure has failed with Abacha and will continue to fail. To compel military withdrawal from power, we need to mobilize a broad international coalition behind a strategy of "pressured engagement." Only if General Abacha and his supporters calculate that the costs and risks of staying in power are greater than those of leaving will they be willing to cut a deal. ♣

The kinds of pressure needed are well embodied in the Nigeria Democracy bills sponsored by Senator Kassebaum and Congressman Payne, with many co-sponsors. For now, I would only add a ban on exports of equipment and technology for Nigeria's oil industry. We need sanctions on regime members and supporters to freeze their assets and forbid them and their families to travel to our countries for pleasure, business, schooling, and shopping. And we need sanctions on the state to ostracize the regime as much as possible from the community of civilized nations.

Together with these pressures, we need concerted diplomatic engagement to consult widely with political and social forces in Nigeria and to arrange for the military's safe exit from power and protection from future prosecution or retaliation - if they leave now.

I believe that this package of broad and biting sanctions, combined with vigorous diplomacy, can work to end military rule and give Nigeria a chance to reconstruct its

dangerously worn national fabric. If the military does not respond within a reasonable time (perhaps six months), then a multilateral oil embargo would become more politically feasible and compelling. We must keep the oil embargo in reserve as the ultimate sanction. Although a prolonged embargo would hurt the American economy, Nigeria is so utterly dependent on oil revenue that a truly multilateral embargo would almost certainly bring about the rapid exit of the Abacha regime.

Finally, we must do much more to invigorate Nigeria's severely repressed, demoralized, and impoverished civil society. The courageous advocates of democracy in the independent media, the professional associations, human rights organizations, and ad hoc movements need and deserve substantially greater funding from the U.S. and other democracies. By administrative or Congressional action, we need to provide emergency funding of \$3-5 million for these groups. This is vitally important not only to undermine the military's increasingly Orwellian disinformation and domination of society, but also to lay the foundations for a more accountable, responsive, and effective democracy after the military withdraws.

Nigeria does not have the luxury to wait while international support for an oil embargo deepens. A great and promising nation is steadily being reduced to villainy, fear, and ruin. The imperative for a new and vigorous approach is urgent.

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**Preventive Diplomacy for Nigeria:
Imperatives for U.S. and International Policy**

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Sub-Committee on Africa*

A central lesson of the political and humanitarian disasters in Bosnia, Somalia, Rwanda, and Liberia is the need for concerted preventive action on the part of the international community to avert civil war and state collapse. Once the authority of the central state has been supplanted by rival warlords and marauding armies, or once tension and distrust among ethnic groups has polarized into venomous hatred and mass killing, it is enormously difficult - and for the international community, very costly - to put the state back together again.

A better, more humane and far-sighted approach - which a special Commission of the Carnegie Corporation of New York is now endeavoring to develop - is to learn to recognize the early warning signs of state collapse and to establish a framework for preventive action on the part of the international community. Inevitably, there will be problems in applying this approach. First, "warning signs" of impending deadly conflict could be discerned in many countries today, and the prediction of state collapse will always involve judgement and guesswork, even if the most advanced tools of social science are applied. Second, from among the welter of diverse assessments within the analytic communities of many nations and organizations, public and private, how are policy makers to discern sufficiently compelling "warning" to justify the investment of scarce diplomatic resources? Third, by what political process can a judgement of impending crisis be linked to the need for preventive action? And fourth, precisely what is the "international community" that must make the judgement and undertake the action?

No one, as yet, has the answers to these questions that bear so heavily on the prospects for peace and stability in the post-Cold War world. But logic and recent global experience certainly offer some clues. States do not collapse all of a sudden, out of the blue. The

process is anticipated by numerous signals of decay. Political institutions lose capacity, flexibility, and legitimacy. Social and economic problems mount in the face of state corruption and ineptitude. Crime and violence flourish and fear proliferates. State authority withers and people retreat into informal arenas. Political power and national wealth become monopolized by an increasingly narrow elite, which substitutes force for dialogue, bargaining, and legitimate authority. Mass constituencies become more and more alienated, angry, and embittered. Contending elites manipulate ethnic, regional, and religious cleavages in the struggle for power, and incidents of deadly conflict escalate in number and scale. Political and social conflicts are increasingly depicted as a struggle for domination by one ethnic group over another. Excluded groups - effectively, most of the population - feel increasingly desperate and victimized. Civil society fragments and recedes. Every type of institutional glue that binds diverse cultures, regions, classes, and factions together into a common national framework gradually disintegrates.

These warning signs of political and social decay are increasingly evident today in Nigeria - by far the most populous country in Africa, and one of the most important exporters of oil to the United States and Europe. While no one can predict whether, when, or how political order will fail in Nigeria, the trends are ominous. Public facilities of all kinds - schools, hospitals, transportation systems - have virtually collapsed. The Nigerian economy is in ruins, sustained almost entirely by \$8-10 billion of annual revenue from oil exports. International experts estimate that about a quarter of that is stolen or diverted each year by General Sani Abacha and his military and civilian cohorts in the regime. Per capita incomes have fallen by almost two-thirds over the past twelve years of military rule, while foreign debt has ballooned to \$37 billion, greater than the country's gross domestic product. A once burgeoning middle class is now struggling to survive.

Public order in Nigeria is more and more tenuous. Both the police and the soldiers at the pervasive roadside checkpoints blatantly extract bribes in broad daylight while increasingly well armed robbers operate with abandon. The state has lost control of its borders; drugs and guns and people pour across it at will, and political groups outside the state are reported to be stockpiling arms. Sole administrator of the board of customs and excise has become the position most sought after by middle-ranking military officers. Increasingly, the ruling military

and political elite resemble a criminal mafia in control of what passes for a state. Drugs are smuggled on such a large and energetic scale that Nigeria is now believed to be one of the major narcotics trans-shipment points in the world. It has also become a leading source of financial fraud, epitomized in the infamous "409" schemes that bilk naive foreign businessmen out of hundreds of millions of dollars annually. State-sponsored thugs murder and intimidate leading democrats. Two months ago the financial linchpin of the pro-democracy movement was assassinated in a highly professional killing; others have been violently assaulted and threatened. At the mass level, incidents of ethnic and religious violence have escalated in number and deadliness in recent years, with several claiming hundreds (even thousands) of lives and engendering intense enmity and insecurity.

The ethnic and regional dimension to Nigeria's current political stalemate is particularly worrisome. The Yoruba people (about a fifth of the population) feel victimized by the annulment of the June 12, 1993 presidential election - the freest and fairest in the country's history - which for the first time elected a southerner and a Yoruba to head a civilian government. The imprisonment of that President-elect, Moshood Abiola, for over a year on charges of treason has gravely deepened the ethnic sense of injustice and victimization. So has the recent execution, on trumped-up murder charges, of Ken Saro-Wiwa, the eloquent leader of the Ogoni people, one of several small minority ethnic groups in the Niger delta area who have suffered greatly and benefited little from oil production in their ecologically sensitive homeland.

The continuous domination of the central government by northern Muslims since 1979 - and the feeling that they have essentially controlled the politics of the federation since independence - generates a broader regional grievance among many southern and Christian, "middle belt" ethnic groups. This ethnic and regional undercurrent is particularly alarming in light of Nigeria's traumatic post-independence history. Among the most prominent steps along the path to civil war in 1967 were the 1965 eruption of the (Yoruba) Western Region into violence insurrection and ungovernability after years of perceived political victimization by the northern-dominated federal government; a bloody military coup in January 1966 that was perceived to have a strong ethnic motive, and which precipitated an even bloodier counter-coup; and the inability of the country's military rulers to negotiate a new political

framework amidst increasingly deadly ethnic rioting, large-scale population flights to ethnic homelands, and growing ethnic polarization and distrust. While no single ethnic group would be likely to attempt to secede as the Igbos did in 1967, more and more Nigerians are bitter and skeptical about the future of the federation. The erosion of the sense of nationhood is compounded by a growing polarization of religious conflict between Christians and Muslims that is without precedent in the country's history. All of this accentuates the danger that some violent and unexpected event - an ethnic coup or riot, for example - could again set in train a dynamic of large-scale violence that would be difficult to control, and certainly impossible to contain with military force alone.

The Urgent Need for Military Withdrawal

Analysis of the causes of Nigeria's predicament and the path away from the abyss must begin with the destructive impact of military rule and the urgent imperative of military withdrawal from power in Nigeria. As I indicate more fully below, the civilian politicians are clearly a large part of the problem; indeed their relentless corruption and abuse of power during the Second Republic gave rise to this prolonged period of military rule and the entire crisis of political authority in the country. However (as I also explain below) the civilians, for all their faults, have a capacity for frank bargaining, power sharing, and constitutional redress that the military lacks. At this point in the country's history, the urgent imperatives for arresting political decay - open dialogue and the negotiation of a new political order with broad legitimacy - are only imaginable under civilian rule.

After twelve years of predatory military rule and a succession of duplicitous programs and timetables for transition to civilian democracy, the military is utterly bereft of credibility or legitimacy as a governing force within the country. Worse still, years of rapacious corruption, abuse of power, ethnic domination and resentment, factional struggle, coup plots and attempts, and murderous elimination of rival officers, have utterly destroyed the military's own institutional coherence and capacity.

Today, the military is a seething cauldron of greed, envy, suspicion, and diffuse, overlapping ethnic, regional, and populist resentments. One real danger is an ethnic coup

attempt like that of April 22, 1990 - which almost plunged the country into civil war with its radio announcement "excising" the northern, Muslim states from the federation and its near success in killing then President Ibrahim Babangida and seizing control of Lagos. But other disaster scenarios are also becoming more plausible. An outbreak of violence or terrorism from civilian quarters could trigger the ethnic division and corporate disintegration of the military, leading to some kind of civil war. Or, from some crude populist reasoning, junior officers might, as in Sergeant Doe's Liberian coup, strike to eliminate the entire political class, military and civilian. For all their corruption and factionalism, the civilian politicians are the only ones with the political bases and negotiating skills to hold the country together. Thus, they remain vital to any strategy for reconstructing political order in Nigeria.

It takes no great analytic leap or flash of insight to warn of state collapse in Nigeria today, nor can this "warning" any longer be considered "early." As one sober and well informed Nigerian scholar put it recently, the country is already in a state of "creeping anarchy." With each passing day, the Nigerian state is slowly disintegrating. Contrary to its self-promoting claims that only it can hold the country together, the Nigerian military has become an active if unwitting agent of this disintegration. Terminating military rule is thus an urgent and absolute prerequisite for averting state collapse and restoring some kind of legitimate political order in Nigeria.

Unfortunately, General Abacha and his exceptionally venal clique of ruling officers will not go willingly. They are supported by a diverse cast of opportunistic politicians ready to play whatever game of power is offered. With cash and contracts and license to accumulate private wealth in public office, Abacha and his allies have managed to buy themselves the illusion (perhaps even the self-delusion) of a public support base. Now, with what they presume to be the best (certainly the most shameless) public relations agents money can buy, they are trying to purchase support - or at least tolerance and patience - in the West as well. It is vitally important that the Nigerian generals and their supporting politicians not be allowed to corrupt our own democracy the way they have corrupted and destroyed Nigeria's. From the revelations of regime defectors and the proposals of its most avid civilian praise singers, Abacha and company appear determined to control power for at least several years to come. Given the history of repeated distortions and extensions of transition

timetables under military rule since 1985, Abacha's pledge to hand over power in 1998 should not enjoy any more credibility internationally than it does now among Nigeria's utterly disbelieving public.

To summarize, the political crisis in Nigeria is reaching alarming proportions. The economy is collapsing, the society is collapsing, and political order is following closely behind. The civilian politicians are too deeply divided along ethnic, regional, and factional lines, and too consumed with the pursuit of short-term political and material advantage, to rescue the situation. Civil society is altogether too weak, too riven by the same cleavages, and too decimated by political repression and economic destitution to provide an alternative rallying point, as it did in South Africa, Benin, Zambia, and other cases of democratic transition in Africa. Patience and cooperation from the international community will only buy time while the foundations of order in Nigeria rot from below.

Between now and 1998, the least likely scenario is the staged transition back to civilian democratic rule that General Abacha has promised. That will only happen partially, by way of charade - a strategy of military hegemony that continually holds out the prospect of transition as means of mollifying domestic and international sentiment.

Rather, one of three scenarios is likely. Anarchy will continue to creep forward in Nigeria as state capacity and legitimacy erode. Or at some point an event will plunge the country into widespread violence. Or the community of democratic nations will come together in a coalition to pressure the Nigerian military to withdraw immediately in favor of a civilian-led transitional process.

Because the latter scenario is the only one likely to avert political catastrophe in Nigeria it is important to think carefully about what it would entail and how it could succeed. As I make clear below, even short of an embargo on Nigerian oil - which I do not believe is necessary to bring about military withdrawal and democratic transition in Nigeria - such an international campaign will be difficult and costly, especially in diplomatic resources that are increasingly hard-pressed by other international troubles around the world. Clearly, Nigeria is not the only crisis-ridden state in the world that could benefit from international preventive action. Many foreign policy makers and thinkers in the West doubt that Nigeria is worth the trouble, or that anything remotely resembling democracy is possible there. International

preventive action cannot be mobilized unless both of these dangerous assumptions are dispelled.

Why Nigeria Matters - and Can Succeed

Too many discussions of Nigeria's importance to the West begin and end with oil. To be sure, that is an important consideration, not only because Nigeria is one of the largest exporters of oil to the United States and Western Europe, but because its crude oil is "sweet" (low-sulfur) and easily refinable into gasoline. An interruption in this supply - whether intentional or not - would be bound to have an impact on prices at the pump. But even in the worst case scenario of another civil war or Liberian-style state collapse, oil rigs - which lie mainly in the coastal areas and offshore - could well continue to pump something close to the country's quota of roughly two million barrels per day behind well defended enclaves. The experiences of Angola, Zaire, and Sierra Leone show that coveted minerals can get mined and exported even when there is not much else left to the state. Still, constriction or even deliberate sabotage of the flow of oil is a risk if the Nigerian state collapses.

It is not the most serious risk, however. Three others are more plausible and compelling. One is the danger of chaos in Nigeria spreading throughout the already troubled and fragile West African region. Several of Nigeria's West African neighbors are struggling to make democracy work under difficult economic and political conditions. One of Africa's most promising new democracies, the one that launched the recent wave of democratic transitions on the continent - Benin - shares most of Nigeria's western border and would be seriously destabilized by state collapse or large-scale deadly conflict in Nigeria. The same can be said for Nigeria's principal neighbor to the North, another struggling new democracy with some promise, Niger. With its population of over 100 million, its oil wealth, and its military - by far the largest and best equipped in the region - Nigeria bulks large in West Africa. In population, it is roughly equal to the combined total of its 15 or so West African neighbors, from Cameroon and Chad to Senegal and Mali. Nigeria's economic, military, and political power has provided some anchor of stability for the region. If the Nigerian state disintegrates, so will regional stability.

Already, Nigeria's descent into dictatorship and lawlessness is having a wider impact in Africa. The 1994 military coup in Gambia - which overthrew the longest standing civilian, constitutional regime in Africa - appears to have been inspired by the Nigerian example, and may have even been assisted or encouraged by Nigerian military officers in Gambia. General Abacha himself is known to have close ties to one of the region's most cynical and resilient autocrats, President Eyadema of Togo. Nigerian criminal rings threaten the rule of law throughout the region; today Nigerian-run drugs are poisoning the youth of South Africa. Should the Nigerian military regime be able to survive and prosper with the tolerance of the West, it would send a dangerous signal to aspiring military autocrats throughout the continent. At a time when we are trying to foster democracy, market reforms, and the rule of law as the only long-term hope for stability and development in Africa, the Nigerian military dictatorship offers the model of repression, corruption, and utter contempt for law, both domestic and international. Military rule in Nigeria is a cancer on the body politic in Africa.

And this raises the third, more global, interest at stake. As borders become more porous and international linkages of all kinds proliferate, legality and security at home become increasingly dependent on political conditions abroad. When crime, financial fraud, money laundering, corruption, drug trafficking, and arms smuggling flourish within a state - particularly a large and resourceful state such as Nigeria - the consequences spill over to other countries, including our own. That is why Nigeria was decertified by the U.S. government as a cooperating partner in fighting drug trafficking, leading to the suspension of direct air links. A much more forceful and comprehensive response is needed, however. As Richard Joseph has observed, "Nigeria has become a rogue state" - one that "refuses to abide by prevailing national and international norms of minimal ethical and legal standards in the conduct of public affairs." If the impact of its corruption and criminality on established democracies like our own is to be contained, then Nigeria must be treated like other rogue states, such as Noriega's Panama, Cedras's Haiti, Khadafi's Libya, and Saddam Hussein's Iraq. It must be labelled, sanctioned, isolated, and condemned as a pariah state. And its military rulers must be pressured to surrender power.

But what then? Critics of an assertive diplomatic approach complain that Nigeria's politicians are so greedy, self-interested, and factionalized that it would only be a matter of

time before their corruption and misrule brought about a renewed cycle of military rule, and that in the meantime things would not be much different in the country. The most ignorant and myopic of these critics even suggest - as General Abacha's paid minions are now doing in Nigeria - that only the military can hold Nigeria together at this point, and therefore the West ought to be prepared to tolerate military rule for some time to come.

Plainly, Nigeria's politicians have done great damage to their country. That they are a generally sorry and morally discredited lot, no one can dispute. But we live in a world where choices must often be made between unpalatable alternatives, and where institutions can be fashioned to constrain and alter behavior. At a minimum, civilian politicians competing through a multi-party electoral process - however flawed - offer the country three rays of hope that the military cannot.

First, Nigeria's politicians have demonstrated over time some considerable skill at negotiation, bargaining, coalition formation, and institutional innovation. The country's ethnic, regional, and religious cleavages cannot be resolved by force or fiat or denial of reality. They can only be eased and managed through an open political process that takes frank stock of the fears, grievances, and resentments on all sides and then crafts a new political framework, with popular legitimacy, to enable contending groups to compete and coexist with mutual security. In deeply divided societies, that is what constitutions and constitution-making are all about. Federalism, power-sharing, constitutionalism and the rule of law are devices for ensuring the basic interests of all groups, for bounding the uncertainty intrinsic to the democratic struggle for power.

The constitution-drafting process concocted and controlled by the Abacha regime has little if any legitimacy within Nigeria. It has not resolved and cannot resolve the explosive national issues that fester beneath the surface, and often pierce the surface calm, of what passes for a political process in Nigeria today. A new constitutional process is needed, entirely free from the military constraint and interference that marred the exercises under both the Babangida regime in the late 1980s and the Abacha regime in the last two years. Democratic forces in Nigeria are ready for that fresh approach - a truly independent national conference for which they have long campaigned. Only such a free and autonomous forum

can reweave the badly frayed national fabric, and only under civilian rule could such a forum occur.

Second, under civilian constitutional rule, there is at least the chance to pursue accountability and develop a true rule of law. The press is considerably freer to report and investigate. The courts have greater scope to behave professionally. New constitutional provisions can be adopted to provide desperately needed autonomy for the judicial system, the code of conduct apparatus to monitor and punish corruption, and the national electoral commission. A new civilian, electoral regime in Nigeria will undoubtedly be messy, controversial, and corrupt. But it is only through the formal structures and practice of democracy that Nigeria - or any country - can develop democracy and make it meaningful. We should have no illusions. Even after a transition, steadfast international conditionality will be needed if accountability is going to be pursued at all. The price for debt rescheduling and renewed aid and lending should be serious institutional reforms to secure the autonomy of the judiciary and anti-corruption bodies, and to make them work.

Finally, whatever its other flaws, a civilian, constitutional regime in Nigeria would provide considerably greater personal freedom. Individuals could once again organize and speak their minds. Civil society could regroup and revive as a force for accountability, democracy, and the defense of human rights. Political prisoners would be released. Again, we should have no illusions. Politics and patronage would continue to subvert the integrity and autonomy of civil society organizations. Substantially greater international assistance would be necessary to help develop autonomous and effective civil institutions. The military and state security apparatus would continue to cast a large shadow over Nigerian political and social life. Future military and security assistance would have to be conditioned on their willingness to reorient their roles away from domestic politics to external defense and international security. But the grave human rights abuses of the past decade - including the brutal state violence against the Ogoni people - would be dramatically reduced and a climate generated in which remaining violations could be exposed and confronted in the political process.

A Post-Authoritarian Political Vision

In the absence of established guidelines and institutions for preventive action, an ad hoc approach must urgently be fashioned, and as with the crises in the Persian Gulf and the former Yugoslavia, the U.S. must lead if a solution is to be found. Leadership in preventive diplomacy encompasses several facets: a cogent judgement as to the urgency of the crisis, a vision of how legitimate political order might be restored, a strategy - combining pressure and diplomatic engagement - for getting there, and a vigorous campaign to fashion an international alliance for that purpose.

Most independent scholars of Nigeria, both Nigerian and foreign, believe the military is destroying the country, is a menace to the entire continent, and must be induced to surrender power as soon as possible. There is less consensus on how this can be accomplished and legitimate political authority restored. But a credible and workable scenario is now taking shape both in academic discussions and in the thinking of more pragmatic forces within the Nigerian democratic opposition.

The scenario for political reconstruction in Nigeria involves the kind of open national dialogue and accommodation discussed above. It would occur in three stages. First, the military would withdraw from political power; all political prisoners would be released; and all bans on publications and civil society organizations would be lifted. State power would be transferred to an exclusively civilian interim government of national unity (perhaps similar in respects to the one that brokered South Africa's transition), including representatives of all major ethnic, regional, religious, and political groups. At its helm would be an interim head of state who would have the trust of pro-democracy groups but would be acceptable to opposing factions, and who would pledge not to contest for any office in the next elections. Second, this interim national government would call a national conference in which elected delegates from around the country would openly discuss the country's problems and have sovereign power to draft and adopt a new constitutional framework for electoral democracy. Finally, within two years of its initiation, the interim national government would organize elections for local, state and national offices and transfer power to an elected national government under the new constitution.

By its very nature, this scenario represents compromise. For pro-democracy forces, particularly based among the Yoruba, it would be a painful and reluctant surrender of their

demand - which is quite understandable and legitimate - that Moshood Abiola be immediately inaugurated as president under the constitutional mandate he won in the June 12, 1993 elections. It leaves open to negotiation the question of whether Abiola himself would head the interim national government (with a pledge to depart in two years' time), or instead would be allowed to contest for president again - or even have his mandate honored at the inception of the new constitutional regime. For ardent opponents of Abiola and June 12, based particularly in the north, the process would provide an opportunity to have their concerns addressed, and perhaps to devise new means for the sharing and rotation of power that would make presidential politics in Nigeria less of a destructive, zero-sum game. Proposals for a multiple vice-presidency and rotation of the presidency across six ethnic zones for a 30-year time period have already been embraced by the Abacha regime in a bid to bolster its legitimacy. Although they may be unwieldy in their current form, the mere fact of their endorsement by a manipulative dictator should not cause them to be dismissed as potential tools, well within the spirit of Nigerian federalism, for managing ethnic conflict.

The above scenario is dangerous and troubling in the precedent it could set to leave the mandate of a free and fair national election permanently unfulfilled. That danger would have to be addressed in the negotiating process. But an interim government of national unity would also set powerful positive precedents. For the first time in the country's history, civilian politicians would come together across all the principal ethnic, regional, and political divisions to share power in a national government. Had that happened in the crisis periods of 1965 and 1983, the breakdowns of the first two republics might have been averted. For the first time, civilians will be free to conceptualize and devise a new constitutional framework, without the tutelage or veto power of colonial or military supreme authorities. Military officers would be free to participate in the process and voice their views, but only as one of many constituencies. For all its initial legitimacy and broad civilian involvement, the 1989 constitution was increasingly tainted for its constriction of the political process to two and only two parties, for the arbitrary manner in which the Babangida regime swept aside all of the aspiring political parties and created two on its own by state fiat, and for the numerous other constraints and changes General Babangida imposed at will on the transition process. A new

constitution for a fourth republic gives the country a chance for a fresh start at democracy, within a political framework for which all groups can feel a sense of ownership and pride.

A Strategy for Preventive Action

If Nigeria's descent into anarchy, state collapse, or civil war is to be averted, the military must be induced to withdraw from power, and a civilian process of political reconstruction must be initiated. The urgent challenge confronting foreign policy-makers in the United States and Europe is to devise a strategy to bring this about.

General Abacha and his cronies will only surrender power if they conclude that the costs and risks of remaining in power are greater than those of leaving. This requires a coherent program of sanctions by the United States, Europe, Japan and other concerned democracies. But it also demands vigorous diplomatic engagement to reassure the military that its interests will be safeguarded if it departs voluntarily, and to negotiate both the terms of the military's withdrawal and the framework of the successor regime.

Diplomacy

The United States has been engaged in a diplomatic dialogue with General Abacha and his administration since they came to power in the November 17, 1993 coup. Essentially, it has been a dialogue of talk without pressure, and it has achieved virtually nothing. Abacha and his civilian skills have appealed to the international community - to the U.S., to Europe, to South Africa, and other concerned democracies - for time and understanding. They have pointed to the delicacy, complexity, and volatility of their national situation. They have stressed the sincerity of their own transition plan. They have claimed that Abiola and the pro-democracy forces lack broad societal support, as if there were any way the latter could demonstrate otherwise from jail, exile, and the low profile imposed by state terror and repression. Persuaded by these appeals, convinced that no other approach is viable, and worried about the security of their companies' investments in Nigeria's lucrative oil sector, Western governments essentially went along with Abacha's appeal for time. Although its proponents bristle at the characterization, this approach (for it could hardly be called a

strategy) has essentially been one of "constructive engagement" - diplomacy without sanctions, business as usual. And the Abacha regime proved no more responsive to it than did the apartheid regime in South Africa.

Going further than its European allies, the Clinton Administration did impose some sanctions, suspending official assistance, banning travel to the U.S. by Nigerian government officials, voting against multilateral loans and debt rescheduling for Nigeria. These measures were mainly symbolic in their impact, however - an irritant to the Abacha regime, but not a serious inducement to change course. Appropriately, the U.S. and its European allies announced more biting sanctions following the Abacha regime's outrageous execution on November 10 of Ken Saro-Wiwa and eight other activists from the Movement for the Survival of the Ogoni People. Still, these tougher sanctions - including a broadened ban on travel - have yet to be effectively implemented, much less to be assembled into a coherent strategy for international preventive action.

If the Nigerian military is to leave power any time soon and if Nigeria is to have a chance to refashion its political order peacefully, an international strategy is needed, and the U.S. must lead in fashioning it. Three components are vital to any such strategy. First, the international community must continue to engage the Abacha regime diplomatically. However, if this engagement is to be persuasive, the regime cannot be permitted to play off Western governments against one another. The established democracies must fashion as broad an international coalition as possible - including the U.S., the E.U., Japan, Canada, Australia, Switzerland (so important as a financial haven), Israel, and less developed democracies, particularly South Africa, which is important for its political and moral weight in Africa, but also emerging markets like India and Brazil, to which Nigeria looks for private and public commercial relations. This democratic coalition must then designate a single diplomat or negotiating team to represent it with a common voice. Now that South Africa has abandoned its own posture of constructive engagement in moral outrage over the recent executions, it could lend a crucial African voice to the search for a negotiated transition. With representation from the U.S. and E.U. as well, a compelling tripartite diplomatic team could be assembled.

The brief for diplomatic engagement should be strictly defined: to persuade the military to withdraw immediately; to identify and negotiate the assurances that would facilitate that withdrawal; and to initiate a wide-ranging dialogue with civilian political forces on the leadership, structure, and mission of a civilian transitional regime. To the extent that ruling military officers could have their personal and corporate interests protected in the event of their early withdrawal, the costs of leaving power would be reduced. Given the urgency of Nigeria's plight, the international community should be prepared to broker and guarantee these assurances, which would presumably encompass immunity from future prosecution; cessation of any international process that may have been launched to identify, freeze, or seize their assets; and future institutional autonomy for the military in the management of its budget, promotions, and internal affairs. During its past twelve years in power, the military has been exceptionally corrupt and abusive in the handling of its own affairs as well as those of the nation. A compelling case could be made not only for international assistance in Nigeria's recovery of ill-gotten wealth but also for prosecutions of top military officials for murder and crimes against humanity. It is no trivial concession to give General Abacha and his fellow officers sweeping immunity. But it will likely be a necessary concession if they are to be induced to withdraw quickly and peacefully.

Negotiating a successor government will be a tricky business. If Abiola is not simply to be inaugurated upon release from prison, there is no other potential government with any intrinsic claim on political legitimacy. The challenge would therefore be to find a political figure in whom both Chief Abiola and the pro-democracy forces would have sufficient confidence so that they would be willing to surrender, at least temporarily, the mandate of June 12, and who would also be acceptable to other political forces. It is awkward for international negotiators to mediate this national dialogue. However, once it is clear that the community of democratic nations is determined to compel immediate military withdrawal, and to impose penalties on civilian as well as military politicians who stand in the way, the civilian politicians will veer away from their association with the military and initiate a dialogue among themselves on the new political order. International negotiators might usefully foster and facilitate that dialogue, but they will not need to orchestrate it.

Sanctions

A peaceful, negotiated transition cannot come about without sanctions. Only serious sanctions will convince the Abacha regime that its strategy for prolonged rule will not work. Only serious sanctions will embolden the considerable opposition to Abacha within the military to speak out forcefully or maneuver circumspectly for withdrawal. Only serious sanctions will induce civilian politicians to eschew another military transition charade and take responsibility themselves for the country's political future.

The Abacha regime and its civilian and military supporters must feel pain and danger. Pressure is needed at multiple levels. First, short of an oil embargo, the Nigerian state must be subjected to forceful international sanctions that ostracize it from the community of nations until the military completely withdraws from political power. The following measures would constitute a sensible comprehensive package. Some of these have already been instituted by the Clinton administration, but it would be highly useful to enact them into law - as Senator Kassebaum and others have proposed in the Nigeria Democracy Act - and it is imperative that we get our democratic allies to adopt them vigorously as well: -

- * A ban on all government-to-government assistance (such that foreign assistance is given only to truly independent non-governmental organizations).
- * A ban on any new multilateral lending or official debt rescheduling for Nigeria. It is vitally important that other voting member nations in the World Bank, IMF and related institutions join in sustaining this.
- * A complete ban on the export of any military or security articles or services to the Nigerian government, codified if possible through the adoption by the U.N. Security Council of a resolution imposing an international arms embargo. This should include any assistance to any part of the state intelligence apparatus or to General Abacha's personal security by any government agency or private corporation.
- * Prohibition of any Nigerian air carrier to land at any airport of any participating nation (the ban on U.S.-Nigerian air links should also be maintained).

- * A ban on the use of any public funds to finance, insure, or encourage trade with or investment in Nigeria (including, in the U.S., funding from the Export-Import Bank and the Overseas Private Investment Corporation).
- * A ban on any new investment in the energy sector in Nigeria, particularly in the multi-billion dollar liquefied natural gas project. Unfortunately, this ban must be multilateral to be at all effective, otherwise it will simply advantage European over American companies.
- * A joint public declaration by the participating countries of an intention to oppose renewed Nigerian membership on the U.N. Security Council until the military has completely withdrawn from power.
- * Exclusion of Nigeria from international sporting and cultural gatherings, including the 1996 Olympics.

Second, targeted sanctions are needed on that broad swath of the Nigerian elite (military and civilian) that is serving in, working with, benefiting from, or in any way supporting or assisting the Abacha regime. The Clinton administration has already pledged to widen the ban on travel to the U.S. in this way. It is vitally important that this be done quickly, comprehensively, and multilaterally, so that the ruling and supporting elite - a list that should probably encompass several hundred names (as well as their immediate families) - find themselves excluded from visiting, in essence, any country in the industrialized world.

The political and psychological impact of this ban should not be underestimated. The elite who plunder public wealth in Nigeria do not do so merely to use and enjoy that wealth in Nigeria. They seek to be part of an international bourgeoisie. They have homes, hotels, investments, bank accounts, and other property in Europe, the United States, Canada, and elsewhere. They want to be able to come here to enjoy these riches. They want to be able to send their wives to shop here and their children to be educated here. If these highly valued loci of consumption are closed off to them indefinitely, they will begin to feel suffocated socially. But to be effective, such a travel ban must not only be comprehensive in its coverage, it must be very broadly and seriously multilateral in its application. And it must distinguish carefully between Nigerians who support or condone the Abacha regime and those

who oppose it. It should not be assumed, for example, that every former military officer (even recently retired) is a regime sympathist.

Perhaps the most tangible and important sanction we can impose is a freeze on the overseas assets of regime members and supporters. More than anything else, this would strike precisely and directly at their most treasured interests - their personal wealth. As with other sanctions, a freeze or seizure of personal assets can only be effective if it is multilateral. Most of the Nigerian elite's wealth is not in the United States, and in fear of action by the EU, some elites have reportedly already begun withdrawing their liquid assets from England to more remote and unquestioning locations. Still, real property cannot be moved and may not be easily liquidated either. The ruling elite in Nigeria have never had their concrete personal interests threatened. Even if it reached only a fraction of their personal wealth, an assets freeze would have a stinging psychological and political impact.

To the extent these sanctions on the Nigerian state and targeted elites are adopted vigorously and comprehensively by a broad multilateral coalition of nations, they will have a powerful impact on political calculations in Nigeria. They will strip away the flimsy civilian support base General Abacha has purchased, and they will deepen the sharp divisions that already exist within the military. In tandem with the kind of diplomatic engagement described above, they will either induce General Abacha and his coterie to accept a safe and respectable exit from power, or they will so narrow his base that he will be toppled from power.

Support for Democratic Forces

Historically, Nigeria has had the most vibrant and pluralistic civil society in Africa (with the possible exception of South Africa). One of the most tragic consequences of military rule has been the decimation and degradation of this sector as well. Interest groups, such as the labor movement, the professional associations, and women's organizations, have been penetrated, corrupted, and subverted by the authoritarian state. Those that would not bend have been relentlessly hounded and repressed. During this past long decade of military rule, a number of human rights and pro-democracy groups have formed and mobilized, and press pluralism has flourished with the appearance of new newspapers and several cutting-

edge, fiercely independent news weeklies. In recent years, and particularly under Abacha, however, these critically important advocates for democracy in civil society have taken a beating. The most independent publications have suffered prolonged closures and more subtle forms of state pressure, such as cutting off access to newsprint at affordable cost. Human rights groups have suffered constant surveillance, harassment, intimidation, and repeated arrest. Several leading human rights figures are now in jail, and the most prominent one, Campaign for Democracy leader Beko Ransome-Kuti, has been sentenced to 15 years' imprisonment for treason by a military tribunal.

The decimation of civil society not only handicaps the campaign for a transition to democracy, it also weakens the infrastructure that could help to develop and sustain that democracy after transition. For both reasons, measures are urgently needed to resuscitate and strengthen independent currents of thought, information, and action in Nigeria. Aside from freedom - which can only be possible when the military withdraws - what democratic forces in civil society need most is resources, especially money and equipment. Groups such as the National Endowment for Democracy, the German party foundations, and various Western aid agencies, including AID, already provide assistance to democratic civil society organizations and media, but it is not nearly enough. There is a vital role to be played here both by governmental and nongovernmental agencies (of the U.S. and other democracies) in providing timely and expanded assistance to Nigerian human rights and pro-democracy organizations, both in the country and in exile. These groups need more financial support to sustain and expand their operations, and to improve their technologies of communication within Nigeria and between Nigeria and the outside world. The leading democratic news weeklies need money to purchase newsprint and equipment and sustain what has been called, with admiration, a "guerilla press," which writes and edits and publishes from a succession of surreptitious and constantly changing locations. In addition, the pro-democracy movement needs a very substantial infusion of money and technology to enhance the reach of its underground radio station.

As with the struggle against communism, so in the struggle against dictatorship in Nigeria, truth has become the most precious commodity. In increasingly Orwellian fashion, a fearful, insecure military regime has sought relentlessly to twist and invert the truth, to call

night day and dictatorship democracy. Its monopoly ownership of electronic broadcasting and numerous official and collaborating publications gives it vast control over the flow of information. This has been insidiously enhanced by the use of money to rent crowds of supporting demonstrators and streams of praise-singing, sycophantic politicians. As was the case in decaying communist regimes, people recognize the blatant falsity of this propaganda, but the state's domination of information and organization nevertheless disarms and dispirits democratic forces. Expanded funding for Nigeria's democratic organizations and media could help them to obstruct the regime's efforts to spin an illusion of legitimacy for itself. Beyond this, aid would help to revive the momentum of the democratic movement and to strip away the politicians and social leaders who have drifted into the regime's orbit out of resignation as much as opportunity.

The Balance of Risks

Opponents of an activist approach - what might be termed "pressured engagement" - warn strenuously of the risks: that Nigerians might rally behind Abacha in a nationalist reaction to international pressure; that Abacha might only deepen military repression in response; that strong sanctions could push Nigeria over the edge by provoking the very ethnic coup or violent insurgency they are meant to forestall. Political and social order in Nigeria has now descended to the point where any course of policy carries risks. The most dangerous course of all, however, is to do nothing - or its functional equivalent, to talk and talk with no instrument of leverage, while business with the regime continues as usual. Business as usual in Nigeria today can only advance the creeping disintegration of the state, or its sudden implosion into large-scale and possibly catastrophic unrest.

There is no guarantee that any international strategy or action can prevent a political disaster in Nigeria. However, a strategy of pressured engagement offers the best prospect for helping Nigeria find its way back to some kind of viable and legitimate political order. And additional steps can help to counter the risks of unintended consequences. In this regard, public diplomacy is especially important. Democratic nations imposing sanctions, especially the U.S. and European nations, must take pains to separate the Nigerian people from their

regime, and to emphasize through a variety of means their respect for and empathy with the Nigerian people. If the ruling elites do not respond quickly to pressured engagement, we should be prepared, through public diplomacy - and especially through radio broadcasts - to present what evidence we have of the corruption and illicit wealth of the regime elites, to discredit them, and to convey our collective determination that they must leave power. Through public diplomacy, we should speak frankly of our faith in the Nigerian people and our solidarity with their aspiration for genuine democracy as the only means to achieve accountability, development, freedom, and national stability.

Public diplomacy - to communicate directly with the Nigerian people, to fortify their resistance to the regime and broaden their political opposition - is a vital tool in a strategy of pressured engagement. For this reason, Voice of America (and other nations' short-wave) broadcasting to Nigeria should be expanded, both in English and in indigenous languages, particularly Hausa, which is the lingua franca of the politically crucial north.

As for the danger of an ethnic coup or a new cycle of military authoritarianism under yet another dictator, the international democratic alliance must take every opportunity to signal, publicly and privately, its absolute insistence on an immediate return to civilian rule, and its commitment to a broad-based search for a new political order. We cannot control whether dissident officers strike against Abacha - Nigerian coupmakers do not seek permission from the West, and could act in any case, at any time. But we can make clear that a military coup would bring no international favor or sympathy on its makers, and thus would be pointless unless it transferred power immediately to a broad-based civilian regime.

If the democracies of the world remain united and vigorous in their pressured engagement of the Abacha regime, they will likely preclude a repressive backlash by it. But if we are to ensure that such a backlash does not occur, or that if it does, it cannot succeed, we must make clear our willingness to use the one element of leverage we hold in reserve - a boycott of Nigerian oil. And we must mean it. As I indicated earlier, I do not believe an oil boycott is necessary to effect a transition to civilian rule in Nigeria. Nor is a truly multilateral boycott (the only kind that would have any impact) plausible until other forms of pressure have been seriously attempted. Particularly in the case of Nigeria, which is so completely dependent on oil revenue for its national income and government operations, the oil boycott is

the nuclear weapon of sanctions: there is no doubt that it would have a decisive impact, and probably very quickly, but it is very difficult to justify without overwhelming cause. The ultimate success of pressured engagement might lie in the credible willingness of the alliance to turn to the oil embargo if all other means fail.

Short of indiscriminate slaughter of innocent civilians, however, more measured sanctions should be given time to work. The experience of South Africa shows that sanctions must be multilateral, and must be sustained over time, if they are to have an impact. In the case of Nigeria - where the regime has none of the solidarity or sense of purpose (however cruel) of the apartheid regime in South Africa - the time required will probably be considerably less than five or six years, but quite possibly more than a matter of months.

Time is important as well in another sense. It is imperative that a strategy of pressured engagement be launched as soon as possible. In executing Ken Saro-Wiwa and his eight co-defendants, the Abacha regime demonstrated its contempt not only for international norms but for the seriousness of the established democracies as well. The Abacha clique has judged that the democratic West is a paper tiger, that we will remonstrate and wring our hands, but in the end do little of consequence, and certainly not do it for very long. Already there are signs vindicating that judgement, signs of Western fatigue and resignation.

Nigeria and the world are now at a turning point. If an international strategy of pressured engagement is not soon mobilized, a moment of historical opportunity will pass, and key actors, both domestically and internationally, will resign themselves to the status quo. Abacha will trumpet his transition plan and induce the majority of politicians to join in, for want of any better prospect for achieving power. Multinational business interests will lobby to terminate the modest sanctions we have imposed, to resume lending and travel and business as usual. Meanwhile, the deterioration of the Nigerian state and economy will continue apace, and the democratic nations of the world will have demonstrated again to tyrants around the world their lack of collective vision and resolve.

This is not a scenario that can benefit Nigeria, Africa, or our larger interest in global order. The imperative of a new approach is urgent and growing.

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Dec. 12, 1995
 House Committee on International Relations
 Subcommittee on Africa

I have been asked to comment on H.R. 2697, the "Nigeria Democracy Act", and perhaps to provide some contextualization for political developments in Nigeria, based on my experience of more than three decades of social science research and teaching regarding Nigeria. I will be injecting some cautionary notes, partly because of the high probability of unintended consequences as the international community increases pressures on Nigeria. Ironically, these unintended consequences could be chaos, disunity, or an even stronger warlord system. Democracy seldom emerges from chaos.

In terms of the intended consequences of sanctions, there is reason for skepticism that sanctions can produce regime change. According to H.R.2697 (p. 6, lines 21-24): "the limited sanctions imposed by the United States Administration have had little effect in safeguarding the lives of the people of Nigeria and moving Nigeria toward democracy".

The stated goal of this proposed legislation is a commitment to unity and democracy. I fully endorse these goals. I am especially mindful, having lived through much of the Nigerian civil war (and several of the subsequent coup/counter-coups), of the fragility of an inherited colonial federation. I regard the politics of federalism, which is always based on coalition building and respect for various federal levels, to be the central issue in Nigerian political life over the past 35 years. The politics of federalism in Nigeria have been a predominant feature of both civilian and military periods. Yet, I regard the concept of "military federalism" to be a contradiction in terms. Hence, the clear challenge is how to encourage the handover of power from military rulers to civilians, i.e. how to promote democratic federalism.

In my initial remarks, let me be brief in making five cautionary points.

(1) Nigeria is not a "backlash state", in the sense that Tony Lake used the term ("Confronting Backlash States", Foreign Affairs, March/April 1994) in describing five states in the post cold war era who are challenging the international system. To the contrary, the Nigerian government has been a consistent member of international coalition efforts at peace keeping, has led efforts at the U.N. to bring about constructive change in South Africa, and has been instrumental in providing regional security forces in Liberia and in brokering a peace settlement in that country. Even

ardent Nigerian critics say Nigeria is "good abroad, bad at home." (Needless to add, there are a large number of military led states in the world, with which the U.S. has cordial working relations.)

The sanction of voting against Nigeria in international forums, and mobilizing the cooperation of other nations in the application of sanctions to isolate Nigeria, will have clear costs in terms of the support which Nigeria has demonstrated for the international system.

(2) The threat of cutting off all foreign aid to Nigeria (with the exception of democracy building programs) is a relatively minor pressure, since Nigeria is an OPEC country, and Congress has already drastically curtailed aid to such countries.

(3) The prohibition of new investments in Nigeria, including new investments in energy, is a serious threat, but more so to American businesses than the Nigerian government. Although an oil embargo is not included in the bill, but is described as "a logical next step", the use of these kinds of business sanctions are seldom effective in regime change. Indeed, undertaken on a unilateral basis, they are an invitation to international competitors of the U.S. to fill the gap. If U.S. businesses decide, for business reasons, to take the risks of investment in Nigeria, it is not clear why this form of engagement, as opposed to disengagement, should be prohibited by Congress, except in the case of extreme "backlash" countries.

To the contrary, the engagement of U.S. corporations in large countries with closed systems is generally regarded as a means of opening up such countries to economic and possibly political reform. The net effect of sanctioning foreign businesses in energy producing economies is often to pauperize ordinary people and perhaps to destabilize any remnants of civil society. Governments tend to become more authoritarian under such conditions, and the few at the top continue to do quite well.

(4) The sanction of freezing "assets of Nigerian nationals who benefit from policies which hinder Nigeria's transition to democracy" raises questions of due process, quite apart from the likely scenario that those at risk have already moved their money out of the U.S.. The due process issue of "who decides" and "who is at risk" is complicated by the fact that any number of special interest groups have agendas which include targeting individuals, some of whom may not be "hindering Nigeria's transition to democracy", but merely utilizing a different set of means to that end. Thus, the split between those Nigerians who have opted out of the system altogether, and those who are still trying to influence reform from within will be exacerbated, making reconciliation and conflict resolution even more difficult down the line (e.g. NADECO members vs. those who participated in the Constitutional Conference). The other obvious consequence of this sanction will be the reciprocal freezing of U.S. business and private assets in Nigeria.

Yet, the external threat of asset freezes has concentrated the minds of the "political class" in Nigeria. (An "all Nigerian politicians" meeting will be held in Abuja on Thursday of this week, in which there is likely to be some critical review of the transition program. It is too early to tell whether this political class will be obstacles or facilitators of speedy democratic change in Nigeria.) Yet clearly, within this pool of Nigerian politicians, there are many who will provide future democratic leadership for Nigeria. (The idea of abolishing this political class for a "new breed" is wishful thinking, or a long term endeavor.)

(5) The cluster of policies which aim at isolating Nigeria and weakening communication links with the U.S. include denial of visas, prohibition of air links, and denial of military or defense training. Variations on these policies have been in place for several years and have had little impact on regime change. Moreover, by limiting communications contacts with Nigerians at all levels, the flow of information, on which sound policy relies, has been limited. This has encouraged the voicing of only the dissident side of many issues.

Constructive change and conflict resolution might well benefit from more open discussion and direct exchange of views, i.e. "getting the relevant parties to the table", or opening up non-official (Track II) channels of communication.

The provision in H.R. 2697 (p. 14, lines 3-6) which calls on "the President to make a determination as to the appropriateness of issuing visas for Nigerian participants in the Olympic Games based upon the progress made by Nigeria toward democracy", seems, quite frankly, contrary to the spirit and tradition of the Olympic Games. Historically, host countries have not imposed their own foreign policies on participants in the Olympic Games.

The overall effects of the above combined sanctions, and possible reciprocal or counter measures by the Nigerian government are difficult to assess. The overall goals of U.S. policy in Africa--i.e. the promotion of democracy and human rights, conflict resolution, and sustainable development--are often best served by engagement rather than disengagement. The policy of isolation and provoking regime change by notching up external pressures is at best a long term policy, and at worst an invitation to produce a nationalist backlash or hardening of military postures which might be counter productive.

The federation of Nigeria is unlike many other countries in Africa in its scale and complexity. Perhaps it is more comparable to large, centralized "federations" (such as Russia and China), rather than to smaller or less pluralistic countries. There may be more dissimilarities than similarities to the South African case, with regard to effective strategies for change.

In my original submission of remarks to the staff of the Subcommittee on Africa, I dealt in more detail (but still in

summary form) with the several historical/ cultural zones within Nigeria and the challenges of evolving a federal framework to accommodate such "diversity with unity". I also reviewed the various federal presidential elections from 1959 to 1993, in terms of coalition building and the quest for stability. I identified seven types of cleavages in Nigeria which might fracture under outside pressure and tried to illustrate the consequences of such fracturing of the Nigerian state in terms of humanitarian and political fall out. I was advised by your subcommittee staff not to be too complex. Hence, I am using my limited time here to comment on the main points of H.R. 2697.

The problem is that Nigeria is complex in terms of regionalism, ethnicity, religion, the political class, civil-military relations, intra-military relations, and inter-generational relations. I am encouraged that both the Congress and the executive branches of the U.S. government are undergoing a reassessment of Nigerian realities, and the range of policy options which might promote democracy within a framework of federal unity. I am aware that the international community has lost its patience with "transitions" in Nigeria. Also, I am aware of the importance of symbolic actions as well as "real politiqué" actions.

My cautionary remarks today are intended to focus on consequences (intended and/or unintended) of isolating Nigeria. In most obvious terms, this may produce a hardening of military regime attitudes on the one hand, and/or provoking a breakdown of the political system itself.

It is beyond the scope of my remarks today to assess issues of post-military reconstruction and conflict resolution, or stages of transition to a post-military system. These issues are extremely important, and some form of power sharing will be necessary. The caution, of course, is that "nation-building" can seldom be done by outsiders, and many attempts to do so in Africa have failed.

Also, any overt outside attempt to pick winners and losers in the Nigerian political process is likely to backfire. (It should be noted that a number of senior military officers or retired officers, have amassed enough resources to have major impacts on any civilian/democratic successor regime.)

If the central issue regarding Nigeria is how to use carrots and sticks in encouraging a military regime to speed up the transition time schedule, release political prisoners (including Abioja), and commute sentences of putative coup plotters, perhaps some direct engagement (Track I and Track II) with the top levels of the military command structure would be more effective than the blunt instruments of general sanctions. Issues of amnesty and personal security will be important to any military handover. Most of the senior Nigerian military leaders have received advanced training in the U.S.. It should not be too difficult to imagine a more forceful direct diplomacy with military leaders, which does not threaten the stability of the federation as a whole.

Dr. John N. Paden
 notes/addendum to Congressional testimony
 December 1995

toward a U.S. policy of selective engagement:
 strengthening democratic federalism in Nigeria

1. the need for a U.S. policy

--Since June 1993, U.S. policy toward Nigeria has been largely reactive, rather than proactive, despite initiatives by the Presidential Envoy.

--The precedents for U.S. Nigerian policy should not be based on recent models, such as comprehensive engagement (as per China), containment (as per "backlash states") or comprehensive sanctions (as per South Africa), but designed to meet Nigerian conditions.

--There is a need to engage to effect change in Nigeria, but there is also a need to be selective...

--The idea of selective engagement in Nigerian context includes attention to the areas of civic sector exchanges, university level interactions, potential political actor visits, focused technical co-operation in areas of drug enforcement, and military training regarding models of civilian led political systems. It also includes Track 2 discussions with appropriate authorities (and/or civic interest groups) about issues of "transition". It includes a more decentralized set of interactions reflecting Nigerian stated aspirations of both vertical and horizontal federalism.

2. the focus on goals

--U.S. policy toward Nigeria should focus on two goals: (1) encouraging democratic federalism; (2) facilitating the restoration of a limited role for the military in Nigeria as per a democratic civil-military model. Other issues are secondary.

--The focus on democratic federalism would provide a new lens for U.S. policy, and emphasize the commonality of both U.S. and Nigerian political cultures.

3. strengthening democratic federalism

--Note: federalism is the opposite of centralism (whether of a military variety or even "democratic centralism"). Are we asking the right questions about how to strengthen democratic federalism?

--There is a need for realistic assessment of the bases of successful federalism--recognizing that most ex-British

colonial federations have "failed". Simply encouraging more sub-national states is hardly the answer and may lead to disintegration. What are the historic bases of federalism in Nigeria? Will the proposed "six zones model" be a useful "fourth tier" in a three tier system?

--There should be more consideration of how to encourage a "bottom up" (rather than "top down") federalism, without meddling in internal affairs, or trying to micro-manage an extremely complex situation.

--What will promote federalism as an alternative to centralism or partition? How can a centralized system decentralize without breaking?

--What will promote responsible democratic leadership? What will be the role of the well established but fractious "political class" in Nigeria in a civilian led regime?

4. areas of selective engagement

--Many aspects of the "transition program" (announced October 1st in Abuja) are constructive. Emphasize the positive.

--With regard to timing, why not encourage early formation of parties and sequencing of elections within a single "electoral period"? (This worked reasonably well in the August, 1983 Nigerian elections.) (Note: external mandates or timing will not work, and will certainly provoke backlash.)

--Encourage the continuation of meetings among the "political class"--as per the December, 1995 Lagos meeting--to facilitate a "rules of the game" sense of common interest and even ethics. Encourage a move from "winner take all" electoral systems to some form of power sharing.

--The Babangida regime has been discredited in terms of "transitions". The double annulment of the presidential primaries in October 1992 and the presidential election of June, 1993 should be allowed to fade into Nigerian "political history" without excessive external pressure. New coalitions are forming and many of the 1992 and 1993 candidates will undoubtedly reemerge.

--Although Nigeria is federal in name and legacy, and the concept of "federal character" is well established, the combined impact of centralized oil and centralized military have undermined almost all aspects of federalism, including the concept of a "federal capital territory". Why not encourage dialogue on federal "reconstruction", e.g. among the media, academic communities and civic groups? The original conception of Abuja as a "federal capital territory", (analogous to Washington D.C.) should be revisited, and more attention paid to issues of shifting federal capitals.

--The engagement with all aspects of the political process at Abuja (as distinct from the rump "government" in Lagos) is crucial to the concept of federalism. Also, the U.S should engage in consular activities in all zones of the federation, to avoid reinforcing the centralization associated with Lagos. (Since this is also a budget issue, a special case would need to be made that encouraging federalism in Nigeria would be cheaper, and more "proventive", than the humanitarian and/or "peacekeeping" costs of a disintegrating centralized system.)

--The U.S. should consider military training programs which include a component on democratic civil-military models, as per some of the world wide initiatives by former Assistant Secretary Dr. Joseph Nye with regard to states in transition.

**TESTIMONY BY FELIX C. MORKA
LEGAL DIRECTOR, CIVIL LIBERTIES ORGANISATION (CLO)
BEFORE THE SUB-COMMITTEE ON AFRICA OF THE
HOUSE INTERNATIONAL RELATIONS COMMITTEE
DECEMBER 12, 1995**

I welcome the opportunity to testify before you today on behalf of the Nigerian Civil Liberties Organisation (CLO). I have served as the Legal Director of the CLO since 1991 and in that capacity I have been actively involved in human rights work both in Nigeria and outside Nigeria. The CLO is a nongovernmental, nonpartisan human rights organisation concerned with the promotion and protection of human rights as recognized under the Constitution of Nigeria and international human rights treaties which Nigeria has ratified. It was established in 1987 as the first human rights organization in Nigeria. The CLO's work spans through the broad spectrum of human rights - from protecting prisoners' rights to the defence of human rights and prodemocracy activists campaigning for change in Nigeria. For its work, the CLO has received domestic and international recognition. In 1990, the CLO received the Roger Baldwin Award of the Lawyers Committee for Human Rights and recently the CLO received an award from the German Association of Lawyers and Judges for its "remarkable achievements" in the advancement of human rights in Nigeria.

The work of the CLO and other human rights groups in Nigeria over the years has been possible only by default in the face of violent attacks on civil liberties by successive military regimes in the country. Nigeria's military ruler General Sani Abacha, more than even the highly repressive General Babangida before him, has continued his campaign of terror on opponents, real or imagined, both within the civil society and some sections of the Nigerian military in a desperate bid to crush opposition to his rule and the demand for a restoration of democracy.

Only thirty-three days ago, Abacha ordered the execution of nine Ogoni activists, including Ken Saro-Wiwa, renowned writer and human rights activist, in defiance of strident universal appeals for the commutation of the death sentences. As you know, Saro-Wiwa and his colleagues were convicted following a staged trial by a military tribunal in violation of the due process rights of the defendants both under the Constitution of Nigeria and the International Covenant on Civil and Political Rights which Nigeria ratified in 1993. With the execution, Abacha demonstrated his continuing resolve to keep power at all costs; his obduracy and utter contempt for international public opinion. Unfortunately, but not surprising, the domestic and international outrage over the execution has not deterred the upcoming trial of 19 Ogoni activists scheduled to begin in January 1996 before the same military tribunal -- a trial which may result in further executions.

The Ogoni crisis -- the savage destruction of the environment; health hazards; the pollution of waters, farmlands and other sources of livelihood by the oil companies in Nigeria; and the unspeakable terror unleashed on the local people by an army of occupation in Ogoni-land -- speak to the agony and desperation of a country in dire need of urgent and coherent international action. As we speak, the Abacha regime has continued to arrest, torture and imprison opponents, real or imagined. The regime has shut down more newspaper organizations and arrested more journalists than all previous military governments combined; journalists have been tried and jailed on treason charges for performing their legitimate duties. The civil courts have been completely eviscerated by military decrees which have removed their powers to intervene in human rights and political cases. Abdul Oroh, Executive Director of the CLO, continues to languish in jail without charges. Chima Ubani another official of the CLO along

with many other activists have been held incommunicado for several months now. Chief Moshood Abiola, winner of the 1993 presidential election, remains incarcerated. As you know, recently the regime tried and convicted 43 persons critical of its policies based on unsubstantiated allegations of a plot to overthrow the regime. However, following widespread appeals for clemency, the death sentences imposed on some of the defendants were commuted to jail terms. However, today, the situation in Nigeria has deteriorated to the point where those individuals and organizations who have called for the release of detainees have themselves been arrested or punished. This has created a vicious cycle of arrests and more arrests and detention without trial. Soldiers and other security forces armed with armoured tanks and automatic weapons line various street corners in many cities, towns and villages in the country especially in the Niger-Delta Region. Within Ogoni communities the security forces have continued to indiscriminately harass citizens under the guise of eliminating members and supporters of the Movement of the Survival of Ogoni People (MOSOP). These security forces have left in their trail broken bones, damaged homes and properties, and, in some cases, death of innocent citizens.

The C.I.O views the international publicity campaign by the Nigerian leadership and their supporters in the oil industry as extremely irresponsible and calculated to distract and mislead the international public. Several millions of dollars is being pumped into an effort to repair the regime's irreparable loss of legitimacy and credibility at a time in Nigeria when millions of workers have not been paid their salaries for many months; when there has been a complete collapse of hospitals, schools and other public utilities; poverty and disease now pervade the land in the midst of plentiful national resources. Corruption and theft of public funds by officials of the regime have become celebrated state policy.

It is against this backdrop that the C.I.O and the entire human rights community in Nigeria strongly urges for great circumspection in your consideration of the so-called transition program announced by Abacha. Every step taken and every move made by the regime so far are inconsistent with any real intention to hand over power to a democratically-elected civilian government in 1998 as claimed or any time thereafter. As the heat on the regime intensifies, in the coming months you will witness the introduction of several cosmetic measures designed to abate international action against the regime and buy time. We are confident that you would not fall for that. Efforts are continuing within the country to build pressure in order to accelerate the decline of this regime which is anti-the Nigerian People.

To this end, we thank you for your continued support. We welcome the measures announced by the US Government against the Nigerian military regime. However, with the swift execution of the Ogoni nine, Abacha has demonstrated that mild treatment is irrelevant to his case. In addition to measures already put in place, we urge that you consider as a matter of extreme urgency the implementation of the following measures:

- i) a multi-national embargo on Nigeria oil;
- ii) the restriction of the assets of Nigerian military rulers and their civilian collaborators;
- iii) the prohibition on new investments and the sale of spare parts to the Nigerian oil sector;
- iv) the imposition of an embargo on sale of arms to the Nigerian military; and
- v) the suspension of Nigeria from all international sports competitions.

The leadership of the US of international efforts to institute these measures is critical in order to succeed. In relation to an oil embargo, we are aware of concerns about protecting the US economic and other interests in Nigeria. Our response is that the best and lasting

protection of US interests is the immediate termination of military rule and the restoration of democracy in Nigeria. Should a situation of imminent violent conflict develop in Nigeria, if nothing is done to avert it, those same interests are bound to be totally endangered. As far as the Nigerian people are concerned, an oil embargo on Nigeria would have no significant impact on their already deprived existence. On the contrary, an embargo would remove the incentive of the regime to perpetuate itself in power and constrain its capacity to deal with increased domestic and international pressure which will cause its rapid disintegration. An embargo will also cause the oil companies operating in Nigeria particularly Shell to abandon their current conspiratorial strategy in favor of a responsible use of their incredibly powerful leverage with the Nigerian military regime.

I will be happy to answer any questions that you may have. Thank you very much.

STATEMENT OF REP. GARY L. ACKERMAN
DECEMBER 12, 1995
RECENT DEVELOPMENTS IN NIGERIA

Ignoring international appeals for clemency, General Sani Abacha executed Ken Saro wiwa and eight of his associates for complicity in the murder of four Ogoni chiefs. These executions have made clear the Abacha regime's total disregard for human rights and are making Nigeria a pariah among nations.

Two years ago, after the June 1993 elections were annulled, the United States suspended development assistance, terminated joint military training, and imposed visa restrictions. More recently, in response to the executions, the Administration recalled our Ambassador, and imposed an arms embargo. Today, we should explore what we can do next to put Nigeria back on the path toward democratically elected civilian government.

I believe that the near universal condemnation of Nigeria in the wake of the executions provides us with a window of opportunity to pursue multilateral sanctions. There are a variety of options including an asset freeze, visa restrictions, a ban on new investment, a ban on export of equipment needed for the energy sector, and ultimately, oil sanctions. Obviously, some of these are more achievable than others but whatever we do must be done multilaterally if it is to be effective.

Nigeria has had a fractious history, coping with 100 million

people, 250 ethnic groups, and continuous military intervention in political affairs. I don't think the path toward democracy will be easy even if the military were to step aside. But if the international community does not take this opportunity to act, I believe that there is a real danger that Nigeria will continue its descent into chaos dragging the balance of West Africa with it.

I look forward to hearing our witnesses today and to helping fashion an effective strategy for bringing democracy to Nigeria.

APPENDIX

BASHORUN M.K.O. ABIOLA

The 14th Aare Onakakanfo

*Chairman Concord Group of Newspapers and Magazines
Including Africa Economic Digest & African Concord*

Randall E. Echols
Executive Assistant U.S. Affairs

**REINSTALLING DEMOCRACY IN NIGERIA:
A CRITIQUE, AND A BLUEPRINT**

By

Randall E. Echols
Executive Assistant, U.S. Affairs

For

PRESIDENT ELECT-M.K.O. ABIOLA

AUGUST, 24th 1995

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FOREWORD

Since the Nigerian military annulled the June 12th, 1993 presidential election of Moshood Abiola, dissolved all other representative institutions of government, defiled the rule of law, plundered the nation's oil revenues, and became a virtual sanctuary for international drug traffickers, the United States has forged its relations with Nigeria based on three pivotal assumptions:

- 1. That General Sani Abacha, head of the military junta, sincerely desires to transition the country to democracy within a few months;**
- 2. That the Constitutional Conference summoned by General Abacha and its recommendations could be authentic steps in that direction; and,**
- 3. That the June 12th free and fair election of Chief Abiola may fall into the recesses of history without endangering the reinstatement of democratic norms in Nigeria.**

I recently visited Nigeria to test these assumptions. I met not only General Abacha and President-Elect Abiola, but also members of the political opposition, the United States Embassy, and tribal and local leaders. I further circulated among the Nigerian people to calibrate their attitudes towards Abacha, Chief Abiola, the June 12th presidential election and other concerns.

My week-long observations yielded no ocular or audible evidence that would substantiate the foreign policy assumptions of the United States, but much that would discredit them. Based on my recent bird's eye view of Nigeria coupled with my years of immersion in the post-June 12th democratic tragedy, I am firmly convinced that General Abacha will temporize endlessly on restoring democracy, that the Constitutional Conference was no more than a costly charade, and that to abandon the June 12th elections will inflict incalculable damage to the inculcation of a democratic political culture in Nigeria in which free votes are conclusive even if not backed by bayonets. This analysis suggests a more muscular United States approach to General Abacha would be productive of good, yet carry little risk of adversity to American interests.

Page Two

My recommended cornerstones for such toughening, modelled on the success of the Comprehensive Anti-Apartheid Act of 1986 lauded by South African President Nelson Mandela, are elaborated at the conclusion of this report. But a chronicling of my journey through the Nigerian political landscape is necessary to perceiving the flawed assumptions that undergird United States-Nigerian bilateral relations. I aim to make the reader's patience rewarding.

BACKGROUND

My vocal criticism of General Abacha and the military junta since the June 12th electoral annulment had prompted the Nigerian Embassy to refuse to issue me a visa as a method of quelling democratic voices in the country. In March of this year, however, I received a call from Mr. David Peterson, Program Officer for Africa, at the National Endowment for Democracy, suggesting that I speak with Mr. Ahamadu Abubakar, a graduate of Georgetown Law School and a member of General Abacha's Constitutional Conference from Plateau State, who was visiting their offices. Mr. Peterson had become aware of some of Mr. Abubakar's remarks during the proceedings of the Constitution Conference which apparently distinguished him from General Abacha's sycophantic puppets of which the fraudulent, boycotted body was comprised of.

After discussions with Mr. Abubakar, I ultimately met with Nigerian Ambassador Kauzure, and the Nigerian trip was arranged for May 29-June 3. My general purposes as communicated to the Ambassador were:

1. To meet with Chief Abiola in order to (a) determine the general condition of Chief Abiola's health (b) determine his current opinion and position on his June 12th presidential mandate and (c) pass on whatever messages and information he requested.
2. Visit with the National Democratic Coalition (NADECO) and Chief Abiola's family in order to determine the strength of their commitment to the June 12th mandate and their dedication to struggle for the return of democracy to Nigeria.

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3. Visit key areas of Eastern Nigeria, the Middlebelt and the North in order to assess the political mood of the people regarding the Abacha junta and the June 12th electoral verdict rendered by approximately 15 million Nigerian voters.

Ambassador Kazaure issued the visa with the stated expectations that the visit would corroborate three assertions:

1. That calmness blesses Nigeria everywhere and in everything.
2. That "the issue of June 12th is a thing of the past".
3. That Chief Abiola is in good health and receives humane treatment under his detention for alleged treason rooted in his truthful declaration that he had been elected President in polling that international observers lauded as free and fair.

I later introduced Mr. Abubakar to Mr. Adonis Hoffman, Senior Associate and Director of the U.S./Africa Policy Forum at the Carnegie Endowment for International Peace and he met Mr. James Woods, international consultant and former Assistant Secretary of Defense for Africa. Mr. Hoffman, Mr. Woods and myself decided to form an "intermediation" type of delegation.

Of the meetings listed below, Mr. Abubakar attended (4), (5) and (7).

PAGE FOUR**MEETINGS IN NIGERIA**

The following meetings were held in Nigeria;

- (1) U.S. EMBASSY IN LAGOS
- (2) NADECO AT THE ABIOLA RESIDENCE IN IKEJA
- (3) U.S. EMBASSY (LIAISON OFFICE) IN ABUJA
- (4) TRIBAL AND LOCAL LEADERS IN NORTHERN NIGERIA
- (5) GENERAL SANI ABACHA AT ASO ROCK
- (6) PRESIDENT-ELECT M.K.O. ABIOLA IN A GOVERNMENT BUNGALOW
- (7) DEBRIEFING AT ASO ROCK IN ABUJA

U.S EMBASSY IN LAGOS

This meeting was held on Tuesday, May 30, 11:00 AM at the U.S. Embassy on Victoria Island. The Minister Counselor, Mr. Tibor Najy, Mr. Robert Downey, counselor and an embassy representative were in attendance with myself and Mr. Hoffman. This meeting lasted approx. 1 1/2 hours. We were briefed on the current political, social and economic climate in Nigeria. The Embassy was critical of NADECO's organizational posture in Nigeria and abroad. The Nigerian people were accused of complacency. It was said that most of the "political leadership had sold out to the Abacha regime", and that there was no serious or effective opposition. I remembered that similar charges were levelled at the Russian people on the verge of the 1917 Revolution, and at the Rumanian citizenry days before the overthrow of Nicholae Ceausescu's tyranny in December 1989.

Mr. Downey was hostile towards June 12th, baselessly criticized Abiola, questioned the democratic credentials of Professor Wole Soyinka, a human rights icon, and perceived no disaffection among the Nigeria people although they had fallen into a destitution worse than Haitians (\$250 per capita income from \$1,000 before military juntas disbanded democracy) and been deprived of virtually every civil liberty enshrined in the 1948 Universal Declaration of Human Rights, such as a right to a fair trial before independent courts and a right to free speech and political association.

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There was no acknowledgement of the thousands of jobs Abiola had created for Nigerian workers by dint of free enterprise and the sweat of his brow nor of his unmatched philanthropy in Nigeria and the United States to promote education and ethnic and religious harmony. Neither was there awareness of the honorary degree awarded by the University of Connecticut to Abiola in commemoration of his devotion to democracy.

The strike by Nigeria's petroleum workers union was disparaged as "Yoruba transport workers being funded by NADECO not to transport fuel". In other words, the strikers against their penury and oppression were unauthentic. No evidence was offered that NADECO's bank account was brimming with funds.

There was defensiveness about Nigeria's decertification by the State Department for their lack of cooperation in international drug trafficking efforts: "The U.S. only gave \$200,000 and a couple of dogs" to Nigeria for interdiction efforts. That observation neglected documented facts that Nigeria prosecutes only a handful of low-level couriers, and punishes drug traffickers leniently or facilitates their escapes from detention. Its anti-drug agencies are riddled with corruption, and the judiciary is an arm of the junta. If they are serious about eradicating an identified "problem"--such as political dissent or thievery--they are mercilessly efficient, as recent military tribunals and draconian penalties prove.

Finally, it was stated that the U.S. Ambassador's paramount concerns are the ten thousand Americans in Nigeria and the \$4.8 billion in various investments in the country. The poisoning of American youths on the streets of the United States by drug trafficking from Nigeria (which account for a frightening 50% of heroin smuggling) did not enter the field of discussion.

PAGE SIX**NADECO**

We met with the NADECO leadership at 2:00 PM on Thursday, May 30 at the Abiola residence located on Moshood Abiola Crescent in Ikeja. Among those present at the luncheon meeting hosted by Mrs. Alhaja Kudirat Abiola were Chief Anthony Enaharo, Vice Chairman of NADECO, President-Elect Abiola's principal physician and his legal team. Approx. 15 to 20 members of NADECO's leadership (The June 12th Focus Group) were also present. The following points highlighted the meeting:

- * The majority of Nigerians stand by and remain committed to honoring the June 12th election to "a reasonable extent." That commitment persists despite the fact that some leaders, political and traditional, succumbed to blandishments of the Abacha junta and traded democracy for ducats. I thought to myself that political martyrdoms are universally rare, and that all those ostensible adherents to General Abacha would abandon ship as soon as they perceived any sign of capsizing.
- * No future elections in Nigeria will be credible or perhaps even possible unless the June 12th election is duly recognized and actualized to "a reasonable and acceptable extent". This mainstay understanding is too often overlooked. Democracy in Nigeria has fragile roots. The military has dominated politics for most of the nation's existence, 25 out of the past 35 years, through the barrel of a guns, not the ballot. If free and fair elections like June 12th can be cast aside cavalierly, then they lose their legitimate claim to command respect by the people. All elections will be tentative, and the losers will simply resort to arms to frustrate popular sentiments pointing to June 12th as a validating precedent. If June 12th is dishonored, can any future election in Nigeria be safe from anti-democrats?

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- * The dormant discontent and revulsion of the Nigerian populace towards the Abacha despotism is explained by its savage repression of any opposition. That repression is chronicled in page after damning page of the frightful reports on Nigeria by Amnesty International, Human Rights Watch, The Committee to Protect Journalist and even the characteristically phlegmatic United States Department of State. The well-oiled Abacha propaganda machine coupled with the suppression of a free press handcuffs groups in Nigeria urging the actualization of the June 12th election and the restoration of democratic institutions like NADECO. I was reminded of the significance of a free press in America during the Revolutionary War with Thomas Paine's Common Sense and the Committees of Secret Correspondence. I was further reminded of Nicaragua where the people voted to oust the Sandanista rulers at the first free and fair opportunity although their discontent had previously been muzzled by an absence of free speech and press.
- * The long standing patronage system established by the military junta, in a country where the per capita annual income is approx. \$250, is as entrenched by its beneficiaries as solidly as the monetary privileges of the First and Second Estates in pre-Revolutionary France. Such corrosive corruption, I thought, can topple at a moments notice like the Berlin Wall.
- * Nigeria cannot afford the administrative cost of its thirty states, which have multiplied in any event solely to enlarge patronage opportunities. Additional states are not an answer to the political crisis.
- * General Abacha transparently prevaricates in avowing he is helpless to release President-Elect Abiola from prison because "the matter is in the courts". By decree, the General has placed the military junta above the law, and it has been routinely ignored in preliminary court skirmishes involving Abiola's right to bail.

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Indeed, even the draft of the Constitutional Conference report neglects to place fundamental human rights in the protection of the courts or to call the junta to account for any lawlessness. I think Abacha's invocation of law to justify his lawless imprisonment of Abiola is like the devil invoking God to justify his evil.

* Chief Abiola's physician, Dr. Falomo, described his mistreatment and arrest after he publicized Chief Abiola's deplorable prison conditions that were endangering the President-elect's life and health. That is an earmark of the insensitivity of the Abacha junta to elemental human rights that South Africa never stooped to regarding Nelson Mandela. Why, I wonder, is the international community so blind? Are black oppressors to be indulged more than their white counterparts?

* Chief Enaharo reminded us that the United States (through the U.S. embassy in Lagos) informed General Babangida on June 10, 1993 that U.S./Nigerian relations would be impaired if the election process was delivered to a mortuary. That verbal warning, however, seems to have become as empty as threats to the Bosnian Serbs. The June 12th verdict, including 1200 popularly elected local governments, 30 state governments, and a popularly elected 500 member National Assembly have all been buried without even a funeral oration, yet the United States has not called for their resurrection. That complacency contrasts with the United States insistence that the elections of Aristide in Haiti, Aquino in the Philippines, and Endara in Panama be respected as a condition of maintaining bilateral relations without sanctions. **If democracy and the rule of law are not reinstalled in Nigeria, I think, then the hope that its utility as a thoroughfare for drug trafficking to the United States will end is but a delusion. It is no accident that drug trafficking perennially flourishes where the rule of law is ramshackle at best, as in Mexico, Burma, Colombia, Afghanistan, Bolivia, and Nigeria. Even South Africa is complaining that Nigerian traffickers are contaminating their country.**

PAGE NINE**U.S. LIAISON OFFICE, ABUJA**

On Wednesday, May 31ST at 3:00 PM, Mr. Hoffman and I met with Mr. Tim Andrews, Director, U.S. Liaison Office in Abuja and former desk officer for Nigeria at the State Department. Mr. Andrews generally echoed the views of the U.S. Embassy in Lagos, but was less antagonistic towards President-Elect Abiola's democratic and philanthropic credentials, Professor Soyinka's bold and courageous defense of human rights, and the motivations of the oil workers who struck but were overcome by the import of oil to Abacha from Libya. Mr. Andrews indicated that stronger diplomatic and possible economic sanctions against Nigeria were under consideration by the State Department, an acknowledged euphemism for temporizing.

MEETING WITH TRIBAL AND LOCAL LEADERS IN PLATEAU STATE

On Thursday afternoon, June 1ST, we departed for Plateau State by car with Mr. Abubakar. We visited several small villages in and around the city of Keffi, the home town of Mr. Abubakar. We met with a number of local government and tribal leaders and a former foreign minister in the Shagari Administration. The trip amounted to a campaign swing for Abubakar to his constituency. This was a small price to pay in return for his effort in arranging the opportunity to meet with President-Elect Abiola. I heard not a syllable of disparagement of the June 12th election as a faulty reflection of the popular will of the Nigerian people. The voter turn-out, I recalled, was 38%, a level that compares favorably with figures for the United States and Great Britain.

MEETING WITH GENERAL ABACHA AT ASO ROCK

A meeting with General Abacha was scheduled for 11:00 PM, Thursday June 1ST. We arrived at ASO Rock accompanied by Mr. Abubakar and was greeted by Mr. Jabril, the ADC for Gen. Abacha and Lt. General Jerry Useni, member of the Provisional Ruling Council and Minister for the Federal Capitol Territory of Abuja. At 11:30 we proceeded to Gen. Abacha's meeting quarters. Lt. Gen Useni, Mr. Abubakar, Mr. Hoffman and myself attended the meeting with Gen. Abacha.

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After 15 minutes or so of palaver, Mr. Abubakar made formal introductions and I opened the discussion with the following unfrontational observations:

- * I appreciated the opportunity to enter the country and that the purpose of my visit was foremost to meet with Chief Abiola and to respectfully urge his release from detention on humanitarian grounds. The President-Elect's callous treatment has been deplored by the Nigerian Medical Association and their diagnosis has been corroborated by medical experts in the United States.
- * I asked Gen. Abacha if there was something I could do [in Washington] that would enable him to expedite Chief Abiola's release.
- * That my interest in and support for Nigeria predated the 1993 presidential elections as does my personal friendship with Chief Abiola, whose name I conferred on one of my sons.
- * That I did not enjoy assailing Nigeria under his junta, but my integrity as a voice for Chief Abiola and the 15 million Nigerian voters on June 12 would be comprised if I remained mute while Chief Abiola remain incarcerated and there is no legitimate movement towards honoring the June 12th democratic mandate.
- * That the release of Chief Abiola and other political prisoners and unbanning the press would probably forestall any stricter sanctions by the United States.
- * That it was disgraceful to spend so much time and money underwriting a propaganda campaign in the United States seeking to rationalize indefensible situations in Nigeria to decision makers in Washington when Nigerians can hardly put food on their tables. All the excuses, apologies and revisions of history made by their lobbyist in Washington are disgustingly transparent and they laugh all the way to the bank. They know their lies are no more than Potemkin villages calculated to disguise General Abacha's naked repression.

PAGE ELEVEN

- * That Nigeria fields the second largest standing army in Africa which is valued by the U.S. and that it would be unfortunate not to restore the professional repute and integrity to Nigerian military by renouncing its usurpation of political power and pledging its commitment to civilian supremacy.
- * That he (Gen. Abacha) still has the opportunity to leave a positive and historic aspect to his legacy, surpassing all of his predecessors, by allowing the democratic transition in Nigeria to come to fruition by releasing Chief Abiola and acknowledging the democratic legitimacy of June 12th (which has already been vouched for by more than 1,000 international observers carrying no partisan axe).
- * I indicated to Generals Abacha and Useni that if this visit was to yield something constructive then acts demonstrating a commitment to democracy and human rights would be required to supersede tiresome promises honored in the breach rather than in the observance. (Since my return to the United States, the latter dissembling continues. While touting a forthcoming October plan for a transition to democracy, Abacha has arbitrarily detained and arrested human rights leaders, and contrived secret and summary military prosecutions of 40 prominent Nigerians, including General Olusegun Obasanjo for allegedly plotting a coup. The fabricated charges are reminiscent of the Nazi's burning the Reichstag and then falsely charging a Communist with responsibility to justify Hitler's barbaric repression. Unlike the public objection expressed by the international community, Obasanjo's arrest and prosecution by a secret military tribunal was greeted by no more than a public yawn in Nigeria. To believe Abacha would voluntarily shed his diabolical despotism is to believe a leopard can change its spots).

The meeting with General Abacha approximated two hours and thirty minutes. He repeated a desire for some type of constructive dialogue with the United States to reduce bilateral tensions and problems, but offered nothing specific. He further volunteered the following points:

PAGE TWELVE

- * He is a good friend of Abiola's and would like to engage him in discussions to resolve the outstanding political crisis. I ruminated over the oddity of the statement since Abacha could instantly summon Abiola from his imprisonment at any time to begin the discussions.
- * That he called Chief Abiola during November 1993 and sought Abiola's opinion about his plan to dissolve the Interim National Government installed by General Babangida and headed by Chief Shonekan after the June 12th elections had been hijacked.
- * Abiola agreed with Abacha's assessment that the Interim National Government was dysfunctional.
- * Abiola's release is beyond his (General Abacha's) control because of pending court proceedings in the High Court. I thought to myself that a man who has destroyed the rule of law and placed the military beyond judicial jurisdiction to offer such a lame and mendacious excuse for continuing Abiola's detention spoke volumes of his credibility. Will he claim next that the divine right of kings prohibits a reinstatement of democracy in Nigeria?
- * That General Babangida, not he, annulled the June 12th popular verdict, and thus he bears no responsibility for that action. (Not really, Abacha was Babangida's Defense Minister at the time of the annulment which had to be enforced initially by shooting to death over a hundred and fifty Nigerians who were among thousands that took to the streets in peaceful protests). It is common political knowledge in Nigeria that Abacha's fingerprints can be lifted from every coup that has ever occurred in Nigeria. Additionally, he voiced no protest at the time of the June 12th "coup" or later about the annulment, and has further deepened the June 12th tragedy. A virtual army of over three hundred soldiers was deployed on June 23rd, 1994 to arrest President-Elect Abiola at his home in Ikeja, an earmark of the oceans of popular protest Abacha anticipated from his villainy.

PAGE THIRTEEN

- * He is seeking to end Nigeria's haven for drug trafficking which originated with the Babangida government and has lead to two successive years of decertification by the United States for Nigerian laxity in confronting the menace.
- * The IMF, the World Bank, and the African Development Bank are unfair to his regime. Abacha did not elaborate on the possibility of skepticism in the financial community that might be attributable to the diversion of billions in oil revenues to private Swiss bank accounts held by Abacha and his minions and a catastrophic plummeting of per capita GDP to \$250 from \$1000 in but a few years. Should a government be rewarded for taking a nation back to the Stone Age?
- * The decisions of the African/African American Summit organizers and FIFA to remove their business and Junior World Cup venues out of Nigeria perplexed General Abacha. He could voice not a single reason for believing his regime might be vulnerable to international reproach, which reflects either an impoverishment of mental faculties or dangerous self-delusion.
- * General Useni interjected during the course of the discussions the rhetorical question: "what's wrong with military government?" It provoked no rebuke from Abacha, whose silence seemed tacit agreement. Thinking about democracy did not seem high on their agenda, whereas conniving to continue military misrule did.
- * General Abacha stated that he looked forward to meeting again.

PAGE FOURTEEN**MEETING WITH PRESIDENT-ELECT M.K.O. ABIOLA**

The meeting with President-Elect Abiola took place on Friday, June 2nd, 3PM at a government bungalow in Abuja. Mr. Hoffman and I were escorted by security agents from our hotel in Abuja (Nicon Hilton) and driven to the above mentioned location. A short time later (approx. twenty minutes), Chief Abiola arrived, also escorted by security agents. Even though the room we met in was under surveillance, I asked the remaining security agent to leave. He complied. The meeting with Chief Abiola lasted approx. thirty to thirty five minutes. Mr. Hoffman attended the first twenty minutes of the meeting and Chief Abiola and I had a private discussion for the duration.

The discussion and personal encounter are highlighted by the following:

- * Chief Abiola remains committed to his June 12th presidential mandate given to him by the people of Nigeria and that the mandate is not negotiable without the consent of the people.
- * The President-Elect is willing to negotiate with General Abacha a peaceful and honorable resolution of the political, social and economic crisis in Nigeria with charity to all and malice towards none.
- * Abiola supports a strong and professional Nigerian military to defend and protect the nation and her citizens.
- * General Abacha should be informed that Abiola is responsible for a very large family and numerous business enterprises which provide livelihood for thousands of Nigerians and thousands of Nigerian families.
- * Chief Abiola is willing to accept a conditional release from prison.

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- * Chief Abiola walked with an obvious limp, appeared to have lost fifty to sixty pounds and is in obvious need of better medical attention, a layman's view confirmed by the Nigerian Medical Association and Abiola's personal physician.
- * In spite of his plight, Chief Abiola's spirits were very high.
- * Chief Abiola is in solitary confinement, and reading materials are limited to the Holy Koran and Bible.
- * Family visitations have been terminated for the past several months. Chief Abiola was genuinely surprised and disappointed when I informed him that the date for his court hearing had been postponed indefinitely. Nelson Mandela was never treated so harshly by a racist apartheid government as he recounts in his memoirs.

DEBRIEFING AT ASO ROCK

We returned to ASO Rock at 9PM the same day to provide a debriefing on our meeting with Chief Abiola. The original plan was to meet for a second time with General Abacha and Chief Abiola, but the arrival Mr. Charles Taylor from Liberia scuttled the plan. This meeting occurred at the Aso Rock residence of General Abacha's advisors. They were informed of my observations amplified above and of Chief Abiola's remarks.

After thanking them for their effort in making the trip informative, I commented on the massive arrest of NADECO leaders, including NADECO's ninety year old Chairman, Chief Michael Ajasin, that had occurred while we were meeting with General Abacha.

We departed for Lagos the following afternoon (Sat. June 3rd) and departed for the U.S. later that evening.

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CONCLUSIONS, OBSERVATIONS & RECOMMENDATIONS

My first visit to Nigeria was in 1988 and there have been numerous visits since then. Prior to this mission, my last visit to Nigeria was with President-Elect Abiola in September of 1993 when he was acclaimed by over a half million people upon his return from Europe, Canada, England and the United States to garner support for the democracy movement in Nigeria and the June 12th presidential election. Political, social and economic decay were extremely pronounced then. It was hard to imagine that conditions could deteriorate further, but repression, theft, and corruption are thriving in Nigeria more than ever before.

I delayed preparation of this report with the hope that some productive results would have come from the Abacha regime as a result of our visit. In fact, the contrary has occurred with persistent repression of the Nigerian people, threats against other governments that voice concerns (the U.S. & U.K.) that allow Nigerian pro democracy groups to exercise the privileges of a democratic society and the hell bent posture of capriciously executing Nigerian citizens with no legitimately functional judicial system in place.

The vast majority of Nigerians are contemptuous of Abacha, but their desperate concern for simple survival marginalizes political opposition in their daily lives. That general passivity to Abacha's repression is not immoral. But the same cannot be said of an elite core of opportunistic and rapacious rogues who are actively assisting that repression by accepting lucrative government offices and defending the indefensible to the international community. Included among the sellouts who would have revelled as courtiers to Uganda's Idi Amin are individuals such as; Baba Gana Kingibe, Ernest Shonekan, Dr. Sam Aluko, Tom Ikimi, Walter Ofonagoro, Latieef Jakande, Olu Onagoruwa, Tony Annineh, Arthur Nzeribe, Ebenzer Babatope, Chief Emmanuel Iwuanyanwu, Chief Anthony Ani and Chief Jim Nwaobodo. Unlike the public objection expressed by the international community, the arrest and prosecution of some prominent former soldiers by a secret military tribunal was greeted by no more than a public yawn in Nigeria.

Without their collaboration, the Abacha junta would instantly implode. Their decisions to sell their souls for a mess of pottage is as morally censurable as turning to drug trafficking to overcome economic adversity despite the frightening consequences for the nation and the image of Nigerians.

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The situation in Nigeria is explosive. The people seethe with discontent and resentment, but those sentiments are concealed for self-protection against an unforgiving military dictatorship. That does not mean Nigerians are cowards. They are acting like the vast majority in Eastern Europe and the Soviet Union during years of Communist dictatorship. Alexander Solzhenitsyn, Vaclav Havel, Wole Soyinka, and President-Elect Abiola are the exceptions, not the rule.

Professor Soyinka has taken further exception to Abacha's fierce repression through the formation of The National Liberation Council of Nigeria (NALICON), whose founding principle is to employ "ALL MEANS NECESSARY" to remove dictator General Sani Abacha while establishing a government in exile.

And just as large numbers joined Communist parties and collaborated with the secret police in the Soviet Union and its satellites for political and economic expediency, the same phenomenon is evident in Nigeria. That does not mean that Nigeria is unripe for the reinstatement of the June 12th democratic verdict.

It only means that the Nigerian people need additional hope and moral support both internally and externally before they will take the personal risks entailed in openly challenging the Abacha repression. There have already been courageous displays of watershed protest in the recent unprecedented oil workers strike and Ogoni opposition to the virtual genocide committed by the military and environmental degradation of their land by the Royal Dutch Shell Oil Company.

The "storming of the Bastille" might just be around the corner.

Dramatic political change is invariably ignited by small numbers. It is impossible to know with Euclidean exactitude how close the population is to rebellion or insurrection. Human affairs are too complex for such precision. How many accurately predicted the dismantling of the Berlin Wall or South African apartheid, both of which were fostered by external economic sanctions?

What my visit and meetings reinforced was widespread disaffection with General Abacha and the Provisional Ruling Council coupled with an exceptional amount of resignation to the bleakness. Only a tiny handful would resist the ouster of Abacha at the first sign of weakness or fragility.

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In addition, there is no evidence that the June 12th 58% to 42% victory of President-Elect Abiola that crossed tribal, regional, and religious divisions did not reflect the genuine sentiments of the Nigerian people.

The United States will never be able to accurately measure the depth of the discontent in Nigeria as long as Abacha's fierce repression muzzles the free press and prohibits freedom of assembly. The unbanning of political parties but with no right to meet, organize or voice opposition is the latest in a long line of insults from Nigerian military regimes presented as "steps towards civilian rule".

Evidence of the fact that Abacha has siphoned the countries treasury dry is its inability to pay civil servants, including members of the military and local police forces who by several reported accounts, revert to "armed robbers" at nightfall further terrorizing an already devastated Nigerian public.

As I indicated in the onset, Ambassador Kauzare wanted me "go to Nigeria and see for myself" that "everything is calm and June 12th is a thing of the past". During our brief but concentrated visit the following remarkable events occurred:

- * THERE WERE RIOTS (ETHNIC & RELIGIOUS) IN KANO STEMMING FROM THE BEHEADING OF AN IBO CHRISTIAN WHO REPORTEDLY DISRESPECTED THE MUSLIM RELIGION. OVER THIRTY PEOPLE WERE KILLED WITH TWENTY CORPSES LEFT IN FRONT OF GENERAL ABACHA'S HOME LOCATED THERE.
- * THERE WAS A BOMBING AT A STADIUM IN ILORIN WHERE MRS. ABACHA WAS REPRESENTING GEN. ABACHA AT THE LAUNCHING OF A GOVERNMENT SPONSORED "FAMILY PROGRAM". A FEW PEOPLE WERE KILLED, SEVERAL WOUNDED.

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*** CHIEF MICHAEL AJASIN, CHAIRMAN OF NADECO AND APPROX. FORTY TO FIFTY OTHER NADECO LEADERS WERE ARRESTED FOR MEETING IN CHIEF AJASIN'S HOME. THEY WERE SUBSEQUENTLY PARADED IN JAIL BUSES THROUGH THE COMMUNITY. THE CHARGES WERE UNSTATED.**

The primary instruments utilized by the Nigerian military cabal to sustain power and maintain diplomatic relationships with the international community are the following:-

- * (a) BRIBERY
- (b) PROPAGANDA
- (c) REPRESSION

The propaganda can only be matched by the Nazi propaganda machine of the nineteen thirties and forties. If we are mindful of this when formulating policy measures regarding Nigeria, we are likely to produce something effective.

It is therefore unsurprising that the current sanctions against Nigeria for its complicity in drug trafficking and human rights defilements have been without result. There is no credible evidence that the Abacha junta possesses any authentic plan to reinstall democracy or to lighten its repression. Moreover, the effete response of the United States has emboldened Nigeria to export its brand of militarism throughout West Africa, including the support and encouragement of military coups in Sierra Leone and Gambia and what has diminished to a totally unconstructive role in seeking peace in Liberia.

The brazen lies routinely propagated by General Abacha and his skills underscore the futility of diplomacy to achieve any betterment. For instance, on August, 1st 1995, on Radio Kaduna, the regime likened its democratic credentials to President Aristide of Haiti, turning logic on its head. Aristide was popularly elected through a free and fair choice of the Haitian people monitored by the international community. In contrast, the Abacha regime was complicit in and currently attempting to finish the process of hijacking the free and fair election of Abiola. The regime attempts to paint itself as the Aristide of Haiti when in fact is playing the role of thief and despot, Raul Cedras.

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That preposterous comparison, matched only by Abacha's hallucinated "War against Indiscipline", is emblematic of the junta's flight from reality anticipated in George Orwell's 1984. Words mean whatever the junta wants them to mean, and its daily embrace of lies has permanently impaired its mental equipment. What else could explain General Abacha's effrontery in telling me without embarrassment that the rule of law restrained his desire to release President-Elect Abiola from detention? Abacha and his appendages are beyond shame.

The tougher sanctions I am recommending that the United States fasten on the Abacha junta guarantee no success. Economic sanctions historically exhibit a mixed record. They proved ultimately constructive in South Africa and throughout the Soviet Empire, and elicited the applause of Nelson Mandela. It also seems noteworthy that recently released Nobel Prize icon Aung San Suu Kyi in Burma has called for continued economic sanctions against the military regime until democracy and human rights there are honored. Economic sanctions have, at present, seemed less effective regarding Iran, former Yugoslavia, and Iraq. In Nigeria, however, the prospects are auspicious.

The Abacha regime is already tottering economically, its popular support is exceedingly scarce, and some encouragement from the United States through the symbol and consequences of harsher sanctions have a reasonable likelihood of eliciting a constructive response. American Express and Barclays have recently severed transactions with Nigeria, reliable evidence of Abacha's precariousness. Moreover, it seems difficult to perceive any plausible adversity to United States interests stemming from such confrontation. If United States investments were confiscated, international business confidence would plummet and Abacha would likely ultimately lose revenue. Foreign companies would be unlikely to replace their American rivals because the longevity of the Abacha regime is dicey, and the successor government would be unlikely to treat them kindly. Further, it seems impossible to imagine any indigenous repression and contempt for democracy worse than what the Abacha regime is currently practicing. In other words, there seems little or no risk to the United States and the Nigerian people if my recommendations are embraced. And there is a strong potential for good.

If human rights and democracy are to be honored in Nigeria and in the foreign policy of the United States I am strongly recommending the following measures in the form of a legislative bill which speaks for itself.

S./H.R.-----

To impose sanctions against Nigeria for malfeasance
regarding illegal drugs and drug trafficking

IN THE SENATE/HOUSE OF REPRESENTATIVES OF THE UNITED STATES

September---, 1995

Mr./Ms.---- introduced the following
bill; which was read twice and referred to the Committee
on Foreign Relations

A BILL

To impose sanctions against Nigeria for malfeasance regarding
illegal drugs and drug trafficking.

Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Anti-Drug Trafficking Haven Act
of 1995."

SECTION 2. FINDINGS.

Congress finds as follows:

(1) Heroin and other illegal drugs exact a frightening toll
in the United States in the form of destroyed lives, deaths, crime

and official corruption, especially within impoverished minority communities.

(2) Nigeria is a virtual haven for drug traffickers with global networks, and approximately 50% of heroin in the United States is linked to Nigerians and Nigerian soil.

(3) Nigeria has become home to some of the largest, most sophisticated narcotics trafficking organizations on the planet which have spread their evils worldwide to the United States, Thailand, the Philippines, and countless other nations.

(4) Nigeria has been cited by the Executive Branch for two successive years as maleasant in cooperating to fight drug trafficking within the country and has thus been denied military and economic aid from the United States.

(5) The glaring deficiencies in Nigeria's counternarcotic program include rampant corruption within the Nigerian government, including bribery of judges and law enforcement officials and official collusion with drug traffickers, indifferent efforts to seize and extradite fugitives from United States justice now residing in Nigeria, no seizures of the massive quantities of narcotics transiting Nigeria en route to United States cities and streets, no prosecutions and convictions of Nigerian traffickers, no systematic or comprehensive sharing of law enforcement intelligence with United States agencies concerning Nigerian traffickers and operations, confining prosecutions to insignificant low-level couriers, and appointment of agents to the Nigerian Drug Law Enforcement Agency with known drug ties.

(6) Adherence to the rule of law and respect for the principle of government accountability are essential for building and strengthening the judicial and other democratic institutions pivotal to mounting effective, uncorrupted and uncompromised law enforcement operations, yet the Nigerian military dictatorship issued Decree 12 of 1994 on August 18 placing itself above the law and fiercely resists restoration of democracy in Nigeria which it hijacked by annulling the free and fair election of a civilian president on June 12, 1993 and dissolving all other popularly elected democratic institutions.

(7) Nigeria is a pariah narcotics state, and the omnipresence of Nigerian traffickers have made them a worldwide scourge, and wherever they go they testify to corruption and indifference by the Nigerian military dictatorship towards drug trafficking.

(8) The belief that Nigeria will implement an effective and uncorrupted counternarcotics effort without a restoration of the democratic institutions as of June 12, 1993 is chimerical.

SEC. 3. SANCTIONS.

Subject to sections -- and --, the following sanctions shall apply against Nigeria 90 days after enactment of this bill:

(1) HUMANITARIAN AID.--No humanitarian aid shall be provided to nongovernmental organizations in Nigeria by the Agency for International Development or other arm of the United States government.

(2) EXCLUSION FROM ENTRY INTO THE UNITED STATES.--The

President shall take all reasonable measures authorized by law to ensure that all public officials of Nigeria irrespective of rank against whom there is reason to believe is implicated in drug trafficking or drug-related corruption, their immediate relatives, and business partners are excluded from entry into the United States, consistent with the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.). The Attorney General shall publish a watch list of such Nigerian officials in the Federal Register twice annually.

(3) SPECIAL PROSECUTOR.--The Attorney General shall appoint a special prosecutor entrusted with full-time responsibility for investigating alleged controlled substances offenses under United States law by public officials of Nigeria. The special prosecutor shall be authorized to enlist the assistance of officials of the Federal Bureau of Investigation, the Drug Enforcement Administration, and any other investigative organization of the United States.

(4) PERMANENT DECERTIFICATION.--Nigeria shall be permanently decertified as a nation satisfactorily cooperating in counternarcotics efforts under the Foreign Assistance Act of 1961, the Arms Export Control Act, the Export-Import Bank Act of 1945, and any other pertinent law of the United States.

(5) INTERNATIONAL MEETINGS AND EVENTS IN NIGERIA.--The President shall seek to prevent any international meeting or event involving the United States government concerning athletics, culture, economics, military affairs, science, education, or

otherwise from convening in Nigeria.

(6) EXPORT OF DEFENSE ARTICLES.--No license for the commercial export of defense articles or services to Nigeria shall be permitted by the Executive Branch.

(7) SPORTING EVENTS IN THE UNITED STATES.--Notwithstanding any international obligations of the United States, no athlete representing the nation of Nigeria shall be permitted entry into the United States to participate in a sporting event, including the 1996 Olympic Games.

(8) PENSION PLAN DIVESTITURE.--All entities that are either recipients of federal funds or federal contractors that operate pension plans that receive favorable tax treatment under the Internal Revenue Code, 26 U.S.C. 501(a), shall forfeit that tax exemption if they invest in any company doing business with the Government of Nigeria. The forfeiture required by this provision may be waived en bloc by the President upon finding that it would create unwarranted danger to the solvency of that affected pension plans.

SEC.4. TERMINATION OF SANCTIONS.

(a) REQUIRED CERTIFICATION--The sanctions described in section 3 shall terminate 30 days after the date on which the President finds and certifies to the appropriate congressional committees either that the Government of Nigeria (1) is vigorously prosecuting and punishing persons implicated in illegal drug trafficking either directly or indirectly; (2) is vigorously prosecuting and punishing any government official or employee

implicated directly or indirectly in illegal drug trafficking; (3) has established an independent judiciary and an independent office of prosecutor shielded from government interference in drug trafficking investigations and trials; (4) has enlisted the assistance of the Federal Bureau of Investigation and the Drug Enforcement Administration in the investigation and prosecution of drug trafficking crimes; (5) has enacted and is scrupulously enforcing a law prohibiting any person reasonably suspected of complicity in drug trafficking from holding government office; and (6) has revoked all decrees or laws that would grant any government official immunity from prosecution for drug trafficking, or, has yielded power to a democratic regime that subscribes to the rule of law, government by the consent of the governed, protection of fundamental human rights enforceable by an independent and impartial judiciary, including freedom of speech, press, association, and religion, and, is seriously devoted to combatting drug trafficking.

SEC. 5. REWARD FOR TERMINATION

The President shall submit to Congress an economic assistance plan to aid Nigeria modelled after the Marshall Plan for post-World War II Europe within 60 days after the termination of sanctions .

SEC. 6. DEFINITIONS.

As used in this Act:

(1) APPROPRIATE COMMITTEES OF CONGRESS.--The term "appropriate committees of Congress" means the Committee on Foreign Relations of the Senate and the Committee on International

Relations of the House of Representatives.

(2) DRUG.--The term "drug" means any substance that is a controlled substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).