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DEMOCRATIC DEVELOPMENTS IN SUB-SAHARAN AFRICA: MOVING FORWARDS OR BACKWARDS?

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DEMOCRATIC DEVELOPMENTS IN SUB-SAHARAN AFRICA: MOVING FORWARDS OR BACKWARDS?

TUESDAY, JULY 17, 2007

U.S. SENATE,
SUBCOMMITTEE ON AFRICAN AFFAIRS,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room 419, Dirksen Senate Office Building, Hon. Russell Feingold (chairman of the subcommittee) presiding.

Present: Senators Feingold, Nelson, Lugar, and Sununu.

OPENING STATEMENT OF HON. RUSSELL D. FEINGOLD, U.S. SENATOR FROM WISCONSIN

Senator FEINGOLD. Good morning. This hearing will come to order and on behalf of the Senate Foreign Relations Subcommittee on African Affairs, I welcome all of you to this hearing on the progress of, obstacles to, and prognosis for democracy on the African Continent.

I look forward to being joined by my colleague and ranking member of the subcommittee, Senator Sununu, and of course I'm delighted to see the ranking member of the full committee, Senator Lugar, and just after my remarks, I'll certainly look to Senator Sununu and Senator Lugar for any remarks they have at the outset of the hearing.

Today marks the third day of "Captive Nations Week 2007." In designating it as such last Tuesday, President George W. Bush declared—and I quote—"expanding freedom is a moral imperative," and issue a call "to reaffirm our commitment to all those seeking liberty, justice and self-determination." This is a common theme of the current administration. In his inauguration speech, President Bush spoke about "the force of human freedom" and stated that it is a policy of the United States "to seek and support the growth of democratic movements and institutions in every nation and culture."

I agree that democracy and good governance are essential to achieving stability, prosperity, and legitimacy—particularly in countries emerging from a legacy of colonization and conflict, like many of the countries in Africa. Unfortunately, I'm concerned that despite this administration's strong rhetorical commitment to freedom, systematic, and often violent suppression of democratic prin-

ciples and practices by foreign governments have been only weakly admonished and are often overlooked.

This disparity between principle and policy is perhaps most evident in Africa, where in theory the promotion of democracy and human rights remains a top United States objective, but in practice, it receives limited attention and resources and is frequently subordinated to other strategic necessities.

Although many African countries have little or no experience with true democracy, people across the continent have shown unshakable determination to make sure that they have a voice in their government. Last fall, more than 16 million citizens in the Democratic Republic of Congo, traveled miles, waited in long lines and braved torrential rain to participate in that country's first free Presidential and parliamentary multiparty elections in almost four decades. Right now, opposition politicians who were denied fair pulls in Nigeria in April have renounced violent protests in favor of fighting for their political rights in court. These are important benchmarks but as most of you already know, elections are only the beginning of democratic development and it is what comes after that is so critical and yet so often overlooked and underresourced.

The most recent edition of Freedom House's annual survey of freedom in the world notes that the number of sub-Saharan African countries categorized as free has grown from just 3, 30 years ago, to 11 today. However, with 48 countries in the region, 11 is still insufficient. The same report noted that after several years of steady advances for democracy, sub-Saharan Africa suffered more setbacks than gains during the year 2006. This trend of backsliding is worrisome and demands a reconsideration of United States efforts to promote good governments and democracy in the region.

The purpose of this hearing is to consider how the United States can maximize the impact of its resources in advancing governance, democracy, and the rule of law in African countries to help achieve a wide range of objectives.

Our first panel of government representatives will help shed light on where, why, and how United States democracy promotion resources are distributed and how this assistance is tailored to address unique challenges in various African countries.

We are fortunate to have with us Mr. Barry F. Lowenkron, the Assistant Secretary of State in the Bureau of Democracy, Human Rights and Labor as well as Mr. Michael Hess, the Assistant Administrator for the Bureau for Democracy, Conflict and Humanitarian Assistance at the U.S. Agency for International Development. Both have long histories of service to the United States in policymaking capacities so I look forward to hearing their insights and opinions about what the United States is doing right in terms of our democracy and government activities in Africa, as well as their ideas about how we can be even more effective.

We will have a second full panel of distinguished individuals who will review and seek to derive lessons from recent elections, including the general success of polls in Liberia, the Democratic Republic of Congo, and Mauritania, as well as from Nigeria's disappointing elections and the persistent obstacles to free and fair polls in countries like Angola and Zimbabwe.

The Honorable Princeton Lyman is currently an adjunct senior fellow for Africa Policy Studies at the Counsel on Foreign Relations but his distinguished career includes extensive Africa-related experience including service as the United States Ambassador to South Africa during that country's historic transition to democracy. Mr. Christopher Albin-Lackey is the senior Nigeria researcher at Human Rights Watch and his most recent work has documented the human rights impact of local government corruption and mismanagement in the Niger Delta and pervasive human rights abuse connected to Nigeria's rigged 2007 elections. As the Open Society Institute's Senior Policy Analyst for Africa, Ms. Akwe Amosu facilitates links between Africa-based foundations, initiatives, and grantees and the international policy community in Washington, DC, after spending more than two decades as a journalist and radio producer in leading Africa and Africa-targeted media.

Finally, we will hear from Mr. David Peterson, the senior director of the National Endowment for Democracy's Africa Program. Since 1988, Mr. Peterson has been responsible for NED's program to identify and assist hundreds of African nongovernmental organizations and activists working for democracy, human rights, free press, justice, and peace.

Unfortunately, Dr. Robert Rotberg, director of the Kennedy School of Government's Program in Intrastate Conflict and Conflict Resolution was unable to join us this morning but he has written some compelling testimony on lessons from Africa's most successful countries, which I'd like to submit for the record now without objection.

We're very glad that you're all here today and we appreciate your willingness to testify. Thank you and welcome. The timing of this hearing was designed to promote ongoing discussion about how best to help Africa nations build sustainable institutions and create governments that are elected by and accountable to their citizens. I know that each of you have valuable insight to contribute to this conversation. I would argue that the promotion of governance and democracy in Africa is more than a moral imperative; it is in our national interest to help burgeoning governments beginning legitimate dialog with their citizens enhance public service delivery, strengthen the rule of law, implement and defend human rights, and improve their reputation at home and abroad.

Now it's my pleasure to turn to the ranking member of the full committee who not only is our former distinguished chairman, but also had a great deal to do with the freedom that the people of South Africa enjoy today.

Mr. Lugar.

STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM INDIANA

Senator LUGAR. Thank you very much, Mr. Chairman and I thank you once again for your leadership and your dogmatic persistence in pursuing the themes in Africa that are so important. The democratic theme, which is today's hearing, is one that has intrigued this committee and Senators for many, many years. The beginnings of the National Endowment for Democracy were not the beginnings of an interest in democracy in other countries, but this

organized effort, back in the Reagan administration, brought together the two political parties, the Chamber of Commerce, and the labor organizations of this country, in a unique way. During that particular decade and shortly thereafter, many Senators participated as observers in the elections efforts, particularly in Central and South America.

One theme of that period was that all countries, in one form or another, embraced democracy, held elections, with the possible exception of Cuba. That theme carried over then with the breakup of the former Soviet Union and elections that had been somewhat more difficult have ensured progress in that part of the world.

But it's also brought a reaction from Russia recently and those of you who are testifying today are all aware of the difficulties of the NGOs in Moscow as to their activities as to whether they are going to be allowed to continue at all. In other words, there is a pushback now against what seemed to be almost a given in terms of thoughtfulness around the world for human rights and expansion of democratic ideals that are a part of this session today.

I will be curious as the witnesses testify as to how Africa is the same or different from the Latin American experience or the breakup of the former Soviet Union and it could very well be that some of the testimony will simply point out that with over 40 countries involved, there may be 40 different backgrounds of experience, that there is not a template for Africa that necessarily works.

But it's important that we all try to understand this in a much more sophisticated way and, therefore, I applaud the hearing. I thank the witnesses for giving us their time and testimony again. I look forward to hearing from them.

Thank you very much, Mr. Chairman.

Senator FEINGOLD. Thanks so much, Senator Lugar and now we will begin with the first panel.

Secretary Lowenkron.

STATEMENT OF HON. BARRY F. LOWENKRON, ASSISTANT SECRETARY OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, DEPARTMENT OF STATE, WASHINGTON, DC

Mr. LOWENKRON. Thank you, Mr. Chairman, Senator Lugar. Thank you for holding this hearing on democracy in sub-Saharan Africa. If I may, I'd like to ask that my full testimony be entered into the record.

Senator FEINGOLD. Without objection.

Mr. LOWENKRON. Thank you. I appreciate the subcommittee's strong interest in this vast, varied, and vibrant region. The advancement of human rights and democratic principles is crucial to stability and development in Africa and I would add, as you put it, Mr. Chairman, this is not just simply a moral imperative but also a strategic imperative for the United States and for our allies and friends.

The United States has committed to forging partnerships with democracies across Africa that seek to build a continent of peace and prosperity where the rights of all men and women are protected. As Secretary Rice noted, in recent years in Africa we have seen a democratic transformation sweep the continent.

Indeed, Africa today is home to several strong multiparty democracies. South Africa, Botswana, Ghana, and Mali. Indeed, Mali will host a November ministerial meeting with the worldwide Community of Democracies.

Despite these positive trends, Africa also bears witness to serious human rights abuses. In Sudan, Zimbabwe, Eritrea, and Chad, governments trample basic civil and political freedoms. Now the role models and the reprobates stand out. The rest—and they constitute the majority of African countries—struggle somewhere in between. In Africa as in other regions of the world, gains for human rights and democracy are hard won and challenging to sustain.

None of us underestimates the challenges that reformers face in building democratic governance amidst poverty, ethnic tension, and weak government institutions. But even as we acknowledge these challenges, we cannot let those who feel threatened by change use those challenges as an excuse for authoritarian rule.

Mr. Chairman, democracy is not chemistry. You cannot concoct democracy using a formula. There are three elements that are, however, essential to any democracy. One, free and fair elections. As you put it, Mr. Chairman, that is often the first step. It's not enough. Two, good governance including the rule of law. And three, a robust civil society.

If I may, let me illustrate each of democracy's three essential elements in the context of Africa. First, elections. Elections in Liberia, the Democratic Republic of Congo and Mauritania give rise to cautious optimism. Several of our key partners, however, have held disappointing elections. In April, Nigeria squandered an important opportunity to improve upon its flawed 2003 elections and that Nigeria missed this opportunity is even more disappointing, considering the vibrancy of its civil society, the influence of its active media, and the strength of its legal system.

There were a few bright spots. The Supreme Court reinstated an opposition candidate to the ballot and the former National Assembly refused to go along with now former President Obasanjo's attempt to secure a third term. We have stressed to Nigerian leaders the need for political and judicial reform. We have also encouraged Nigeria to expedite election tribunals and to strengthen the independence and the capacity of the Independent National Election Commission.

The runup to Ethiopia's May 2005 elections was a time of unprecedented democratic openness. However, the expulsion of NDI, IRI, and IFES 6 weeks before the Election Day created an atmosphere heavy with suspicion. As rumors of malfeasance grew after the elections, the Ethiopian Government responded to street protests with lethal force and illegally detained opposition leaders and tens of thousands of their supporters.

In Addis Ababa earlier this year, I raised the issue with Prime Minister Meles and met with the families of imprisoned leaders and journalists. To this day, the crackdown cast a shadow over the Ethiopian Government, though the Prime Minister announced yesterday that he plans to recommend clemency for the opposition leaders found guilty on June 11 and sentenced to life imprisonment.

Let me now turn to the second essential element of democracy: Good governance. The rule of law must prevail over politics and personalities and replace cultures of corruption, which have undermined so many reform efforts in Africa. An important way we encourage and support good governance is through the Millennium Challenge Account Initiative enacted by the Congress in 2004. Only countries that have adopted good governance principles are eligible for MCA development funding. Of the MCA compacts signed to date, six are with governments in Africa for a total of $2 billion in assistance.

Good governance also requires the active participation of the business sector and civil society. The Extractive Industries Transparency Initiative is a good example of a private/public anticorruption effort. A number of African countries have put the initiative's practices into effect, most notably, Botswana, South Africa, and Namibia.

I will now turn to the third essential element of democracy, a vibrant civil society. The worldwide push for democracy is being felt in Africa. As this trend grows stronger, it is encountering increasing resistance from those who feel threatened by change. I recall, Senator Lugar, you chaired a very, very significant committee meeting on the worldwide pressure against NGOs just last year and Africa is not exempt from this pressure.

A number of African countries apply restrictive laws and regulations against NGOs and the media. They subject human rights and democracy defenders to extrajudicial measures. In Zimbabwe, as we all know, civil society remains under heavy siege. Eritrea and Equatorial Guinea enacted burdensome registration requirements and apply heavy-handed oversight to make it all but impossible for NGOs to exist. In some cases, most dramatically in Sudan, when governments persecute NGOs, what is at stake is not just the preservation of liberties but the protection of lives.

Mr. Chairman, that brings me to the countries that pose some of the greatest challenges in the region: Sudan and Zimbabwe. In March, I traveled to Sudan to assess firsthand the appalling situation in Darfur. Fear and anxiety permeated the region. Yet in the hell of the Kalma IDP camp, I also saw determination. A group of IDPs had organized themselves into a legal aid society. In the sweltering heat, my team and I talked with these amazing people and the other IDPs that they were assisting. One man said, "I am 37 years old and never knew what human rights were until I actually came to this camp." Before he learned about his rights from this legal aid society, he said he thought it was normal for police to arbitrarily harass, arrest, and beat people.

The African Union U.N. hybrid force must be deployed to Sudan, to Darfur, without delay. And yet again, a new Security Council resolution authorizing the force is being discussed. As Secretary Rice noted just last week, we must not let the Government of Sudan continue this game of cat-and-mouse diplomacy, making promises and then going back on them.

Yet even as the world's attention focuses on Darfur, it is imperative that we continue to support the 2005 North-South Comprehensive Agreement or CPA. That agreement stopped the war that resulted in the deaths of an estimated 2 million people. But stopping

the war is not the same as securing the peace. Sudan's election is planned for February 2009. These are critical elements to the peace process.

In Zimbabwe, it is clear that President Mugabe intends to do whatever it takes to get reelected. On June 6, the Government of Zimbabwe violently suppressed a peaceful demonstration by the NGO Women of Zimbabwe Arise.

This latest aggression against civil society comes on the heels of violent attacks this spring. In late June, the government and the opposition agreed on an agenda for negotiations that includes constitutional and electoral reforms, security legislation, and rules of political engagement. It's a good step. But given the behavior of President Mugabe, none of us dares think that the road ahead will lead easily to stability, prosperity, and liberty for the people of Zimbabwe.

Dealing with such challenges requires not only American support but the energetic engagement of Africa's regional institutions and the support of other countries and institutions around the world in helping Africa. We have made it a priority to intensify our relationships with those institutions and with the African Union in particular.

The AU architecture is still evolving but it is promising. It includes the adoption this January of the African Charter on Democracy, Elections and Governance, and the creation of an African Court on Human and Peoples' rights. It is very much in our interest and in the interest of other democracies to help strengthen the capacity of these AU bodies.

To that end, Mr. Chairman, in March, I met with AU commissioners in Addis Ababa. I planted the seeds for formal human rights and democracy consultations with the AU and in the fall, my Bureau will host the first such consultations.

Mr. Chairman, before I conclude, let me briefly respond to your request to hear about the human rights and democracy assistance programs that my Bureau is funding. DRL has significantly raised its level of programming assistance for Africa as a result of the congressionally mandated funding for the Human Rights and Democracy Fund or as we call it, HRDF.

When I arrived in DRL in the fall of 2005, DRL had a little more than $3 million for all of Africa. With congressional support, we tripled the level to nearly $10 million and have expanded our programmatic reach to critical countries like Zimbabwe, Ethiopia, and Burundi. With 2007 funds, we will program approximately $10 million for Africa and we have ongoing FY06 programs that are supporting post-election dialog in Ethiopia and building the capacity of the judiciary in the Democratic Republic of Congo, combating gender-based violence in Ethiopia and Sudan, fighting corruption in Côte d'Ivoire and Burundi and strengthening civil society efforts in Zimbabwe.

In closing, Mr. Chairman, let me say that no matter who suceedes me as Assistant Secretary and no matter what administration follows the current one, the United States must continue to respond to the pressing demands of Africans for dignity and liberty.

Thank you.

[The prepared statement of Mr. Lowenkron follows:]

PREPARED STATEMENT BARRY F. LOWENKRON, ASSISTANT SECRETARY OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, DEPARTMENT OF STATE, WASHINGTON, DC

Chairman Feingold and members of the committee, thank you for holding this hearing on democracy in sub-Saharan Africa. I deeply appreciate the subcommittee's strong interest in this vast, varied, and vibrant region.

The Bush administration has put in place dynamic policies and programs that demonstrate the American people's generous commitment to Africa. And I have worked with my counterpart and with the officers of the Africa Bureau at the State Department to implement that commitment.

Mr. Chairman, as President Bush has said, "At a time when freedom is on the march around the world, it is vital that the continent of Africa be a place of democracy, prosperity, and hope."

I am sure that my USAID colleague, Michael Hess, will agree that the advancement of human rights and democratic principles is integral—indeed crucial—to stability and development in the region. The United States is committed to forging partnerships with democracies across Africa that seek to build a continent where there is peace, where there is prosperity, and where the rights of all men and women are protected.

Mr. Chairman, this will be my last testimony to Congress before I retire from the Federal Government after 31 years of public service. I began my government career at the same time the Bureau I now head was created on the initiative of Congress. During the three decades of the Bureau's existence, every administration and each of my predecessors has been able to count on the bipartisan backing of the Congress. Your support has immeasurably strengthened our capacity to defend courageous men and women around the globe who work, against great odds and at great risk, to advance the cause of freedom.

Promoting democracy and human rights in Africa has been one of my top priorities during the 2 years I have served as Assistant Secretary. I have no doubt that my Bureau's engagement on these issues will be a priority for my successor as well, for it remains a priority for President Bush and Secretary Rice.

As I prepare to depart the Bureau, I take satisfaction in knowing that I will leave behind a talented, dedicated, and strong Africa team to carry on this important work. I am proud to say that we have quadrupled the number of personnel working on Africa issues and we also now have a separate position devoted to enhancing our cooperation with the African Union.

Mr. Chairman, in every region of the world—not least in Africa—increasing numbers of men and women are pressing for their rights to be respected and their governments to be responsive, for their voices to be heard and their votes to count, for just laws and equal justice for all. Indeed, as Secretary Rice has noted: "in recent years in Africa, we have seen a democratic transformation sweep the continent."

Africa today is home to several strong, multiparty democracies. South Africa, Botswana, Ghana, and Mali serve as models for the continent by virtue of their free and fair elections, their robust civil societies, and their respect for the rule of law. Indeed, Mali will host the next ministerial meeting of the worldwide Community of Democracies in November. It is apt that Mali has chosen as a major focus of the meeting the close interrelationship between democracy and development, underscoring that democracy and development must go hand in hand, if both efforts are to succeed.

Despite these positive trends, Africa also bears witness to serious human rights abuses that demand our active attention. In Sudan, Zimbabwe, Eritrea, and Chad, governments trample basic civil and political freedoms, violating the International Covenant on Civil and Political Rights and the African Union's own Charter on Democracy.

The role models and the reprobates stand out. The rest, and they constitute the majority of African countries, struggle somewhere in between. That should come as no surprise. In Africa, as in other regions of the world, gains for human rights and democracy are hard won and challenging to sustain. Even when democratic systems of government have been established, they take time to deliver on the promise they hold of a better life for ordinary citizens. Democratic systems with shallow institutional roots or scarce resources can fall far short of meeting their commitments to citizens. Steps forward can be marred with irregularities. Countries where rulers are insufficiently committed to reform can revert to authoritarian habits. Democratic transitions can be tumultuous and wrenching. Unbridled corruption can retard democratic development, distort judicial processes, and destroy public trust. Insecurity due to internal or cross-border conflict can threaten advances made for human rights and democratic government.

Progress is seldom linear. That is why, when I meet with Secretary Rice, the question that comes up the most is: "What is the trajectory?" Is the country more responsive to its citizens? Is a culture of just laws taking root? Some countries may remain fragile for quite some time. Others may backslide.

We do not underestimate the challenges that reformers face in building democratic governance amidst the conditions of poverty, ethnic tension, and weak government institutions prevalent still in much of Africa. Africans are engaged today in trying to simultaneously build their democracies and also their economies, infrastructure, and national identities. But even as we acknowledge and account for these challenges, we and the millions of Africans who support democratic reform cannot let those who feel threatened by change use those challenges as an excuse for continued authoritarian rule. Democracy supported by visionary leaders must be a central part of the solution to the continent's other challenges.

A sustained commitment on our part and that of other democracies in the region and across the international community also is required. We fully recognize, however, that democracy promotion is not chemistry. You cannot concoct democracy using a formula. Three interrelated elements are, however, essential to any democracy. One element, of course, is elections. Democratic elections are one of the important milestones on the long journey of democratization. But a free election is not a fair election if in the runup to Election Day the playing field is not level because the political process is manipulated and basic rights are undermined. A second element must be present for democracy to work: Good governance, including the rule of law. And the third essential element in a democracy is a robust civil society that can keep government honest, keep citizens engaged and keep democracy-building on track. In a fully functioning democracy anywhere in the world, all three elements must be present—electoral, institutional, and societal.

Let me now illustrate each of democracy's three essential elements in the context of sub-Saharan Africa.

First, elections: Democratic elections can help put a country on the path to reform and lay the groundwork for institutionalizing human rights protections and good governance. Africa's record on free and fair elections is mixed. The good news is that the vast majority of Africans have embraced the concept of elections as a mechanism for determining the course that their countries will take.

A number of elections have taken place recently that give rise to cautious optimism.

After years of civil war that destroyed the country's infrastructure, Liberia conducted an historic election in November 2005 that led to the selection of Africa's first elected female head of state. Many Members of this body heard President Sirleaf's inspirational message on March of last year when she spoke before a joint session of Congress and declared: "Our dream has the size of freedom."

In 2006, the citizens of the Democratic Republic of Congo went to the polls for the first time in over 40 years, casting ballots in the hope of finally putting behind them a legacy of brutal dictatorship and violent conflict. The elections, judged free and fair by international observers, were a remarkable feat for a country half the size of the United States, yet virtually without paved roads. While there have been setbacks since the elections, and significant work remains to be done to help Congo through its post-conflict democratic transition, the elections demonstrated the strong desire of the Congolese people to live in freedom.

Mauritania, too, held its first fully democratic election in over 40 years in March of this year. The newly elected government has stated its commitment to enact democratic reforms and we are working to support Mauritania as it makes its democratic transition.

Several of our key partners in the region, however, have held disappointing elections.

In April, Nigeria—Africa's most populous nation, an economic powerhouse, the seat of ECOWAS, and a critical player in matters of peace and security on the continent—squandered an important opportunity to improve upon its flawed 2003 elections and live up to its potential as a democratic leader for the region. That Nigeria missed this opportunity is even more disappointing considering the vibrancy of its civil society, the influence of its active media, and the strength of its legal system.

The elections took place under an ill-prepared and partial electoral commission, and were marred by reports of voter malfeasance and vote-rigging. In certain areas of the country, polls opened either after significant delay or did not open at all. There were, however, several bright spots: The Supreme Court reinstated an opposition candidate to the ballot only 5 days before the elections, and the former National Assembly refused to go along with now-former President Obasanjo's attempt to secure a third term.

The United States has stressed to Nigerian leaders the need for political reform and judicial transparency. We also have encouraged Nigeria to expedite election tribunals and to strengthen the independence and capacity of the Independent National Electoral Commission.

The runup to Ethiopia's May 2005 elections was a time of unprecedented democratic openness, with the ruling party agreeing to a series of key electoral reforms, and robust civil society engagement on matters of voter education and mobilization. However, the expulsion of the National Democratic Institute, the International Republican Institute, and the International Foundation for Electoral Systems 6 weeks before Election Day created an atmosphere heavy with suspicion. The expulsions put a halt to valuable training programs for members of civil society, electoral commission staff, and political party leaders aimed at increasing confidence in the electoral process.

Election Day was, for the most part, orderly and peaceful. Yet, in the days and months following the elections as rumors of malfeasance grew regarding the election results, the Ethiopian Government responded to street protests with lethal force and illegally detained opposition leaders and tens of thousands of their supporters. Among those detained was journalist Serkalem Fasil, the recipient of a Courage in Journalism Award, who was arrested along with 13 other reporters after publishing articles critical of the Ethiopian Government. Fasil gave birth in jail to a son, who was premature and underweight due to inhumane conditions and lack of proper medical attention. She was released from prison in April, but is now threatened with re-arrest. If she is found guilty on charges of treason, outrages against the constitution, and incitement to armed conspiracy, she could face the death penalty.

Shortly after I arrived in DRL, I began receiving letters from concerned Members of Congress and the former colleagues of the jailed Ethiopian democracy advocates and journalists, many of whom have had distinguished careers here in the United States and relatives who are United States citizens. Later, when I traveled to Addis Ababa, I raised the issue with Prime Minister Meles and met with the families of the imprisoned.

The government has embraced some new reforms, including revising parliamentary rules of procedure to allow for an increased voice for the opposition. But to this day, the crackdown casts a shadow over the Ethiopian Government, though Prime Minister Meles announced yesterday that he plans to recommend clemency for the opposition leaders found guilty on June 11 and sentenced to life imprisonment.

Let me now turn to the second essential element of democracy: Good governance and the rule of law.

Beyond a free and fair elections process, democracies must have representative, accountable, transparent institutions of government, including an independent legislative body that can act to ensure that leaders who win elections govern democratically once they are in office. The rule of just law must prevail over politics and personalities, and replace cultures of corruption, which have undermined so many reform efforts in Africa.

An important way we encourage and support good governance in Africa is through the Millennium Challenge Account initiative enacted by Congress in 2004. The initiative is designed to embark on a new approach to delivering foreign assistance. MCA is a bold progrowth strategy that aims to lift the most people out of poverty as fast as possible. The MCA reflects the new international consensus that a growth-based approach to development assistance works best and that countries which adopt good governance policies and invest in their people are the most likely to use their development assistance wisely and reach their development goals.

Only countries that have adopted good governance principles are eligible for MCA funding. Of the 12 MCA compacts signed to date, 6 are with governments in sub-Saharan Africa, for a total of $2 billion in assistance. We have signed compacts with Benin, Cape Verde, Ghana, Mali, Madagascar, and this past Friday, Mozambique. Lesotho will sign its compact next week. Tanzania, Morocco, Namibia, and Burkina Faso will sign compacts in the coming months, bringing another $2.6 billion to the continent to fight poverty. Adequate funding from Congress for the Millennium Challenge effort is critical so that we do not have to turn away these countries after they have worked so hard to make the reforms to qualify for Millennium Challenge assistance and to put together great programs for the fund to support.

Burkina Faso, Kenya, Malawi, Tanzania, Uganda, and Zambia currently have threshold agreements. All of these governments have made democratic advances, but they continue to be held back, due, in part, to endemic corruption, which they are taking steps to combat. For example, the Tanzanian Parliament passed sweeping anticorruption legislation in April and Zambia is prosecuting former President Chiluba on corruption charges.

The Bush administration also is supporting innovative efforts to strengthen the rule of law across Africa. For example, in 2004, President Bush allocated $55 million for the Women's Justice and Empowerment in Africa Program. The program, which will operate in Benin, Kenya, Zambia, and South Africa, will train police, judges, prosecutors, health officials, and others on women's rights with the goal of protecting women from and punishing perpetrators of gender-based violence. This program also will assist African governments in developing laws that empower and protect women.

Meeting the enormous challenge of ensuring accountable government, establishing the rule of law and combating corruption requires an unprecedented political commitment from African leaders. It also requires the active participation of the business sector and civil society.

Multisector initiatives continue to show promise. The Extractive Industries Transparency Initiative, launched in 2002 by the United Kingdom and formally established in 2003 with more than 20 participating governments and the endorsement of the World Bank, is a good example of a private-public anticorruption effort. The initiative aims to increase public information about revenues from extractive industries such as petroleum to ensure that these public resources are well spent on the most serious needs of the populations. A number of African countries have endorsed this effort and put the initiative's best practices into effect, most notably Botswana, South Africa, and Namibia. Despite their participation in the initiative, however, both Angola and the Republic of Congo have cracked down on activists working to ensure transparency in the oil industry. In February, the Angolan Government detained a prominent British transparency advocate, Dr. Sarah Wykes from the NGO Global Witness, and charged her with violating national security. She was held for 3 days before being released on bail, and ultimately, allowed to depart the country. The Republic of Congo continues to harass transparency activists Christian Mounzeo and Brice Makosso.

I will now turn to the third essential element of democracy: A vibrant civil society.

The worldwide push for greater personal and political freedom is being felt in Africa. As this global trend grows stronger, it is encountering increasing resistance from those in power who feel threatened by democratic change—2006 was what I call the "Year of the Push Back" and the phenomenon has continued into 2007.

Last December, on International Human Rights Day, Secretary Rice created a Human Rights Defenders Fund, which will be administered from my Bureau, to enable the State Department to quickly disburse small grants to human rights defenders facing extraordinary needs as a result of government repression. The Secretary also announced 10 guiding principles regarding the treatment of NGOs by governments. These core principles are a handy resource for governments, international organizations, civil society groups, and journalists.

Regrettably, a growing number of countries, including African countries, selectively apply laws and regulations against NGOs and the media. They also subject human rights and democracy defenders to extrajudicial measures for peacefully exercising the rights of expression, association, and assembly.

In Zimbabwe, civil society—including NGOs, labor unions, and religious organizations—remain under heavy siege. On March 11, opposition leaders and civil society members, who had peacefully assembled for a mass prayer meeting, were brutally attacked by security forces. One political activist was shot dead; others were kept from receiving critical medical care.

Eritrea and Equatorial Guinea have enacted burdensome registration requirements and apply heavy-handed oversight that make it all but impossible for NGOs to exist. Slightly less burdensome requirements but continued suspicion and harassment have greatly restricted civil society in Ethiopia and Rwanda.

In some cases, most dramatically in Sudan, when governments persecute NGOs what is at stake is not just the preservation of liberties but the protection of lives. Physical attacks on humanitarian aid organizations in Darfur, and continued interference in their work, have rendered their mission of alleviating the suffering of internally displaced persons ever more difficult.

Mr. Chairman, that brings me to the countries that pose some of the greatest challenges we face in the region—Sudan, Uganda, Somalia, and Zimbabwe—and the ways we are working in partnership with African nations to deal with those challenges, and by so doing, advance democracy and human rights.

In March, I traveled to Sudan to assess firsthand the appalling situation in Darfur. Fear and anxiety permeated the region. Not only were the internally displaced people coping with continuing violence, international aid workers also were subjected to an unprecedented level of harassment and attacks. Vital humanitarian assistance was being obstructed.

Yet, in the hell of Kalma Camp for internally displaced persons, I also saw determination among its inhabitants. A group of IDPs had organized themselves into a legal aid society inside the camp. They endure harassment and even assault to defend the rights of their fellow displaced. In the sweltering heat, I sat with my team and talked with these amazing people and the fellow IDPs whom they are assisting. I particularly remember one man who stood up and said, "I'm 37 years old and never knew what human rights were until I came to this camp." He said that until he learned about his rights from the legal aid society in the camp, he assumed that it was normal for police to arbitrarily harass, arrest, and beat people. We saw the same hunger for dignity and justice in a group of women in South Darfur who were working to educate the young and empower them to defend their rights. These remarkable women shared more than determination. They also shared the belief that, as one put it, "America cares."

In the months since my trip to Darfur, the situation has gotten even worse. Just to cite one alarming indicator: Since early May, due to the unabated violence, the population of Al-Salam IDP Camp near Nyala has doubled from 14,500 to 30,000.

It is critical that the African Union/United Nations hybrid force be deployed without any further delay. President Bashir again declared his commitment to accept the force on June 11 during trilateral talks with the African Union and United Nations. Yet again, a new Security Council resolution authorizing the force is being discussed in New York. The United States is strongly committed to getting that resolution passed. As Secretary Rice recently noted, "We must not let the Government of Sudan continue this game of cat and mouse diplomacy; making promises, then going back on them. It is our responsibility, as principled nations, as principled democracies, to hold Sudan accountable."

Even as world attention focuses on the horrors of Darfur, it is imperative that we continue to support the implementation of the 2005 North-South Comprehensive Peace Agreement, or CPA. The peace agreement stopped a war that had raged for over 20 years and resulted in the deaths of an estimated 2 million people. But stopping a war is not the same as securing a peace.

Sudan's elections, mandated by the CPA and tentatively planned for February 2009, are a crucial element of the peace process. They will be a key indicator as to whether the country will truly be able to put the civil war behind it and fulfill the late Dr. John Garang's vision of a united, peaceful nation. The international community must not lose sight of this pivotal election and must stay engaged in the runup to it.

Meanwhile, the continuing crisis in Darfur threatens to destabilize Sudan's neighbors. Chad, which has its own challenges, hosts approximately 235,000 Sudanese refugees as well as 50,000 refugees fleeing conflict in the Central African Republic. One hundred eighty thousand Chadians displaced by insecurity from Chadian rebels and cross-border Janjaweit militia attacks from Sudan compound the problem, creating still more conditions for unrest. One bright spot in this bleak picture are the prospects for peace in Uganda. For years, the Lord's Resistance Army rebels found a hiding place in south Sudan while it terrorized northern Uganda. Today, the Government of Southern Sudan is an active player in the Juba-based negotiations for peace in Uganda.

The African-led mediation process in Juba has made progress in addressing the brutal 20-year conflict in Uganda. The key mediators—Government of Southern Sudan Vice President Riak Machar and Special Envoy of the United Nations Secretary General, former Mozambican President Joachim Chissano—are deeply engaged in the process, and have recently added observers from other African countries and the United States to the talks, Over the past year, thousands of internally displaced persons have been able to leave the camps in northern Uganda and vital commercial corridors in Sudan and northern Uganda have reopened. The United States, through USAID and the State Department's Bureau of Population, Refugees and Migration, conducts a robust program of humanitarian assistance in northern Uganda.

In Somalia, a country that has seen more than its share of bloodshed during the past 15 years of civil war, there is some cause for hope—provided the Somalis take advantage of the window of opportunity created by the reestablishment of the Transitional Federal Government with the support of the international community.

Somalia does not have the luxury of time. The Transitional Federal Government opened a National Reconciliation Congress on July 15 and recessed to allow time to finalize logistical arrangements, such as the issuance of identification badges for Congress delegates and to allow time for additional delegates to arrive in Mogadishu. The United States agreed to provide $2.25 million toward reconciliation through the United Nations Development Program, of which $1.25 million already has been provided and has been used mainly to support the National Reconcilation

Congress. The United States remains the leading donor of humanitarian aid to Somalia and has already committed over $40 million for development, humanitarian, and peacekeeping support this year.

In Zimbabwe, it is clear that President Mugabe intends to do whatever it takes to get reelected. The runup to the 2008 Presidential elections will be a critical time for democratic nations in Africa to take a strong stand for democracy in the region. After the brutal attacks in March that I mentioned earlier, the United States assisted those working for the release of detainees and to secure medical treatment for the injured. Our Ambassador to Zimbabwe, Christopher Dell, made his presence felt at police stations and at the courthouse to demonstrate our concern for those being held. The international attention that we helped to focus on the beatings and detentions helped to secure the early release of the detainees.

We also have condemned the Government of Zimbabwe's violent suppression of a peaceful demonstration on June 6 in Bulawayo by Women of Zimbabwe Arise! (WOZA!). Police used batons against some 200 demonstrators, detaining seven activists. Among those detained was WOZA! National Coordinator Jenni Williams, the recipient of Secretary Rice's 2007 International Women of Courage Award for Africa, and denying them access to their lawyers.

This latest aggression against civil society, coming on the heels of attacks this spring, highlights the need for dialog among all stakeholders concerned with halting Zimbabwe's political and economic crisis. The active engagement of Zimbabwe's democratic neighbors will be key to bringing the government and the opposition together to find a way forward for the country. The Southern African Development Community has mandated South African President Thabo Mbeki to mediate negotiations between the Government of Zimbabwe and the opposition. In late June, the government and the opposition agreed on an agenda for the negotiations that included constitutional and electoral reforms, security legislation and rules of political engagement. This is a good step. But, given the behavior of President Mugabe, we dare not allow ourselves to think that the road ahead will soon or easily lead to stability, prosperity, and liberty for the people of Zimbabwe.

STRENGTHENING REGIONAL ARCHITECTURE

Dealing with the complex challenges that these strife-riven countries present requires the energetic engagement of neighboring African nations and of Africa's regional institutions, as well as the support of the United States and the broader international community. We have made it a priority to intensify our relationships with Africa's regional organizations, and with the African Union in particular on matters of human rights and democracy.

In late 2006, the United States established a bilateral mission to the AU—the first of its kind where an AU observer state has had a separate mission dedicated solely to the AU.

The AU architecture is still evolving, but it is promising. The AU's 53 member states have committed themselves to an agenda for advancing democracy and human rights, and they are developing bodies and mechanisms to move that agenda forward, including:

- Peace and Security Commission, similar to the U.N. Security Council, which approves the scope and duties of AU peace support operations;
- The adoption in 2003 of the African Protocol on the Rights of Women;
- The adoption this January of the African Charter on Democracy, Elections and Governance, enshrining commitments to political pluralism, free and fair elections, the rule of law and good governance; and
- The creation of an African Court on Human and Peoples' Rights to uphold the provisions of the Democracy Charter. The Court will work in coordination with the AU's existing Commission on Human and People's Rights.

It is very much in our interest—and in the interest of other democracies—to help strengthen the capacity of these AU bodies and mechanisms.

To that end, Mr. Chairman, in March I hosted five members of the African Commission on Human and Peoples' Rights. We discussed the importance of engaging with civil society and of addressing urgent human rights concerns. We also agreed to increase our collaboration.

Later that month, I traveled to Addis Ababa and met with the AU Commissioners for political affairs, peace and security, and women and gender development. I discussed a range of issues from democratization and the need for a vibrant civil society to the U.N./AU hybrid force in Sudan. I also planted the seeds for formal human rights and democracy consultations with AU. In the fall, DRL will host the first such consultations. We will share experiences, define new strategies for partnership and encourage the forging of relationships between the AU and civil society. We also

will identify concrete ways to assist the African Commission on Human and Peoples' Rights, the fledgling Court, and a new AU Elections Observation Unit. The Unit's creation is particularly timely in light of the upcoming elections in Ethiopia, Zimbabwe, Kenya, and Sudan. USAID already has a $1 million program with IFES to support the creation of the Unit.

In May, I met with eight impressive justices from the nascent Court, who also serve on the bench in their native countries. They are working pro bono to draft the rules and regulations governing the Court's operations and get it up and running. By the end of the year, their hard work should reach fruition and provide an additional layer of protection for the people of Africa.

Just last week here in Washington, the Organization of American States, the State Department and the African Union held the first ever OAS/AU Democracy Bridge Forum—an event that was sponsored by the State Department. Experts from the AU and OAS, and NGOs from Africa and the Americas exchanged their experiences building regional democratic institutions, planned further cooperation, and established institutional linkages.

Mr. Chairman, clearly there is a lot of work to be done—first and foremost by African democracies—to fully develop the AU and other regional organizations. The goal is not to build elaborate architecture, but to build effective institutions that help lock in democratic gains and play real roles in protecting the rights and improving the lives of the people of Africa. As Secretary Rice said last week to the Chairperson of the AU and former President of Mali, Alpha Konare, the United States is committed to strengthening the AU, and we look forward to enhancing our partnership.

DRL DEMOCRACY ASSISTANCE

Mr. Chairman, before I conclude, let me briefly respond to your request to hear about the human rights and democracy assistance programs that my Bureau is funding.

DRL has significantly raised its level of programming assistance for sub-Saharan Africa as a result of congressionally mandated funding for the Human Rights and Democracy Fund, or HRDF. HRDF is what I call the venture capital of democracy programming. DRL uses it for cutting-edge innovative programming that upholds democratic principles, supports democratic institutions, promotes human rights and builds civil society in critical countries and regions. We use this fund for pilot projects that will have an immediate impact but that have potential for continued funding beyond HRDF resources. DRL coordinates closely with the Bureau of African Affairs, other State Department bureaus, USAID, and our NGO partners to ensure that our HRDF programs support overall United States foreign policy objectives in the region and are not duplicative.

When I arrived in the fall of 2005, DRL had a little more than $3 million in HRDF for programming in sub-Saharan Africa. With congressional support, we tripled the level of DRL assistance to nearly $10 million and have expanded our programmatic reach to critical countries like Zimbabwe, Ethiopia, and Burundi.

We are proud of our small, but growing Africa programs portfolio. I will highlight two which I believe have had a positive impact on human rights:

My Bureau awarded $1.5 million in HRDF to an NGO to establish women's centers that focus on gender-based violence in nine IDP camps throughout Darfur. The NGO estimates that we have reached tens of thousands of women through these centers, providing a range of services from medical and psychological support to literacy and basic income generation skills. The grant also has helped fund a global Gender-Based Violence Coordinator which has enabled this NGO to conduct rapid assessments of gender-based violence in emerging conflict situations in Chad, Lebanon, Colombia, Nepal, and the northern Caucasus.

DRL also funded a program to collect scientific evidence of human rights abuses committed during the civil war in Sierra Leone. The more than 3,600 statements from witnesses that were collected should prove useful to the country's Truth and Reconciliation Commission.

With 2007 funds, we will program approximately $10 million for sub-Saharan Africa. And we have ongoing FY06 programs that are supporting post-election dialog in Ethiopia, building the capacity of the judiciary in the Democratic Republic of Congo, combating gender-based violence in Ethiopia and Sudan, fighting corruption in Côte d'Ivoire and Burundi, and strengthening civil society efforts in Zimbabwe.

In closing, Mr. Chairman, let me just say that no matter who succeeds me as Assistant Secretary, and no matter what administration follows the current one, the United States must continue to respond to the pressing demands of Africans for dignity and liberty. We must continue to work in partnership with the governments

and peoples of Africa to build a continent of hope and freedom, for their sake, and for the sake of a safer, better world for us all.

Senator FEINGOLD. Thank you. Before we turn to Mr. Hess, I'd like to turn to the ranking member of the committee. I appreciate his being here, and would like to offer Senator Sununu the opportunity to deliver some opening remarks.

STATEMENT OF HON. JOHN E. SUNUNU, U.S. SENATOR FROM NEW HAMPSHIRE

Senator SUNUNU. Thank you, Mr. Chairman. I apologize for arriving a little bit late and I don't have a lengthy opening statement. I want to thank the Secretary for his comprehensive evaluation of the process and the challenges that we have in front of us. I think there is a great deal of opportunity across Africa for enormous improvements in the political landscape that was addressed in your opening statement but also in the areas of economic freedom civil society, which you also touched on.

Corruption, the rule of law and property rights. These are concepts that underpin and provide a foundation for creating economic opportunity and improving quality of life for the millions of people across the world and especially those in sub-Saharan Africa. So this is an important hearing. I certainly appreciate the time devoted to it.

I think one of the most important mechanisms we have for addressing these issues of governance, civil society, and economic opportunity is the Millennium Challenge Corporation and I do want to underscore how important that has been to changing the approach, the mindset that's brought to assistance, not just in sub-Saharan Africa but around the world, because it forces people to look at these institutions and to think hard about those institutions of civil society or governance or corruption can undermine all the good efforts that might come along with funding grants and I think it's important that we fund the Millennium Challenge Corporation to the best of our ability. The appropriation mark that's been put forward is below the President's request and I know a number of other members of this committee, including Senator Coleman, have written to encourage a higher level of appropriation in this area and I think it's one area that ties directly into a lot of the topics we're talking about today.

Thank you, Mr. Chairman.

Senator FEINGOLD. Thank you very much, Senator Sununu, and now Mr. Hess.

STATEMENT OF HON. MICHAEL E. HESS, ASSISTANT ADMINISTRATOR OF THE BUREAU FOR DEMOCRACY, CONFLICT AND HUMANITARIAN ASSISTANCE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT, WASHINGTON, DC

Mr. HESS. Thank you, Chairman Feingold, Ranking Members Lugar and Sununu. It's a pleasure and an honor to appear before you this morning.

My task today, as the chairman outlined, covers a lot of territory. Strengths of democratization, trends in Africa, providing an overview of USAID democracy programming and our experiences in Africa, including why, how much, how, to whom, and for what as well

as the lessons learned in coordination with other U.S. Government agencies, such as DRL, other donors and regional and local actors.

I'll try to address these briefly so that we can get on to the question and discussion period afterward. I brought two charts today. One is the map of Freedom House, which I think you have in front of you, showing the progress of countries and freedom in the sub-Saharan Africa. As you can see by the green countries, those are ones that are progressing toward freedom. The red ink countries are those that are becoming less free and the yellow ones indicate no change at all. Some of those like Sudan, you can't get much lower than they are.

The other chart is an interesting graph from 1972, showing the progress in freedom and what that shows is this is a long-term event. The U.S. Government cares about democratization in Africa and, therefore, we must be in this for the long haul and that graph clearly shows that while we've made progress, it is going to take a great deal of time to reach our final goals of democratization across and have those free countries that the chairman referred to earlier.

In terms of budget and what USAID spends on democratizations, since 1990, USAID has managed over $9 billion for democracy assistance globally and Africa, our assistance has grown from $109 million in 1999 to $138 million in 2005. USAID currently manages 30 democracy programs on the continent, including two regional programs. In addition to our own programs, USAID manages five Millennium Challenge Corporation threshold country programs totaling more $66 million.

In terms of lessons learned, post-conflict programming is an area in which we have significantly expanded the scope and sophistication of our interventions in recent years. Our Africa programs have drawn from USAID experiences, not only in Latin America, as Senator Lugar points out, but also from our lessons learned in Kosovo, East Timor, and Afghanistan.

First and foremost is the primacy of supporting the implementation of viable peace agreements as the principle vehicle to restore order and establish a legitimate government. Where viable agreements have been signed, USAID prioritizes all its assistance through the lens of supporting successful implementation of those peace agreements.

We have two examples for you today on post-conflict. First is Sudan—Southern Sudan. Following the comprehensive peace agreement that my colleague, Secretary Lowenkron, mentioned, we worked with the Government of Southern Sudan to draft its constitution and the state constitutions. We assisted in the formation of the core government institutions and systems; helped develop a transparent budgeting and funding mechanism; and also helped to revise the civil service codes.

In terms of anticorruption, we have worked with the Ministry of Finance in Southern Sudan to design programs that curb corruption through the adoption of transparent financial management and budget practices. We also provide training and technical assistance to the Government of Southern Sudan's anticorruption commission and the budget oversight committees for the Southern Sudan legislative assembly.

We have also provided government in a box technology so that their institutions have the capability of standing up at the local, state, and national levels. These provide just the basic tools so that they can operate and function as they establish their Government in Southern Sudan.

We cannot talk about Southern Sudan without mentioning Darfur. Like my colleague, Secretary Lowenkron, I visited Darfur as recently as last January. It was a week after the attack of the southern Darfurian police on the NGO compound on the 19th of January. It was demoralizing for those workers. We have seen a reduction in humanitarian space in Darfur. We cannot let that continue. We work constantly with our partners and increase our visibility so that we can try to increase humanitarian space so that we can help those people in Darfur.

I also saw programs in south Darfur where we worked very closely with the people in the Nyala and the camps surrounding Nyala so that for the first time, they actually met people in those camps and had an exchange and a dialog so that they understood why they were there. And for the first time, the youth groups of those two camps came together and worked on a mutual solution and understanding in trying to get civil society growing in that part of the world. It is a difficult place to work but it's a serious challenge and we need to continue that effort.

I also want to cite our work in Liberia, another good post-conflict example. After coming out of 14 years of civil war, for the first time, there was an election of a President and we have helped support President Johnson-Sirleaf in the establishment of her government. We worked very closely in the beginning out of our Office of Transition Initiatives worked closely with youth programs, trying to clean up the city just for the inauguration but we took those programs and expanded them.

In terms of helping her with the strategic communications program, where she was able to manage the expectations of the people of Liberia. Monrovia had been without electricity for 20 years. The people of Monrovia expected that they were going to get electricity immediately. That obviously was not going to happen and through a strategic communications program, we were able to manage the progressive role out of electricity across the city and expanding across Liberia. We have taken that and expanded that program into assisting other ministries within the government and have also helped them reform through anticorruption programs in Liberia. It's a great program. It's going to be helping the people of Liberia stand up a successful democratic government.

On the other end of the democratic spectrum, we support Africa's consolidating democracies. There are significant challenges all over Africa's consolidating democracies: Persistent corruption; uneven commitment to competitive and fair multiparty systems; limited citizen participation; and oversight and weak governance capacities.

USAID programs are targeted to help countries like Mali, Senegal, Kenya, and Malawi continue on the path toward democratic reform. I should note that the democratic consolidation in many of these countries is critical to sustaining advances in health, education and not to mention opportunities for economic growth that

the chairman talked about, resulting in opportunities for assistance from the Millennium Challenge Corporation that my colleague, Secretary Lowenkron, mentioned.

In conclusion, I'd like to point out that the chairman titled this session, "Democratic Developments in sub-Saharan Africa, Moving Forwards or Backwards?" As the map shows, I think we're making progress. However, Africa is a large continent and there are problems. We have seen many examples of backsliding. We will continue our work to prevent that backsliding and to help grow civil society at the same time that we build the capacity of those governments to meet the demands that the civil society places before it. Whatever the case, USAID is committed to doing all we can to help Africans choose their destinies through opportunities that are available in a democracy.

Mr. Chairman, I thank you again for inviting me to speak and for calling this hearing about USAID's democracy work in Africa and I look forward to responding to any questions that you and members of the subcommittee may have.

[The prepared statement of Mr. Hess follows:]

PREPARED STATEMENT OF MICHAEL E. HESS, ASSISTANT ADMINISTRATOR, BUREAU FOR DEMOCRACY, CONFLICT AND HUMANITARIAN ASSISTANCE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT, WASHINGTON, DC

INTRODUCTION

Mr. Chairman, and members of the subcommittee, it is an honor to appear before you this afternoon. As the USAID Assistant Administrator for Democracy, Conflict and Humanitarian Assistance (DCHA), I am particularly pleased to be able to address you today. My task today covers a lot of territory, sharing some democratization trends in Africa and providing an overview of USAID democracy promotion experience in Africa—including why, how much, and how, to whom, and for what—as well as lessons learned and coordination with other U.S. Government agencies, other donors, and regional and local actors. I will do my best to address this array of issues in my testimony and look forward to a broader discussion in the question and answer period.

DEMOCRATIZATION TREND IN AFRICA—POSITIVE, BUT INCREMENTAL

Examining the democratization trend in Africa provides some context for discussing USAID assistance to the continent. Freedom House has taken measures of civil liberties and political rights for Africa countries since 1972. The overall trend in these data is encouraging, with steady progress being made since 1985 (see graphs at end of statement). There was significant jump in the late 1980s and early 1990s. If one compares the Freedom House scores from 1990 with those from 2006, 37 countries have become more free and only six have become less free. However, continued democratic progress has slowed and some countries have lost ground. In the last 5 years, 22 countries became more free while 12 became less free.

These trends illustrate important two points. Africa is making progress in its democratic development, but has a long way to go before its democracies are consolidated. And, if the U.S. Government cares about democratization in Africa, which we do, then our commitment needs to be long-term.

WHY DOES THE U.S. GOVERNMENT CARE ABOUT DEMOCRATIZATION?

The United States supports democracy and good governance for three primary reasons. First, we support them as a matter of principle—our political system and national identity are built on the belief that all people share fundamental rights. Second, democracy promotion is central to our national security and the fight to counter terrorism and the extremist ideologies that can lead to terrorist acts, as outlined in the President's Freedom Agenda and the National Security Strategy. Failed or authoritarian states pose a threat to the security of the United States, in the near and long term. Finally, U.S. support for democracy and better governance is an integral part of our broader development agenda. Functioning, democratic states directly contribute to sustainable development, economic growth, and the provision

of crucial services. This is particularly important in Africa where our democracy and governance programs enhance the effectiveness of the very substantial health and education investments that United States is making in the continent.

HOW MUCH?

Since 1990, USAID has managed over $9 billion of democracy assistance. In Africa, USAID currently manages 27 democracy programs. Our assistance has grown from approximately $109 million in FY 1999 to approximately $138 million in FY 2005. In addition to our own programs, USAID is managing five MCC Threshold Country Programs totaling more than $66 million that address democracy and governance issues.

HOW, TO WHOM, AND FOR WHAT?

Our Africa democracy programs span a wide range of country situations, including post-conflict and fragile states, semiauthoritarian and authoritarian regimes, as well as consolidating democracies. Because of this, there is no cookie-cutter approach to promoting their democratization. A core principle of USAID democracy programming is that activities must be designed to address the specific democratic challenges facing each country. In post-conflict and fragile states, our aim is to achieve democratic stabilization while addressing the democracy and governance-related causes of conflict and fragility. In consolidating democracies, USAID programs address on-going democratic challenges and strengthen institutions of democratic and accountable governance. In semiauthoritarian and authoritarian states, we focus on opening political space for democracy supporters. To get from these general tenets to country-specific programs, USAID conducts thorough assessments that identify the core democracy problems as well as the actors and institutions through which our assistance is most likely to effect positive change.

Democracy Programs in Post-Conflict and Fragile States

Many of our higher profile Africa democracy programs are in post-conflict and fragile states, including Sudan, Liberia, Democratic Republic of Congo, and Somalia. These programs are vital tools for rebuilding the political, economic, and social fabric of conflict-affected countries and failed states, as well as for mitigating potential slides into conflict or state collapse.

Post-conflict programming is an area in which we have significantly expanded the scope and sophistication of our interventions in recent years. Our Africa programs have drawn from USAID experience both in and out of the region, learning lessons from Kosovo, East Timor, and Afghanistan as well as from other Africa programs. First and foremost is the primacy of supporting implementation of viable peace agreements as the principle vehicle to restore order and establish a legitimate government. Where viable agreements have been signed, USAID prioritizes all its assistance through the lens of supporting successful implementation. A second example is our expanded public administration assistance. USAID is once again fully engaged in this sector after having deferred for a time to other donors such as the World Bank. The ability of post-conflict governments to deliver benefits of peace, particularly to marginalized populations whose grievances may have driven the conflict, is clearly critical to maintaining peace and too important for any major donor to ignore. Supporting improved financial and personnel management, as well as leadership development, are core components of our Sudan and Liberia programs. Other unique aspects of USAID conflict and post-conflict programming include an emphasis on stakeholder consensus-building around major peace implementation issues; access to independent information; supporting civil society, and not just former warlords, participation in peace processes; and focusing on transparency and accountability from the outset to reduce opportunities for corruption.

Sudan

In Sudan, the democracy program is designed to support the successful implementation of the Comprehensive Peace Agreement (CPA) between the north and south. As such, our priorities are the establishment of an effective and accountable Government of Southern Sudan—the GOSS—and the conduct of free and fair national elections in 2009 as called for in the CPA. To that end, USAID has supported the drafting of the GOSS Constitution as well as state constitutions, the formation of core government institutions and systems, transparent budgets and funding mechanisms, and a revised civil service. Our assistance to the Ministry of Finance is designed to curb corruption through the adoption of transparent financial management and budget practices. To same end, USAID is providing training and technical assistance to the GOSS Anti-Corruption Commission and budget oversight committees in the Southern Sudan Legislative Assembly. In addition to technical assist-

ance, USAID has issued 22 "government-in-a-box" kits to local, state, and national level offices. These kits provide furniture, supplies, and in many cases a prefab office building, to county governments.

Two critical milestones in CPA implementation are the national census, scheduled for 2008, and national elections, anticipated in 2009. USAID is providing on-going support for the southern portion of the census. Data from the census will be used to adjust power-sharing percentages in the Government of National Unity and will be a critical ingredient to delimiting election constituency boundaries. We have also been working with the Sudanese People's Liberation Movement (SPLM) and other southern political parties to assist their transformation into competitive democratic political parties.

USAID recognizes that civil society development must complement strengthening governments. In Sudan, our civil society focus is on women-led organizations and organizations that support marginalized groups. We are also supporting increased access to and availability of public information through media outlets, radio distributions, and radio campaigns to spark public discourse about the CPA, the constitutions, peace-building, tolerance, anticorruption, and the rule of law.

Liberia

Liberia's emergence from two decades of civil conflict under new and democratically elected leadership presents opportunities for peaceful development, rather than destabilization in West Africa. USAID recognizes the importance of improved governance and the rule of law to enhance Liberia's stability, help address the needs and aspirations of Liberians, and create the foundation for investment and economic growth. Ongoing support to the Governance and Economic Management Assistance Program (GEMAP) has been successful in helping the Liberian Government control and manage its public finances, a critical departure from the grand corruption that characterized the government under Charles Taylor. At the same time, USAID assistance focuses on establishing the rule of law and supporting security sector reform to address the personal insecurity that has dominated the country for decades. As a complement to these activities, USAID is providing assistance to the Liberian legislature, in conjunction with the House Democracy Assistance Commission initiative, and continues to help civil society organizations develop the capacity to hold the Liberian Government accountable between elections for their actions.

USAID also provided important assistance for the historic transition elections in the Democratic Republic of Congo. These were the first democratic elections in over 40 years, and Congolese citizens turned out in great numbers to choose their President and members of their National and Provincial Assemblies. To help the Congolese overcome enormous political and logistical challenges, USAID-funded technical advisers who served as resource persons in the creation of the electoral framework and who supported the Independent Election Commission. In addition to providing election administration expertise, technical assistance included strategic communications and public outreach, which were especially important for counteracting popular mistrust about the electoral process provoked by repeated delays in the electoral calendar. USAID-funded civic education reached 2.1 million Congolese throughout the country and we supported mobilization of tens of thousands of Congolese election monitors. These activities helped ensure that the multiple rounds of elections were credible and largely peaceful, leading to the inauguration in December 2006 of President Joseph Kabila, a reconstituted National Assembly, and Provincial Assemblies which are a brand new institution in the Congo. In addition, Senators and Governors were indirectly elected over the last year as well, creating for the first time a bicameral legislature. Now on the horizon is the draft law on decentralization and ensuing municipal elections, which are expected in 2008.

USAID is now in the midst of developing programs to stand up these new institutions and give them a fighting chance to deliver on promises to build a democratic, inclusive DR Congo, where government is held accountable by the people. Elected leaders are new; their positions are new; and even many of the institutions of governance are brand new. As in many post-conflict situations, there are tendencies to consolidate control in the hands of the Executive. USAID is moving quickly with the supplemental funds that Congress recently made available. We will focus on ending the lingering conflict that persists in the East as well as on building the institutions of legitimate governance in the overwhelming majority of the country that is stable. For example, we will help build the capacity of the Provincial Assemblies—some of which do not even have tables and chairs, and we will promote the transformation of the Electoral Commission into a permanent and truly independent body. Our work over the next few years will also include broad citizen civic education, reinforcing links between elected authorities and constituents, and helping Congolese define what good governance means in their country. I would like to note that

USAID and the Department of State's Bureau of Democracy, Human Rights, and Labor are coordinating closely to ensure that our programs in the Congo effectively complement each other.

Somalia

Somalia, unfortunately, is not as far along in its peace and reconciliation process. In such fragile states, the USAID strategic approach is to promote stabilization, reform, and recovery by building institutions of democratic and accountable governance and the rule of law while also addressing causes of fragility such as ethic grievances and economic exclusion. For Somalia, the first challenge is to establish a federal government that enjoys legitimacy among all the major clans. In the immediate term, we are providing support to implement the National Reconciliation Congress, which is due to start in the coming days and which the U.S. Government hopes will constitute an effective venue for clan representatives and other stakeholders to strengthen political inclusiveness of the Transitional Federal Government and stabilize the country through peaceful dialog. The USAID program is also launching support for the Transitional Federal Parliament, as the transitional institution that may be said to have the widest basis of support; the program will build the Parliament's capacity with a particular focus on its role in conflict management and its responsibilities under the Transitional Federal Charter.

We are also helping to form and build the capacity of local governments which will be seen as legitimate by local populations and the leadership of the Transitional Federal Government (TFG). These governments will have a critical role in delivering social services, such as health, education, and water, as well as promoting local economic growth. USAID is also poised to provide extensive capacity-building to the TFG itself, but it is critical that questions of TFG inclusiveness be resolved before we launch such assistance on a large scale.

In addition to these efforts, USAID has supported Somali media and civil society for several years. Our current program provides funding and training for civil society and media to actively participate in peace-building and governance. Among its objectives are to build civil society and media networking capacity, strengthening their ability to operate effectively in a stateless environment, and to support advocacy for media and civil society regulatory frameworks acceptable to our partners and government authorities. The rapidly evolving political landscape presents significant challenges and places heavy demands on civil society. USAID support is aimed at enabling civil society to manage the political space in order to reduce the risk of violent conflict and promote dialog. USAID partners have acted to protect free media across Somalia, including in cases of media closures in Mogadishu and journalist arrests in Somaliland. USAID continues to support civil society engagement in local councils' formation in Puntland and support for decentralization in selected municipalities. USAID civil society partners are heavily engaged in collaboration with other civic and business actors in a series of initiatives in Mogadishu in attempts to reduce tensions and build platforms for dialog leading up to the National Reconciliation Congress. In Somaliland, the USAID democracy program focuses on building the conflict management and institutional capacity of the Parliament and building democratic political parties with an eye toward a second round of free and fair Presidential and parliamentary elections in 2008.

Democracy Programs in Support of Consolidating Democracies

On the other end of the democratic spectrum is support for Africa's consolidating democracies. These programs are tremendously important for African democratization. Recent work by a team of researchers from Vanderbilt University and the University of Pittsburgh has shown that successful democracies have a significant positive influence on the democratization paths of countries in their neighborhood; this positive "diffusion" effect was shown to have a greater impact on a country's democratization than its GDP growth. Significant challenges are present in all of Africa's consolidating democracies: Persistent corruption, uneven commitment to competitive and fair multiparty systems, limited citizen participation and oversight, and weak governance capacity. USAID programs are targeted to help countries like Mali, Senegal, Kenya, and Malawi continue on paths of democratic reform. I should note that democratic consolidation in many of these countries is critical to sustaining advances in health and education, not to mention opportunities for economic growth resulting from Millennium Challenge Corporation compacts.

The overall theme of our lessons learned in these countries is that democratic consolidation is a long process. Corruption is deeply engrained in most African countries. It is telling to note that all five of the democracy-relevant MCC Threshold Country Programs USAID manages focus on anticorruption. While dramatic improvements in election administration have been made, building competitive, plural-

istic political systems takes longer. Several more advanced African democracies remain dominated by a single political party or by a handful of charismatic leaders. Finally, resource constraints, underdeveloped infrastructure, and human resource limitations pose long-term challenges to both governments and civil society groups as they strive to improve their institutional performance.

Mali

Mali's democracy is one that inspires reformers throughout the region. In fact, Mali is moving from a regional to a global role model this year by hosting, with support from USAID, the Fourth Ministerial Conference of the Community of Democracies in November. In addition to this special assistance, the USAID democracy and governance program focuses on ensuring that Mali's decentralized system of government delivers for all citizens at the local level. Activities promote citizen participation in, and oversight of, local governments; strengthen local government financial management skills; develop policies that support the success of decentralized government; and increase women's role in decisionmaking. As a result of USAID programs, citizens are demanding that local governments account for their tax revenue and some local governments have seen their tax revenues go up with increasing citizen confidence that it is being used well. Mali's democracy was also strengthened through election support activities, resulting in free and transparent Presidential and legislative elections. USAID women leadership activities contributed to a 120 percent increase in the number of female candidates running for office in the 2007 local government elections over the previous election. The Mali program also provides access to information by building community radio stations and training local radio producers in the production of radio programming on governance and decentralization, health (especially HIV/AIDS and malaria), education, and conflict prevention topics. Today, there are 205 private community radio stations in Mali (44 of which were financed by USAID), and USAID trained over 1,500 radio producers and presenters in the production of development-related programs. Because of these efforts, 89 percent of Malians have access to at least one community radio station, and for a majority of these citizens, radio is their only source of information. The mission has emphasized radio coverage in Mali's fragile and northern areas, where radio programming focuses on preventing or mitigating conflict and broadcasting vital counterterrorist messages.

I am proud to point out that during the past decade USAID Democracy and Governance programs have helped countries like Mali achieve the effective governance needed to qualify for and take advantage of the opportunity of an MCC Compact Agreement. However, we need to remember that effective and accountable governance is an ongoing challenge for all countries, including those in Africa that have risen above their peers to qualify for MCC assistance. We must not assume that just because a country has qualified for a Compact Agreement—let alone a Threshold Agreement—that it has solved all of its governance problems. There remains an important role for USAID DG programs to help these countries consolidate and build upon the progress they have made.

Democracy Programs in Authoritarian and Semi-Authoritarian States

The toughest environments for us to work in are authoritarian and semi-authoritarian states. The major challenge facing USAID is how to foster political competition where leaders are opposed to meaningful reform and prepared to use the resources of the state to cling to power. The USAID strategic approach in these countries is to strengthen democratic activists outside of government by working with groups such as democracy and human rights NGOs, watchdog groups, independent media, and opposition political parties. When possible, USAID also supports pockets of reform within government, often times within the judicial branch, independent electoral or anticorruption commissions, and local governments.

Zimbabwe

Zimbabwe, unfortunately, falls among such countries and is of particular concern for USAID. Our Zimbabwe program is designed to help civil society organizations express their views despite the government's efforts to tighten restrictions on independent media and journalists and curb the work of nongovernmental organizations. Activities include advocating to Parliament and local authorities, building an effective committee system within Parliament, and supporting local authorities to be more capable and open to citizen input. USAID support also helps Zimbabwean civic activists maintain their networks of support and communication with the broader human rights community in Africa, which is bearing witness to the deteriorating situation in Zimbabwe and planning for a return to democracy when Mugabe eventually leaves the scene.

NIGERIA

An important African country that I have not yet mentioned is Nigeria. Nigeria is a country that defies categorization. The second Obasanjo administration made important gains in increasing transparency, yet corruption and patron-client politics continue to dominate. The country has transitioned, for the first time in its history, from one civilian leader to another without a military coup, but the election was widely condemned as failing the Nigerian people, so ridden by fraud that results could not be said to reflect their will. On-going community violence, particularly but not exclusively in the Niger Delta, leads to casualty levels rivaling some civil wars.

As Assistant Secretary of State for African Affairs Jendayi Frazer noted in her recent testimony before the House Committee on Foreign Affairs' Subcommittee on Africa and Global Health, we were profoundly disappointed with the deeply flawed elections. Secretary Frazer rightly identified the need for political commitment on the part of the Government of Nigeria for electoral reform, including substantial reform of the Independent National Electoral Commission. Without political commitment, USAID technical assistance will not lead to improved elections.

In this context, USAID conducted a thorough review of its democracy strategy in Nigeria in the fall 2006. We commissioned an independent country analysis by country experts to assess democratization trends since the transition to civilian government in 1999, current democracy challenges, and opportunities to support democratic reformers. This analysis helped us chart a way forward to address the primary challenge in Nigeria, the lack of accountability in a political system with an overly powerful executive and high levels of corruption. Our new program focuses on bolstering Nigerian efforts to increase accountability at both the national and subnational level, reinforcing areas where political commitment has emerged in the last few years. At the national level, this entails supporting increased oversight of the federal budget by the National Assembly to combat corruption, greater independence and capacity in the federal judiciary to promote the rule of law, and strengthened civil society advocacy and oversight to increase government accountability. At the local level, we are launching a program to enable citizens to hold their local governments accountable for delivering the social services long-awaited as a "democratic dividend." The importance of accountability is only heightened after this year's elections, which dramatically undermined the Nigerian people's ability to express their will through the ballot box. Given the leading role Nigeria plays on the continent, bolstering Nigerian democratic reformers remains a critical priority.

EVIDENCE THAT USAID DEMOCRACY AND GOVERNANCE PROGRAMS WORK

Having discussed USAID approaches to democracy in the various country situations we face in Africa, I would like to discuss the impact of our programs. Beyond anecdotal evidence, how do we know if the USAID approach to democracy promotion is effective or not? To answer this question, we now have underway some of the most exciting and significant work ever carried out to evaluate the impact of the USAID democracy assistance programs, and it is providing some answers. In this endeavor, we are working closely with the academic community, other donors, and the National Academy of Sciences to develop new methods that will lead to findings on what works and what does not and to make recommendations to expand successful programs and stop ineffective ones.

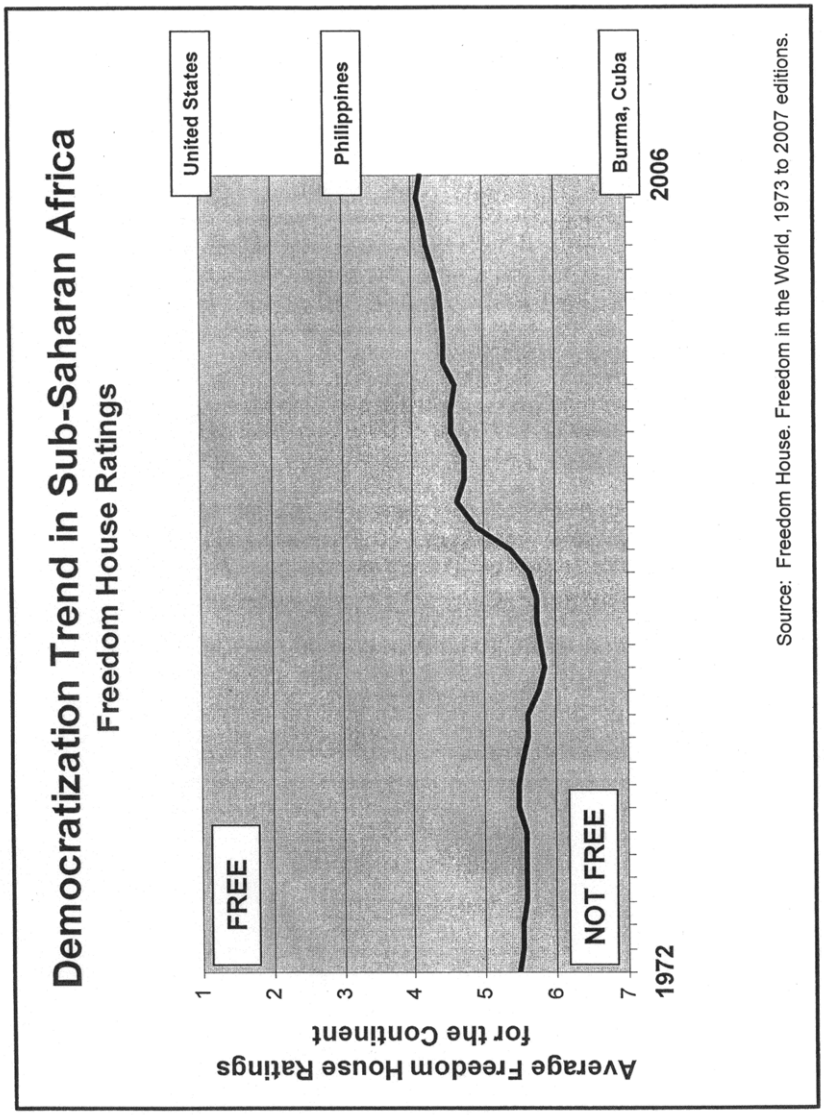
The first stage of this research was a quantitative, cross-national analysis to see whether researchers could detect any impact of USAID democracy assistance. We were very pleased when researchers from Vanderbilt University and the University of Pittsburgh found that every $10 million of USAID democracy assistance generated a five-fold increase in the rate of democratization in a given country, in any given year, over the period from 1990 to 2003. While this overall finding is tremendously encouraging, we have asked the team to delve further, exploring finer-grained impact in particular program areas. This research will complement country-specific studies being launched now, as well as the body of knowledge USAID has amassed on lessons learned and best practices in specific areas of democracy programming. With the findings from these efforts, missions will have at their finger tips information on which types of democracy programs are most effective and on how those programs can be designed and implemented in a way that will yield the biggest impact in a given environment.

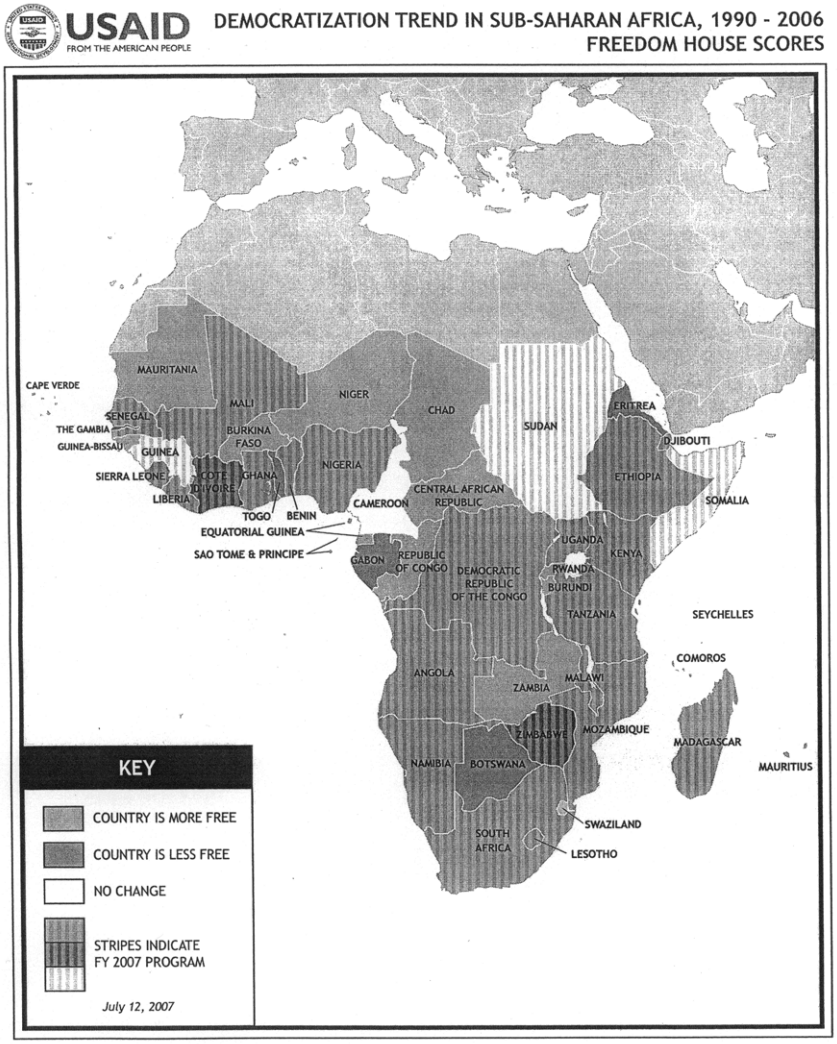
CONCLUSION

You titled this hearing with a question, "Democratic Developments in Sub-Saharan Africa: Moving Forwards or Backwards?" I would answer that question by say-

ing that Africa is a large continent, and we can find progress and backsliding at the same time. Whatever the case, though, USAID is committed to doing all we can to help Africans choose their own destinies through opportunities that are only available in a democracy.

Mr. Chairman, I thank you again for inviting me to speak about USAID's democracy promotion work in Africa. I look forward to responding to any questions that you and members of the subcommittee may have.




USAID
FROM THE AMERICAN PEOPLE
DEMOCRATIZATION TREND IN SUB-SAHARAN AFRICA, 1990 - 2006
FREEDOM HOUSE SCORES
MAURITANIA
CAPE VERDE
SENEGAL
THE GAMBIA
GUINEA-BISSAU
GUINEA
SIERRA LEONE
LIBERIA
MALI
BURKINA FASO
COTE D'IVOIRE
GHANA
TOGO
BENIN
NIGER
NIGERIA
CHAD
CAMEROON
CENTRAL AFRICAN REPUBLIC
SUDAN
ERITREA
DJIBOUTI
ETHIOPIA
SOMALIA
EQUATORIAL GUINEA
SAO TOME & PRINCIPE
GABON
REPUBLIC OF CONGO
DEMOCRATIC REPUBLIC OF THE CONGO
UGANDA
KENYA
RWANDA
BURUNDI
TANZANIA
SEYCHELLES
COMOROS
ANGOLA
ZAMBIA
MALAWI
ZIMBABWE
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MAURITIUS
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COUNTRY IS MORE FREE
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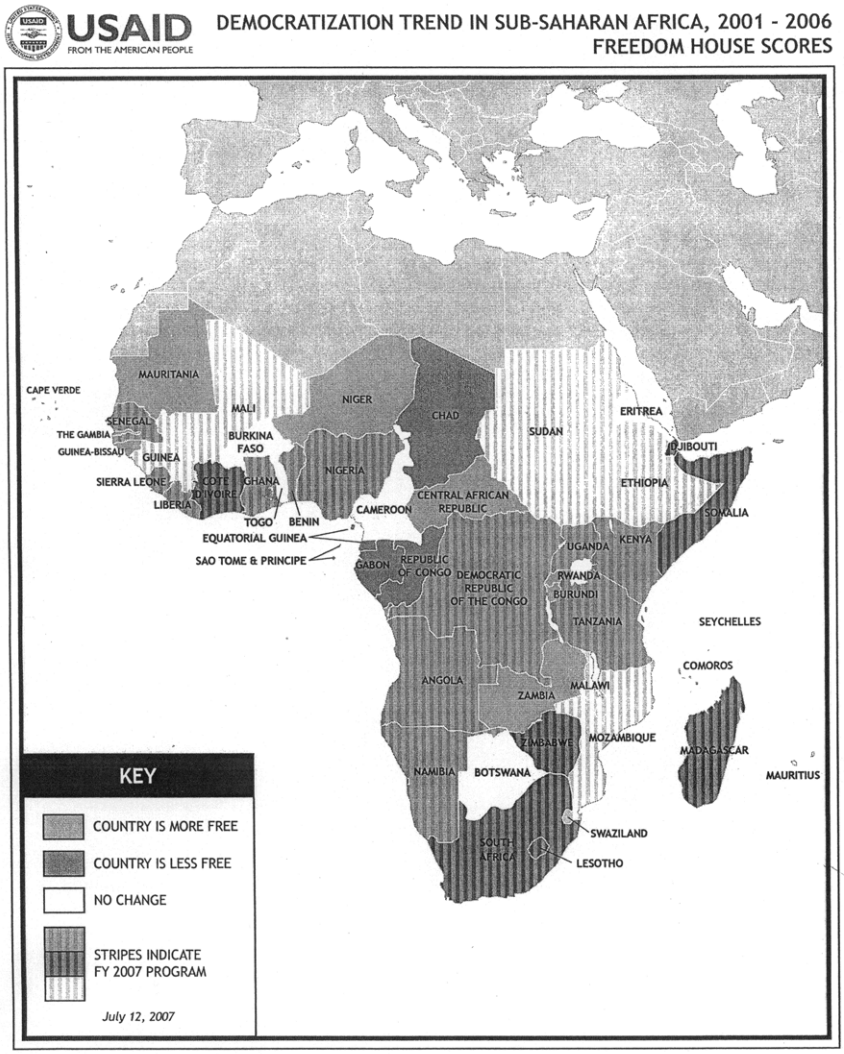
STRIPES INDICATE FY 2007 PROGRAM
July 12, 2007



Senator FEINGOLD. I thank both the members of the panel and we'll begin with 7-minute question rounds. I'll start with Mr. Lowenkron.

How does the State Department coordinate its democracy promotion activities with other U.S. agencies and representatives on the ground as well as with other donors and national authorities, international and regional organizations, and civil society organizations?

Mr. LOWENKRON. As regards our parts of democracy funding, we sit down with our colleagues in the State Department and with AID and we thrash out, what are the areas that we could best apply our funding? We then craft proposals and we put them out

for open competition for our own NGOs. Once we get their proposals, we then sit together the regional bureaus, AID, and my Bureau—and then we make decisions over which programs that we will fund. That's how we do this internally.

In terms of what we do with our partners, we have very good consultations with the European Union, which devotes a lot of time, energy, and resources to try to develop democratic institutions in Africa itself.

Second, we also work—we are also laying the groundwork because there is a lot of work to be done, to support the role of the African Union to take on more and more responsibilities as well as the subregional organizations such as SADC in Southern Africa as well as ECOWAS. So we do have these relationships with them. We do talk about our programs and we do try to hammer out, what are our objectives? Often times, it means that we work with our own NGOs to fund their NGOs and step backward and let them take the lead on our programming.

Senator FEINGOLD. Thank you. Mr. Secretary, can you highlight some of the notable steps the United States has taken to support democratic principles and institutions and reform efforts beyond elections across Africa to ensure, as we've both discussed, that democratic development does not end with multiparty polls?

Mr. LOWENKRON. Well, several areas. No. 1, for example, we have a program to help train legislators in Liberia. We have a program to help train judges in DROC. We have a program to work with various NGOs on gender-based violence in Sudan and Ethiopia and we want to use that as the model and reach beyond Africa to other parts of the world that are experiencing gender-based violence but they're not connected in some sort of a net where they could learn from one another. So these are some of the examples that we've used for our program.

Senator FEINGOLD. Very good; thank you. Mr. Hess, I was pleased to hear that USAID is demanding that Somalia's Transitional Federal Government demonstrate a genuine commitment to inclusiveness before providing extensive capacity-building assistance. What observable indicators are you looking for and how are you communicating these expectations to the TFG?

Mr. HESS. There's a couple of mechanisms, Mr. Chairman, that we're using to communicate. First, through our post, through Ambassador Ranneberger, who has conversations and connections with the TFG. We have delivered the message that we want to make sure that they are inclusive, especially including all members of the society, not just friends of the TFG. We have worked very closely with them on the funding of the reconciliation Congress, which began yesterday. That's an important first step in being inclusive and by supporting that through our funding, we think that's a step in the right direction. But again, we want to make sure that they understand that this has to include all parts of Somali society if it's going to be successful.

Senator FEINGOLD. This is obviously complex and unfortunately, many other donors have not put these kinds of conditions on their support for the TFG. How are you coordinating with them to ensure that international support does not have the effect of merely emboldening or entrenching the TFG?

Mr. HESS. That's a very good point as I met in January with the members of the EU and DFID, who are probably two of the largest supporters. Norway and Germany have come a long way in terms of providing support bilaterally as well. But I met with our representatives and their representatives in Nairobi when we were talking about this very issue, about conditionality that the TFG has to be more inclusive and I think the EU has come a long way in recognizing this and so has DFID in terms of the message that they are delivering.

It's important that we work as a donor community in lock steps so that we send the same message and we don't present conflicting messages to this government right now. This is a crucial time. Things don't look good in Somalia right now but this is an opportunity and we want to seize this opportunity.

We also work very closely with the United Nations in delivering this message. UNDP has done a very good job of helping organize this congress and the message that they are sending, likewise to the Transitional Federal Government is one of inclusivity—that's not a word, is it?

Senator FEINGOLD. Fair enough. We, as Senators on this committee, should take whatever opportunities we have to reinforce this when we have contact with representatives of those donor countries.

Finally, before I turn to the other Senators, Mr. Hess, on Sudan, which you talked about in your testimony. Local elections are set to be held in 2009 and these elections are expected to pave the way for the critical 2011 referendum where the Southern Sudanese, of course, have the option to vote for independence. In order for the 2009 elections to take place, a census in South Sudan needs to be undertaken and this has not happened. Why? What is the administration doing to push this forward, and finally, what is the administration doing to prepare for the 2009 election?

Mr. HESS. That's a very good point, sir. We've seen that example in a number of other elections around—in other places that I've mentioned, such as in Bosnia or in Kosovo. The census is key.

[Additional written testimony by Mr. Hess follows:]

There are three major political milestones that are critical to successful implementation of the CPA: The census, the elections, and the referendum. The census is now due to take place from February 2–16, 2008. Given that the rainy season starts in April, if this date slips beyond March 2008 it will have a detrimental impact on the election timeline. The Government of National Unity (GNU) has delayed in providing their portion of funding for the census, sowing doubt about whether they will honor their commitment.

USAID provides both short- and long-term technical assistance to the South Sudan Commission for the Census, Statistics and Evaluation and will be providing a substantial amount of equipment in the next few months.

Since September 2004, USAID has obligated $47,082,000 to support election preparations. Components of the overall program have supported civic education, free and independent media, electoral law development, political party development, and preparations for the national census.

Mr. HESS. One challenge is there are millions of IDPs who have still not returned to Southern Sudan. So we have to begin that registration process in the IDP camps while we're trying to do it down south. We're also working very aggressively with our partners in the United Nations to make sure that that IDP return happens. It is not happening as quickly as we want it to happen so we're trying

to facilitate that so that they can go home. Unfortunately, those are simultaneous processes. We have to make sure that they get back safely to their homes where they are going to reside. There are also still a number of refugees that reside in northern Uganda, who have not returned home. So while we try to get the IDPs back to their homes, we continue to prepare for a comprehensive census.

Senator FEINGOLD. Thanks so much.

Senator Sununu.

Senator SUNUNU. Thank you, Mr. Chairman. I think I'd like to begin by asking each of you to comment on what you see as best practices. Just give one or two examples in each of the following areas. First, election processes. Where can we find some of the best practices and best examples in sub-Saharan Africa just for the process of elections, either at the national or the local level?

Second, judicial independence, which was, I think, mentioned by both of you as being really essential to maintaining and sustaining improvements in the democratic process, and third, property rights. If I could ask each of you to comment or give an example or two in each of those three areas and then comment generally on whether or not we're doing a good job of highlighting the best practices, either to promote support from institutions here in the United States and around the world, or to share information with other countries and other reform-minded groups in sub-Saharan Africa.

Mr. LOWENKRON. I would start with the best practices for the electoral process with Liberia. I think that was a case in which we had a synergy with our aid and with our diplomacy with nongovernmental organizations and with a very, very clear message that Ellen Johnson certainly presented, which is, in essence, the time has come to have a clean and honest election. She mobilized civil society. We supported civil society and the thrust of her campaign was, we've got to get governance right. So I go back to the model of the three elements of democracy. So I would use Liberia, probably as the most successful.

I would also just add a comment saying that even though there were many problems, as the chairman put it, I think what happened in DROC was extraordinary. It was challenging. It was an extraordinary election and I think that the people in that country should be given credit for pulling together an election, the first election in over 40 years.

I would say in terms of judicial independence and this may seem a little odd at the outset. I would actually look at the strength of the judicial courts in Nigeria, which at the 11th hour, said, "No, you cannot disallow somebody from being on the ballot," and which even today, are raising questions about some of the corruption of the Nigerian governors and I think that we need to highlight the importance of the role of the judiciary, especially in the areas where we had hoped to see greater progress and where they have been besieged. So I would use that as an example.

I'd have to think a minute about property rights. In terms of sharing our experiences and engaging in dialog, this is one of the reasons why we have started this dialog with the African Union and why we also have quiet dialogs with countries, with governments on the sub-Saharan continent. It is not enough for us to ne-

gotiate and to discuss and debate among ourselves what a best practice is. We need to bring them to the table.

We have discussed this with the European Union. I would also add something else, which I found quite extraordinary and something we need to build on and that is that last week, there was an extraordinary event here in Washington. There was a Democracy Bridge between the African Union and the Organization of American States, headed by both leaders of those organizations to exchange views on best practices and to talk about their—the elements of their Charter. The OAS Charter was in 2001. AU came 6 years later but I think it is important for us to do all that we can in order to support the efforts of what I call south-south dialog in exchanging best practices on democracy promotion.

Senator SUNUNU. Thank you. Mr. Hess.

Mr. HESS. Unfortunately, I have to agree with my colleague that Liberia is a great example, for all the reasons that Barry mentioned. We worked very hard building civil society, trying to manage those expectations and to deliver good governance for Liberia.

I also want to reinforce though, the DRC. Forty years without free elections. A country the size of the United States of America with only four airports, no roads, very little communication infrastructure that's virtually impossible to navigate. But yet, they went through two rounds of elections and for the first time, elected a President in 40 years. I mean, that's just a remarkable story and shows the determination of the people in the Democratic Republic of Congo, to actually participate in the process and carry it through. It's just an excellent story that we try to tell in many other places around.

The judicial independence, obviously it is the Nigerian electoral judiciary. It did a great job of standing up in the face of what was pretty severe pressure to cave in and they did stand up.

In terms of property rights, I'd like to cite a couple of examples. One is Kenya and the other is Ethiopia. In both of those places, we're looking at land tenure issues because of agricultural development in both of those areas. As you know, we've had some difficulties in the northeast sector of Kenya for the pastorialists. We've worked very closely with the legislatures in both those countries to try and revise their property rights and help the pastoralists and the farmers in those regions so they can be more productive. Again, we work with our donor partners to convey those issues.

We also have sessions with our NGOs where we try to exchange those ideas and we've had two recently on backsliding, for example, to try and reinforce those messages.

Senator SUNUNU. I want to close with a question to each of you about moving from best practices to a more disappointing process, which were the elections in Nigeria. Three brief questions here. First, what preelection messages did the United States deliver to the Nigerian Government regarding concerns and in malfeasants heading into the elections? What was the response from the United States regarding the outcome and do you think that the criticisms of the U.S. response as being muted were fair? Do you think that we could have been more forceful in responding to the many reports of election abuses?

Secretary.

Mr. LOWENKRON. In terms of our preelection message, we reiterated time and again, this is an opportunity. This is an opportunity for the country of Nigeria. We expressed concerns that we did not believe that the Independent National Electoral Commission was up to speed in terms of carrying out a successful election. We were concerned about the efforts to rewrite the constitution to allow for a third term. So we had a series, a series of conversations with the Nigerian Government, to say, this is an opportunity. We had our NGOs on the ground. We had NDI, IRI, and others on the ground as well as representatives of the European Union.

And it was disappointing. Our reaction to that was built on policies and the statements we made to the Nigerian officials, which is, this was a historic opportunity and you missed it. It is disappointing. It's not just the issue of free elections, it's not what happens on election day alone. It's what happens in the lead up to the election and every step of the way, we found problems, significant problems on that.

I believe that our response to the Nigerian election was clear. This was a disappointment. What we have also stressed to them is, you need to do the following things. You need to allow the courts to adjudicate the electoral disputes, No. 1 and No. 2, you really, really, really have to tackle your National Electoral Commission because it was wanting. The problems that were there still remain.

Mr. HESS. Obviously, we worked very closely with DRL in the whole electoral process and the messaging is synchronized, as Barry alluded to in the beginning. When we start these operations, we don't do it independently. We do them together. So the messages were—our messages were the same as the State Department's messages and they were delivered by the Ambassador.

One of the areas that we've been working on since then, though, is we believe that you also have to continue to work with the local governance and civil society organizations. Yes; we had a disappointing result at the national level but we're going to continue to push that message through our partners that are working in the region but we have to continue to build the local networks and the local organizations that will build from the bottom up, a successful election next time.

Senator SUNUNU. Thank you.

Senator FEINGOLD. Thank you. Before I turn to Senator Lugar, just a comment on the issue of the third term for the President of Nigeria. I guess we forget sometimes, what impact we can have without passing legislation. I simply sent a letter to the head of the Parliament there, saying that we hope they would not pass legislation allowing an additional term, and they were apparently having a huge altercation and he stopped the proceedings and read my letter, and apparently, that calmed things down. So we forget that we really can impact leaders and policies in these countries, without seeming heavy-handed. It was merely a request that they not make the mistake so many countries have made of allowing somebody to continue to run time and time again. With that, I turn to Senator Lugar.

Senator LUGAR. Thank you, Mr. Chairman. I'd like to pursue the comments that you've made about the Millennium Challenge. The press accounts of this are sympathetic and point out that the very

nature of the process calls for a great deal of study, and, most importantly, emphasize participation by officials in the countries that might be assisted, and, maybe even beyond the officials to those in opposition or others that may be helpful.

One of the dilemmas of all of this is that after a decision is made—and you point out that 6 of the 12 favorable decisions have been for African countries—then the process of dispensing the money depends likewise upon decisionmaking, bureaucracy, and leadership in the particular countries. The net result of all this has been, according to at least one account, only about $71 million has been dispensed by MCC out of several billion dollars that have been awarded. As you have observed in this committee, as we've had at least two hearings a year on MCC and how things are moving, there has been great impatience by some members of our committee who are saying: Why in the world are we pursuing this type of thing as opposed to simply foreign aid as we used to do it? That is, when we voted money that went out to the country and by and large, it got spent. Somebody might be helped by that method. In that process, why, a lot of local participation is occurring and democracy-building perhaps, or something. But not much is occurring here, with the result that, as Senator Sununu pointed out, the administration's request, which was already well below the $5 billion level that the President had talked about earlier, is down now to less than two. And this is not the first year that that has been the request and who knows what the outcome of that will be and some would suggest that at the end of this administration, there may be a reversion back to the old system.

Now, I've gone through all of this because I agree with the philosophy of those who are testifying this morning that the undergirdings for the democratic progress that we hope for, have to come with some building of institutions, institutions to make decisions about roads and dams and education and health care and whatever may be the application the country felt was most important for it. And it requires individuals who can dispense the money. As we're seeing in Iraq, for example—not an entirely different situation. Money is accumulating in the bank but there is not an infrastructure even of government to dispense the money in any respect, democracy or not.

What comment can you make as professionals who are dealing with MCC as well as with democracy, as to what we need to do, in the Congress or the administration or on the ground in African countries; not necessarily to hurry up the process. Some have suggested that the very fact that money isn't dispensed very fast is a very good discipline that it's not being splashed around. We're not having consequent investigations as to who misspent the money or sequestered it or put it in a foreign bank account. There is this transparency that is so important in all of these democracy movements. But can you discuss generally, just in a few minutes, whether the MCC—how does it fit into this situation, not only with the six countries but with others that are candidates and some who might be?

Mr. LOWENKRON. Senator, first of all, I agree with you on the issue that we have been slow. This was a revolutionary concept in many ways, the MCC, and I think that we spent a lot of time get-

ting the structure right precisely because we wanted to ensure that if we went down this path, we would do the following: We would be able to build this infrastructure and be able to tackle corruption and we'd be able to account to the Congress and the American people where the money is going.

Now, under Ambassador Danilovich, this has been accelerated and I think it's critical that this program continue. I do not see this program, in any way, shape, or form, as holding up some of the other critical work that we do—supporting NGOs on democracy promotion, tackling aid under the PEPFAR or ensuring distribution, enough food to the critical parts of Africa, even the countries that are incredibly mismanaged, regimes like in Zimbabwe.

But it's a change in culture, it's a change in attitude. It's a notion that, yes; we will support country X and government Y, but you've got to be serious about tackling corruption. You've got to demonstrate, what is your plan to build the infrastructure and by the way, we should be willing to threaten to suspend from the MCC, as has been the case with some other countries outside of Africa. So this is very much—this is a significant piece of work. It's still a work in progress. I share the frustration of those who say, this has been up and running. We need to see more results. I do think the trajectory is good. It is getting better. There are countries in Africa and elsewhere around the world that not only finally get it but they are also competing to get into the program.

Senator LUGAR. Um-hmm. Mr. Hess.

Mr. HESS. I'd like to add a little bit to that. I think it is important to recognize that we do work together and the fact that we do work together, both State AID and the MCC. If we weren't working together, then perhaps they would be dispersing funds without the capacity being there and without our anticorruption programs being effective and in place and I don't think that's what we want to do.

As Barry points out, we don't want to be seen as giving money and as you pointed out, Senator Lugar, and having it end up in some Swiss bank account some place. It is a new program. It is the new structure. There are new coordination mechanisms on which we are working to ensure that the capacity of that country is there, the decisionmaking processes are in place. These are decisions that Africans have to make about their own money. These aren't decisions that we're going to make for them. We want them to have that capacity. We want them to be able to do that and then to have the accountability and the responsibility for those programs. Those aren't our issues. Those are their issues and we have to train them, give them the capacity to do that while we work on these anticorruption programs. And if we weren't in sync, maybe we would be dispensing the money without having these capacities in place and I don't think we want that.

Senator Lugar. Thank you very much. Thank you, Mr. Chairman.

Senator FEINGOLD. Thank you. Senator Lugar, I note that the pretty good attendance at this hearing, I think, is a sign of the growing interest in the Senate on issues relating to Africa and I appreciate all my colleagues being here, including Senator Nelson,

who certainly has shown strong interest in these matters and I think has traveled there recently.

Senator Nelson.

Senator BILL NELSON. Good morning, gentlemen. Let me just say that in my travels, I have been enormously impressed with USAID and I have seen some very dedicated folks that basically have exceptional hardship tours and I commend you for that.

I'd like to know, what do you think, does official U.S. silence in response to an undemocratic state have—how does that impact our interest in the country in the question and in the region, when we turn our head? I'm talking about official U.S. silence.

Mr. LOWENKRON. In every day that I have been Assistant Secretary of State for Democracy, I have a voice and a vote in our policy and I have insisted that these issues be very clear. They are clear in terms of—clear in our——

Senator BILL NELSON. Hold on. Try again. Can you use the other microphone?

Mr. LOWENKRON. Let's try that. Does that work better?

Senator BILL NELSON. No. Turn yours off.

Mr. LOWENKRON. Mine's off.

Senator BILL NELSON. OK, try the one on your left.

Mr. LOWENKRON. Better? Thank you. I don't think we should ever be in a position to remain silent when elections fall short. When I meet the Secretary of State, our conversations are always about trajectories. Where is a country going in terms of elections? where is it going in terms of civil society? where is it going in terms of corruption? and our policy is to try to push them in all three of these areas. A lot of these states are fragile but we need to speak out clearly when there are shortcomings.

Senator BILL NELSON. Have we done that in Zimbabwe?

Mr. LOWENKRON. I think we've been very, very forceful in Zimbabwe. I think we have spoken out against the attacks on the opposition in March, against the Women of Zimbabwe Arise Organization; that happened in early June. We also quietly worked with our friends and allies and partners in Africa and the European Union. We've requested that the AU shine a spotlight on the issues in Zimbabwe.

Now, I hasten to add, there are some on the outside who think—some who believe that this may be counterproductive and that we need to lower our voice in Zimbabwe. I'm not one of those. I think that when people are being clubbed to death, when people are being arrested, when you have a regime that when two people meet, that's tentatively called a meeting and they've got to have 7 days advance notice in order to get permission. And when you have a rate of inflation that is just beyond one's imagination, then I do think we need to speak out.

Senator BILL NELSON. What about Nigeria?

Mr. LOWENKRON. We have flagged the fact that Nigeria had a historic opportunity and they missed it. They missed an opportunity to advance on their democratic development.

Senator BILL NELSON. What's your assessment of the job that the new President is doing?

Mr. LOWENKRON. Well, I have to say—I mean, I don't want his first steps—his first steps I would applaud. He has done a public

disclosure of his own finances and he wants that as a model for other leaders. He is not standing in the way of the judiciary in terms of adjudicating the electoral disputes and the governors. There have been some prosecutions of some governors on the basis of corruption and he has indicated his intention to tackle the rather weak National Election Council, the NEC. It's early but at least a few of those signs are positive.

Senator BILL NELSON. I would agree with that. But there's one where we have a lot of personal interest involved because we get about 12 or 15 percent of our daily oil from Nigeria. But they just can't seem to get their hands around all those kidnappings down there in the Delta.

Mr. LOWENKRON. Well, I would say, Senator, part of that is because of the culture of corruption in that country and the culture and the practice in which the wealth of Nigeria does not extend to all the Nigerian people and that fuels a lot of it, which gets back to the issue that the election was an opportunity that was missed and we have to also focus on, can we press the new President, can we press the Nigerians to get serious about tackling corruption.

Senator BILL NELSON. What about Ethiopia? Yesterday—you know what happened yesterday. The opposition that protested the last year's elections ended up getting sentenced to life yesterday. Now we've certainly gotten along a lot better with this government than we did with the Mengistu government.

Mr. LOWENKRON. Absolutely.

Senator BILL NELSON. A lot more cooperation. There is a whole new spirit compared to 25 years ago. But what are we going to do when opposition is squelched with life sentences?

Mr. LOWENKRON. Well, Senator, we have to press. The Prime Minister of Ethiopia said that he will move to give these individuals clemency but that doesn't really roll the clock back to pre-2005 and say everything is fine. What's important is that as they head toward elections next year, is there, or is there not, going to be a level playing field? Can these individuals and others step forward and engage in an open, competitive, and honest political process? When I was in Addis Ababa in March, I had 90 minutes with the Prime Minister and about 85 minutes of that were precisely on the state of democracy in Ethiopia. And he kept reiterating that we take this decision because it's in the interests of the people of Ethiopia. And I told him, it should be in the interests of all the people of Ethiopia, even those that are in prison and need to be let out. So we have to keep pressing, privately and publicly, in order to get the trajectory right in that country.

Senator BILL NELSON. If I were you, I'd raise some cane about this and I'd do it through our Ambassador. We have an excellent Ambassador there. He's a real pro.

Mr. LOWENKRON. He is.

Senator BILL NELSON. But you need to back him up.

Mr. LOWENKRON. Senator, I was told by a foreign official that unlike my colleagues who do economics or political/military officials, when I arrive in a country, the news is not good and my job is to raise cane and when I was in Ethiopia, I met with the families of those who were in prison. I met with organizations. I met with the media. It's part of my job and it is a bully pulpit that all of us

use—the Congress, every administration has to use. I cannot agree with you more.

Senator BILL NELSON. Well, I'd raise more than cane.

Mr. LOWENKRON. OK.

Senator BILL NELSON. Thank you.

Senator FEINGOLD. Thank you, Senator Nelson and I was in Ethiopia in December and met with the Prime Minister as well and I want to strongly agree with what Senator Nelson just said in his own style, that we cannot tolerate a country like that moving in the wrong direction, if they want to have the kind of relationship with us that they want to have and that we want to have with them. I just want to make sure the record is very clear. Despite the comments that I'm sure were appropriate with regard to the actions of the new leader of Nigeria, these elections were deeply flawed. There is a serious question of the legitimacy of those elections and of this administration and the chairman of this committee certainly is not giving a free pass of any kind nor am I sure—I'm also certain that Mr. Lowenkron is not either, that this does not erase the enormous failure of getting it right and there is much more to be said about the problems in Nigeria. I don't know what's more than raising cane, Senator Nelson, but I'd say whatever you can come up with, that's what needs to happen with regard to the Nigerian election. If there are no other questions for this panel, we will now thank the panel and move to the next panel.

Mr. LOWENKRON. Thank you.

Senator FEINGOLD. All right, we'll come to order. I was a little more generous with the time with the first panel but we are running short on time, so I'll ask that the second panel please keep their comments to under 5 minutes if they could and we'll put their full statements in the record.

Let us begin with the Honorable Princeton Lyman.

STATEMENT OF HON. PRINCETON N. LYMAN, ADJUNCT SENIOR FELLOW FOR AFRICA POLICY STUDIES, COUNCIL ON FOREIGN RELATIONS, WASHINGTON, DC

Mr. LYMAN. Thank you very much, Senator. Thank you for having this hearing. Thank you, Senator Lugar, very much. I will try to be brief because a lot of the issues have come up already.

I think this hearing is very timely because with developments in the Middle East and elsewhere, people are beginning to debate whether the support of democracy should be an objective of U.S. policy. I'd like to say at the beginning that I think in Africa, it's a terribly important objective and it's very important to all our objectives on the continent. The reason is that Africans are very much engaged in pursuit of democracy and open government. After a generation of disappointing political and economic developments, most Africans know that without a more open political system and better economic management, they are not going to be able to address the deep problems of poverty. Those two issues, democracy and development, are related. I want to come back to that in light of the discussion on the Millennium Challenge Account (MCA).

But let me just emphasize this point right up front, about the importance of African leadership. We talked a little bit earlier in the

hearing about South Africa and I am glad you recognized Senator Lugar's major role during that period. It was the South Africans who were in the lead in the negotiations. They were the ones who wanted to develop not only a peaceful transition but a democratic constitution. In that environment, the United States could play a very active role.

The United States, in fact, spent a lot of money during that period of transition. We spent tens of millions of dollars surrounding the process with all the support we could give it, with experts and training, in building capacity in civil society. When the election came along in 1994, Mr. Chairman, we spent $25 million in support of that election, in voter education and all other aspects of support. It was a worthwhile investment. South Africa is a strong and vibrant democracy today.

The United States has not made that kind of commitment elsewhere in Africa. Turning briefly to Nigeria, you have talked about the crushing disappointment when President Obasanjo who was so promising in the beginning of his administration oversaw an election in 2007 that was really a disgrace. What bothered the Nigerians, I think, more than anything, was the brazenness with which the rigging and other malpractices took place. Nigeria is right now no longer a paragon of democracy.

But if you look at U.S. support to the electoral process, and I have all due respect for all those in our administration who work hard on democracy issues, I think in all honesty, the administration, heavily engaged in Darfur and Somalia, took a relatively benign view of the developments in Nigeria. There was an attitude that, "Yes, there are a lot of problems there but the Nigerians will muddle through, nevertheless. There will be a lot of grumbling. People will be disappointed but things will go on."

Although one cannot say the United States could have changed the outcome, because there were a lot of reasons that President Obasanjo proceeded the way he did, I think we missed an opportunity. The administration had allocated only $15 million over 3 years for democratization programs in Nigeria. That was just not enough to make a dent in the situation. Even though our Ambassador and others spoke out on this issue, there was not a sufficiently strong commitment to engaging the Obasanjo government on the importance of elctoral reform and to helping improve the electoral preparations. Now we have an administration in Nigeria that has to prove its legitimacy and capability. In sum, I think we missed an opportunity.

There are other setbacks. Mr. Chairman, you mentioned Ethiopia and the problems in Ethiopia. Because of our engagement on Somalia and other counterterrorism policies in the region, and our dependence in this regard, if you will, on Ethiopia, I think our influence on those domestic issues is relatively limited. That is a very serious problem. There was an opening to democracy in Ethiopia in the elections of 2005. That opening could be closing. The question for the administration is how important is that democracy versus some of these other policies and programs in which we are engaged?

There are other countries that do not get enough attention that deserve our support during the period. I would mention Angola. If

I can put in a commercial there is a Council on Foreign Relations report that has recently been released on Angola. The report emphasizes how important it is for the United States to engage now with Angola as it moves out of civil war and toward, hopefully, more democratic government.

The DRC is another critically important country. The United States has not paid enough attention to that vastly important country. In addition to what the other witnesses have said about the election there, we should pay respect to the role of the United Nations in helping make that election possible. There was a tremendous job done by the United Nations during that period.

I want to come back just to this question of the relationship of democratization and development because the poverty issues are critical in Africa. I would support what Senator Sununu said about the Millennium Challenge Account. I recognize there have been a lot of problems getting that instrument up and running. But when you have countries moving into the right direction—Benin, Ghana, Mali, Tanzania, Mozambique, and many more—the degree of support from the donor community for those transitional countries with regard to economic development is going to make a difference in their ability to solidify the democratic process.

The Millennium Challenge Account is a unique instrument for exactly this purpose. It puts up a lot of money and it puts it up front and says it's guaranteed if the country follows through on its commitments. MCA grants are not tied to security or similar kinds of consideration. Thus they represent the best of American principles. I hope therefore we can continue to support the MCA. I hope the Congress will relook at the budget decisions being made on it because I think it is quite an important instrument.

In conclusion, the trend—and you have heard all the data—the trend in Africa is positive, probably more positive on the African Continent over 15 or 20 years than in any other continent. This despite the problems that still exist and the backsliding. There have been over 80 leadership elections since 1990. There are several countries where the opposition has won elections and taken control peacefully. Civil society is growing very strong in Africa. There are real partners there to work on. We need to support that and we need to support it with good, solid economic programs for those countries doing the right thing.

Finally, wherever we see a serious, serious challenge to that process, especially in countries as important as Nigeria or Angola and Ethiopia, we have to make clear that this is running counter to their interests and our own.

Thank you, Mr. Chairman.

[The prepared statement of Hon. Lyman follows:]

PREPARED STATEMENT OF PRINCETON N. LYMAN, ADJUNCT SENIOR FELLOW, COUNCIL ON FOREIGN RELATIONS, WASHINGTON, DC

Mr. Chairman, members of the committee, thank you for asking me to testify on this most important subject, the development of democracy in Africa.

This hearing is timely, because there is a growing debate in the United States about how and to what extent the United States should make the support of democracy a principal element of our foreign policy. Disappointment with the developments in the Middle East and elsewhere has raised doubts about this objective. I want to say at the outset that the support of democracy in Africa is not only important but justified by the desire and support for democracy by Africans themselves.

Africans, in Benin, Mali, South Africa, Zambia, Malawi, Kenya, Tanzania, the Democratic Republic of Congo, and other countries have advocated, demonstrated, sometimes risked, indeed often lost, their lives, and stood in long voting lines to establish democratic systems of government. These systems are not perfect, and there has been some serious backsliding in Africa. But the trend has been more consistent and impressive than in any other region. From 1960 to 1990, there were hardly any peaceful changes of leaders in Africa. Since 1990, there have been more than 80 leadership elections in more than 40 African countries, several instances of power passing to opposition parties, and only a handful of military coups, almost all of them quickly reversed. The Africa Union, the predecessor organization of which was once a clique of military or otherwise autocratic rulers, today will not seat a government that comes to power by nonconstitutional means and has intervened on several occasions to reverse coups and restore elected government.

This demand for democracy has been sustained because after a generation after independence of failed political and economic policies, most Africans came to the conclusion that only an open political system, and a free market economic system, can generate the growth necessary to overcome Africa's deep problems of poverty. Thus support for democracy goes hand in hand with programs to address Africa's poverty. That should be an important element in United States policy.

I stress the importance of Africans' own commitment to democracy. In South Africa, the negotiations to end apartheid, and to establish one of the strongest and most democratic constitutions anywhere in the world, was led throughout by South Africans. In that environment, the United States was able to play an important supportive role, and a most active one. Because the process was fragile, and subject to continuing violence, it was important to take every possible opportunity to strengthen it. Thus the United States spent tens of millions of dollars in the period of 1990–94 to strengthen civil society, to provide expertise to the negotiators on every aspect of constitutional debate—e.g., federalism, fiscal management, affirmative action—to support conflict resolution programs being run by South Africans throughout the country, and to train the new leadership. In support of the 1994 election alone, the United States spent $25 million on voter education and related support. It was a worthwhile investment. South Africa remains a vibrant and strong democracy. Unfortunately, we have not made a similar commitment elsewhere.

Nigeria is Africa's most populous country and with South Africa a bellwether of Africa's movement to democracy and good governance. Nigeria has been under military rule for most of its independence. Twice civilian government was snuffed out by military coups. But in 1999, military rule ended with the election of Olusegun Obasanjo, and a process of true civilianization of leadership has since been under way. Nigeria's transition to democracy is especially important. Together with South Africa's Thabo Mbeki, President Obasanjo helped fashion the commitment to democracy by the African Union and the principles of good governance and human rights embodied in the New Partnership for African Development (NEPAD) that the AU has adopted. Obasanjo personally intervened in Guinea-Bissau, Togo, Mauritania, and Sao Tome and Principe to reverse coups or threats to elected government. It was thus a crushing disappointment when his government failed to assure a credible or even reasonably fair election in 2007 to select his successor. There were plenty of warning signs. The so-called Independent Election Commission was neither independent nor competent. Preparations were woefully inadequate. A fierce dispute between Obasanjo and his Vice President roiled the political process and upset the election preparations. What perhaps most discouraged Nigerian and international observers was the brazenness with which rigging, intimidation, ballot stuffing, and outright fraud took place during the election itself. Nigeria went from being a paragon of the democratization process to being an uncertain political entity.

It is not certain that external activity could have changed this outcome. Nigeria was flush with oil money and not in need of foreign aid. Obasanjo was absolutely determined, at virtually any cost, to be sure that his political rivals would not take power and, therefore, relatively immune to pleas about the election disaster that was looming. Nevertheless, it is fair to say that the Bush administration, heavily engaged in the crisis in Somalia and the ongoing humanitarian situation in Dafur, took a relatively benign position with regard to the impending election in Nigeria. There was a feeling that Nigeria, with all the problems ahead, would "muddle through," that Nigerians would grumble, demand better elections next time, but that there would be no major crisis afterward. By contrast to the $25 million the United States spent in support of the 1994 election in South Africa, the administration provided only $15 million over 3 years for democratization programs in Nigeria. Despite the growing electoral crisis that was developing in 2006–2007, the administration did not increase this level. Civil society and other democracy advocates in Nigeria could have used much more support.

Nigeria is not falling apart. And the newly elected President, Umaru Yar'Adua, has made some good moves in reaching out to the opposition and addressing the insurgencies in the oil-producing delta region. But Nigeria as a force for democracy has been weakened. Nor is it yet clear that this new leadership will have the legitimacy and support necessary to carry out badly needed reforms in Nigeria nor the ability to cut through entrenched interests and bureaucracies to make the desperately needed investments in power and other infrastructure that would keep Nigeria from slipping further into unemployment and poverty. The United States can now ask for some signs of good governance, electoral reform, and sound economic management as benchmarks for future cooperation. But the United States missed an opportunity to speak out strongly and with conviction on democracy when it was being bruised so badly in such an important country.

The United States faces an even more difficult situation in Ethiopia. This country, with such a sad history of brutal dictatorship, war, and poverty, had a brief window of opportunity for democratization in the elections of 2005. The opposition did very well, adding substantially to seats in the Assembly. But the results were hotly contested by the opposition which insisted that it had, in fact, won the election. Demonstrations grew violent and many demonstrators were killed. The Ethiopian Government arrested 38 opposition leaders and is now threatening to execute them. In the context of the Somalia situation, and Ethiopia's central role in United States counterterrorism policy in the Horn, U.S. influence on the domestic political situation in Ethiopia is very small. What seemed like a democratic opening in one of Africa's most important countries, the home of the Africa Union, seems thus to be rapidly closing.

These disappointments, and others in Zimbabwe and Uganda, should nevertheless not deter us from support for democratization across the continent. The trend is basically in favor of democracy. Civil society is vibrant, and growing stronger each year. But much support is needed to move beyond elections to true democratic transformation. Parties are weak, the press is in need of training and legal protection, judiciaries need to be strengthened, and electoral systems improved. In sum, there is much to do. But there are allies in Africa for doing so.

The connection to our other major objective in Africa, overcoming poverty, is also clear. Without question autocratic governments in Africa have almost all failed economically. When the donor community acts in concert with African democratic movements and economic reform, the results can be dramatic. Benin, which sent the first shock waves of democratic revolt through Africa in 1990, benefited from a conjunction of political reform and strong donor economic support to establish a solid democracy. Ghana is doing the same, as can Mali, Mozambique, and other African countries.

For this reason, I would stress that in addition to programs directed specifically to democracy, the United States maintain a strong economic support program for democratizing and reforming countries. In this regard, I urge the Congress to rethink its negative attitude toward the Millennium Challenge Account (MCC), threatening to cut the President's FY 2008 request in half. It may be that in oil rich countries like Nigeria and Angola, or in countries embroiled in counterterrorism programs, this instrument is not relevant. But in democratizing countries like Ghana, Benin, Mali, Mozambique, Tanzania, Kenya, and potentially many others, the availability of truly substantial economic support can enable democratic administrations to demonstrate real economic progress and thereby solidify public support. The MCC is an exceptional instrument, more potent in many ways than the sums for democratization alone, and far beyond normal aid levels. Not encumbered with security considerations, and linked to political and economic reform, it represents the best of American intentions and principles. We should capitalize on it as one of the strongest instruments in support of democracy.

In countries not appropriate for the MCC, we need different instruments. I would call your attention to a recent report by the Council on Foreign Relations on Angola. Angola, a major oil producer, has emerged from decades of civil war with the potential to become both economically strong and a force for stability in the region. But the prospects for steadily more open and democratic governance are uncertain, yet critical to Angola's long-term stability. The report calls for a mix of public and private efforts by the United States to help steer that country through the post-war period and toward a more democratic governing system. The DRC represents another special challenge, being at the very center of Africa and drawing the interests and involvement of all its neighbors. Years of civil war have taken a devastating toll, causing over 4 million deaths.

Yet, against all the odds, the DRC has just come through a peaceful and credible election, thanks to strong U.N. leadership and the determination of the Congolese people. This most fragile movement toward democracy, in a country of vast economic

and political importance, and extraordinarily complex internal challenges, deserves special attention. Investing in the stability and steadily improved governance of the DRC should be among the U.S.'s highest priority. I am pleased that the Secretary of State has put the DRC on her itinerary for her upcoming Africa visit. Up to now the DRC has not commanded nearly the attention in the United States that it deserves.

In summary, Mr. Chairman, Africa is perhaps the best region for the United States to pursue its freedom agenda, its commitment to democracy. Public support in Africa is strong, the trends are positive, the opportunities great. So too are the challenges. While the administration has put democracy as one of its priorities in Africa, and dedicated certain amounts to that cause, the vast bulk of United States funding for democracy goes elsewhere. In FY 2005 USAID democratization programs in Africa did reach $138 million, with another $66 million for democratization within five MCC grants. Nevertheless, given the number of countries in Africa, and the opportunities, the United States could well dedicate much more to this cause in Africa. It would reap results. There also needs to be more response capacity, i.e., to increase resources when critical situations arise. We should also be prepared to provide substantial economic support when the conditions are right. And wherever in Africa, we should not let another situation like that in Nigeria in 2007 develop without a stronger reaction and a more vigorous preventive effort.

Senator FEINGOLD. Thank you, Mr. Ambassador. You've been a tremendous resource in the 15 years that I've been on this committee and I appreciate it.

Mr. Albin-Lackey.

STATEMENT OF CHRISTOPHER ALBIN-LACKEY, NIGERIA RESEARCHER, HUMAN RIGHTS WATCH, WASHINGTON, DC

Mr. ALBIN-LACKEY. Thank you. I'm going to focus my remarks mainly on Ethiopia and Nigeria because I think that both of those countries provide a very stark example of a basic failing of U.S. policy toward many different African countries and that is that while the United States has consistently shown itself to be a very willing and helpful partner in engaging with African governments that are interested in promoting democracy and human rights, there is often not nearly as good a job done of designing constructive ways to deal with governments that stand as obstacles to promoting those objectives.

Both Nigeria and Ethiopia are very good examples of that problem. I think there are three basic areas where things could be approached differently in ways that would make a very dramatic difference and are completely feasible.

First, the administration should focus more deeply on engaging with underlying human rights issues as opposed to dramatic one-time events, including elections, which cannot, by themselves, ever equate to democracy. In Nigeria's case, the disastrous April elections were not just an anomaly, they were a reflection of a broader crisis in governance in that country. Irresponsible, corrupt, and abusive leaders have been thrown up at all levels of government by fraudulent elections in 1999, in 2003, and now in 2007. That has crippled the capacity of government to deal with serious underlying problems and to improve upon respect for basic human rights.

It's also worth pointing out that the problem in Nigeria that tends to get the most international attention, the crisis in the Niger Delta, also has its roots in this very same crisis of governance. Many of the militants and criminal armed gangs in the Delta that are responsible for the wave of kidnappings and other acts of violence, got their start as gangs who were funded by politicians seeking to rig themselves into office during the 2003 elections. All

of those politicians have escaped with complete impunity, even as the details of their involvement with these groups have become very well known over the past 4 years.

In the case of Ethiopia, the government's crackdown on leaders of the opposition has received a great deal of international attention but again, that isn't an anomaly. In fact, Ethiopia is governed in a way that is characterized by patterns of repression, harassment of the opposition, many cases of arbitrary detention, and torture. This is especially true in rural areas and it exists at a level that's so pervasive that many Ethiopians' day-to-day experience with government is such that political activity or political speech is simply not possible. In fact, what was unusual about Ethiopia's elections was not the harsh response of the government to protests in the wake of the polls but rather, the limited opening—in terms of time and in terms of scope—that appeared before those elections. What's going on with the trial of opposition leaders is, in fact, much more connected to the basic reality of governance in that country than anything else.

It's also very important that the United States display greater willingness than it has done in leveling forthright public criticism and finding ways to mobilize other forms of pressure against governments like Nigeria's and Ethiopia's that show willingness to disregard basic human rights and a disinterest in promoting democracy and better governance.

One of the earlier panelists said that our message to the Nigerian Government in the runup to the elections was that they had a historic opportunity and that our message after the elections was that they—the government—had missed that opportunity. But I think the basic problem with that approach is that the Nigerian Government didn't miss an opportunity so much as perceive a very different kind of opportunity sitting before it. Many people in Nigeria's ruling party saw an opportunity to run roughshod over Nigeria's own constitution to derail its electoral process and to expect that they could do so free of any meaningful international criticism or response. Unfortunately, given the muted nature of not just the United States but the response of other key allies of Nigeria as well, they have thus far largely been proven right in that very cynical assumption.

This problem is perhaps even more apparent in Ethiopia, where the administration has been unwilling to criticize patterns of human rights abuse, including Ethiopia's systematic and indiscriminate bombardment of civilians in Mogadishu, which caused up to 400,000 people to flee that city in a matter of weeks this spring—and this was after the administration's tacit encouragement helped propel Ethiopia to invade that country to begin with.

I'm running out of time so I'll just close by also saying that even where the administration has urged improvement in human rights, it's often the case that standards are set far lower than they should be. Many of the governments that we're discussing often complain about setting unrealistic expectations but in fact, those criticisms are exaggerated. Nigeria can't be expected to stamp out corruption and Ethiopia can't necessarily be expected to become a perfectly functioning, multiparty democracy overnight. But it's certainly not out of line to demand that Ethiopia refrain from imprisoning the

leaders of its opposition or suppressing dissent or massacring its own civilian populations and it's not unrealistic to demand that Nigeria refrain from subverting its own law enforcement agencies and electoral institutions to prevent free and fair elections from happening or to hold those responsible accountable.

Thank you again for the opportunity to speak. I'm sorry for running over.

[The prepared statement of Mr. Albin-Lackey follows:]

PREPARED STATEMENT OF CHRISTOPHER ALBIN-LACKEY, NIGERIA RESEARCHER, HUMAN RIGHTS WATCH, WASHINGTON, DC

Thank you, Chairman Feingold, and members of the committee, for inviting Human Rights Watch to participate in this hearing. My name is Chris Albin-Lackey and I am a senior researcher with the Africa Division of Human Rights Watch. For the past 2 years, I have worked documenting Nigeria's deplorable human rights record across a range of issues. I was in Nigeria before, during, and after April's general elections. Previously, I covered Ethiopia for Human Rights Watch, including during the runup to its May 2005 elections.

This hearing could not be timelier, and Nigeria and Ethiopia both stand as clear examples of the reasons why. The course of events in both countries today has laid bare some basic failings of U.S. policy toward Africa. Nigeria's failed elections in April were a terrible setback for hopes of democratic reform—and a stark reminder of the disastrous state of governance in that country. The Ethiopian Government's deplorable human rights record has now manifested itself in military atrocities against its own people in Somali region and against Somali civilians in Mogadishu. In both cases, the administration's uncritical acceptance of systemic human rights abuses has weakened rather than strengthened the incentives for reform.

There is no reason why these failed policies cannot be changed in a way that would allow Washington to play a more constructive role in promoting human rights and democracy in Nigeria, Ethiopia, and elsewhere across the continent. Doing so would require a deeper engagement with underlying human rights issues—and a realization that the mere act of holding elections does not by itself lead to either respect for human rights or genuine democracy. It would also require a shift away from policies that have seen the United States avoid opportunities to level forthright public and private criticism, and in some cases targeted diplomatic pressure, around human rights issues. And finally, the administration must abandon a tendency to set standards so low that governments can meet them without respecting their basic human rights obligations at all.

NIGERIA'S 2007 ELECTIONS

Nigeria's rigged April polls were not unique—all of Nigeria's elections since the end of military rule in 1999 have been marred by widespread fraud and violence. But this year's elections were particularly shocking because they were brazenly stolen with the collusion of the very government institutions charged with ensuring their credibility, including Nigeria's electoral commission and police force.

Many Nigerians were cynical about the government's intentions long before the elections were held, arguing they had been "programmed to fail" from their inception. They felt the process was more "selection" than "election." Nonetheless, many of the Nigerians with whom I have spoken were truly dismayed at how insulting and hollow the voting process was in the end.

Another Human Rights Watch researcher and I spent the better part of February through April in Nigeria and observed the gubernatorial and Presidential polls in four states. We witnessed ballot boxes stuffed in plain view; gangs of ruling party toughs interfering with vote collation; voters chased away from their polling units by gangs armed with cudgels; legions of small children casting ballots; and myriad other abuses. These observations mirrored those reported by other international and domestic observers.

The real tragedy of the elections was best symbolized by the futile courage many Nigerian voters, police officers, and others displayed in trying to salvage the process. At one polling station in Katsina State, I watched a large group of voters hold their places in line even after becoming enveloped in a cloud of tear gas. Policemen had misfired a gas canister aimed at a gang of thugs menacing the polling station and the voters continued to stand in line even though finding it difficult to breathe or open their eyes.

At another polling station, a frantic police officer pulled me aside to tell me that the government was stealing the election and to ask if there was anything that could be done to stop it. And an election observer in Rivers State told me that a group of ruling party thugs had come to her polling station, chased away everyone waiting in line, and demanded that the young man in charge hand over the ballots. When he refused, the thugs locked him and the ballots in the trunk of their car and drove away laughing as he screamed in panic.

Elsewhere the elections simply did not take place. In Rivers, groups of would-be voters sat outside all day at their designated polling centers, waiting despondently for ballot materials and polling officials to arrive. Unfortunately they never did. The next weekend in a town called Dutsi in Katsina State, I spent hours trying to track down electoral officials because all the ballot papers had disappeared. In the end, it turned out that large quantities of ballot materials had been diverted to the home of the local government chairman. Elsewhere, ballot boxes had been stuffed and votes counted hours before the polls were scheduled to close. The official results reported an overwhelming majority for the PDP even in places where voting did not take place at all.

Overall, the elections period was extraordinarily violent, claiming an estimated 300 lives between the campaigns and 2 days of actual voting. Throughout much of the country, gangs of thugs—sponsored by local politicians—attacked polling stations, sending voters fleeing as they carted off ballot materials. Sometimes, they simply sat alongside the road stuffing ballot boxes in clear view of passers-by. In Gombe State, my colleague interviewed a young man who was attacked with machetes and left for dead by PDP thugs who suspected that he was trying to persuade his elderly grandmother to vote for the opposition. And in Oyo State, voters were held hostage to the whims of a notorious political "godfather" who openly sponsored armed gangs to roam the streets attacking opponents of the ruling party and its candidates.

The United States Government Reaction

In the wake of Nigeria's April polls, the State Department issued a statement that expressed "regret" at the conduct of Nigeria's April elections and also reaffirmed the administration's eagerness to build upon its "excellent bilateral relations" with Abuja and to work with the Nigerian Government to improve the conduct of future elections. This would have been an appropriate reaction if Nigeria's April polls had merely been "flawed." But in fact the conduct of the polls displayed a determination on the part of Nigeria's ruling party not to allow Nigerians any real say in choosing their next President. This in turn leaves little hope for real democratization, accountable governance, or greater respect for human rights.

The administration's expressions of concern over April's open display of contempt for democratic principles have been so timid that Nigeria's new government will see no reason to take them seriously. That reaction seemed to express the very low expectations the administration placed upon the elections in the first place; many diplomats with whom I spoke in Abuja were privately deriding the process as an "election like event" months before the first ballot was cast. If anything, the message sent by the administration's response is that countries like Nigeria can avoid international criticism simply by going through the motions of holding periodic sham elections.

These disturbing events should concern the administration enough to formulate a more robust and effective response than it has previously. One in seven Africans is a Nigerian; it is not possible to talk of promoting democracy and human rights in Africa and ignore Nigeria. Further, the lack of any meaningful international reaction to Abuja's open abandonment of democratic principles threatens to resonate far beyond Nigeria's borders.

MOVING FORWARD: LESSONS FROM CURRENT FAILURES

Rhetorically, support for human rights and good governance is a central component of U.S. policy in Africa. Too often, however, the administration's efforts to promote democracy and accountable governance have proven scattered, inconsistent, and unnecessarily timid. The U.S. Government has consistently proven itself a willing and helpful partner to African governments that are genuinely interested in the promotion and protection of democracy and human rights. But the administration has not succeeded in dealing with governments that display a palpable hostility toward suggestions of greater political openness or respect for the rights of their citizens to participate in politics. Washington could begin to address that failing, and have a more positive impact across the continent, by focusing on three distinct policy goals:

(1) A Sustained Focus on Broader Human Rights and Governance Issues

Too often, U.S. policy has eschewed complex and sustained engagement with deeper processes of reform and democratization in favor of a simpler but ineffective focus on dramatic one-time events such as elections. It has also placed too much emphasis on maintaining good relationships with often-abusive African heads of state while glossing over systemic problems that run far deeper than any one individual. In some cases, policymakers give the impression that this is due to resource constraints precluding the development and implementation of more holistic policies. The end result is shallow policies that simply do not work.

In Nigeria's case, April's disastrous elections were largely a reflection of a broader crisis in governance that has originated from rampant corruption, human rights abuses, and a basic lack of accountability on the part of government at all levels. Nigeria's overall human rights record remains deplorable. Corruption has hobbled the capacity of government to spur progress despite booming oil revenues. Nigeria's police engage routinely in extortion and torture of criminal suspects and ordinary civilians. Politicians foment political and ethnic violence with complete impunity, recruiting armed gangs themselves or turning religious and ethnic divisions to their political advantage.

From 1999 until Nigeria's April elections, U.S. policy focused on encouraging improvement in Nigeria's electoral processes and expressing support for President Olusegun Obasanjo, partly on the basis of his perceived commitment to reform and democratization. The current administration did not condemn underlying patterns of human rights abuse and corruption. Instead, it essentially treated widespread patterns of human rights abuse and corruption as, in the words of one U.S. diplomat in Abuja, "bumps along the road" to progress instead of what they actually were: Evidence of deep, systemic problems that the Nigerian Government was doing nothing to resolve. The dividends of that approach were on display last April as Nigeria's Government made a mockery of its own pretenses to democratic governance through its brazenly rigged elections.

A similar approach and corresponding results have occurred in Ethiopia. Ethiopia's Government is one of the most repressive in Africa. The Ethiopian military has been responsible for crimes against humanity in Gambella region and is committing serious abuses in neighboring Somalia and its own Somali region. Security forces routinely subject suspected government opponents to harassment, arbitrary detention, torture and in some cases, extrajudicial execution. Local officials, especially in rural areas, subject Ethiopians to surveillance and impose a climate of fear and intimidation that discourages free speech of any kind, much less active participation in politics. Neither the administration nor any other foreign partner of Ethiopia has engaged robustly with those issues in the years since the current government came to power. This partly due to a feeling that Prime Minister Meles Zenawi was a reformer and a reliable international partner in spite of his government's record on the ground.

(2) Criticism, Confrontation, and Pressure

The United States should display a greater willingness to publicly criticize abusive governments in Africa and mobilize other forms of leverage to create pressure for reform. There is never any "magic bullet" in Washington's arsenal, but strong public and private criticism of serious human rights abuses can lend momentum and credibility to the efforts of domestic reformers and human rights defenders. And Washington does have more tangible forms of leverage over many African governments, such as the power to condition military aid on meaningful human rights improvements. But these tools are often not deployed and in some cases the administration's refusal to defend human rights principles, even rhetorically, has reached harmful extremes.

Again, Nigeria and Ethiopia are good examples of the scale and importance of the problem. Washington has often treated these governments as reliable partners in the promotion of human rights and democracy rather than determined impediments. Not only has this policy failed, but it has also emboldened leaders who have shown a willingness to undermine basic human rights.

The administration is in no way to blame for the failure of Nigeria's 2007 electoral process, but its refusal level meaningful criticism against Nigeria's corrupt, abusive, and unaccountable government sent the wrong signals. The administration reacted to rigged and violent elections in 1999 and 2003 with uncritical acceptance. It also failed to urge in forceful terms that the 2007 elections be more credible than its predecessors.

The administration's acquiescence regarding the rigged elections of years past is likely connected to the open and shameless manner in which the 2007 elections were stolen. Fearing no criticism from Washington or other key allies, the Nigerian

authorities made little pretense even of concealing the deed. Worse, Nigeria was proven right in its cynical assumptions about the level of U.S. interest in free and fair elections; the administration issued only muted criticism following the 2007 debacle. The U.S. Government has also not applied any significant pressure on the new administration of President Yar'Adua to ensure accountability for past abuses or prevent similar ones from occurring in the future.

The U.S. Government has also not subjected Nigeria's Government to meaningful criticism about more systemic patterns of human rights abuse since the end of military rule in 1999. To name just a few of the most glaring examples: Since 1999, the Nigerian military has burned several communities to the ground and murdered several hundred Nigerian civilians. The Nigerian police routinely indulge in the practice of torture and extortion. And Government corruption has actively fueled conflict in the Niger Delta because federal authorities turned a blind eye to the efforts of Delta politicians to arm criminal gangs to help them rig the 2003 elections. None of these abuses has triggered any significant public criticism or other action on the part of the U.S. Government.

Policies marked by an even greater unwillingness to level criticism or apply diplomatic pressure have equally failed to yield positive results in Ethiopia. The United States and other partners of Ethiopia have not publicly called upon the Ethiopian Government to reverse and remedy systematic patterns of repression. Ethiopia held elections in 2005 that were eagerly embraced by the administration as a sign of progress in spite of overwhelming evidence that patterns of intimidation, harassment, and violence had made political activity impossible across much of the country. This spring, Ethiopia's systematic and indiscriminate bombardment of Mogadishu, which caused up to 400,000 people to flee the city in a matter of weeks, failed to generate any condemnation from Washington—and this after the administration's tacit support helped propel Ethiopia toward its decision to invade the country. Just last week, after the administration was presented with news that Ethiopia's Government would seek to impose death sentences on Ethiopia's most prominent opposition leaders, it only went so far as to express its "surprise" at the news.

The Arguments Against Speaking Out

Some U.S. officials argue that criticism and attempts at deploying leverage are certain to prove ineffective at mobilizing change. But those sentiments are exaggerated. Washington may not have the power to bring about change on its own in most countries but it can often lend more significant momentum to reform than any other single actor. Just as importantly, the administration's greater willingness to speak out publicly on human rights issues and use what leverage is available to advance human rights principles will lend greater credibility to U.S. policies across the continent.

The United States is Ethiopia's largest bilateral donor of aid that includes substantial IMET and FMF military assistance. Washington is also a key international ally of both Ethiopia and Nigeria. This does not mean that the United States can or should dictate policy to either country, but it does guarantee that its opinion will be taken seriously and that public criticism could lend moral support to individuals and groups working for positive change within those countries.

By the same token, U.S. silence on human rights issues often undermines the prospects for change by demoralizing domestic activists. Many Nigerians were dismayed at the lack of any appreciable U.S. reaction to the stolen April polls. Ethiopians hoping for greater freedoms will not be encouraged by the fact that the United States will not even publicly condemn Addis Ababa's stated goal of executing its most prominent opposition leaders on trumped-up charges.

In some cases U.S. officials have also argued against applying targeted diplomatic pressure or criticism against governments like Ethiopia and Nigeria because of a fear of damaging relations or "isolating" those countries. Ethiopia is regarded as a key regional ally in the global war on terror, while Nigeria is an increasingly important source of oil, as well as a partner in regional diplomacy and peacekeeping efforts.

It is certainly true that the United States relationship with countries like Ethiopia and Nigeria involves real and important interests beyond the promotion of human rights. But it is not true that the only alternative to the status quo is "isolation" or a complete and sudden breakdown in bilateral relations. Too often it appears that such fears are reflexively trotted out as a boogieman to justify an indefensible policy of doing and saying nothing. And in some cases the situation is even worse than this; Ethiopia is a good example. Because the administration supported Ethiopia's invasion of Somalia, its uncritical acceptance of the brutal ongoing military crackdown on civilian populations in the Ogaden and of abuses in Mogadishu appears to place Washington squarely on the side of a brutally oppressive govern-

ment. This in a part of the world the administration already worries may emerge as a stronghold for terrorist organizations hostile to the United States.

(3) Higher Standards

When Washington does express concern to abusive and unaccountable African regimes about their human rights records, the bar is often set so disappointingly low that intransigent regimes can clear those hurdles without registering any meaningful progress at all. President Bush has decried what he calls a "soft bigotry of low expectations" at home in U.S. education policy, but this phrase is an apt description of the administration's policies toward key African partners regarding human rights.

Again, Ethiopia and Nigeria each offer a case in point. Officials within both governments have argued that human rights criticisms of their administrations are based on unrealistic and undeliverable expectations—that countries require time to adopt human rights and governance practices akin to what Western critics can expect in their own countries.

Such criticisms lack merit. It may be unrealistic to insist that Ethiopia's Government transform itself into a functioning multiparty democracy overnight. It is not out of line, however, to demand that the Ethiopian military stop staging attacks against civilian populations in Gambella and in the Ogaden, or that Addis Ababa refrain from executing the leaders of its opposition.

Likewise, it may be unrealistic to call upon Nigeria to stamp out corruption and poor governance with a stroke of the pen. But it is not unrealistic to demand that politicians who openly recruit and arm criminal gangs for the purpose of rigging elections be held to account for the resulting abuses. Nor is it unrealistic to demand that Nigeria's Federal Government refrain from manipulating its own law enforcement agencies and electoral institutions for the express purpose of ensuring that free and fair elections do not take place.

COUNTRY-SPECIFIC RECOMMENDATIONS

There are some obvious first steps the administration could take in improving the promotion of human rights in both Nigeria and Ethiopia:

Nigeria: Nigeria's new government came to power in elections that made a mockery of the democratic process. The administration should strongly urge Abuja to undertake urgent reforms with a goal of making government more accountable and to avoid a similar debacle in 2011. That task is formidable but there are some obvious starting places. The administration should publicly and privately urge the Yar'Adua government to:

- Reform its electoral commission to make it more transparent, inclusive, and independent.
- Act to restore credibility to its Economic and Financial Crimes Commission (EFCC), whose reputation was badly tarnished by its harassment of the President's political opposition before the 2007 elections. Nigeria should also conduct transparent and far-reaching inquiries into allegations of corruption leveled against former Governors by the EFCC that were allowed to drop. Where allegations have sufficient substance, they should result in prosecution.
- Conduct a transparent investigation into allegations of election-related corruption and improper political manipulation involving the upper echelons of its police force and electoral commission.
- Secure passage of Nigeria's long-delayed Freedom of Information law, a key piece of legislation that could tear away the cloak of secrecy that conceals the shameful details of many government abuses. The bill was effectively vetoed by President Obasanjo during his last days in office.

The United States does not have substantial economic leverage over the Nigerian Government. Nigeria does however value its place as a respected member of the international community. The realization that the government's corrupt and abusive behavior at home could impact its standing around the world will matter in Abuja. Until Nigeria demonstrates a serious commitment to reform by at least beginning to make tangible efforts at fundamental reform like those listed above, there should be no bilateral meetings between Presidents Bush and Yar'Adua, and relations overall should not be as warm as they have been since 1999.

Ethiopia: The administration should abandon its current policy of what amounts to a kind of "quiet diplomacy" on human rights issues, which has yielded no tangible dividends. Instead the administration should:

- Ensure that the provisions of the "Leahy Law" are fully adhered to, by verifying that no U.S. military assistance to Ethiopia is benefiting military units that violate human rights with impunity.

- Demand that Ethiopia not pursue the death penalty against opposition leaders and activists convicted of undermining Ethiopia's Constitution, and insist that the rights of all detainees to due process be respected.
- Publicly call for investigations into and accountability for ongoing human rights abuses committed by the Ethiopian military in Somali region and Somalia, as well as past abuses in Gambella.
- Publicly call upon Ethiopia to end systemic patterns of political repression including harassment, arbitrary detention, and torture of suspected government opponents.

The United States must also abandon its practice of cooperating with the Ethiopian Government in secret renditions of people fleeing the conflict in Somalia and call on the Ethiopian Government to acknowledge the real number of detainees and permit access to these individuals by independent international monitors. No U.S. message about human rights abuses in Ethiopia will be taken seriously so long as the administration is also asking Ethiopia to cooperate in the illegal detention and abusive interrogation of terrorism suspects.

CONCLUSION

Nigeria and Ethiopia represent two very different contexts where the same set of administration policies has failed to promote human rights and genuine democracy. Abusive, corrupt, and authoritarian governments there and in other parts of Africa will only be emboldened if these policies are continued. Washington does possess the means to play a more positive and prominent role in advocating and advancing democratic reform and respect for human rights across the continent. If the administration begins to speak out about on-going abuses, insist on higher standards of respect for human rights, and engage more deeply with the broader human rights issues instead of just elections, there is a real opportunity to play a central role in bringing about change. And if the administration did take that stand, it could set an example that other key countries in Europe and elsewhere could follow in reforming their own equally flawed policies.

Senator FEINGOLD. Well, I appreciate your comments and let me just say again, with regard to Nigeria, that our administration's efforts, both prior to the election and after the election, were not absent but they were insufficient with regard to warning Nigeria about what these elections had to look like and with regard to the disastrous results of the election. So I think your comments are right on target.

With regard to Ethiopia, when I met with Prime Minister Meles, I strongly urged him not to invade Somalia in the way he did, and he has now admitted that it was a mistake, publicly and frankly. At least parts of our government did not seem to be sufficiently discouraging him. So there is a real disconnect between what's happening on the ground and what we—those of us on this committee—can see happening and what the administration is doing, and somehow this government has to come together with regard to these issues and put the proper pressure where it needs to be.

So I appreciate your comments very much and of course, the chairman had to leave in order to meet with the Secretary General of the United Nations, so I appreciate his attendance.

The next witness is Ms. Akwe Amosu.

STATEMENT OF AKWE AMOSU, SENIOR POLICY ANALYST FOR AFRICA, OPEN SOCIETY INSTITUTE, WASHINGTON, DC

Ms. AMOSU. Thank you very much. We very much appreciate the opportunity to testify today and I'd like to request that my full written statement is made a part of the record.

In that statement, I have given our views at length on the course of democratization in Africa over the past two decades and made suggestions for how we think the United States can reduce con-

tradictions in its Africa policy and strengthen its support for democracy and human rights.

But I'm going to, because of pressure of time, restrict my remarks to Zimbabwe right now and talk about ways that I think the United States can help to bring about a positive outcome to the crisis.

As you know, they are due for a Presidential election in March 2008 and the mediation effort is being led by South African President Thabo Mbeki on behalf of SADC and the objective of that mediation, I would say, is to try and get to the point where the opposition MDC, it's two factions, can agree sufficiently to participate in a contest and agree on the outcome.

The problem is that as that mediation continues, the government is attempting to reshape the political landscape through legislation by changing the number of parliamentary seats and changing the electoral rule. Also, a violent campaign of arbitrary arrests and torture is continuing, being waged by security forces against the MDC and civil society activists, which also makes it very difficult for the opposition or the civil society groups to respond to the mediation process.

Then, of course, and this is dominant in everybody's mind, the economic situation is spiraling downward. We have seen that the government's response to that is to print more money and launch predatory attacks on the private sector. The speed of deterioration is so great that even cautious observers are speculating that the regime is unlikely to last another year and some would say even as soon as Christmas.

Whenever there is finally a collapse or a crunch, the people who are trying to manage this crisis, I think, are trying to achieve a number of objectives. First of all, to try and achieve as smooth a departure from power as possible for Robert Mugabe and to replace him with a team, an administration that is motivated to restore order and stabilize the political environment.

Second, to negotiate an agreement with international donors, a financial package that can fund economic stabilization, manage the hyperinflation and restore bank and investor confidence. Third, to depoliticize and reprofessionalize the security forces and the ZANU–PF militias, that are so key to President Mugabe's control of the present situation. Fourth, to repeal the repressive laws that make free association and open contestation and political life impossible, and fifth, to try and attract home the many hundreds of thousands of Zimbabweans, particularly the middle classes so that they can help rebuild.

It's important to say that President Mugabe has been very successful at playing the race card throughout this period and that that has made international engagement much more complicated. I'd say that even his neighbors are nervous about being accused of being puppets of Western imperialism and, therefore, have not been nearly as critical as they could have been. But it does seem to be extremely important that the world should not be intimidated by that. No nation that wishes to speak up in defense of human rights should be intimidated from doing so and in that regard, the United States, which is one of the primary butts of Mugabe's rhet-

oric, should not lie low as is so often recommended and was alluded to earlier.

The civil society organizations that we work with have repeatedly pointed out to us that Ambassador Dell's loud critique of what is happening has been absolutely vital in protecting the safety of many of the individuals who have been targeted by the Security Forces and so we would strongly recommend that this continue.

We also hear from our civil society partners on the ground that they believe that the U.S. support for democracy and human rights groups on the ground is very, very important. They want it to continue and indeed, to increase. They feel very embattled and as the months go by, they become more embattled.

We see two scenarios ahead. One is that there is an economic collapse before the mediation is able to accomplish anything. In that situation, we—although obviously suffering on the ground will increase, on the other hand, I think it will open opportunities to find individuals and previous loyalists who are willing to enter negotiations and in the meantime, we don't think that the United States should accede to the demand that they lift sanctions and indeed, we would like to see the United States continue its international advocacy, particularly with the EU, ahead of the summit in December, to get everybody to hold the line on Zimbabwe.

The other side—the other scenario, is that the mediation proceeds and that there is an agreement before an economic implosion. I think on that front, our alarm would be that a quick fix solution is what is agreed between the opposition politicians and ZANU–PF government and it's extremely important, we believe, that there should be a thorough going transformation. This isn't just about moving the deck chairs on the Titanic. This is about trying to reorganize the political space so that all, particularly the nongovernmental actors, feel that they are operating freely and able to pursue free association. From that point of view, we feel strongly that it's important for the United States and other international partners to make that point to the South Africans and to the people in the region.

I know I've run out of time but one final point; I think for the United States, one very major contribution that can be made is to help donors put together the economic package that will be so critical to managing a smooth transition out of this crisis. That particularly requires that countries that have previously supported Zimbabwe, like China, should be integrated into that package so there are not alternative channels through which the ZANU–PF government can find ways to avoid complying with the international will and managing a safe transition out.

Thank you very much.

[The prepared statement of Ms. Amosu follows:]

PREPARED STATEMENT OF AKWE AMOSU, SENIOR POLICY ANALYST, OPEN SOCIETY INSTITUTE, WASHINGTON, DC

INTRODUCTION

My name is Akwe Amosu and I am a senior policy analyst at the Washington office of the Open Society Institute. I work across a range of African issues and bring to my job a history of over 20 years as a journalist focused on African affairs, mostly at the BBC World Service but also at allAfrica.com, the Financial Times and West Africa magazine. During my career I have traveled extensively in Africa, living at

different times in Nigeria, South Africa, and Ethiopia, and reporting on and interviewing key individuals and newsmakers. My remarks are founded on those years of observation and analysis and draw greatly on the expertise of my Africa-focused colleagues in the Soros Foundation Network.

ADVANCES TOWARD OPEN SOCIETIES IN AFRICA

Africa today is a very different place than it was at the end of the cold war, a time of military coups, stage-managed and stagnant politics and personality-led regimes propped up for decades without change by outside sponsors. As the world's two superpowers lost interest in controlling African allegiances, a political thaw began, and their local clients lost their power to maintain absolute control over the political terrain.

By the early 1990s what has come to be seen as a "wave of democracy" was sweeping the continent, starting in western, francophone Africa with 1991's Benin landmark election and resulted in 26 countries holding Presidential elections within the next 3 years. The end of apartheid in South Africa removed the last and most entrenched bastion of repression. By 1994 there was not a single one-party state left in sub-Saharan Africa.

Although political transformation in the 1990s proved to be of variable intensity and longevity, often turned out to be new wine in old bottles, the change on the continent has been lasting. The incidence of military coups has dropped so far as to become negligible and there is an indisputable increase in functional democracies. In 1989 only three countries in Africa could claim to have democratic governments. This coming November, 13 African countries are expected to be invited to the ministerial meeting of the Community of Democracies in Bamako, Mali, and a further six, seen as close to meeting the standard, invited as observers.

As I will discuss below, this is not to say that all is well; much of Africa continues to struggle with major deficits in governance and poverty and the early momentum for change, so evident in the early mid-1990s, has slowed significantly. But we need to recognize what has been achieved as much as we need to identify the barriers to further advance.

An additional critically important development has been the advent of a new generation of intracontinental institutions, above all the African Union, but also the New Partnership for Africa's Development, NEPAD, and its self-assessment program, the African Peer Review Mechanism (APRM); the African Commission on Human and Peoples Rights; the Pan-African Parliament; and the forthcoming African Court, to name only a few. As research and debate have thrust governance issues to the fore, progress has been made in developing normative frameworks for democratic governance at national, subregional, and continental levels. Africa now has some of the most progressive constitutional provisions in the world. Human rights and electoral standards have been developed at subregional and continental levels, most notably with the recent adoption of the African Charter on Democracy, Elections and Governance.

Where the Organization of African Unity was barely more than a club for the "big men" first of African independence and then of cold-war politics, with a gentleman's agreement not to interfere in each others affairs, the African Union is an institution whose statutes affirm the importance of substance, of accountability, of human rights, and the obligation to uphold those rights not only at home but in your neighbor's back yard too. Undoubtedly in practice, these aspirational standards are often not met and the development of these institutions is a work in progress; but the challenge is no longer the lack of standards but enforcement.

Interstate and civil war, long seen as a huge brake on African progress, has surged at various periods during the past 15 years, yet the levers for challenging and bringing those conflicts under control are more numerous, the constituencies pressing for peace are vocal and more powerful and their leverage is greater. Specifically we have seen cessation of major violent conflicts in countries such as Mozambique, Angola, Burundi, Sierra Leone, Southern Sudan, Liberia, the DRC, and Côte d'Ivoire. The United States has played a significant and contributory role in support of conflict resolution, mitigation, and prevention during the past 15 years. Thus, even as we lament the suffering and demand a just peace in Darfur, the DRC or northern Uganda, we may also agree that levels of African mobilization, diplomatic effort, and engagement for peace in Africa are unprecedented.

CIVIL SOCIETY UNLEASHED—A CRITICAL DEVELOPMENT

For the Soros Foundation Network, committed as we are to open societies, perhaps the greatest advance of this period has been the birth and growth of civil soci-

ety, the nongovernmental actors and groupings that we believe are essential to the functioning of a democracy.

Effectively suppressed by censorship and repression during the cold-war era, would-be activists for women's rights and a host of other issues, professionals seeking to raise their standards, lawyers seeking to test and improve their country's jurisprudence, citizens demanding information about government expenditure have all come out into the sun and continue to expand their engagement, commitment, and skills to hold politicians and rulers to account. Their emergence has had a galvanizing effect on wider society.

The importance of this development cannot be overemphasized because despite the positive political developments listed above, there is a very long way still to go. The continent continues to be the site of gross injustice, poverty, sectarianism, and graft. Alarmingly, as globalization advances, some of the gravest problems seem to entrench and become worse. In particular, countries that are endowed—many would say cursed—with fossil fuels and other high-demand minerals, are demonstrating poor governance of the worst kind. But as we acknowledge this, we also note that one of the most effective, fastest growing civil society networks in Africa today is the Publish What You Pay coalition. Its constituent members across the continent work intensely, daily exchanging information and strategies with each other to get transparency laws passed or gain access to government information, training themselves to interpret budgets and disseminate information about corporate and government malfeasance.

One significant trend has been toward the "indigenisation" of leadership and staffing in many of the international NGOs that work in Africa. From their old incarnation as foreign-led charities seeking to ameliorate suffering, they are increasingly advocacy organizations, seeking to become smarter and get at the root of problems wherever in the world they may be found, and working collaboratively with local and international partners.

It is important not to romanticize the growth in civil society and to acknowledge that alongside the domestic thrust, international donors' priorities and dollars have played a significant role in driving the sector. Furthermore, donor enthusiasm for funding the nongovernmental sector has in some contexts damaged and undermined the state's capacity to deliver services, and has sometimes given unaccountable NGOs too much power in a landscape of weak and underresourced institutions. That said, the enabling of a cadre of skilled and highly motivated Africans in multiple sectors to contribute to their countries from outside the official sphere is a huge dividend of the past two decades, shining a light into places and onto issues that are often not in government, or indeed donor interest, to acknowledge.

PERSISTENT GOVERNANCE CHALLENGES

Some African countries stand out in the strides they have made toward better governance, for example Benin, Botswana, Cape Verde, Ghana, Mali, Mauritius, Senegal, and South Africa. Others, such as Mozambique, Madagascar, Kenya, and Liberia are moving in the right direction. But even as we praise the momentum and achievements in these countries, we must acknowledge the huge deficits in others that seem to be going in the opposite direction.

The honeymoon euphoria that accompanied the first "wave of democratization" is now over. In some countries democratic transition has been stalled, in others it has been actively blocked, and in yet others it has produced flawed outcomes. In most instances, the African state is a primary route to resources and rent for ambitious individuals; this is mostly the case because the institutions that theoretically protect a state from being captured in this way prove unable to do their jobs. Institutions of democratic governance such as legislatures, political parties, and civil society formations are usually subordinate to an overbearing and predatory executive, with a negative impact on policymaking and implementation.

More than half Africa's countries remain highly autocratic, despite sometimes distracting attention with the fig-leaf of elections and other democracy-associated exercises. Nowhere is this more evident than in countries with mineral wealth. They are strengthened in their political choices by huge incomes, and assiduous courting by foreign governments—whether from the West or East—that wish to gain access to their oil. Oil-rich countries make up nearly half the continent's authoritarian or autocratic governments including Angola, Chad, Republic of the Congo (ROC), Democratic Republic of the Congo (DRC), Equatorial Guinea (EG), Gabon, Guinea, Libya, Tunisia, and Sudan.

These countries present a predictable mix of contrasting statistics. On the one hand they display "growth rates" far higher than those of nonproducers of petroleum, sometimes of the order of 20 or 30 percent. Equatorial Guinea, one of the

most deplorably underdeveloped countries anywhere on the planet can nonetheless claim to have the second highest per capita income in the world ($26,000), after Luxembourg. On the other hand, such riches benefit no one except a tiny elite at the top of the political food chain. Over half Equatorial Guinea's 520,000 people have no access to safe drinking water and three-quarters live on less than $2 a day, despite annual oil revenues of over $2.7bn per year.

Also typical is a variable degree of political oppression and lack of security for citizens. At the extreme end of the scale, Equatorial Guinea, for example is ranked by Freedom House alongside countries such as Uzbekistan, Haiti, and Zimbabwe and boasts an extensive and documented record of human rights abuses. Arbitrary detention, torture, execution, and stifling of political comment or debate are the order of the day. EG was, in June 2007, added to the U.S. human trafficking black list as a "tier 3" country for failing to do enough to prevent mainly women and children being captured and used as slave labor or in forced prostitution. Other oil-producing countries present a less extreme picture, but demonstrate major political and human rights deficits nonetheless. In most of these locations it is hard to find major advances in democratic development.

Of all the countries on the continent, oil producer Nigeria's commitment to a democratic path is the most critical. For better or for worse, it is seen as a leader. Eight years under President Olusegun Obasanjo began with great hope for reform but ended in profound disappointment and anger. Some reforms were important and of lasting value, particularly in the financial sector, including a vigorous anticorruption agency which is nonetheless tarnished by clear partisan bias against the former President's enemies. For the most part, however, there has been little change. Obscene poverty has continued despite soaring oil and unprecedented oil receipts ($223bn during Obasanjo's tenure—some two and a half times the receipts of the preceding 8 years, according to Nigeria analyst Professor Jean Herskovits); the professional middle-class battles to survive as their sectors are starved of investment or support and infrastructure continues to deteriorate. Major cities limp along without adequate power supply as the country struggles to meet even a fraction of the demand for refined fuel products, leading to constant shortages; agriculture which should be the backbone of the economy is largely neglected, and there is negligible support for indigenous industry—resulting in large-scale closures (1,800 since 1999 according to the Manufacturers Association of Nigeria) as cheap imports deliver a final knock-out punch.

The Obasanjo government, like its predecessors, failed to share the benefits of the enclave economy, while allowing politicians to steal mind-boggling volumes of cash. At the end of the Obasanjo era 31 of the 36 state governors had been investigated for corruption by the Economic and Financial Crimes Commission and now that the official immunity is ended, charges are beginning to be laid. The EFCC has been widely quoted as saying that $400bn in state revenues has been wasted or lost to corruption in the 47 years since independence.

A review of Nigeria's much criticized 2007 poll, the preelection period and the voting exercise itself brings into relief the venality afflicting parts of the political class, the strong impulse in the incumbent party toward one-party rule and the capacity deficits—or malfeasance—of some government officials. The course of the election and nature of its failure is extensively documented elsewhere and will be dealt with by another witness at this hearing so I will not go into further detail. However, it is worth noting, in line with the points made about the importance of civil society above, that the numerous nongovernmental organizations engaged in trying to monitor and strengthen the political transition process played a vital role in exposing malpractice and defining the standard.

The Alliance for Credible Elections, ACE, a coalition of nearly 20 organizations focused on religion, gender rights, human rights, legal issues and other sectors, articulated the problems besetting Nigeria's political system, ensuring that the leading voice of the critique is domestic and preempting the standard defense used by African governments that they are the victim of foreign prejudice and imperialist designs. Further, some of the most impressive individuals who ran for office have a long history of working in civil society structures, including activism and leadership against military dictatorship. Without their participation and commitment, there would be greater doubt about Nigeria's chances of eventual progress toward true democracy.

LIMITATIONS ON U.S. AFRICA POLICY

With the strong message from the start of the Bush administration that the United States would seek to strengthen and promote democracy, it might be expected that the African human rights and democracy advocates would win strong

support from Washington. Indeed, U.S. policy is in many ways excellent: As stated by the State Department's Bureau of Democracy, Human Rights and Labor (DRL), the intention is to strengthen and where necessary, defend good governance and associated transparent and accountable institutions under the rule of law, free and fair election processes, and robust civil society and independent media. The introduction this year of a Human Rights Defenders Fund and ten guidelines in support of NGOs were valuable additions to the policy framework and toolset.

In some key locations and instances, the United States has played a key and positive role in supporting a transition from conflict to peace. The U.S. investment in the peace process in Southern Sudan immediately comes to mind, as does the solid support given to Liberia and to Sierra Leone. There appear to be some challenges, however, in the delivery of stated policy that seem to be rooted in conflicting U.S. interests on two fronts in particular.

The "War on Terror"

The first is the "War on Terror," which impacts relationships in Africa on a number of levels. At one extreme, it can result in serious policy incoherence as one part of the administration pursues an essentially political approach while another adopts a military one, as in Somalia. In another example the administration apparently faces a dilemma as it tries to decide which aspect of its relationship with the Sudanede Government should take precedence, that of intelligence collaboration with the Sudanese National Security and Intelligence Service, or pressing Khartoum to end the Darfur conflict.

Countries that have made a point of overtly aligning themselves with U.S. narratives and policies regarding terrorism appear to have benefited not only from financial and military support but seem successfully to have diverted attention away from their internal poor governance and human rights abuse, or, at least, have managed to water down complaints. The contrast between heavy international criticism of the Meles government in Ethiopia when over 190 unarmed civilians protesting over contested election outcomes were killed by security forces and the comparatively mild critique from Washington registered widely. Collaboration between the United States and Ethiopia during the latter's invasion in December of Somalia is often cited as the other side of the same coin. The conclusion widely drawn is that U.S. commitment to human rights and good governance is pragmatic. The suggestion is that Washington is willing to take a strong stand on human rights where it has little or no interest at risk, as in Zimbabwe for example, but it will not do so with conviction where it has other pressing goals that call for an emollient approach.

Such tensions are evident in the U.S. relationship with Egypt (which in the African Union is very much viewed as an African country), a U.S. ally in the War on Terror. Egypt's record on democracy and human rights according to DRL is profoundly flawed: The State Department's 2006 Country Reports on Human Rights Practices states that "The government's respect for human rights and the overall human rights situation remained poor," going on to cite "persistent and credible reports of abuse and torture at police stations and prisons, and police violence." The government made "no significant progress" on its own program of political reform; instead a culture of impunity protected security personnel accused of abuse, the judiciary was under pressure from the executive, there are arbitrary and mass arrests, corruption and lack of transparency, to name only some of the complaints." Yet, as reported in the Washington Post on Sunday June 10, in a major speech on democracy, President Bush's avoided mention of such deficits, commenting only that Egypt "has a great distance to still travel." Such a mild remark should have provoked such a furious response from Cairo is its own comment on the level of U.S. critique in the past. African governments that flout human rights norms repeatedly delay elections, use violence and repressive laws against opposition voices, and refuse to be held accountable have drawn their own conclusions.

If the "War on Terror" makes Washington sometimes ambivalent about its priorities in relation to African governments, it conversely tends to harden public attitudes. Global perceptions that the United States is anti-Islam and hostile to Muslim nations are echoed in Africa. For example, in the recently published Pew Global Attitudes Survey only 32 percent of Nigerian Muslims, (down from 38 percent in 2003), have a favorable view of the United States, compared with 89 percent of Christians. While the two groups differ in their viewpoints on other issues, nowhere is the gap as wide or polarized as in their attitudes to the United States. Undoubtedly local tensions between the two communities are revealed in these statistics but such low approval ratings in such a large sector of the population of a country seen as so important to the United States should give policymakers pause for thought. Further, in 2003, public support in Nigeria for the War on Terror stood at 60 per-

cent, a particularly high figure by comparison with other non-Western countries, but apparently boosted by the strongly supportive Christian population. By 2006, support had tumbled to 49 percent.

Too few surveys of public opinion are carried out in Africa to give a reliable indicator of views across the continent. However if commentary carried in media in dozens of countries gives any indication of public sentiment, U.S. unilateralism, U.S. responsibility for the Iraq war and the perceptions of anti-Muslim bias are widely held.

The oil factor

A second major area of contradiction lies in U.S. relations with Africa's oil-rich nations. The U.S. Government is frank about the importance it assigns to oil supplies, and particularly to the need to diversify toward sources outside the Middle East. The Gulf of Guinea is a critically important alternative source from where the United States intends to source some 25 percent of its petroleum needs by 2020. That imperative has acquired a sharper edge, in the light of China's intense interest in the same zone for the same reason.

For illustration, we can examine further the case of Equatorial Guinea. This state has long been associated with some of the worst governance abuses in Africa, so notorious that the United States had cause in the 1990s to close its Embassy there. A Senate enquiry in 2004 into the role of Riggs Bank in providing financial services to EG's ruling Obiang family revealed graft of striking proportions. To confirm that this continued to be the pattern we might note that only this year, news has emerged of the President's son purchasing a Malibu mansion for $35m; there can be little doubt that the national treasury was the ultimate source of the funds. The State Department's Country Reports on Human Rights Practices complains that the government of President Obiang has both committed and condoned serious abuses, including: "Abridgement of citizens' right to change their government; torture, beating, and other physical abuse of prisoners and detainees by security forces; harsh and life-threatening prison conditions; impunity; arbitrary arrest, detention, and incommunicado detention; harassment and deportation of foreign residents; judicial corruption and lack of due process; restrictions on the right to privacy; severe restrictions on freedom of speech and of the press restrictions on the right of assembly, association, and movement; government corruption; violence and discrimination against women, trafficking in persons; discrimination against ethnic minorities; restrictions on labor rights and child labor; and forced child labor."

Yet despite all this, in the same year that these abuses were recorded, Secretary of State Condoleeza Rice posed for photographers with President Obiang in Washington telling him on April 12, 2006, "You are a good friend and we welcome you." In response he told her: "We have extremely good relations with the United States. Our country has had good relations with the United States for a very long time and my visit here is simply in order to consolidate and also to establish further ties of cooperation with your country." Why should the Government of the United States which has so strongly proclaimed its commitment to democracy and human rights, seek to do business with Equatorial Guinea? The obvious answer is oil; but for many, it is difficult to square stated U.S. policy and the pragmatic imperative.

In the case of Nigeria, too, the United States appears keen not to alienate that country's rulers. Reviewing the U.S. position on the just-ended two terms of President Olusegun Obasanjo, particularly the clear departures from democratic standards that accelerated toward the end of his term, one is unavoidably led to the conclusion that Washington either pulled its punches or failed to deliver them at all.

Perhaps this might have been excused in the first term. There was an international perception at the time of the 1999 election that deficits in that poll were acceptable if a successful transition away from military rule was accomplished. President Obasanjo benefited from enormous confidence expressed by the U.S. Government in that endeavor. But after serious malpractice in the 2003 election, the administration failed to issue any trenchant condemnation despite multiple critical reports from international observers and Nigerian civil society monitors. This year, months before the 2007 vote approached there was clear evidence of intent to rig the outcome, yet no strong warnings were issued in Washington. At the poll itself, monitors saw an exercise of such manipulation, conducted with such impunity, that they could barely bring themselves to call it an election. Only mild criticism followed from Washington, and come the inauguration of the newly (s)elected President Yar'Adua, Assistant Secretary of State for African Affairs Jendayi Frazer traveled to Abuja to attend. Days later, President Yar'Adua flew to Germany as a guest of the G–8 before the ink was dry on the falsified returns.

The cynicism in Nigeria about the election outcome was already so deep, not much could have made it worse. There is, of course, acknowledgement of the huge impor-

tance to the United States of maintaining good relations with its most important ally and oil supplier in the Gulf of Guinea but nothing has been said by Washington that clearly locates the blame for what happened and the U.S.'s stated commitment to democracy in Nigeria is seriously undermined. Although the State Department has promised to engage vigorously with the Nigerian Government to help it improve its elections in the future, the record of the past undermines the credibility of such pledges. The rush to consolidate relations with the new regime represents a lost opportunity that could have been used to get commitment on remedial work and a "to do list" that could have gone some way to restoring confidence. It is not too late for the U.S. Government to make a more trenchant critique than it has thus far made of the deficits of recent election in Nigeria and to propose a more thoroughgoing program of political and electoral reform, both nationally and in the oil-producing Delta, than so far elaborated.

HOW THE UNITED STATES CAN STRENGTHEN ITS APPROACH

So how should the U.S. Government respond to democratic reversals and autocratic repression in Africa? The practically minded will assert the U.S. Government has no choice but to be pragmatic. Up to a point this is true but the law of diminishing returns seems to be in force. The more loudly the USG proclaims its commitment to democracy and human rights, the more potential there is for damage if its subsequent actions and alliances contradict the stated policy.

Perhaps, too, it is worth asking whether the United States is defining its interests appropriately. It may be understandable that concern to guarantee oil supplies or seize a security opportunity leads the USG to prioritize the short-term advantage and there is doubtless a reasonable chance that some of the advantage gained can be converted to longer term assets. However the tradeoffs, as described above, can set back the cause of democracy in these countries and lower U.S. credibility and leverage elsewhere; in the long run, and this may prove to be the more significant loss.

The recommendations below are made with a view to reestablishing credibility and confidence in a consistent message of commitment from the United States to building African democracy

At home

(a) Define U.S. interests over the long term. There is strong evidence to suggest there would be greater advantage for the United States in taking a long view in its Africa relations. The problem of making African political economies more functional, more efficient, and more stable is essentially a challenge of governance. In their book, "The Democracy Advantage," Morton Halperin, Joseph Siegel, and Michael Weinstein demonstrate that democratic or quasi-democratic systems function better across a range of indicators than autocracies and authoritarian governments. The more effective political or service institutions and business and financial systems, and the freer the press, the more balanced and sustained a country's economic growth will be; and the less vulnerable the state will be to hijack by sectional interests who may well be opposed to the United States and its goals.

Conversely, systems that allow or indeed rely on wholesale corruption, and opaque administration, ethnic or other exclusion, censorship and restrictions on fundamental freedoms, are inherently unstable systems that may at worst encourage armed rebellion and civil conflict, but at best, hemorrhage funds that are needed for development and generate politicians that have too little connection with, or commitment to, the electorate. Hoping such states will turn into democracies is in vain, whatever rhetoric emanates from their capitals.

These are not articles of faith but demonstrable facts, underpinned by solid data. While many factors need to be in alignment for forward progress to be achieved, the longer a country is on the right track, the less likely it is, the research shows, to slide back. The United States and other foreign governments that, in their own interest as much as anyone else's, wish to see African countries develop along the democratic path need to commit to a long-term process. Repeated changes of direction according to short-term imperatives and shifting alliances will not advance the cause.

(b) Adopt policies that will help the United States to rebuild political capital and standing in Africa. There is thus an urgent need for Washington to get behind some clear and principled positions in at least some key problem areas in Africa and stick to them. This also implies working more openly through multilateral institutions and frameworks so as to be seen to be upholding those positions, rather than risking the perception that principles are being traded bilaterally behind closed doors for mutual advantage.

The United States has suffered a serious loss of political capital in recent years, partly because prodemocracy rhetoric is so often undermined by other perceived imperatives. The gap between what Washington says and what it does has widened, indicating to the least democratically minded that principles can be bargained away. The related loss of goodwill and convening power is serious, particularly since it comes as new powers such as China and India are rising, offering weak African states alternative alliances.

This need not mean inevitable loss of leverage. The United States remains the most powerful nation, and most African states will wish to maintain good relations even on tougher terms than are currently being applied. Only in this way will the United States regain the respect and convening power it used to have; and nowhere is this truer than in relation to the oil-rich states of the continent.

(c) Address perceived policy incoherence at home. Diverse objectives being pursued by a mix of Washington agencies present a contradictory picture in Africa. The most obvious example is that of Somalia where it can be difficult to tell whether the United States is trying to stabilize the country or pursue a low-level war.

There is also a need for greater clarity about whether military or civilian objectives are defining U.S. policy in particular settings, and whether the appropriate agency is in the driving seat. Unease about this issue was aired in Senator Lugar's report last December to the Committee on Foreign Relations on "Embassies as Command Posts in the Anti-Terror Campaign." He noted the apparent expansion in the mission of DOD activities in line with increased funding and expanding volumes of foreign assistance delivered by the military; he cited other countries' concern, revealed in SFRC staff research, about a possible militarization of U.S. engagement in their countries thanks to the "War on Terror" and warned that this could be damaging to the United States interests and reputation. I believe this danger exists in Africa where civil society groups I have spoken with express anxiety about the possibility of a greater U.S. military focus on Africa, particularly given the advent of the Africa Command.

In Africa

(d) Where a crisis of governance is evident, admit it and uphold consistent standards. There is a need for Washington to speak out more firmly on poor practice wherever it is found, and to be more frank even when its allies are under the spotlight. Equatorial Guinea's failure to address its people's poverty and respect their human rights is deplorable. Repression and immiseration in Zimbabwe are similarly deplorable. Yet, to judge from U.S. public utterances in relation to the two countries, EG's transgression pales into insignificance compared with Zimbabwe's. The reality is that the Obiang regime, with its unconvincing election victories, massive diversion of public funds for planes, luxury cars and mansions in fashionable locations, and a horrific record on torture and political repression deserves to be excoriated by Washington yet its President is soothed with flattery while the language used about President Mugabe is exceptionally harsh.

Not only does this undermine U.S. credibility with African observers, but other major oil-producing states such as Angola, Gabon, and the Republic of Congo take note of the contrast and gain confidence that their own malpractice will be similarly swept under the carpet. In Nigeria, the pattern of progressively worsening impunity in the three past elections suggests that a failure to make clear critiques and demand genuine improvement effectively encourages worsening practice. If the avoidance of criticism is intended to protect U.S. access to Nigerian oil, the evidence does not seem to suggest it is working; as graft and poor governance inflame protest and rebel violence in the Delta, with the attendant damage to production (down over a fifth in 2006), the opposite effect may result.

(e) Incentivise change and commitment toward democratic policies. USG aid should seek to reinforce and strengthen indigenous efforts to fix problems, rather than impose externally originated solutions. Where foreign aid is offered as a carrot, or withheld as a stick, the objective should clearly relate to the recipient's own interests rather than Washington's.

In nonemergency contexts, the United States should strengthen programs like the Africa Growth and Opportunity Act (AGOA) and the Millennium Challenge Account (MCA) that offer incentives and rewards for those countries that want to free up their economies and political environments. The MCA program should be expanded rather than having to struggle for funds. This kind of assistance rewards success and ensures that countries that do the hard work to improve their systems can see the benefits. In line with the MCA approach, the United States could invest in helping to make the AU's peer review mechanism work well, with a view to making it the eventual basis on which eligibility for aid is decided. This is the approach that is taken in the EU strategy for Africa adopted in December 2005 and the European

Commission's August 2006 Communication on Governance in the European Consensus on Development. The policy documents propose a shift from "conditionality" to "ownership" with regard to governance such that the EU decides to work with countries that seek to implement their own reforms and meet their own high standards rather than those imposed from outside.

In situations where stabilization assistance is appropriate, the United States should restrict any conditionality to requiring the recipient's policies to align with good governance principles and approaches. Aid, or denial of aid should not be used as a lever to persuade recipient governments to align or comply with the U.S. security or other objectives (as with "Article 98" case when U.S. military aid was made conditional on governments agreeing not to extradite U.S. soldiers to the International Criminal Court. Long lasting negative feeling toward the United States was generated by this measure, both among those governments that signed and those who declined to do so).

(f) Support African regional institutions to play a positive role. The African Union is an organization with a mandate to advance good governance and political stability and promises that its members will intervene to ensure that not only they but their neighbors comply. The AU and the subregional organizations such as ECOWAS, SADC, and others are crucial to making progress on governance and development. While they do not always go as far as the United States would like, or act with conviction, and while capacity is not as skilled or bold as necessary, much has been and is being achieved. Institutions are taking decisions that break new ground in Africa and particularly help to set standards and norms for democracy and human rights. While the United States has done well to appoint an Ambassador to the AU it should put increasing effort into supporting and building Pan-African institutions to play a stronger role vis-a-vis national entities.

One obvious target is the African Peer Review Mechanism (APRM) in which African governments subject themselves to self-examination by their own teams and by bodies outside government, across a range of fronts. OSI's African Governance Monitoring and Advocacy Project (AfriMAP), a program that among other things seeks to track the effectiveness of the APRM, has concluded that this program is, despite some setbacks, a serious effort by African leaders to improve governance on the continent and that peer review has not turned out to be the paper exercise that some anticipated. The APRM is seen by African leaders as an indigenous program, not one imposed by the World Bank or other donors. It urgently requires more staff and more engagement from outside donors. Assistance of this nature clearly avoids suspicion of political manipulation.

CHALLENGES FOR STATES IN TRANSITION: THE CASE OF ZIMBABWE

The commentary above has sought to frame a set of opportunities and challenges for overall democratization in Africa. I believe it is similarly important the United States adopts broad principles in support of countries exiting from crisis, conflict or a period of regression and entering transitions critical to the implantation of democracy.

The most significant transition currently unfolding is that of the Democratic Republic of the Congo whose transition program is proving long and slow but has registered real progress. Even though the election is over and a newly elected government is in charge, it is critical that the United States and all other international partners continue to collaborate in a multilateral framework with the insistence that the Kabila government allows space for the opposition and is serious about restoring security. In this context, making assistance conditional on compliance is reasonable; the huge international investment made to help the DRC get onto a healthy path to development in an open society should not be put at risk because of a reluctance to dictate from outside. Sovereignty is important and must be respected but a country in transition, with institutions that are not robust, often fails to fulfill its responsibilities. Aid should not flow where the new incumbent seems intent on reversing such hard-won gains in favor of consolidating his power; international donors should not abandon their multilateral approach and revert to bilateral negotiation since this will doom attempts to apply pressure.

Perhaps the challenge that should most concern policymakers, however, is the crisis in Zimbabwe. Formally, elections are due for March 2008 and a mediation effort led by South African President Thabo Mbeki, mandated by the regional body, the Southern African Development Community (SADC) is supposed to persuade President Mugabe and his ZANU–PF party and the opposition in the form of the two factions of the Movement for Democratic Change to agree on the terms of a political contest that puts the country on a new path. However even as the mediation effort continues to apparently little effect, the Mugabe government is attempting to re-

write the political landscape with legislation aimed at expanding the number of parliamentary seats and changing electoral rules. A campaign of arbitrary arrest and torture has been waged against MDC leaders and civil society cadres making it difficult for the party to respond effectively to the mediation process. All this against a backdrop of the economy's accelerating downward spiral, featuring serious food and fuel shortages, which the government addresses by printing more money and launching predatory attacks on the private sector. The speed of deterioration is leading even cautious observers to speculate that the Mugabe regime is unlikely to survive another year.

However and at whatever stage the political economy unravels, those hoping to arrest the crisis are seeking to achieve a number of objectives:

- Achieve a smooth departure from power of Robert Mugabe and his replacement with a team and administration motivated to restore order and with the authority and ability to stabilize the political environment. A transfer of authority is widely assumed to be possible through the election scheduled for March 2008 but this imposes a deadline that might not provide sufficient time for a thoroughgoing transition to be achieved.
- Negotiation of an agreement with international donors of a financial package that can fund overall economic stabilization, end hyperinflation and restore bank and investor confidence this will allow for service delivery to be restored and get basic consumer goods and fuel back into circulation.
- Depoliticisation and reprofessionalisation of the security forces, the judicial system and parastatals controlling key services in the economy; demobilization of militias and hit squads responsible for terrorizing civilians.
- Repeal of the repressive laws that make free political association and open contestation impossible; inauguration as soon as practicable of a new constitution providing a level playing field.
- Attract the return of Zimbabweans, particularly middle-class professionals, who have fled to other parts of Africa and further afield to staff the recovery.

President Mugabe's successful playing of the race card throughout his desperate campaign to remain in power has made international engagement more complicated and highly contested. Even neighboring Southern African governments suffering negative impact from the chaos, particularly in being forced to host millions of refugees, are reluctant to be critical for fear they become identified as puppets of "Western imperialists." Unfortunately, the deionization of the United Kingdom and United States from Harare has found fertile ground in a broader international antagonism toward the United States in relation to the war in Iraq and regime change. This in turn must affect U.S. leverage.

So how can the United States make an effective contribution to ensuring Zimbabwe's transition back to economic and political stability in a democratic system?

No nation that wishes to speak up in defense of human rights should be intimidated from doing so; in that regard, arguing the United Kingdom and United States, as primary butts of Mugabe's rhetoric, should lie low cannot be right. Zimbabwean civil society organizations have repeatedly made the point that outgoing U.S. Ambassador Christopher Dell's leadership and insistence on bearing witness to security forces action has probably saved the lives of some opposition individuals. However Mugabe's use of divisive ideology to confuse discussion on the Zimbabwe crisis calls for a sophisticated strategy that, while it may include some trenchant criticism, also implies work behind the scenes to undermine the racial and sectarian messaging that has effectively extended Mugabe's political life.

The United States, working with other international donors, supplies food aid and also support and training for civil society groups and opposition voices seeking to improve governance.

The message from groups on the ground is that they wish the latter support to continue, or indeed increase. Civil society organizations have played a major role in guarding the little space for assertion of democratic values that remains in Zimbabwe today. They are now under siege. Capacity has diminished with many young activists leaving the country due to practical considerations of survival.

Even if Washington has been disappointed by the weak progress of the SADC initiative to date, there needs to be recognition that the United States has few interests and therefore limited leverage over Zimbabwe and the wider region. For that reason, there are few alternative frameworks through which to work and it is important to keep up diplomatic efforts to engage the SADC governments, African governments elsewhere on the continent and the African Union Commission on the Zimbabwe issue.

One possible scenario is that the mediation effort is preempted by economic collapse; in practical terms the government runs out of strategies to extract the resources it needs to maintain the political patronage and repression that is keeping it in power. The closer we come to that situation, the more likely the divisions already evident in the ruling elite will widen. While this carries risks it may also increase the incentive for reform as hitherto loyal individuals bail out.

The United States should not accede to demands that it lift sanctions. Even though they are narrowly targeted and do not affect the economy despite the government's claims, they are having an effect on morale, as borne out by the loud denunciations. U.S. advocacy in Europe to hold the line is also valuable.

The alternative scenario is that the mediation proceeds to a conclusion and its outcomes are applied. In that case, the most important contribution the United States can make is to work to ensure that those outcomes will genuinely improve the situation, rather than perpetuate the current disfunctionality under a new guise.

One important function for Members of Congress and the European Parliament is to monitor the mediation's progress. Civil society groups in Zimbabwe fear that the SADC-convened process will lead to a "quick fix" political solution in which ruling party and opposition politicians may be accommodated but nongovernmental voices hoping for more thorough-going constitutional reform will be disappointed.

As the mediation stutters on, there is growing skepticism in the region that an election in March 2008 can produce a legitimate result. This is partly because there must be serious doubt as to the feasibility of mounting a fair electoral contest in so short a time. It is also because the ZANU–PF government continues to push through legislation rewriting the already manipulated constitution to become even more favorable to Mugabe and disenfranchise voters. Any election run under the new rules would be illegitimate. Further, the continuing use of political violence to demoralize and weaken the opposition and breakdown in rule of law provide a context in which a fair election would be impossible.

While it is natural to show respect for the South African-led mediation process, the United States can and should express the view conditions do not exist for a legitimate voting exercise in 8 months time unless under external supervision, whether regional or international supervision.

There is also scope for the United States to lend support to efforts already underway in multilateral settings, working with both governments and civil society organizations in the global south. Engaging countries that cannot be described by African stakeholders as imperialist, yet who believe that Africa should be doing more to end the crisis is one way forward. In one recent example, a Brazilian NGO lobbied members of the Brazilian Parliament to take a stand on the issue with the result that ratification of an accord with South Africa was delayed in protest at the lack of progress out of the SADC mediation.

The other major contribution that the United States can make at this time is to work intensively to support SADC efforts to construct an economic rescue package backed by international stakeholders. It is important that as wide a group of donors and partners, including countries such as China that have provided support to the Government of Zimbabwe, are persuaded to come together; such a plan will provide an incentive to the political class to abandon the present disastrous course and support a return to rule of law. The package will need to be broad and tackle diverse problems such as the loss of confidence and skills in the agricultural sector, revitalizing employment (some 80 percent of Zimbabweans are without jobs), stabilizing the currency and attracting investment (and discouraging asset stripping). International donors should allow SADC to manage eventual delivery of the package; but it is reasonable to make supply of the funds conditional on the terms and goals of the plan being met.

At OSI and in our African foundations we continue to believe, in common with our civil society partners, that there can be no stable and robust future for Zimbabwe without a new constitution and a thorough overhaul of the country's key institutions and those who manage them. The process and sequencing by which this can be achieved, given the actors involved, remains obscure. Some regional governments and external players may hope to get away with a more superficial transition, but this runs the risk of entrenching injustices and mismanagement that may undermine the recovery and do lasting damage to the people's belief in their nation. We will continue to work for a genuine transformation—not a mere transition—for Zimbabwe.

CONCLUSION

We can take satisfaction in knowing that crisis of the proportions seen in Zimbabwe is relatively rare on the continent today and where it exists is strongly associated with armed conflict, rather than merely poor or repressive governance. Reviewing the past 20 years in Africa it is clear that there has been considerable progress and that there is far better human and institutional capacity in Africa to address challenges than in the past.

Africa faces a chicken and egg problem; the obstacles to greater democracy and human rights lie in the lack of development—and vice versa. This conundrum has spawned much argument about whether forward progress most depends on improving governance or injecting resources—aid or investment—into the mix. Yet it is precisely the multifaceted nature of Africa's problems and the need to achieve forward motion on several fronts simultaneously that constitutes the greatest challenge. If the U.S. Government can design its policy with that in mind and recognize the only sure way to secure democracy is to invest in its long-term development, U.S. interests in the region will be protected.

Senator FEINGOLD. Thank you, Ms. Amosu. I'd certainly agree with Ambassador Lyman's general comments about the many positive things that have happened in Africa but on this one, I am so pleased that you devoted your time to Zimbabwe.

I visited there in December 1999. I had a terrible meeting with President Mugabe, which was a sign of things to come, but we also met with a civil society group, which was one of the finest group of people I've ever met with, and I often think about the pressure and brutality that has been foisted upon these people in these past 8 years. This is a real disaster.

Now, I believe that this country is going to come out of this, but it must be one of our highest priorities.

Mr. Peterson.

STATEMENT OF DAVE PETERSON, SENIOR DIRECTOR, AFRICA PROGRAM, NATIONAL ENDOWMENT FOR DEMOCRACY, WASHINGTON, DC

Mr. PETERSON. Thank you, Senator Feingold. It's really an honor to be able to testify here this morning. I want to echo, first off, Ambassador Lyman's comment that I think the general trend in Africa is positive. I recently came back from a tour of West Africa and saw Liberia and Ghana, even in countries like Togo, there is real democratic progress and I think we can't forget that.

However, on that same tour, I did travel to Nigeria where I monitored the elections with the NDI team and as all of the observer missions have said, those elections were a shamble. I think it's important to remember that for most of my Nigerian friends anyway, it was not a surprise. They have lived in this country and have seen the way the politicians work. They know the corruption, the problem with oil and I think that it is possible to find some silver lining there, as has been noted. The independence of the judiciary, the independence of their legislature there, the dynamic civil society that continues to gain strength. All is not lost in Nigeria and I think that if you're talking about whether democracy is moving forward or backward, I think Nigeria is, in fact, moving forward but certainly not fast enough.

When we come to Ethiopia, which is the other country I was asked to discuss, I think we do have a situation where they are slipping backward. The Endowment has had a very difficult time finding civil society partners to support there. One organization

that we supported for many, many years, the Ethiopian Human Rights Council, has been decimated by the recent repression. The president of that organization, Mesfin Wolde Mariam, is one of those who was sentenced to life in prison and I think that although we understand the American strategic interest in Ethiopia that there does need to be a more forceful statement of American interests in the human rights situation in that country.

Finally, I was also asked to talk about Zimbabwe and ironically, although the Government of Zimbabwe has much worse relations with the United States than Ethiopia does, the Endowment has actually been able to build a successful program in support of civil society there, including to the media, political parties, and the trade unions.

There have been some very difficult challenges, such as the legal restrictions against NGOs and the monumental inflation there but I think another issue, in fact, that I was asked to address, is the question of the conflict between democracy assistance and national sovereignty. I think this is particularly relevant in the case of Zimbabwe. It is not the Endowment's mission to promote regime change. As distasteful as governments such as ZANU–PF and Robert Mugabe may be to some, our program is committed to democratic reform, no matter who is in power, nor is the Endowment exporting some secret imperialist American agenda, as is sometimes alleged. NED is strictly committed to peaceful, open and transparent methods of political engagement. We are guided by our partners on the ground.

Every one of our grants, including the recipient and the amount of funding can be found in our annual report and on our Web site.

Another key aspect of the Endowment's program in countries such as Zimbabwe is our independence. For example, through the American Center for International Labor Solidarity, we've been able to support the Zimbabwe Congress of Trade Unions, which is arguably the most important civil society institution in Zimbabwe. And yet, the ZCTU has been very careful to remain nonpartisan and has avoided direct assistance from the U.S. Government.

The Endowment has a number of—about a dozen other partners in Zimbabwe, such as—I don't if it's one of them that you may have met when you were there, the Zimbabwe Electoral Support Network, the Zimbabwe Lawyers for Human Rights, the Media Institute, which I think OSI also supports, the Crisis Coalition and many others. They appreciate our willingness to support them with their vital core costs. It's the salaries, rent, equipment, which allow them to continue despite the hardship.

These groups have monitored the elections, monitored human rights abuses, advocated for constitutional reform and press freedom and kept the hope for democracy in Zimbabwe alive.

Compared to the other three countries, I would say that perhaps Zimbabwe has reached the low point of its democratic development but I would also echo the statement of Ambassador Dell, things will change soon. The Zimbabwe Government has complained about American inference in their country's political affairs, has passed legislation intended to restrict the activities of human rights and democracy organizations, has beaten up and imprisoned activists, has effectively prevented the operations of NDI and IRI in Zim-

babwe and has steadily decreased the political space of Zimbabwean citizens.

Yet, the Endowment has demonstrated it is welcome in the country, that civil society activists are still doing courageous work against the odds and that they deserve and need our support.

Once again, I thank you for this opportunity to testify and I'm happy to answer questions.

[Prepared Statement of Mr. Peterson follows:]

PREPARED STATEMENT OF DAVE PETERSON, SENIOR DIRECTOR, AFRICA PROGRAM, NATIONAL ENDOWMENT FOR DEMOCRACY, WASHINGTON, DC

It is a great honor for me to testify this morning before the Senate Committee on Foreign Relations Subcommittee on African Affairs concerning the topic of Democratic Development in Africa. In the long and medium term I can state unequivocally that Africa's democratic development continues to move forward. When I began work at the NED almost 20 years ago there were just a handful of small countries that could lay some claim to being democratic: Botswana, Gambia, Senegal, Mauritius, and ironically, Sudan. These were all essentially liberal, one-party dominant regimes, with the exception of Sudan, which then had a multiparty system struggling to end a civil war. But since the Republic of Benin's historic sovereign national conference in 1990, the continent has been transformed. All of Southern Africa with the exception of Zimbabwe; and most of West Africa, with just a few exceptions, now enjoys democratic, if often imperfect, government. In Central Africa, the Democratic Republic of Congo achieved its first democratic elections last year; and in East Africa, Kenya and Tanzania may now be considered full-fledged democracies. Even in those African countries that remain dictatorships or semiauthoritarian regimes, most have much greater pluralism, press freedom, opposition political activity, and respect for human rights than was the case just two decades ago. And I am confident the trend will continue.

But in the short term there have been some disappointments recently, and throughout the continent, democratic development must be considered a work in progress. It was suggested that I focus my comments this morning on three country case studies, Nigeria, Zimbabwe, and Ethiopia, with particular emphasis on the role of civil society and the media in the runup to national elections and their immediate aftermath, as well as the more general contribution of these organizations and key individuals in advancing governance and democracy objectives. It was suggested that I provide a brief analysis of how NED and other U.S. Government implementing organizations seek to support and empower local civil society and what lessons could be drawn from our experience. Last year, with a budget of some $7 million, NED made grants to more than 200 African civil society organizations, many of which are at the forefront of the democracy movement in their respective countries. I was also asked to highlight the problem of the conflict between democracy assistance and national sovereignty. This has long been an issue with which NED and our partners have had to contend.

A few months ago, I did a quick tour of West Africa, assessing the democratic progress that has been made and the role of our civil society partners. After years of devastating civil war, I can report that Sierra Leone and Liberia have both made tremendous strides, and despite the challenges of weak governance and continuing economic hardship, both countries are at peace, and their citizens are enjoying open and democratic government. I'm proud to say that NED's partners in the human rights movement and the media, such as the National Accountability Group and the Center for Democracy and Human Rights in Sierra Leone and the Press Union, National Youth Movement for Transparent Elections, and Foundation for Human Rights and Democracy in Liberia, as well as more than 20 other indigenous partners have made important contributions to the popular awareness and respect for democracy and human rights in these two countries in the runup and aftermath of elections.

I stopped off in Ghana, which has made remarkable political, as well as economic, progress in recent years. Working with local partners such as the Institute for Economic Affairs, NED's Center for International Private Enterprise has made a tangible difference in improving governance in Ghana, and I would also commend the assistance IFES provided there in helping to build a model electoral system. I strongly endorse Ghana's being awarded by the Millenium Challenge Fund. In addition, when I was in the region, I heard about Mauritania's first successful democratic elections, which received critical assistance from NDI; and I learned about the

potential breakthrough parliamentary elections soon to be held in Togo, where NED is supporting a handful of domestic observer groups. Benin, Mali, and Senegal recently held free elections, and I would consider them robust democracies. Even in troubled Côte d'Ivoire and Guinea, one can find cause for optimism. NED partners are making real headway in these countries. In fact, I was beginning to feel as if all of West Africa had become a democratic bastion.

Then I arrived in Nigeria, where I observed the Lagos state elections with one of NED's domestic partners, the Transition Monitoring Group, and the national elections with the NDI team. I had observed the 1999 and 2003 elections, which left a lot to be desired, but these were by far the worst yet. Despite the heroic efforts of Nigerian civil society, including more than 30 nongovernmental organizations supported by NED, despite the millions of dollars contributed by the United States and other international donors, despite all of Nigeria's oil wealth that was invested into the effort, despite the country's enormous human resources and talent, despite all the warnings and studies and diplomatic demarches, despite the clear desire of Nigerian voters to participate—we saw massive disorganization and incompetence, blatant corruption and rigging, state-sanctioned repression and violence, chaos, and in the end, a huge blow to the democratic aspirations of Nigerian citizens. All the domestic and international reports were unanimous: The elections were a shambles. In response to all the criticism, the Nigerian Electoral Commissioner, Maurice Iwu, simply denounced the observers as "conspirators, they do not mean well for us"; and insisted that the elections were fine. The new government of Umaru Musa Yar'Adua was installed, at least, and as usual, Nigeria seems to be muddling through.

Why, after all the impressive progress in most of the rest of West Africa, did Nigeria, with all its assets and advantages, fail? A consortium of Washington-based think tanks held an excellent series of events before and after the Nigerian elections that have sought to address this question. I would also recommend an article that will appear in the forthcoming issue of NED's Journal of Democracy by Rotimi Suberu that provides a more thorough analysis of the problem than I can do justice to in the few minutes I have this morning. Nigerian oil, and its corrupting influence in the country, was certainly a significant contributing factor. Few of my Nigerian friends were particularly surprised by the elections; they had been predicting the outcome for some time. They knew the personalities, the inadequacy of preparations, the competing interests, the way things work in Nigeria. Obviously, there are limitations to the impact that international assistance can have, and perhaps the bigger the country, the more limited the impact. Yet, like my Nigerian friends, I can also recognize the progress that is still being made, such as the greater independence of both the judiciary and the legislature, the growing awareness among the grassroots, and the increasing capacity of civil society and the media. NED has been supporting indigenous human rights, democracy, and media organizations in Nigeria for almost 20 years, and especially during the dictatorship of Sani Abacha, the repression was intense, many of our partners were in jail, and the situation seemed pretty hopeless to many on the outside. Today, very few Nigerians want a return to military dictatorship, and almost everyone appreciates the greater political space the country now enjoys. So, in the case of Nigeria at least, one might even say that the country is not necessarily moving backward; it is just moving forward much more slowly than it should be.

Ethiopia is another story. Democratic development there has definitely slipped backward. Less than 2 years ago, the country seemed to be on the verge of a democratic breakthrough, when opposition political parties made dramatic gains in national elections. But in the runup to the elections, as I testified before the House Africa Subcommittee at the time, both of NED's sister institutes, NDI and IRI, were expelled from the country. Afterward, when opposition protests became threatening to the government, a brutal crackdown ensued. NED has supported the Ethiopian Human Rights Council since 1994, and due to its human rights monitoring and advocacy, the group has intermittently been harassed, including having its bank account frozen. But in the wake of the current crackdown, most of the leadership is either in prison or exile, and its operations have been largely stifled, despite our best efforts to help them. Few other civil society organizations or media have been able to find much space to work with in Ethiopia, and as a result, although the country remains a priority target for NED, we have found it difficult to find much to support.

The Ethiopian Government has emerged as a strategic partner of the United States, but I would urge greater attention to the domestic political environment. Too often in Africa, our relationships have been based on the personalities of individual leaders, rather than the nations they govern. It is the Endowment's special role to promote democracy around the world, cultivating the respect and goodwill of Africans as something that is in the long-term interests of the United States, rather

than being concerned only with maintaining friendly relations with the regime of the day. The Ethiopian political environment is extremely complex, and I would not be so presumptuous as to claim that NED has all the answers to the problem of democratic development there, but I do believe that in the last elections the great majority of Ethiopians expressed their desire for greater freedom, and that resistance to this sentiment would be unwise.

In the case of Zimbabwe, a government which has much worse relations with the United States than Ethiopia, NED has been much more successful in building a strong and vital program of support to civil society, including the media, political parties, and trade unions. But there have also been difficult challenges, such as legal restrictions on NGOs and Zimbabwe's incredible inflation. In addition, the question of national sovereignty is perhaps most acute here. NED has long resisted any notion that it is involved in "regime change." As distasteful as governments such as that of ZANU–PF and Robert Mugabe may be to some, our program is committed to democratic reform, no matter who is in power. NED is also strictly committed to peaceful, open and transparent methods of political engagement. Every one of our grants, including each recipient and the funding amounts, can be found in our annual report and on-line. Another key aspect of the Endowment is our independence. Thus, through the American Center for International Labor Solidarity, NED is assisting the Zimbabwe Congress of Trade Unions, arguably the leading institution of civil society in Zimbabwe. Yet the ZCTU has been careful to remain nonpartisan, and has also avoided direct assistance from the U.S. Government.

NED's local grantees, such as the Zimbabwe Electoral Support Network, the Zimbabwe Lawyers for Human Rights, the Media Institute, and the Crisis Coalition, among others, also appreciate our willingness to support vital core costs, such as salaries, rent, and equipment, which allow groups to survive despite severe hardship, and enable them greater freedom to identify other sources of funding and support. These groups have been able to continue to monitor elections and human rights abuses, advocate for constitutional reform and press freedom, and keep the hope for democracy in Zimbabwe alive. Perhaps Zimbabwe has reached the low point of its democratic development, but I would echo the opinion of the recently departed American Ambassador, Christopher Dell, "things will change soon." The Zimbabwean Government has complained about American interference in the country's political affairs, has passed legislation intended to restrict the activities of human rights and democracy organizations, has beaten up and imprisoned activists, has effectively prevented the operations of NDI and IRI within Zimbabwe, and has steadily decreased the political space of Zimbabwean citizens. Yet NED has demonstrated that it is still possible to operate in the country, that civil society activists are still doing courageous work against the odds, and that they need and deserve our support.

Senator FEINGOLD. Mr. Peterson, I thank you for your good remarks as well and I thank all of the panel members. I have limited time—this has been a good hearing—but I'm going to ask a few questions.

Ambassador Lyman, given limited country-specific information and presence, what do you believe is the best approach to deriving and applying lessons learned for promoting governance and democracy in African countries?

Mr. LYMAN. Senator, I think as several people have mentioned here, you want to find and work with the African individuals, institutions, and organizations that are themselves pressing for democracy. There is a lot of civil society out there, there are a lot of governments in which people are working to improve their own democratic performance. There are a lot of ways to lend support to that, with expertise, with political backing, with organizing training, and organizing conferences in those countries that promote the principles and practices of democracy.

I'll give you an example from Nigeria. About a year before the election, there was a major conference on electoral reform led by a number of Nigerian groups and in collaboration with some American institutions. The conference produced a solid set of recommendations for changing and improving the electoral system. On the

American side, we wanted to follow that up with the Nigerian Government, the major political parties, and Nigerian civil society. But there was no funding for followup. I think had we been able to do so, it would have helped keep up the momentum within Nigeria for electoral reform.

Support for the judiciary is terribly important. I also hope we can continue to find ways, because we don't do it as much anymore, to improve the operations of a free press. I remember an opposition politician in Kenya telling me about the investigations of corruption in Kenya. If it weren't for the free press, he said, it would not have happened.

Senator FEINGOLD. Thank you, sir. Ms. Amosu, there are reports that elements of the Zimbabwean judiciary remain independent. Are those reports accurate? Which elements are these and what role could they potentially play in achieving democratic reform in that country?

Ms. AMOSU. Well, I think you're looking at something that to some extent, varies from person to person. The suggestion has been made that the regime has been effective at managing elements of the Magistery and has frightened away or driven away more senior members of the judiciary out of the country and those are the methods by which manipulation has been achieved.

But there certainly are examples of strong judges and individuals working the judicial system who have stood up for the rule of law and have made sure that individuals who have been victims of security follow that action are protected and I think it is critical, over the coming months, that both members of the judiciary who have been intimidated or have been forced not to practice in Zimbabwe are able to return and to fulfill their rightful place as judges and senior members of the community.

Senator FEINGOLD. How can the United States and international community help empower these elements and strengthen other players in the struggle for freedom in Zimbabwe?

Ms. AMOSU. I think that it's difficult because the United States does not have extensive interests and leverage in that region and, therefore, to some extent, must work through multilateral institutions and efforts in order to be effective. That said, I think there's enormous international consensus on the crisis and what's needed to try and make a difference and great leverage is provided through the need to assemble a major economic package for restabilizing the country. The funds have to come from somewhere. The United States certainly is in a position to be a leader in pulling those funds together and certainly, it would be my view that it is appropriate and necessary that there are conditions attached to funds that are supplied for this purpose. SADC does need—the Southern African Development Community does need to make an effective job of this economic restabilization. It's going to cost a lot of money and these reports suggest as much as $3 billion are going to be needed through whatever mechanism, however the fund is put together and it seems to me that there, there is great opportunity to set conditions and to negotiate terms for the reconstruction of the country.

Mr. LYMAN. Can I——

Senator FEINGOLD. Yes, sure.

Mr. LYMAN. Can I add a comment on Zimbabwe? You know, I think—and I certainly support everything that has just been said—but, to be honest, we are not going to get a change in the direction of Zimbabwe as long as Robert Mugabe is President. He is not going to turn around and become a democrat tomorrow or even share power. The question is: At what point do his supporters in ZANU who are the real power holders, find a way to have him step down? And in that regard, what incentive is there for them to do that? Because some of the people who are likely to take over are not great shakes either. So what incentive is there for them to really change the system. That is where I think we have to be going. We have to work with the Southern African countries on incentives to the power brokers to come to the conclusion, "OK, this country is really going to the dogs. If we take over, it might get worse. What kind of change are we prepared to make, politically and economically?" In that context, the incentive packages that we and others put together become important. The inventives have to be clear and there have to be understandings about what is required from Zimbabwe. But the incentives could help move what has to be moved. That is, for the power brokers in ZANU to say, "Mr. Mugabe, it's time to step down."

Senator FEINGOLD. And I've often thought, in working on this for 15 years, the good news and bad news is that the United States, in general, was not a colonizing power in Africa. Of course, we would not want to have been there but the bad aspect of it historically is, as Ms. Amosu suggests, we don't have the kind of leverage and relationships in many places that other countries do. On the other hand, the positive layer, I think, can outweigh it. It's what we do now, positively, post-Mugabe, that will determine how the United States is seen in that part of the world. Perhaps we'll be regarded better, with less suspicion, and as more forward-looking compared to the focus on protection of long-term economic and other interests that the colonial powers have had.

So I tend to look at it as a glass-half-full kind of situation in some of these places and I think it presents interesting opportunities for the United States if we could get adequately engaged in them.

With that, I'll ask a final question for both Mr. Albin-Lackey and Mr. Peterson. It is clear, as you both note, that democratic developments in Ethiopia have been backsliding in recent years. You've spoken about this at length and I'm pleased it has been discussed today. Why do you think this has occurred? And what should the United States, particularly given our longstanding relationship with the Ethiopian Government, be doing to ensure that it doesn't slide any further?

Mr. Peterson.

Mr. PETERSON. Well, of course, Ethiopia has had a long history of authoritarian rule through a series of Emperors and a virtual Communist dictatorship and so I think the democratic culture there is still very weak and I think a lot needs to be done in terms of creating the sort of demand for democracy at the grassroots in Ethiopia. I think the United States can insist that nongovernmental organizations be allowed to operate freely, that political prisoners be released from jail, that opposition political parties be

allowed to function openly. I think, as we've seen in many other African countries, where civil society is allowed, the freedom to organize and to work with the grassroots that a democratic culture and discourse begins to develop.

It has, I think, always made a big difference. So I think that would be one thing that the United States could really focus on.

Senator FEINGOLD. Thank you, sir. Mr. Albin-Lackey, you can conclude.

Mr. ALBIN-LACKEY. I think in some ways, the goal should be getting back to a situation something like what was obtained in the run up to Ethiopia's elections in 2005. There was no way that those elections were going to be anything like free or fair in most of the country but in some parts of the country, particularly in the capital, the government had allowed a much greater degree of political openness than it had in the years prior to that. It was clearly open to some sort of experimentation with greater political openness and unfortunately, the entire thing, as we all know, ended in catastrophe with the intractable disagreements between the government and the main opposition party about the results of those elections.

But where Ethiopia is today, it's difficult even to think about bringing about a situation anything like what any of us here would probably like to see. The starting point, I think, would be with some very basic steps. Allowing Ethiopian civil society groups that have been trapped in a much more confining space since the fallout from the elections to operate more freely than they can now. Some kind of real government commitment to ending military atrocities against civilians in the Somali region in particular, and to hold people accountable for similar abuses carried out in Gambella and other parts of the country, without which any talk of political freedoms is really quite meaningless. And in general, simply to insist that the Ethiopian Government begin to roll back some of the very repressive and hard-handed measures that it has put into place in the last few years.

Senator FEINGOLD. Thank you. I thank all of you. I think this hearing covered a lot of ground and I also think that we now have a chance to send some fairly strong messages in a few places that I really sincerely hope will be more strongly reflected through the administration's own communications and efforts with regard to each of the countries that we talked about.

Thanks so much and that concludes the hearing.

[Whereupon, at 11:49 a.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF ROBERT I. ROTBERG, ADJUNCT PROFESSOR AND DIRECTOR, PROGRAM ON INTRASTATE CONFLICT, KENNEDY SCHOOL OF GOVERNMENT, HARVARD UNIVERSITY AND PRESIDENT, WORLD PEACE FOUNDATION

Seven of mainland sub-Saharan Africa's 45 nation-states are widely regarded as being success stories. This written testimony summarizes a much longer and much more detailed evaluation of those successes. The mixed conclusions of this analysis are instructive in understanding the dynamics of political and economic achievement in sub-Saharan Africa as a whole.

Africa's seven most successful countries are all growing reasonably rapidly. Yet, job creation still lags behind promises and expectations, underlining the persistence of serious levels of poverty. Moreover, where there is some indigenous wealth, there are also severe income inequalities. Several countries will be benefiting from new

resource finds, and broad improvements in GDP could eventually flow into our seven countries from such discoveries. But the exploitation of these finds, and other commercial advances, is being deterred in every case by serious shortages of electric energy. Every country has outrun its available power supplies; several years will pass in each case before these shortages can be met. Moreover, nearly all, except Botswana and South Africa, have road and rail networks that are inadequate for the industrial and agricultural growth on which their economic advances depend. Likewise, each country in our sample is being dragged down economically by the scourges of tuberculosis, malaria, and HIV/AIDS.

Good governance is essential for economic growth and the avoidance of conflict. Among our set of seven countries—Botswana, South Africa, Zambia, Ghana, Tanzania, Mozambique, and Uganda (in order of 2006 annual GDP per capita)—we show diverse results. There are countries that demonstrate steady good governance, lapsed good governance, and questionable levels of good governance. Four are well unified, with few sectional issues. A few exhibit serious leadership deficiencies. Only in Botswana is the bureaucracy thoroughly reliable. On the World Bank's Ease of Doing Business rankings, Botswana, South Africa, and Uganda rate above the others. Reasonably high levels of corruption persist in all but one nation.

Chinese influence is a new factor in the region, especially in Mozambique and Zambia. Chinese investors will be contributing significantly to the economic development of both countries, as conceivably in Tanzania as well. In Mozambique and Zambia, the way in which China operates colonially, extracting and exploiting, has elicited major protests. Throughout the region, the flood of inexpensive Chinese imports has also undercut domestic industry.

Botswana has achieved a deep-rooted political culture of genuine democracy. It has institutionalized good governance. Politics is largely fair and participatory under the country's current leadership. Rule of law is observed. These truisms will all be tested, however, when Ian Khama becomes national President in early 2008. He has authoritarian tendencies that may rile Botswana's much vaunted and much deserved reputation for due process and toleration.

Very poor at birth, Botswana is one of the very few African countries that has managed its resource treasures well, and to the benefit of the nation. Growing at 5 and 6 percent a year, as it has done systematically for almost two decades, Botswana nevertheless still has relatively high unemployment rates. It has also tried to diversify its economy away from diamonds and other minerals, but with little success (except for tourism). By African standards, corruption is minimal, held in check by a national framework of accountability and by a persuasive national ethos of integrity.

Although HIV/AIDS is highly prevalent in Botswana, the government provides broad social and medical services, and is one of the few countries in Africa that has the resources and the will to treat the disease medically as well as seek to prevent its spread. Botswana is conscious, too, of the need to overcome the sense of stigma that most AIDS sufferers experience.

As deft as South Africa's handling of the threat of inflation has been in this century, it has been less successful in terms of job creation, small business development, and overall economic growth. It is still growing less rapidly than planned and less rapidly than it needs to do to empower all of its citizens. Its growth is uneven, too; pockets of vast new indigenous wealth exist amid wastelands of aspiration and unfulfilled opportunity.

South Africa has always enjoyed the best infrastructure in Africa—its ports, airports, and rail and road transport systems are advanced by developing world standards. But, because of poor governmental investment decisions, South Africa is as short of electric power capacity as any of the other six countries discussed in this report. Given its level of industrialization and prosperity, to be hampered by faltering electricity supply is no testament to good leadership. Indeed, within the past 2 weeks, South Africa exceeded all records for power usage, bumping up against full capacity. Load-shedding was apparent, and sections of Johannesburg lost power for long periods. It will be 5 years, if then, before South Africa constructs the new capacity that it needs for a growing economy.

Although South Africa is one of Africa's handful of democracies, with a strong rule of law tradition and an independent judiciary, President Thabo Mbeki's government frequently seeks to exert executive prerogatives over civil society, its parliamentary opponents, the media, and—recently—judges. South Africa is much more centralized and statist than it was a decade ago. Privatization of state enterprises is going forward very slowly and, in some areas, that machinery has ground to a halt. Although Mbeki personally championed the new African Union and the New Partnership for Africa's Development—NEPAD—the latter's much touted peer review mechanism is being distorted and undermined within South Africa itself.

But the components that hinder South Africa's successful emergence as an independent, fully free, nation are two: Crime and corruption. With one of the highest murder and major assault records anywhere, year after year, and with police services that are underpaid, understaffed, and inept, it is no wonder that tourists and investors cringe. President Mbeki promised this year to do something about crime, but it will doubtless be left to his successor to seek serious results in this difficult and intractable area.

If crime reflects poverty and diminished expectations, then corruption reflects enhanced expectations and greed. If everyone is doing it, underlings see taking advantage of their positions as their rightful due. Stanching this drain of public goods is impossible unless good leadership exerts itself. In South Africa, as with so many other issues of concern, too much that is shoddy has been tolerated, and—other than the former Deputy President too few individuals have been singled out for censure and criminal investigation. Official corruption has grown significantly in the last decade, especially during Mbeki's Presidency. Its scale is particularly worrisome at the provincial and municipal levels, although national parliamentarians and some ministers have enriched themselves equally and notoriously.

Thanks to very high prices for copper, Zambia is growing rapidly. Its annual per capita GDP figures trail only Botswana and South Africa in this seven-country sample. Chinese investments in mining and in other sectors could help cushion the country when commodity prices fall, but Zambia has had too little success so far in diversifying its economy away from copper and cobalt. It lacks electric power capacity. Agriculture and tourism could conceivably contribute more significantly to national income in the future; the government is committed to spending increased sums on agricultural improvement (and on irrigation equipment), but more than half of all Zambians live in cities.

The current government of President Levy Mwanawasa has largely retrieved the political, economic, and social forward momentum that was lost in the 1990s under President Frederick Chiluba. But Mwanawasa was elected on rural votes and his more populist opponent championed the urban poor. This split will continue to hinder nation-building and unity. Any dramatic fall in copper prices could imperil Zambia's assault on HIV/AIDS, on poverty, on new social services, and on employment creation—all necessary achievements if Zambia is to sustain its recent income and governance gains and improve its human development indicators. Doing more than at present to reduce high corruption levels would also strengthen Zambia's attempt to make progress.

Ghana is recovering from about 40 years of bad governance—from the Kwame Nkrumah era through the Jerry Rawlings period of strong-man rule. Its recovery is proceeding under the sensible leadership of President John Kufour. Its GDP growth per year has been averaging close to 6 percent, and inflation has been reduced substantially. But half of all Ghanaians still subsist on less than $1 a day. Ghana's annual per capita GDP is a tenth of Botswana's, and when the prices of gold and cocoa—the country's chief exports—fall, Kufuor's so far credible efforts to achieve national reconciliation and economic advance may well falter. Already, persistent shortages of electric power cripple the gold mining industry and hinder the opening of new mines.

Furthermore, Ghana's recovery from previous leadership abuses of power is not yet sustainable. Most of the key governance indicators are now trending upward, although corrosive corruption has not been contained and rule of law is often honored in the breach. Even more worrying for most Ghanaians, Kufuor's steady and popular hand on the tiller of state will end at the close of 2008. His potential replacements need not articulate the same broad and statesmanlike policies; several of his possible successors could take Ghana backward, especially if world commodity prices slump. Bitter competition in the national elections could also widen Ghana's north-south divide, opening up sectional fissures in a country now united.

The last three of the African success stories discussed in greater detail in the full report are all still poor, per head (in the $300 range), but Mozambique is growing at more than 7 per cent per year thanks to its aluminum smelter, hydropower exports, and discoveries of oil and gas; Tanzania benefits from high world prices for gold. Because Uganda is dependent on coffee and fish, and has serious electricity weaknesses, its growth has slowed recently. Uganda is also still at war, in the north and west, and its efforts at national reconciliation have been faltering.

Leadership has been a reason for success, and now less success, in each of these three cases, as well as in the other four. In Uganda, the once lavishly praised leadership efforts of President Yoweri Museveni have been dissipated by his personal failures to strengthen democracy, mitigate corruption, and rule less autocratically. Uganda was once a success economically (it still welcomes investors), a victor over HIV/AIDS, and a country improving governance and building democratic institu-

tions. Invading the Congo, running roughshod over the constitution, and repressing the political opposition have all reduced Museveni's local and international appeal and reduced the sparkle of Uganda's achievements since 1986.

Disappointment may also be growing in Mozambique, where the Presidential successor to Joaquim Chissano, the gentle Marxist turned democrat, is operating in a more authoritarian manner. He has returned the ruling political party that he heads to the centerpiece of government and become more intolerant than his predecessor of dissent and of opposition. Corruption, always rife in Mozambique, is growing under President Armando Guebuza.

It is also undiminished in Tanzania, not least in nearly autonomous Zanzibar. In all three countries, anticorruption legislation, commissions, and talk from on high achieves little by way of actual reduction. Nor are many senior officials ever caught and prosecuted.

Corruption hinders improvements in economic productivity in all three countries, as well as in the others. One estimate suggests that half of all budgeted sums in Uganda are lost to such theft and fraud. When these theoretically eradicable drags on GDP are coupled to infrastructures that are still fragile—especially in Tanzania—porous social safety nets, questionable rules of law, and weak leadership, it is no wonder that the prospects in these countries for sustainable political and economic advances are still problematic.

Success is relative. Although all of the seven countries are growing, nearly all are dependent on primary commodity exports, not on invisible earnings or manufactured products. Unlike the Asian tigers, and arguably Botswana, none has entered a steady state of sustainability, not even South Africa (where population growth continues to outstrip net new job creation). The Asian tigers perform well for their peoples—they provide quantities and qualities of the seven essential political goods. In the seven African cases, only Botswana and South Africa begin to match such levels of performance, and South Africa's high crime rate makes it the most insecure country among the seven.

The seven African examples are successes only as compared to the rest of Africa, where good governance is rare, corruption common, and poverty endemic. However, Ghana, Mozambique, and Zambia should be rewarded particular accolades. They have made spectacular recoveries from the ravages of war and mismanagement. Uganda might have received the same praise today if it were not still mired in conflict and if its blemished leadership had not slowed the pace of political and economic advance.

Looking ahead, in every country successors to the current leadership have yet to take office or be chosen. Because leadership remains critical to the destinies of each of these countries, and of all countries in the developing world, and because either current leaders or their potential successors exhibit less-than-fully-democratic traits, the gains made for governance need not be sustained beyond the near term. The institutional strength and dominant political cultures of South Africa and Botswana should prevent too much slippage after 2008, but in the other five countries the institutionalization of good governance is still in process, with continued success unproven.

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