

that its new owner has a renowned reputation for honesty and integrity. The new owner, Mr. Adam Kidan, is most well known for his successful enterprise, Dial-a-Mattress, but he is also well known as a solid individual and a respected member of his community.

While Mr. Kidan certainly has his hands full in his efforts to clean up SunCruz's reputation, his track record as a businessman and as a citizen lead me to believe that he will easily transform SunCruz from a questionable enterprise to an upstanding establishment that the gaming community can be proud of.

Mr. Speaker, the purpose of my statement is not to criticize or promote the gaming industry or to favor one casino owner over another, but rather stand by the consumers who patronize casinos as a form of entertainment. I believe that every individual who visits a gaming vessel in Florida, should know that they are gaming in an establishment that represents the community well, and gives every individual a fair shot. I hope that all casino owners and operators share in this philosophy. I look forward to the positive changes Mr. Kidan is more than capable of bringing to the gaming industry and I hope that others will follow his lead when he brings positive changes to SunCruz.

AFRICA DEMOCRACY FORUM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. PAYNE. Mr. Speaker, at the founding conference of the Africa Democracy Forum in Abuja, Nigeria, earlier this month, Carl Gershman, President of the US National Endowment for Democracy, delivered a thoughtful speech about the challenges and opportunities facing this important region. The conference brought together democratic activists to further cooperation in the promotion of human rights, good governance, and peace in the continent.

I submit Mr. Gershman's speech for the RECORD, and I urge my colleagues to give serious attention to his remarks.

AFRICA'S ROLE IN THE WORLD MOVEMENT FOR DEMOCRACY

REMARKS DELIVERED BY CARL GERSHMAN, PRESIDENT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY, AT THE FOUNDING CONFERENCE OF THE AFRICA DEMOCRACY FORUM IN ABUJA, NIGERIA, OCTOBER 3-4, 2000

It's a great honor for me to join you in inaugurating the Africa Democracy Forum (ADF), an Africa-wide network of democratic activists that will both strengthen cooperation among democrats on the African continent and link their efforts to the World Movement for Democracy (WMD), the worldwide democracy network that was established in New Delhi, India, early last year. While this is my first visit to Nigeria, I feel like I've been here many times before since so many people in this room are friends with whom the National Endowment for Democracy (NED) has worked for more than a decade. I'm speaking of Ayo Obe, the President of the Civil Liberties Organization (CLO), our co-host, who chaired the final session of the inaugural assembly of the WMD, and

without whom it would not have been possible to adopt by acclamation the Founding Declaration from which she just read. I'm speaking also of Olisa Agbakoba, the founder of our other co-host, the Human Rights Law Service (HURLAWS), who has been in the forefront of the struggle for human rights and the rule of law in Nigeria; of Clement Nwankwo, who was with us in Washington in May 1999 to receive the NED's Democracy Award on behalf of all the organizations comprising the Transition Monitoring Group; of Abdul Ohroh, Innocent Chukwuma, and of course Beko Ransome Kuti who has never hesitated to stand against injustice whatever the personal risk.

The NED has been honored to support the democracy movement in Nigeria during the most difficult period of military dictatorship. Dave Peterson, our senior program officer for Africa who spear-headed that support, could not be with us at this conference, but his partner Learned Dees is here, and I don't think I have to explain to anyone the importance of Learned's contribution to democracy in Nigeria and in Africa generally. I also want to recognize Ann Macro of the Human Rights Unit of the British Foreign and Commonwealth Office, which has made a grant supporting African participation in this conference and in the WMD's next assembly that will take place November 12-15 in Sao Paulo, Brazil. We've worked closely with the Westminster Foundation for Democracy, our partner democracy foundation in the United Kingdom, and we look forward to further cooperation with our British friends in supporting other important democratic initiatives in Africa.

It would be hard to exaggerate the tremendous changes that have taken place in Africa since the mid-1980s when the NED came into being. At the time, all but a small handful of African countries were dictatorships, democracy movements were repressed, and democracy NGOs were invisible or nonexistent. The progress since then has been significant, if uneven. As Abdul Ohroh has pointed out in the background paper drafted for this conference, today 8 African countries are rated as free according to the Freedom House annual survey, while 24 are rated party free, and 21 are not free. Abdul's paper also notes that there are in Africa today 20 electoral democracies, the term used by political scientists to describe countries which hold reasonably fair elections, but where full democratic participation and guarantees are constrained by a variety of factors, among them official corruption, centralized executive power and weak parliaments, weak media, excessive military influence in politics, and a judiciary that is not fully independent.

With that caveat, it is important to note that there have been historic democratic gains not only here in Nigeria but in other African countries such as South Africa, Mozambique, Niger, Namibia, Ghana, Malawi, Mali, and Benin. At the same time, in countries such as Kenya, Gabon, Liberia, and Cameroon, electoral forms have been used to conceal continued authoritarian rule; the results of a real election were overturned in Congo-Brazzaville; and civil war and state collapse have overwhelmed the Congo, Rwanda, Burundi, Sierra Leone, and Angola.

Clearly democracy faces enormous challenges in Africa, and the difficulties that lie ahead are compounded by the extent and depth of poverty and by the alarming spread of the devastating AIDS virus. Nonetheless, there is a common element in all the gains that have been made, which offers hope and inspiration for the future. This element is

the decisive contribution made in every situation, even those where violence has temporarily gained the upper hand, by democratic political activists and the non-governmental forces of civil society.

Certainly this has been the case in Nigeria, where so many organizations represented here led the resistance to the military dictatorship and where the coalition of human rights organizations, a combative independent press, women's groups, trade unions, students, and others all raised the Nigerians' understanding of and support for democracy. The pressures they mounted against the Abacha regime, organizing domestic protests and rallying international sympathy for their cause, undoubtedly induced the interim government of Abdusalami Abubakar to move ahead with democratic elections after Abacha's demise. The more than 60 organizations that joined together in the Transition Monitoring Group strengthened the credibility of the election process while exposing its flaws, thus helping to make possible the transition from military to civilian rule—a contribution, as I've already noted, that we recognized last year with a ceremony in the U.S. Capitol. Significantly, these groups have not ceased their labors since then but remain hard at work fighting corruption and organized crime, and leading efforts to reform the police, strengthen local government and independent media, improve the environment, educate for democracy, reconcile communities in conflict, and redress the problems in such areas as the Niger Delta.

Elsewhere, the contribution of African democrats has also been impressive:

In South Africa, where civil society groups led the opposition to apartheid, built the culture of negotiation that led to the 1994 negotiations, and have since reinforced the remarkable transformation of that society. While the challenges of AIDS, crime, and poverty remain in South Africa, civil society has found an effective new role in addressing these problems in a democratic society;

In Zimbabwe, where a coalition of groups formed the National Constitutional Assembly that first proposed democratic reform of the constitution and then led a campaign against a government attempt to hijack the initiative in a constitutional referendum. The defeat of the government proposal marked a reversal in its monopoly of power, and culminated in the elections in June that restored multi-party democracy to Zimbabwe.

In the Democratic Republic of the Congo, where despite the increasing repression by the government of Laurent Kabila and the reign of terror imposed in the territory controlled by the rebels who oppose him, human rights and democracy activists have preserved hope for the future. They were a driving force behind the Lusaka Accords and the call for a national dialogue that would include civil society. They have maintained a steady flow of information on the horrendous human rights abuses committed by all sides in the conflict, ensuring that the plight of the people of the Congo is not forgotten by the international community. They have decreased the appeal of politicians who resort to ethnic hatred, protected the independent press, and increased popular awareness of human rights. Their work has been heroic.

In Sierra Leone, where civic groups led by the trade unions staged a general strike lasting nearly a year that helped bring down the military junta that had overthrown the democratically-elected civilian government of Tejan Kabbah. These groups struggled for

a just peace accord, but when the rebels reneged on the agreement, they marched on the headquarters of the rebel leader Foday Sankoh, declaring that "enough is enough!" Many demonstrators were killed by Sankoh's bodyguards, but he fled and was later captured and will now be tried for war crimes. Meanwhile, NGOs are monitoring and promoting human rights, reintegrating former combatants, and campaigning for peace and democracy.

In Angola, where a brave journalist who was invited to this conference, Rafael Marques, has gone to jail for calling Eduardo Dos Santos a dictator, and by so doing has galvanized an incipient democratic movement, led by the church, to demand an end to war, government corruption, and human rights abuses.

In the Sudan, where a coalition of women's and human rights organizations have mounted peaceful protests in Khartoum State, forcing the government to repeal a law that would have prohibited women from engaging in any form of public employment, such as working in banks, restaurants, government offices, or gasoline stations, potentially throwing thousands of women out of work. In Southern Sudan, civil society groups, led by the Council of Churches, are pressing ahead with a peace campaign which has dramatically reduced the fighting among rival factions that has killed hundreds of thousands of Sudanese in the last decade.

And in Chad, where human rights activists, supported by their counterparts in Senegal and the Congo, have managed to get the former dictator, Hissene Habre, convicted of crimes against humanity, following the precedent of legal action taken against the former Chilean dictator Augusto Pinochet. Although Senegal's new president, Abdoulaye Wade, managed to have the decision reversed, human rights activists are confident they can restore the conviction.

These are just a few of many examples that can be cited of how the democracy movement in Africa is effectively contributing to the cause of human rights, good governance, and peace. The problems Africa confronts are profound but not inevitable. They can be reversed if there is real accountability and transparency—in other words, real democracy. In a word, democracy is not possible without democrats. Their contribution—your contribution—is the precondition for building democracy on the continent.

Having noted the central role played by the African democracy movement, it is also important to recognize the influence of international factors on the development of democracy in Africa. For example, as the international movement of human rights gathered momentum in the 1980s, the Organization of African Unity adopted the African Charter on Human and People's Rights. While the Charter did not specifically address the issue of democracy, or at least did so only tangentially, it provided new space for democracy activists to function within the framework of human rights, which the governments officially recognized.

A second international factor was the "third-wave" of democratization, a process which began with the revolution in Portugal in 1974 (which itself had been precipitated by the unsuccessful colonial war in Angola) and later spread to Latin America, Asia, Central Europe, and eventually Africa. The downfall of dictatorships in these regions, and especially the collapse of communism in Central Europe and the former Soviet Union, had a powerful effect in Africa. In the first place, many African dictatorships saw the writing

on the wall and immediately set in motion processes leading to the establishment of multi-party electoral competition. Even where this competition was controlled by the old regime, it offered new space for democracy activists to develop programs of civic education and to appeal to the international community for support. Moreover, the passing of the Cold War and the added effect of ending a bi-polar international system that allowed tyrants in Africa to play the major powers off against one another, appealing for support—even from a democracy such as the United States—by presenting themselves as strategic allies. The end of the Cold War brought this cynical process to a close and put new pressure on African governments to democratize as a condition for winning international support and assistance.

The end of apartheid in South Africa was yet another factor that added to the pressures for democratization in Africa. The struggle against white minority rule in South Africa so dominated the politics of the African continent that it completely overshadowed the question of black authoritarian rule in other countries. With the end of apartheid, which itself represented an historic gain for African democracy, the focus shifted to the nature of the political regimes in black Africa. No longer could African dictators escape scrutiny by proclaiming their opposition to apartheid. In the post-apartheid era they would, like rules in other regions, be judged according to the universal standard of democracy.

In keeping with the emphasis on democracy in this new era, many countries in Europe and North America have established programs to bolster the efforts in Africa to build democratic institutions. Some of these programs were undertaken by governments as part of their development assistance budgets. But an important new dimension of such assistance has been in the creation of independent democracy-promotion foundations such as the National Endowment for Democracy and the Westminster Foundation for Democracy. The financial and technical assistance provided to democratic activists by these programs, along with the involvement of many Western NGOs in the growing field of democracy promotion, constitutes a new and innovative force for advancing democracy in Africa.

Not all the new international factors have aided democracy in a clear and unambiguous fashion. The economic, technological, and communications revolution that has been given the name "globalization" has not been welcomed by many people in Africa and in other regions as well. Some see it as a menacing force that can marginalize less advanced economies. There is also concern that the dynamic of global integration that is a central aspect of this new period threatens local cultures, religions, and identities. But there are also those who understand that globalization in an unavoidable challenge. For them, the issue is one of creative adaptation—of learning to utilize the new technologies to discover new ways to empower local groups with knowledge and to connect them with allies in their own countries and beyond.

The Africa Democracy Forum is one such response to the challenge of globalization, and the World Movement for Democracy is another. The hope is that by establishing such cooperative networks local democracy groups will be empowered in new and important ways. They will be able to share experiences, to identify "best practices" that help governments (especially local governments)

serve the people more effectively, and to develop indices, such as the Democracy Perception Index that will be discussed at this conference, that can help measure and evaluate government performance. In addition, such networks empower groups by giving them a voice that will command far more attention in the new arenas of global politics than if each tried to speak alone. Not least, they can develop allies in other democratizing countries and in the advanced democracies who can defend their interests in distant and often inaccessible international bodies. Linkages, voice, a seat at the table, solidarity, and mutual aid—these are the keys to the empowerment of civil society and local NGOs in the era of globalization.

As the Africa Democracy Forum develops and begins to play a role within the World Movement for Democracy (the ADF, I should note, will convene an Africa regional meeting at the next assembly of the WMD, which will take place in Sao Paulo, Brazil, from November 12-15), the question of the inter-relationship between regional and international factors deserves careful consideration. Local democracy groups should give thought not only to strengthening their voice internationally, but also to utilizing their international relationships to exercise leverage on African governments to implement meaningful political and economic reforms.

For example, 19 sub-Saharan African countries participated in the "Community of Democracies" ministerial conference that was held last June in Warsaw, Poland. (These countries were Benin, Botswana, Burkina Faso, Cape Verde, Kenya, Lesotho, Madagascar, Malawi, Mali, Mauritius, Mozambique, Namibia, Niger, Nigeria, Sao Tome and Principe, Senegal, Seychelles, South Africa, and Tanzania.) Each of these countries approved the Warsaw Declaration, which included such fundamental democratic principles as the right to free elections; equal protection of the law; freedom of expression, religion, assembly, and association; free communications media; freedom from arbitrary arrest or detention; minority rights; equal access to education; judicial independence; government accountability and transparency; civilian control over the military; and the obligation of governments to refrain from extra-constitutional actions. While most of the African governments that approved this declaration are making genuine efforts to honor these principles, there may be some whose performance has been problematic, such as Burkina Faso and Kenya. In these cases, local NGOs might want to consider the establishment of "Warsaw Watch" committees (modeled on the highly effective Helsinki Watch committees established in Eastern Europe and the Soviet Union following the adoption in 1975 of the Helsinki Declaration) that would monitor their government's performance and appeal for international support from the Warsaw signatory countries if their government should violate the principles it endorsed in Warsaw. WMD participants from those signatory countries, especially in North America and Europe, could be contacted by the local NGOs to enlist their governments to pressure the country in question to honor the democratic commitments it made at the Warsaw meeting.

Then there is the whole question of the international financial institutions and the debts owed by poor countries in the context of globalization. At the present time, debt relief has not been tied to democratic reform. Nor can one count on the groups that have protested globalization to make this

link since they seem more interested decrying inequality as a way of indicting the affluent countries than in encouraging the poor nations to reform by developing measures to root out corruption, nepotism, ethnic domination, and repression of the media and to achieve good governance, the rule of law, and real protection for human rights. The demand for such reforms will have to come from within the poor nations from the groups that are fighting for democratic reform, transparency, and accountability.

The idea of conditioning debt relief on the implementation of measures to achieve lasting democratic reforms has been advanced by our good friend Larry Diamond, who has noted that the amounts owed by African governments are in many cases "equaled or exceeded by what its political leaders have embezzled from the state." Simply to forgive the debts, he has written, "would reinforce the irresponsibility that has brought the continent to this juncture." With this in mind, he has called for a new international bargain—"debt for democracy and development for good governance." According to Larry's proposal, debt repayments would be incrementally suspended as countries establish laws and structures to monitor public assets and the conduct of public officials, to audit public accounts, to protect the independence of the judiciary from political interference or ethnic favoritism, to ensure public access to government information, to promote freedom of the press, and to take other measures that foster transparency, accountability, and overall good governance. He also urges that debt relief be complemented by assistance to train public officials and civil society leaders.

I would add one additional measure to supplement Larry's excellent proposal: The international community should work with democratic African governments and NGOs to locate and recover looted funds and to prosecute those individuals, many of whom are living in luxurious exile, who have committed these crimes, as well as the financial institutions and individuals in the affluent countries that have been complicit in carrying them out.

The agenda for reform needs to be shaped and monitored by African democrats. That's what you are attempting to do by creating a Democracy Perception Index. But you will need support in implementing your agenda and in getting African governments to adopt the reforms you will propose. Here, I believe, the World Movement for Democracy offers a new and unique resource—that of international political and moral solidarity. It is one that I hope you will not hesitate to use. I hope we will respond effectively to your needs and that together we will work toward a genuine renaissance of democracy in Africa.

C-CORPORATIONS TAX FAIRNESS

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. ENGLISH. Mr. Speaker, today I am introducing legislation which will bring a measure of fairness to our corporate tax system. Currently, closely-held C-corporations pay a 35% tax on capital gains, while all other closely-held corporations and individuals pay only a 20% tax. This kind of tax treatment is unfair to the owners of closely-held C-corporations.

Unfortunately, current tax law prevents closely-held C-corporations from competing on a level-playing field with other forms of enterprise with respect to capital gains. Widely-held C-corporations are not subject to the same provisions that limit closely-held C-corporations. In addition, closely-held C-corporations are subject to a much higher-tax rate than individuals or pass-through entities.

Closely-held C-corporations have become a sort of hybrid form of business which, from a federal income tax perspective, operates in the worst of worlds. First, they are subject to all the Internal Revenue Service provisions that apply to widely-held C-corporations. Second, they are subject to two important limitation provisions that normally apply only to individuals or pass-through entities: the passive loss rules and the at-risk rules. Third, they are subject to the personal holding company and accumulated earnings tax provisions, which generally do not apply either to individuals or widely-held C-corporations. For the owners of closely-held C-corporations, things are even worse. Not only are capital gains initially deprived of a favorable tax rate at the corporate level, but when these capital gains are distributed, they are taxed as ordinary income in the hands of the owners.

The penalty provisions described above were intended to prevent especially wealthy individuals from using C-corporations to avoid tax liabilities. However, multiple changes over recent years in the tax treatment of C-corporations have all but eliminated any possibility of using a C-corporation in such a manner. S-corporations, on the other hand, have experienced a liberalization of regulation and now present a better ownership vehicle, from a tax point of view, than any closely-held C-corporation.

Current tax law prevents closely-held C-corporations from competing fairly for capital gains investments. These companies cannot compete against widely-held C-corporations because the latter generally are not subject to the limitation provision with which the closely-held C-corporation must grapple. In addition, they cannot compete fairly with individuals or pass-through entities because they pay a much higher capital gains tax rate. This kind of discrimination in tax treatment is unfair to the owners of these businesses and is unhealthy for the economy as a whole.

My proposal would reduce the tax rate applicable to the capital gains of closely-held C-corporations from the current 35% to 20%. However, in order to benefit from the lower capital gains rate, these corporations must subject their ordinary income to the individual 39.6% tax rate. If the net effect of these two rates is a reduction in tax liability, the corporation will pay the lower amount. If not, the corporations would pay the current 35% tax rate on capital gains and ordinary income. As a result, all closely-held corporations would pay the same rate and thus compete fairly.

This proposal is obviously not the entire solution, but it would make a dent in dealing with the inequity of this particular situation.

HONORING JOHN REDNOUR BEING NAMED OUTSTANDING CITIZEN OF THE YEAR

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring a good friend and public servant, Mayor John Rednour, of DuQuoin, on being selected the Outstanding Citizen of the Year for lifetime achievement and service to the community.

John Rednour's legacy with the City of DuQuoin is rooted in his deep commitment to the community and his policy of service above self. He has presided over the best of times in his community and also through times of adversity.

John Rednour came from the small community of Cutler on the west side of Perry County Illinois. Coming from a hard working family, John realized early on the importance of community service. His involvement in several successful business ventures has led him to become the President of the DuQuoin State Bank and also to serve as the Mayor of DuQuoin.

As DuQuoin's Mayor, John Rednour has presided over many development projects to help create jobs and improve the economy in DuQuoin and Perry County. He can count a new City Hall, Library and police department complex as part of his many achievements. Mayor Rednour prevailed upon me to secure federal funds to help build a new 3.2 million dollar overpass and over 6 million dollars in sewer and water improvements. He led the effort to develop the DuQuoin Industrial Park. And created a program to protect property values. Mayor Rednour has also had every highway in and out of DuQuoin resurfaced.

In terms of municipal services, John returned full-time staffing to both the police and fire departments and next year the City takes delivery on a new \$450,000 aerial fire truck. To Mayor Rednour, fire protection is important, for the first time fire protection is available to all parts of the City. He also restored funding to emergency preparedness programs in the community.

His longstanding relationships in both Springfield and Washington have provided DuQuoin with everything from Amtrak rail service to access to state and federal funds totaling over 22 million in recent years.

Mayor Rednour's philosophy is simple and subscribes to the thinking that "build it and they will come and believe in it and the money will be there."

Mr. Speaker, I ask my colleagues to join me in honoring John Rednour and to recognize his commitment for public service to the community of DuQuoin, Illinois.