

104
REFUGEES IN EASTERN ZAIRE AND
RWANDA

Y 4. IN 8/16:R 25

Refugees in Eastern Zaire and Ruand...

HEARING
BEFORE THE
SUBCOMMITTEE ON
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

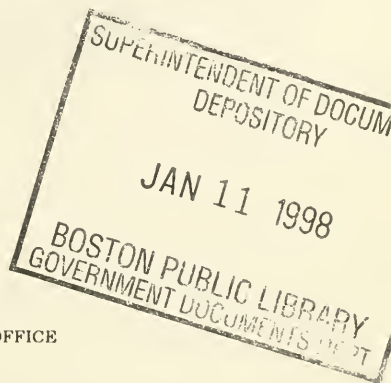
DECEMBER 4, 1996

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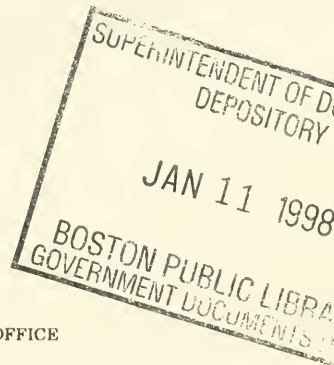


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REFUGEES IN EASTERN ZAIRE AND RWANDA

WEDNESDAY, DECEMBER 4, 1996

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

The Subcommittee met, pursuant to notice, at 10:05 a.m. in room 2172, Rayburn House Office Building, Hon. Christopher Smith (chairman of the Subcommittee) presiding.

Mr. SMITH. The Subcommittee will come to order. Good morning.

Today's hearing will explore the causes and possible solutions of one of the greatest humanitarian crises in the history of the world.

In 1994, the world watched helplessly while an estimated half-million men, women, and children, mostly ethnic Tutsis, were slaughtered by Hutu extremists who then controlled the Rwandan military. Later in 1994, after the Tutsi rebel army had defeated and replaced the forces of the former government, an estimated 2 million Hutus fled to Zaire and other neighboring countries within a period of only a few days. Many thousands of these people died of starvation or disease.

An estimated 1.2 million were provided temporary shelter and basic necessities in refugee camps established by the U.N. High Commissioner for Refugees. Unfortunately, these camps provided safe haven not only for genuine refugees but also for former soldiers of the Rwandan Army and associated Hutu militias who had committed atrocities against their Tutsi countrymen. These elements soon established a shadow government within the refugee camps, controlling the distribution of food to refugees and using the camps as bases for armed incursions into Rwanda.

The UNHCR, the Governments of Rwanda and Zaire, and donor nations, including the United States, became increasingly exasperated with this situation but were unable or perhaps unwilling to separate the terrorists from the refugees. This apparent stalemate lasted for over 2 years.

The preferred solution of almost everyone involved in the operation was for the refugees to return voluntarily to Rwanda, but the overwhelming majority refused to return. There were many reasons for this refusal. The Hutu extremists, the so-called ex-FAR, or Interhamwe, feared punishment for the atrocities they committed before they left Rwanda.

Among the vast majority of camp inhabitants who were innocent victims and not perpetrators of violence, many appeared to have been held as virtual hostages by the ex-FAR and Interhamwe. Oth-

ers, however, appeared to have been afraid that violent retribution would be taken not only against returnees who had committed atrocities but also against Hutus innocent of any crime who might be regarded as guilty by ethnic association.

These fears were not irrational. Between 1994 and 1996, there have been numerous reports of atrocities against Hutus in Rwanda, including reports that returning refugees and displaced persons have been summarily executed by government forces. As recently as July of this year, Human Rights Watch condemned the killing of at least 132 unarmed civilians by soldiers of the Rwandan Patriotic Army.

During September and October of this year, the refugee camps in Zaire were attacked and overrun by rebel militia representing the local ethnic Tutsi group, Banyamulenge, apparently with the active support of the Rwandan Army. A million refugees became refugees twice over. Once again they faced starvation, disease, and armed attackers.

The United Nations Security Council debated whether and how to deploy a multinational military force. Early in the deliberations, it became apparent the primary emphasis in any such operation would not be to provide immediate relief to the affected refugees in Zaire but, rather, to facilitate their repatriation to Rwanda. Then, after agreement in principle had been reached on the multinational force, but before it could be deployed, an estimated half-million refugees suddenly turned around and walked back from Zaire to Rwanda.

The immediate reaction to this stunning development seemed to be that the problem had taken care of itself. The United States Ambassador to Rwanda stated publicly that the remaining Rwandan refugees in need of repatriation appear—and I quote—“appear to be in the tens to twenties of thousands rather than in vast numbers.”

Even after it became clear that the Rwanda Hutus had not yet returned to Rwanda, numbering in the hundreds of thousands, media accounts seemed to reflect the perceived vision that these people must consist overwhelmingly of ex-FAR criminals and their hostages.

More recent reports, however, make clear that the crisis is far from over. Refugees coming out of the jungle are suffering from serious malnutrition. More ominously, some recent groups of refugees include many women and children, but there seem to be very few men, and once again there are reports of massacres of unarmed refugees.

Some of these massacres may have been perpetrated by ex-FAR soldiers to deter their fellow Hutus from returning to Rwanda, but others appear to have been committed by Tutsi rebel forces, the close political and military allies of the Government of Rwanda into whose hands the international community is encouraging these refugees to return.

In responding to what we all hope will be the final stages of this ongoing human tragedy, I hope our policymakers will keep four sets of questions in mind, and I will ask our witnesses today to address each of these questions.

First, what is happening to the refugees in Eastern Zaire, and what can we do about it? Are people starving to death? If so, how quickly can we negotiate with the Tutsi rebels for access to these people by humanitarian organizations? We can presumably use the good offices of the Rwandan Government, with whom the U.S. Government seems to have developed an extremely close relationship.

If, however, we cannot get immediate access, and if people will die during the time it takes to negotiate, then how soon can we begin emergency airdrops of food?

Most important of all, is there any truth to the reports that refugees are being systematically killed by the allies of our allies? If so, what can we do and what have we done to put an immediate end to the killings?

Hopefully this hearing will send a message to all involved, and hopefully the Administration and everyone who speaks can send that collective message that the U.S. Government will not support anyone, any people, who commit atrocities or commit massacres.

Second, what is happening to the refugees who have returned to Rwanda? The President of Rwanda went to the border to welcome some of the first returning refugees. Has this reassuring gesture been borne out by their experience when they return to their homes? What can we do to ensure that the refugees whose return we are facilitating will be allowed to live in peace and that those who are accused of crimes will be tried according to the rule of law?

Third, in light of the answers to these questions, is there still a useful role to be played by a multinational force? Even if such a force is not needed to facilitate repatriation, is it necessary to provide logistical support for humanitarian efforts to provide emergency relief to refugees dispersed in remote mountainous areas? If so, can we prevail on the Zairean rebels who control these areas not to conduct hostile operations against forces engaged in this humanitarian work?

Finally, amid all the concerns with the logistics of repatriation, what consideration is being given the people who are unwilling to return to Rwanda, not because they committed atrocities, not because they are hostages of the ex-FAR or the Interhamwe, but because they reasonably fear, based on recent experience, that they could be persecuted because of their ethnicity or their former political associations?

Unless we deny that there are any true refugees in this population, we must choose between three options: First, genuine refugees who do not wish to return to Rwanda can be resettled in safe countries; second, they can be given safe haven in reconstituted refugee camps until it is clear that they can return to Rwanda, whose government has established a track record of nonpersecution; or, third, they can simply be given no other option but to return to Rwanda, and when they offer no physical resistance, their return can be characterized as "voluntary."

This last option is the one that will be chosen by default if no other arrangements are made. In many refugee crises, the international community devotes so much of its energy to promoting the return of people who are deemed not to be refugees that it sometimes loses sight of those who are most in need of protection. Even if the nuts and bolts of major refugee operations consist largely of

repatriation, I believe we must never forget that at the heart and soul of refugee policy is protection.

Mr. SMITH. I would again like to ask Mr. Hamilton or Mr. Payne if either of them would like to make an opening statement.

Mr. HAMILTON. Mr. Chairman, I just want to commend you for calling the hearing and for your excellent opening statement. We look forward to the testimony of our witnesses.

I believe Mr. Payne does have an opening statement, and I yield to him.

Mr. PAYNE. Thank you very much.

Let me also commend you, Mr. Chairman, for calling this very important hearing on the crisis in the Great Lakes region. I am pleased that even though we are officially not in session, that this crisis is very important and that you saw fit to call this important hearing, and once again I commend you for that and thank the Ranking Member for yielding his time.

Although I am encouraged by the flow of refugees, the grimmer reality is that 43,000 children are separated from their families in what AID workers claim is the largest number of unaccompanied young refugees since World War II.

According to the Kigali-based International Committee of the Red Cross, tens of thousands of other children who did not make it home may be wandering in the wilderness without their parents in Eastern Zaire and at the mercy of soldiers and, of course, being exposed to hunger.

As chairman of the Congressional Black Caucus and as a Member of the Subcommittee on Africa, let me just say that I supported the Administration's decision to send troops to Goma and Bukavu in the eastern province of Zaire, as was the plan in the early part of November.

Members of the Congressional Black Caucus sent a letter to the President last week stating that we still believe that some type of international military presence is needed to help the thousands of refugees still in south Kivu and the 600,000 refugees in Kigali, Rwanda. We have not received a response as of yet. Although many have gone home, hundreds of thousands are still mostly in Bukavu and Uvira in Zaire, Tanzania, and Uganda. So the situation we have today is the direct result of failing to address the situation adequately 2 years ago.

Besides the multilateral forces, we could have provided logistical support. For example, we promised 50 armored personnel carriers several years ago, but to date we have still only sent 30 to Uganda. This certainly prohibits a meaningful operation.

In the early part of November, I understand that the U.N. Special Envoy for the Central African Region from Canada was the first to commit to sending troops, followed by the French. Much to our dismay, our U.N. representative, Madeleine Albright, has done the opposite, participating in one stalling maneuver after the other.

The Canadians have stated that they are still willing to send troops to Zaire; however, they cannot do it alone. The United States, if we are going to be active participants in post-cold war humanitarian efforts, we cannot afford to stand by and let thousands of people die while we make up our minds.

I hope we will not pursue a policy concerned only with globalization of trade and turn our backs on humanitarian issues. We see this tremendous emphasis on the whole business of having trade barriers dropped and recent trips by our Administration to Asia, but if we are going to turn our backs on real humanitarian issues, then I think this is a flawed policy.

This crisis has erupted also as a result of the failure of enactment of an arms embargo. These arms continue to traffic to the former Rwandan Government forces based in neighboring countries, particularly Zaire, Tanzania, and Kenya, in violation of the international arms embargo.

Finally, we still have to deal with the 85,000 Hutu perpetrators of genocide and the land disputes due to refugees returning home. There are still very serious problems inside Rwanda. This may have averted a human disaster in Zaire. However, we should continue working to reduce tensions in order to avoid conflict in Rwanda and continued and increased conflicts in Rwanda and Burundi. We want to prevent escalation of fighting along the Ugandan and Zaire border, possibly with a spillover into Tanzania, Kenya, and maybe even into Zambia and Sudan.

Once again, Mr. Chairman, thank you for calling this important hearing, and I look forward to hearing our witnesses.

Mr. SMITH. Thank you very much, Mr. Payne.

Mr. SMITH. I want to welcome our Administration witnesses and express my gratitude for their coming this morning. First, I want to introduce Phyllis Oakley, Assistant Secretary of State with the Bureau of Population, Refugees, and Migration. In her career as a foreign service officer, Ms. Oakley has had a wide range of assignments, including Deputy Spokesman of the State Department and Desk Officer for Afghanistan. From 1979 to 1982, she was stationed in Kinshasa, Zaire, where she served as assistant cultural affairs officer.

Before yielding to Secretary Oakley, I want to introduce the rest of the panel and then ask you to proceed.

Ambassador Richard Bogosian has served as the State Department's special coordinator for Rwanda and Burundi since June 1995. Before assuming his current position, Ambassador Bogosian was the special envoy to Somalia and Chief of Mission at the U.S. Liaison Office in Mogadishu. Previously, he served as U.S. Ambassador to Niger and Chad.

Michael Mahdesian, Deputy Assistant Administrator for the Bureau of Humanitarian Response of the U.S. Agency for International Development. In that capacity, he oversees the Office of Foreign Disaster Assistance and has traveled to Haiti, Angola, and South Africa.

Finally, Vincent Kern is the Deputy Assistant Secretary of Defense for African Affairs, a position he has held since June of last year. Mr. Kern received his master's degree in public administration, with concentration in national security affairs, from Harvard. And we welcome him as well.

Secretary Oakley, please proceed as you wish.

STATEMENT OF PHYLLIS E. OAKLEY, ASSISTANT SECRETARY OF STATE, BUREAU OF POPULATION, REFUGEES, AND MIGRATION, U.S. DEPARTMENT OF STATE

Ms. OAKLEY. Thank you very much. Mr. Chairman.

Few of the problems the United States faces are as challenging as the political and humanitarian situation in the Great Lakes region of Africa, and so all of us welcome the opportunity to review with you the current information on the status of the several refugee populations and the international response.

I have tried to shorten my statement a bit this morning because there are so many aspects that I know that we want to cover, but, as you know, I would be glad to answer any of your questions.

Rwanda and Burundi, in particular, have been plagued in recent decades with periodic rounds of ethnic massacres and consequent refugee flows. Each has been burdened with refugees from the other, as have nearly all of their neighbors. All here present know well the tragedy of genocide that took place in Rwanda leading to refugee outflows in 1994 that shattered all previous records for magnitude and rapidity.

In mid-October of this year, we entered yet another phase in what seems to some an unending cycle of conflict in the Great Lakes region. Goaded by government announcements that they would be stripped of their Zairean citizenship, Zairean Tutsis mounted an armed insurgency in Eastern Zaire. Joining forces with other Zairean opposition elements and backed by the present Rwandan Government, they have taken control of a swath of Zairean territory along the Rwandan and Burundi borders. They attacked and dispersed all of the 40-some refugee camps in Eastern Zaire that housed some 1.2 million refugees from Rwanda and Burundi.

In the ensuing chaos, many of the Rwandan refugees were able to break free of the former Rwandan Government, former Rwandan Army forces that had been intimidating them into remaining as refugees in Zaire. To date, some 600,000 have returned to Rwanda, most in massive movements between November 15 and 20. Almost all of these have now returned to their home areas or communes, where they are being registered and receiving a settling-in package of assistance that includes 2 months' worth of food. Remarkably, given the still very fresh pains of the genocide, human rights monitors have seen almost no cases of retribution.

As squatters whose old homes have been destroyed in the earlier war and genocide or who had recently returned from long-term exile are required to vacate the homes of the newly returning refugees, there are bound to be some tensions. To help calm the situation, the Government of Rwanda has temporarily suspended new arrests for genocide except in cases of egregious perpetrators.

We are, of course, delighted that so many of the Rwandan refugees in Zaire have returned home, while mourning what we assume to be the thousands of deaths that have resulted from the attacks in the camps. As you know, the situation of Rwandan refugees in Zaire had presented the entire international community with an acute moral dilemma: How to separate effectively and humanely the legitimate refugees from armed elements of the former

regime and from those who would not be entitled to refugee status given their role in the 1994 genocide.

In all of our attempts to accelerate voluntary repatriation of refugees to Rwanda, we focused on three areas: Creating a safe context inside Rwanda for repatriation, ensuring that international assistance programs were conducive to achieving repatriation, and stopping the intimidation of refugees by convincing the intimidators to accept return. Our relative success in the first two areas was overshadowed by our collective failure in the third. The attacks by the Zairean rebels broke the intimidators' hold for a large share of the refugees.

There remain, we believe, between 200,000 and 400,000 refugees who have been registered in the Zairean camps. You are no doubt aware of the rather shrill debate that is taking place about numbers. Good numbers simply are hard to come by. We do not know how many dispersed refugees and displaced Zaireans there are or in what condition they may be. Aerial surveillance, which has had a lot of difficulty with cloud cover, we now recognize that it has indicated that there are concentrations of people in Eastern Zaire adding up to over 200,000.

It is obviously critical that the international community have ground access in order to assess numbers and needs. It is equally obvious that under current conditions there is active fighting still taking place in Eastern Zaire. We are very encouraged, nevertheless, by recent international access that located some 40,000 people between the Goma and Bukavu sectors and has arranged to get them repatriated to Rwanda.

Another hotly debated topic is whether a multinational military force is necessary to carry out humanitarian operations, as was authorized by the U.N. Security Council in November. Both the mission and the implications of introducing another force into the already very militarized and volatile Eastern Zaire area must be handled astutely. Military planners are working with the humanitarian community to explore the prospects for airdrops to those stranded refugees and displaced persons who may be in need of emergency rations.

Everyone is well aware of the potential difficulties in getting supplies safely to the intended beneficiaries. UNHCR has stressed that airdrops should be considered as a last resort only.

Some 62,000 of the 143,000 Burundi refugees in Zaire have returned to Burundi since mid-October, in many instances to a very uncertain welcome, as Burundi itself continues to be convulsed by ethnic violence. We are particularly troubled by the reported massacre of up to 400 returnees who had sought shelter in a church. The special representative of the U.N. High Commissioner for Refugees to the Great Lakes region is urgently looking into the issue of safe return areas for Burundi refugees who at present cannot remain in Zaire.

I would also like to call your attention to the situation in Tanzania, where there are currently over 700,000 refugees from Rwanda, Burundi, and Zaire. The number of new refugees from the fighting in Burundi continue to grow, potentially straining the response capacity of relief agencies in Tanzania. UNHCR has already increased its emergency planning figure from 100,000 to 200,000. At

the same time, it should be possible for the over 500,000 Rwandan refugees to contemplate orderly voluntary return to Rwanda.

The Government of Rwanda is anxious to bring all of the refugees home in the coming weeks. Doubling the massive returns to Rwanda would, of course, create additional strains on absorptive capacity, but there certainly is little reason for people to languish as refugees any longer than need be.

We have at least five humanitarian objectives for the coming weeks and months. We want to assist the Rwandans in meeting the challenge of welcoming and reintegrating the 600,000 who have returned in recent weeks; we want to locate and assist those refugees stranded in Zaire; we want to assure that displaced Zaireans receive the aid they need; we want to work for a rapid but orderly voluntary return from Tanzania to Rwanda; and we want to assure that Burundi who need it can find safe asylum.

In recent days, the U.S. Government has programmed an additional \$145 million in humanitarian and development assistance. This brings our total humanitarian contributions since 1994 to about \$1 billion. We are directing the greatest share of the new funding to the challenges of rapid reintegration and recovery and reconciliation inside Rwanda. There will be a particular focus on the needs of women, both because there are so many female-headed households in the aftermath of Rwanda's upheaval, but also because we believe this is a fruitful path toward the kind of genuine reconciliation that Rwanda will need.

Now, I would like to turn to my colleague, Ambassador Dick Bogosian, to review for you the incredible complexity of the geopolitical situation in the Great Lakes region that has been mirrored in all of the refugee flows about which we have been speaking.

Thank you.

STATEMENT OF RICHARD W. BOGOSIAN, SPECIAL COORDINATOR FOR RWANDA AND BURUNDI, U.S. DEPARTMENT OF STATE

Mr. BOGOSIAN. Good morning.

The Great Lakes situation presents the international community with one of the most difficult and complex sets of issues in the world. In a region encompassing over a million square miles, which is the home of around 100 million people and includes unique ecological, economic, and geographical areas, there is a range of political, social, and security problems that run the risk of getting beyond the control of the citizens of the region and of the larger international community.

The focus of today's discussion is the refugee and larger humanitarian crises. I would like to place these developments in a larger geopolitical and diplomatic context. My prepared testimony discusses this context in more detail than I am able to do here. However, the key points to note include the following, which I draw from my written testimony.

First of all, I think the key point to note is that in this context in which I am speaking—that is, the broad geopolitical issue—the center of gravity of concern has shifted from the refugee problem of Rwanda to the overall situation in Zaire. Whereas up to a couple of months ago many of us felt that the key issue that underlay the

instability of the region was the refugee presence, particularly in Eastern Zaire, I think the developments over the last few weeks, both in terms of reducing, if not eliminating, the refugee problem, but exacerbating the overall political situation in Zaire, now makes Zaire the top issue, to put it that way, in the region. But it is one of several.

First of all, as far as the Rwanda political situation goes, and accepting at the outset that a serious refugee problem continues along the lines that Secretary Oakley has just stated, as a general proposition, the grip of the former Rwandan Army, the ex-FAR and the Interhamwe, has been broken. It is not clear how powerful they are, whether they might resume their activities, but, as a practical matter, the kind of hold—you used the word “hostage”—that they held before has been broken.

In addition, the network of refugee camps that provided the locus of their support has been broken, and the flow of assistance which they used to provide material support has been broken as a practical matter.

In the context of internal Rwandan politics and policies, the next big event, we expect a large-scale return of Tanzanian refugees. This will strain the situation. The other speakers today further will describe what is going to be done in the assistance area. But that will bring to the forefront a broad range of issues in Rwanda, some of which you anticipated; which is to say the ability to develop a system of justice that is fair in both directions that does not add up to a human rights problem as exemplified with the overcrowded jails but also brings to justice those people who perpetrated genocide a couple of years ago.

That is going to be a very tall order on the Rwandan side, and I will say a word or two more about that in a moment.

On the issue of military in the region, I just want to note that the Government of Rwanda remains aware of foreign intervention, and, as a result, they have been reluctant to support a multinational force, although they have not been completely negative. It remains to be seen what is going to be needed and to what they will agree.

In the meantime, they have agreed to provide certain U.S. military personnel the same privileges and immunities as experts under our technical cooperation agreement. We hope to get more from them in the context of what we would want under our status-of-forces agreement. We have some of what we need; we will be trying to get more.

In short, they are relatively forthcoming with us bilaterally. They are more reluctant in any multinational context. And I do want to note that we have had a small number of military in the region. I assume Vince Kern will address that.

Our principal objectives in Rwanda remain to assist the government making peace with its neighbors, absorbing the refugees, and reconstructing the civil society. In that context, the issues of human rights and justice loom large. As you know, there is the whole question of the international tribunal and there is the question of the national justice system in Rwanda.

To the extent that national reconciliation is the key to peace in Rwanda, clearly justice is the key to reconciliation in Rwanda. Those will be important elements of what we do.

In addition to various programs that I think Mr. Mahdesian will be mentioning, I just want to note that we support a large increase in the number of human rights monitors in Rwanda. This effort is getting under way. I would just note that Assistant Secretary Shattuck expects to be in Europe in the next few days. I am pretty sure he will be talking about this with the head of the U.N. High Commission for Human Rights.

I had thought that our request for additional support was with you. I understand it is not here yet, but I am pretty sure if it is not here yet, it will be coming very soon, and we hope that you will support our efforts to expand our own support for human rights monitors in Rwanda.

We think it is very important to have a relatively large-scale presence of human rights monitors who can monitor these developments that have to do with many of the points you have raised about the need to make sure that people are treated appropriately, that the justice system works, and all the rest. And what is more, the Rwandan Government is in full agreement with this. So in that sense, we have the basic political understandings, and what we need now is both the people and the financial support for that.

In the context of this broad set of issues, in Eastern Zaire what we appear to have at the moment is a rebel group that includes both the Banyamulenge, which is to say the Tutsis from southern Kivu, or Zairean Tutsis, but also people in Shaba, from Kasinde, and other parts of Zaire. They claim that they want to replace Mobutu, whom they describe as corrupt. They claim they want to maintain the territorial integrity of Zaire, that they want to do this all by peaceful means and all the rest. It remains to be seen just how successful they will be.

As you know, a couple of weeks ago many of us had never even heard of these people, let alone taken them seriously, and yet they seem to win one military victory after another. They have recently taken the town of Bunia, which is north of north Kivu. There are reports they are in Kisangani. We do not think that is true, but they do seem to be heading in that direction. They have taken Walikale, which is beginning to move fairly far west from the Kivus. In short, they are moving north, west and south, and they are a force to be contended with whether we like it or not.

On the question of access, at our urging, they have improved access for the relief community. I do not think it is fully satisfactory yet, but I understand, for example, that in the last 24 hours some relief people have been able to go south of Uvira, or south toward Uvira, and that is the first time that has happened. So in a way there is progress. Unfortunately, to get that, you have to talk to them, and that raises issues that are very troubling in Kinshasa. We can talk more about that later, if you want.

Like the Rwandans, the alliance is somewhat skeptical of the multinational force. Informally they have indicated that they are prepared to let the U.S. military in. We have not at this point moved on that. Our military have not entered Eastern Zaire.

In terms of some other aspects that you have raised, we are concerned about reports of Ugandan attacks across the border in Zaire, even if it is in response to rebel Ugandans attacking Uganda. That just gives you an idea of how complicated this is.

Similarly, we are concerned about reports of the kinds of human rights violations by the rebels that you have mentioned. We have raised this with both the Governments of Uganda and Rwanda. In fact, we have further instructions going out today to urge restraint on their part, because this leads to the next issue.

Quite apart from what they are doing in Eastern Zaire and all the refugee-related issues that led to that, there is the broader issue of the stability of Zaire. Zaire is in a very difficult period. As most of you know, Mobutu is ill. He is out of the country. It is not clear how sick he is, whether he is going to die, whether he is going to return. But Mobutu is an issue. He is not only a person who still has influence in Zaire, but, if you will, the succession is now an issue, and it is not at all clear who will replace him or how that will be done.

There is a lot of political posturing and maneuvering going on. In the meantime, the Zairean Army, which we refer to as the FAZ, from its French acronym, is thoroughly discredited in Eastern Zaire. Not only have they essentially not really fought and lost, but they have fled. And even when FAZ soldiers are present, as in Kisangani, they are very disruptive.

Zaire, de facto, without an army, could become stable. We think the generals could still play a political role. But as long as the situation in the east remains as it is, and the army remains as it does, we do not see the army in the short run dislodging the rebels. We do not see the political situation as being much better in the short run because of all the inherent problems.

Our policy in Zaire is to promote a cessation of hostilities to assist the repatriation of all Rwandan refugees. And I would just note that the one thing the Rwandans and the Zaireans agreed on was that the refugees should leave. We recognize Zaire's sovereignty and territorial integrity. We think it is important to keep the democratic transition on track.

I will just note in passing that some of our European colleagues who have been working on this issue have told us they think it is more important than ever to move toward elections in Zaire. We do believe that at one point the Banyamulenge need to have their Zairean citizenship restored, and that is difficult right now in the political context. But in a nutshell, that is our policy toward Zaire, and, indeed, that is what we will be working toward.

In the meantime, the Burundian situation remains. The Burundian ambassador came to me the other day and said, "We are worried you have forgotten us." We have not forgotten them, but obviously Eastern Zaire has attracted more attention. But all the fundamental problems in Burundi continue. They have an insurgency that has lost its base in Zaire, but it is either in the country or in Tanzania. They continue to fight. The army of Burundi, as Phyllis has indicated, gets out of control and conducts terrible human rights disasters from time to time. We have expressed our concern, and we continue to do so.

Our goals in Burundi remain the same: a negotiated cease-fire followed by talks aimed at the restoration of constitutional government. Unfortunately, the climate for national reconciliation is not particularly good right now, but we continue our efforts.

My colleague, Howard Wolpe, has been working assiduously in that direction, and he continues to go to the region in an effort to see what he can do to help.

On a multinational force, I will just state that we remain open-minded to a multinational force operation with a clearly defined mission. On the other hand, we do not want to commit to an operation without knowing, for example, the whereabouts of the target population, just for the sake of doing something.

You mentioned airdrops. This issue is before us. Our military is looking at what is needed, but I assume you are aware of the criticism of airdrops. And, indeed, one of the concerns is that the ex-FAR or some other, "strong group" will get the food meant for the weak civilians. It turns out to be a very controversial issue; yet we recognize that in the absence of anything else, that may be about the only thing we can do.

Zaire's problems, we recognize, require attention. The Europeans have been very strongly urging us to do more. But I think we need to understand the limits of U.N. Security Council Resolution 1080. They deal with the repatriation of refugees.

Zaire is an urgent issue, but it is not necessarily covered by 1080. So there are times you will hear people urging us to do things under the rubric of 1080, and I think we need to be careful about what is and is not appropriately done under that.

There are a number of diplomatic initiatives under way. Ambassador Chretien is expected to return in the next day or so from his efforts in this region. He will be reporting to the Secretary General. We do not know what he will say in his report, although he has kept in close touch with us. While I was in the region a couple of weeks ago, I talked to him often, and I know he has been briefing our ambassadors in the field, but we still do not know exactly what he will recommend in his own report.

The Africans are meeting in Brazzaville today. Unfortunately, the Rwandans and Ugandans chose not to go to that meeting. I think they probably believe that the Nairobi forum which President Moi has convoked is the more appropriate forum to discuss their concerns. There is a Franco-African summit in Ouagadougou this week. So there will be a number of meetings that will bring the Africans together.

Another idea that is out there is the notion of an international conference on the Great Lakes. We endorse that idea, but we believe it needs to be a very carefully prepared conference. A conference would help crystallize a number of the efforts that are under way and could put in place legitimate internationally recognized activities that may include some form of peacekeeping or peace monitoring. They could include conflict resolution mechanisms and perhaps various forms of coordinated international assistance.

So we think that in the long run a conference of that nature is worthwhile, but it is not clear when the right time would be to do that.

Thank you, Mr. Chairman. I am prepared to answer any questions you may wish to ask.

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

STATEMENT OF MICHAEL MAHDESIAN, DEPUTY ASSISTANT ADMINISTRATOR FOR HUMANITARIAN RESPONSE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. MAHDESIAN. Mr. Chairman, I am pleased to have this chance to discuss the emergency situation in the Great Lakes region of Africa.

I would like to focus my comments on the humanitarian assistance efforts, particularly our efforts to deal with the returning refugees to Rwanda, and I would also like to touch on the prospects for moving beyond the crisis in the region toward more meaningful long-term development prospects.

The massive and sudden migration of refugees and displaced persons has created a crisis of huge proportions, but amid this crisis we also see the first hopes for resolving the 2-year-long refugee emergency in Eastern Zaire on a more permanent basis.

If I can just reinforce what Assistant Secretary Oakley and Ambassador Bogosian said about Eastern Zaire, there is a great deal of uncertainty about the situation there. It is more important than ever that the humanitarian agencies gain access to these areas to determine the number, the composition, and condition of the refugees in the region, and, most importantly, these agencies will also need to provide humanitarian assistance to these populations. As Ambassador Bogosian said, in the past week there has been some increased access to these populations, and we hope this access will continue to improve.

Turning to Rwanda, there has been a wide agreement among the donor community as well as the Rwandan Government that the integration of refugees and the provision of humanitarian assistance should be part of a larger framework of reconstructing Rwanda. Any emergency programs should be considered in the context of Rwanda's longer-term needs.

Much action has already been taken to address this crisis. Food and other humanitarian supplies were prepositioned in the region, and as the refugees began to return, relief agencies quickly established way stations to provide food, water, health care, temporary shelter, and sanitation services. Special care was also taken for unaccompanied minors. The Government of Rwanda has cooperated in all these efforts.

Now the returnees have reached their home communes, and further assistance is being focused there. The World Food Program and the nongovernmental organizations have developed a geographic division of labor for food distributions, and these distributions are now under way. Relief organizations are also working with the government to help meet urgent shelter needs and upgrade the health and water systems.

All parties agree that the relief and rehabilitation assistance should be provided in an equitable manner to both the genocide survivors inside Rwanda as well as to the returnees who are com-

ing back as a means to avoid exacerbating tensions between these two groups.

The U.S. response to the current crisis began on October 26, when USAID employed its DART team—Disaster Assistance Response Team—to Rwanda to assess the needs and provide funding to support the repatriation of refugees. The DART has also participated with the U.S. European Command in Stuttgart, Germany, to plan humanitarian assistance and has assigned a humanitarian adviser to the top-ranking U.S. military officers in Rwanda. We have also deployed five epidemiologists with the Centers for Disease Control to the various U.N. agencies working on the ground there.

Prior to the Geneva meeting on the crisis, the United States announced we were adding \$145 million to our contribution to the Great Lakes region, primarily for Rwanda, and the breakdown of this funding is included in my written testimony, but I would like to focus particular attention on some of our transition and development programs.

The greatest challenge facing Rwanda will be whether the two groups, the Tutsis and the Hutus, can live together with mutual respect for human rights. At the Geneva meeting, the USAID Administrator, Brian Atwood, highlighted the justice system as the sector in particular need of help. The USAID Office of Transition Initiatives has been focusing on human rights monitors and justice issues, including the crowded prisons, and we will expand our efforts in these areas. It is expected that the prison population, already overcrowded, will be increased as some of the returnees are investigated for war crimes.

The USAID development program is also oriented toward the administration of justice and the rule of law. In addition to support for the International War Crimes Tribunal, development assistance supports training at the National Law School and the establishment of a national identity card system which, for the first time, will not identify individuals by ethnic origin.

The U.N. High Commission for Human Rights, with funding from USAID and the State Department, plans to increase the number of human rights monitors from the current 110, in phases, up to a total of 300, over the next year inside Rwanda. And I am particularly proud of our efforts in the last 2 years to help turn this program around and make it one of the more successful efforts in Rwanda's transition.

In striving to foster a climate of respect for the rule of law and human rights, the director of the human rights field operation in Rwanda announced in Geneva he would undertake the following activities: Develop and strengthen the capacity of the judiciary, empower people through the dissemination of information, coordinate closely with the international committee of the Red Cross on detention issues, and break the cycle of impunity through prosecution of those who committed genocide. Shelter and property rights will become a key issue as well.

The Rwandan Government has given squatters 2 weeks to vacate dwellings belonging to returnees. We can expect significant property disputes as returnees find their homes have been occupied during their absence. The Rwandan Government must have a means of adjudicating these disputes.

Rwanda's Ministry of Rehabilitation and Social Integration will focus on resolving the housing issue. Meanwhile, the government has set up temporary transit centers to house returnees, displaced residents, and Zairean refugees. We see the shelter needs as being urgent, and we will be reviewing these needs and are prepared to provide resources to help address this problem.

USAID's chief of staff, Dick McCall, is now in Rwanda assessing additional requirements of the government in both the justice sector and the resettlement, reconstruction, and redevelopment of the economy and the social infrastructure. Anyone who has been to Rwanda recently has seen that the adverse effects of the 1994 war and genocide still affect both the population and the economy as well as the socioeconomic situation of Rwanda, but the situation there has improved over the last 2 years.

In late 1994, Rwanda had no judicial system, but in 1995 significant improvements were made. The National Assembly was established, the Supreme Court was nominated, local civil administrators have been appointed, and a police force has been established. The U.S. Government has played an important role in stabilizing and supporting the new government in its efforts to rebuild the infrastructure and reestablish operations with key ministries.

As we move to the future, it is important that the donors avoid the mistakes of the past. This means that we must operate under a common strategy and framework to ensure that the international assistance is genuinely supportive of the needs of Rwandans and to ensure that we are not working at cross-purposes, as has sometimes happened in the past.

The Rwandan Government's development plan constitutes the strategic framework into which the future assistance program should fit. We believe it is important to invest a small amount of development assistance to continue Rwanda's progress from relief to development.

In conclusion, I would like to commend the international community, the donors, the United Nations agencies, other international and nongovernmental organizations, and the private sector for its quick and effective response to the crisis in the Great Lakes region. Of particular note is the dedicated work of the U.S. private voluntary organizations who work with us as partners in this region.

I would like to express appreciation for the cooperation of the Government of Rwanda in its efforts to absorb the massive influx of returnees to the country. They have been a good partner, and we hope the spirit of partnership continues because much work remains to be done.

Thank you very much.

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

STATEMENT OF VINCENT D. KERN, DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR AFRICAN AFFAIRS, U.S. DEPARTMENT OF DEFENSE

Mr. KERN. Thank you, Mr. Chairman, for this opportunity to testify.

I have a written statement for the record, but rather than cover some of the same ground that my colleagues have covered, let me

just focus on two issues. The first deals with the standing up of an MNF and the second with U.S. forces that are presently in the area.

Late last month, we joined military planners from more than 25 countries and international organizations at our European headquarters in Stuttgart and developed a general framework for a military concept, a mission statement, and possible response options for the crisis. Last Friday in Ottawa, the Canadians hosted the first meeting of the MNF steering board.

In addition to standing up the MNF headquarters, the board agreed to planning for the aerial delivery of emergency humanitarian food supplies into Eastern Zaire as a possible MNF mission. Meanwhile, the MNF force commander, General Baril, has been consulting with regional governments and has received approval to establish his MNF headquarters in Uganda, with a forward headquarters in Kigali and a rear headquarters in Stuttgart. He is also working with regional governments to obtain status of forces—SOFA—agreements with us and other international troop contributors to develop appropriate rules of engagement—ROE.

The joint staff has been working actively with the Canadians to develop comprehensive command and control arrangements. While we await a final decision on U.S. military participation, I can assure you that our forces will remain under the command of a senior U.S. military officer.

Turning to the second issue today, we have in my statement, as of yesterday, said 451—the number today is 446—personnel in the region, including 328 in Entebbe, Uganda; 22 in Kigali, Rwanda; and 96 in Mombassa, Kenya. We have in Entebbe, we have a joint task force headquarters staff, a TALCE, our reconnaissance aircraft, and force protection units. In Kigali we have a small forward headquarters, a civil military operations center, and a media information team. And in Mombassa we have another TALCE, which is an airlift control element.

With an air bridge and civil military elements in place, our forces are ready to assist with the humanitarian relief operations and to help fashion a comprehensive media campaign message with the UNHCR that will further facilitate the return of refugees and their resettlement. We, of course, will continue to consult with Congress as details of the mission are finalized.

Let me stop there and say that all of us are now willing to answer any questions that you or the other Members might have.

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

Mr. SMITH. Thank you all for your excellent testimony. I would like to begin questioning, and then I will yield to my distinguished colleagues. On the numbers issue, there has been—I think shrill is the word to use—rhetoric, Secretary Oakley. It is always a problem to get accurate numbers, and I know that reconnaissance efforts have been hampered by bats, smoke, heavy foliage and other problems. The UNHCR, as recently as Monday, put the number at 700,000. Some of the groups have suggested numbers in that vicinity. Many of us were taken aback when our ambassador to Rwanda, Robert Gribbin, put the number in the tens of thousands on November 21st. Of course, I am sure he was acting in good faith based on reliable information. It is very important, I think, for us

in our response to at least have an accurate picture of what the numbers are.

I think you gave your number before, 200,000 to 400,000, is that correct? What efforts are being made to locate and count those hard-to-find groups, the people who go into the forests and that is the last you see of them and aerial photography is unlikely to count them? What is being done to try to get an accurate picture so we can measure our response based on that?

Ms. OAKLEY. Let me just say that I think in refugee situations we always strive for accurate numbers, knowing that they are extremely difficult to get, and that we know from long experience with refugee problems that there is a tendency to overcount because it ensures greater food deliveries for one thing, and it is very hard to do. There have been efforts to update censuses that have been taken earlier. They were met with certain resistance in various places. We all say that our numbers are estimates. That is why we have given a range between 200,000 and 400,000. But we would even admit that possibly there could be more.

Then there is the whole question of the Zaireans who are displaced and in need of assistance. Again, nobody knows how many that is.

It is clear in all of this that what we really need is access on the ground and access via the agencies, particularly led by UNHCR. They have been allowed into the Goma area. They were allowed then a little further into the Magunga camp area. Every day we have reports that they are allowed to go a little further.

There is this question of the fighting that goes on. We do not want them to be put in harm's way. On the other hand, we are trying to push that as far as we can.

The area really that has been more difficult is the area around Bukavu and Uvira. We did have reports this morning that we expected some of the aid agencies to be able to go further inward into Zaire to get a better feel on those areas, and we will keep pushing it as hard as we can. In the same sense we hope for breaks in cloud cover, we hope that our surveillance gets lower and better, and we are doing everything we can, but it is an imprecise science.

Mr. SMITH. Just on a related note, numbers do drive policy, particularly here on the Hill. The breathtaking spread between tens of thousands to 700,000, and 200,000 to 400,000, raises questions when we are trying to allocate resources to other uses. Just as a footnote, if you could answer, does this problem of overcounting also apply in the area of population control and census where we do not have really a clue how many people really do live in country X, Y or Z?

Ms. OAKLEY. First of all, we would never use the word "population control." I think that many countries have developed pretty good techniques to measure people just as we have in our own country. But there are always kind of margins.

I do not think anybody has ever tried to estimate how many people are appropriate or right for a country. What we have tried to do is look at growth rates, look at development of gross national product, trying to see that the percentage of growth does not overstrip the percentage of development and trying to bring those

figures into balance. I think that that has always been our approach on these things.

I find that numbers are always slightly iffy, even the census in the United States.

Mr. SMITH. We have heard a lot about atrocities committed by the ex-FAR forces against refugees, but little about the killings by Zairean rebels who are closely linked with our ally, the Rwandan Government. For example, on November 17, Tutsi rebels in Zaire reportedly massacred hundreds of civilian refugees, some of whom they had lured with promises of return to Rwanda. Many returning refugees have also reported that the rebels seized men and boys and did not let them return to Rwanda with their families. It is suspected that many of those men have been killed.

Ambassador Bogosian stated in his remarks that we have sent a strong signal. If you could specify what that signal was and also whether or not we, the United States, are supporting either directly or indirectly through the Rwandan Government any of those rebel forces that are in operation?

Ms. OAKLEY. Let me answer part of that, and then I will turn to Dick.

We, too, have heard these stories of the massacres in Zairean territory; there have been some reports that have come back through people who have returned to Rwanda. Again, access on the ground is the most important thing that we can get, not only to look for evidence of massacres like this, of mass graves or sites, but to be able to talk to the people that were involved. It is of great concern. That climate of killing with impunity has been, if you will, at the base of the problems in the Great Lakes area for some time.

We are addressing it, as my colleagues have talked about, and the only other thing that I would like to say on this is that I think we know that in the end the truth will come out. We may not get the information as fast as we want, but I think we all feel pretty confident that we will be able to find out what happened.

Mr. SMITH. Mr. Ambassador.

Mr. BOGOSIAN. To take your last question, we provide no support to the rebels. We have been in touch with them. We discuss things with them, such as access. In that sense, perforce we have to have meetings with them, talk to them and all the rest. This does not suggest anything in the way of either political support or official recognition.

Even if, say, on the issue of Banyamulenge citizenship we have an opinion that happens to support theirs, on the political level we support the territorial integrity of Zaire. There is a government that we recognize and with which we deal. We have an ambassador accredited to that government and all the rest.

I might note in passing that officers from our embassy in Kinshasa recently were in Bukavu, partly to remind everybody that it is the embassy in Kinshasa that is responsible for that neck of the woods.

On a practical level, because of the geography, we have had people in our embassy in Kigali talk with representatives of the rebels, or we have had our guard team, for example, go into Eastern Zaire because that is where the locus is of their questions. And I think

it is important to make that clear because that can get a little fuzzy every once in a while. The rumor mill works.

Regarding the specific issue that you raised, in a word, we have not been able to confirm whether those allegations are true. But irrespective of that, we have told the rebels, and we have mentioned this to the Government of Rwanda as well, that we cannot tolerate any action of that nature. This is somewhat similar to the kinds of problems we run into in Burundi and in Rwanda from time to time. And we make public statements, and we tell them privately, that this is something we cannot tolerate.

I might just note that we were particularly disturbed by the reports that you mentioned because up until then, the information we were getting was rather different. For example, we had been told that they had gone to the Burundians, after they had taken over Uvira, and said, we think you should leave. They made it clear that they want the refugees out of there, but they didn't force them.

We have reports that their behavior as a general matter in places like Bukavu is noticeably better than what had existed earlier. So it is particularly disappointing if, in fact, this phenomenon is occurring, and we have made that point to them.

Mr. SMITH. Let me follow up. The Rwandan Government receives some support from us. Does it also receive military training?

Mr. BOGOSIAN. We have a small IMET program in Rwanda that, frankly, has been fashioned after close consultation with congressional staff. Vince might be able to describe in more detail. It is what is referred to as enhanced IMET. It deals almost exclusively with what you might call the human rights end of the spectrum as distinct from purely military operations. There is no substantial military assistance at the moment.

Mr. KERN. It is the expanded IMET program which we, as Dick said, fashioned in consultation with the Congress. We are talking about the softer, kinder, gentler side of the military training, focusing on improving skills in areas such as civil/military relations, the role of the military in a civilian society, those sorts of programs. We have not provided Rwanda with any of the sort of basic military training that you would get at Ft. Bragg officer training, those sorts of things.

Mr. SMITH. So you would be convinced that U.S. sources would not be used, or training, or diverted in any way to help rebels who might be committing massacres.

Mr. KERN. I do not see any way that could possibly happen.

Mr. SMITH. Let me ask, on the issue of returning, yesterday we learned that the U.N. human rights monitor stated that they had received reports that Rwandan refugees returning home from Zaire had been killing people described as pro-genocide survivors. I know you made the appeal, and I certainly concur in that, that more human rights observers on the ground, the better for all involved. What has been the information that we have been getting about on the ground returnees? Have they been mistreated? Is this an isolated incident that the U.N. monitors are talking about, or do we have a problem here?

Ms. OAKLEY. As I understand it, that report, I think, referred to what had happened inside Zaire, not what was happening inside

Rwanda. And I think I did make a brief reference to this; people have been very concerned that people returning would immediately get into situations of conflict when people returning to a village were seen as those who had perhaps participated in the genocide, plus the questions of housing, and the question of lands and farming.

I think the Government of Rwanda's rules and laws on this have been pretty strict. And, as I said, I think most everyone has been pleasantly surprised that so far those incidents have been kept under control. I think the press has played a very active and important role in this as well, reporting from various communes how families are waiting or living with neighbors or with relatives. But I think it is a very worrisome situation that unless we can show everyone, not just the returnees but those who stayed, that there is some sort of assistance on the way, that their lives will get better, they need to work together, to look to the future and not to the past.

This is where I think all of us have to work so closely together.

Mr. BOGOSIAN. If I may say, I would answer your question two ways: The general experience over the last couple of weeks has been not just good, but very good. In fact, it almost strains credulity that so many people could come back carrying so much emotional baggage and not have more incidents.

Obviously we don't have people everywhere, but I think we do need to watch two or three areas. First of all, there is a severe problem of housing and shelter, and it seems inevitable that there are going to be problems there. As Mr. Mahdesian mentioned, that is an area that the donor community is going to zero in on because it is clear that that is going to be a problem; that there is the twin problem of people who are in Rwanda perhaps taking retribution against others who are thought to have committed genocide, and people who were, let us say, outside who want to kill witnesses. It has happened before, and it could happen again. The report you mentioned is one that I just saw this morning. We do not have much further information on it. Then there is the question of arrests that may be without the normal protections that you would expect.

So there is a whole range of possible problems that have not happened yet, but we would not be too surprised if they do happen. I think one of the principle objectives of the donor community is moving fast enough to try to keep those things from happening.

Mr. SMITH. Mr. Hamilton.

Mr. HAMILTON. I have appreciated your testimony, and I understand that you are dealing with a very difficult, very fluid situation. I do want to express my appreciation to you for the extraordinary efforts you have made in trying to alleviate the difficult humanitarian problems in the region.

Mr. Kern, you had a phrase in your testimony which I am going to quote out of context, but it sums up my feeling toward all of this. You said you are awaiting the decision. That is what I have been doing for the past few weeks. I have been awaiting the decision. I don't know quite by whom or what kind of a decision, but I must say this: with all of its fluidity and the dynamics of it, the complexities of it, I nonetheless am struck by the fact that things seem to

have been for weeks now in a holding pattern, and I really don't know that I understand why. You acknowledge we have a humanitarian crisis there. What is holding up a firm, strong response to this crisis?

One thing, I gather, is that the governments in the region do not want us there. At least they do not want a military force there. And if you don't have a military force providing some secure environment, which is a phrase I take from Bosnia, then you really can't get done what you ought to get done and want to get done in terms of humanitarian relief.

I don't know if we have a common position worked out among the countries, the Canadians, the French, the British and ourselves. I certainly understand we do not have all the information we want, but you never have all the information you want. I don't know of any international crisis where you have complete information; you always have to operate on less than perfect information, it seems to me.

Maybe you can help me by identifying what is holding things up here? Why is this thing so difficult that we in the U.S. Government are in a holding pattern for weeks trying to decide what to do?

Let us try to identify the factors. OK, it is hard to get intelligence. That is one factor, right? You don't know what the situation is, and you are not going to know until you get people on the ground, right? And they are not going to let us put people on the ground apparently.

The governments are holding us up, right? They will not let us come in there with the kind of force that we think is necessary.

What else is holding us up here? Why can't we move on this thing more effectively?

Mr. BOGOSIAN. If 2 weeks ago we deployed 10,000 troops, and as a result 500,000 refugees returned, would you have considered that a very successful operation? They did it before we got to that point, and that raised a question of what remained to be done.

As we have discussed, there was a debate over the dimensions of the issue. Two things have happened; some 600,000 or more refugees have returned to Rwanda and another 70,000 or 60,000 returned to Burundi, and the international donor community pledged some \$700 million for Rwanda. That is being implemented. So it may not be as dramatic as deploying troops, but in essence the need for troops diminished.

Second, in a negative sense, even though we——

Mr. HAMILTON. Hold on there. You think we are really making good progress here?

Mr. BOGOSIAN. I think there have been very important developments in three regards: First, a lot of refugees have returned home. That was one of our objectives. Second, the refugee camp structure and the hold of the ex-FAR over those refugees has been broken. And third, the donor community, including many organizations and governments, met with the Rwandans, and mutually agreed that the Rwandans had sensible proposals. The Rwandans generally were pleased with the donor community's proposal. They have come up with a pretty big program that has not been fully implemented, but it is on its way. I think that is a fairly significant accomplishment.

On the other hand, you are right, there are many problems, mainly in Eastern Zaire, that up until now have prevented a common decision to deploy troops.

Mr. HAMILTON. Why don't these countries want us there?

Mr. BOGOSIAN. First of all, in the case of Zaire, if you are going to operate there, you better have some kind of an understanding with the rebels. General Baril was just in Eastern Zaire, and he met their leadership. The Government of Zaire considers this meeting a stab in the back. They say, you are dealing with people who are rebels, who have no authority, and you should not be based in Uganda, you should deliver the aid strictly within Zaire.

Mr. HAMILTON. The rebels do not want us there either.

Mr. BOGOSIAN. The rebels have been very reluctant regarding a multinational force because they believe—let me back up a minute. At the Nairobi meeting of last month, a meeting that included representatives of Rwanda and Uganda, Zaire, Tanzania and Kenya, one of the things they called for was a neutral multinational force. They do not believe that a multinational force that includes the French is neutral because they believe that the French supported the ex-FAR and so forth, and that has been the principle stumbling block.

Mr. HAMILTON. Why can't you just exclude the French?

Mr. BOGOSIAN. That is a pretty difficult thing to do as a practical matter.

Mr. HAMILTON. The French want to be there. Is this one of the major obstacles in all of this, the French?

Mr. BOGOSIAN. The way I would put it is that—

Mr. HAMILTON. You wouldn't put it as bluntly as that.

Mr. BOGOSIAN. A major complication are the problems that the Rwandans, Ugandans and the rebels have with the French participation and others. It is not that simple. On the other hand, though, there are those who question the need to deploy a military force if the relief communities can carry out the task by itself. If that is the case, that suggests a diplomatic effort to get the rebels to permit the access that we need.

Mr. HAMILTON. Does the relief community want a military force?

Ms. OAKLEY. I would say that originally Mrs. Ogata, as the head of the UNHCR and as the lead humanitarian voice, wanted this because she felt that it was the only way to get access to these refugees who were in the camps. The situation changed very dramatically. I think I said that UNHCR now views that the force is not quite necessary. What they need, first of all, is a cease-fire and then access to the refugees on the ground. They have been, I think—

Mr. HAMILTON. Let me understand. The private communities, the relief communities, they don't want the military force either?

Ms. OAKLEY. The question is, is it worth it?

Mr. HAMILTON. Do they want it, or don't they?

Ms. OAKLEY. I would say they do not want it. They want diplomatic efforts.

Mr. HAMILTON. I understand some of the complexities here, but it does seem to me that if you are going to be effective in the delivery of humanitarian assistance to people who certainly need it, hundreds of thousands of them apparently, you have to have some

assurance of security. That is how it appears to me. I may not be right about that, but apparently nobody wants it. The countries do not want it. The rebels don't want it. The humanitarian community does not want it.

Ms. OAKLEY. I think in a situation like this, if I may just point out the complexity of it, the basic problem is that the Government of Zaire has not provided the security environment that one would expect. Contrast that with what the Government of Tanzania has done, of maintaining order and security in the camps. So we have been dealing with a security vacuum in Eastern Zaire, with a very fast-moving situation.

Mr. HAMILTON. The Zairean Government is not going to be able to provide that?

Ms. OAKLEY. That is right. And what Mrs. Ogata had done in Eastern Zaire in this period of 1994 to 1996 had been to create her own security force. These were Zairean troops that were basically loaned to her for organization and support, that managed the security in these camps. She had called for various types of monitors because she knew that the security situation there, was extremely difficult and that there was for her no way of separating out the military and the authoritarian systems.

I think that there have been, again, changing attitudes. Clearly the Security Council felt in the beginning a force was needed. Mrs. Ogata did, too. Her thinking, I think, has evolved. She has been contemplating security for aid workers going in to find these refugees. It is not that you don't need security, because I think we would all agree that you do need security in a situation like that to help round up the refugees, to provide the corridors for them to return, to ensure the safety of the relief agencies. The question is, what is the most effective way to provide that?

I think that is where the ambivalence has occurred. How do you provide that security in the most effective manner?

Mr. HAMILTON. Well, I appreciate that. Mr. Chairman, I thank you for being lenient on my time. I want to emphasize that I really do appreciate what you are doing. I think I have some appreciation also of the complexity of it. As you can tell, I also have a good bit of frustration with the whole thing. I guess I will have to wait for that decision a little bit longer.

May I ask one other question? I think you said we put a billion dollars into all of this. How does that stack up with what other people are putting into it? If you don't have the information, you can supply it to the committee. One of the things we are always interested in up here is the question of burden-sharing. Usually that word is used in a little different context. We would like to know what others are doing as well.

Ms. OAKLEY. I would be happy to provide that in the breakdown that we have. We have certainly been, I think, a leading supporter of humanitarian assistance since 1994, but I would like to give you a more detailed breakdown of what the EU has done because they have also been very active, and other countries as well.

Mr. SMITH. Without objection, that will be included in the record. [Ms. Oakley submitted the following reply:]

During the period 1994-1997, the international community has contributed some \$2.1 billion for humanitarian assistance programs in the Great Lakes region.

Of that amount the United States contributed nearly \$1.1 billion, the EU contributed some \$523 million, and another \$846 million was contributed by other members of the international donors community. Following is a list of the top contributors:

CONTRIBUTIONS TO THE GREAT LAKES REGION 1994-1997

| Country/Consortium | Period | Amount |
|---------------------------------|-----------|--------------------------|
| United States of America | 1994-1997 | \$1,096,209,156 |
| European Union (ECHO, DG, VIII) | 1993-1996 | 522,665,167 ¹ |
| Japan | 1994-1996 | 137,576,146 |
| Netherlands | 1994-1996 | 120,368,776 |
| United Kingdom | 1994-1996 | 68,140,041 |
| Sweden | 1994-1996 | 41,806,474 |
| Germany | 1994-1996 | 40,667,787 |
| Denmark | 1994-1996 | 36,350,162 |
| Norway | 1994-1996 | 29,779,173 |
| Canada | 1994-1996 | 20,129,644 |
| Belgium | 1994-1996 | 14,205,420 |
| Australia | 1994-1996 | 10,568,990 |

NOTE: In 1996 a total of 24 countries contributed funds for humanitarian assistance programs in the Great Lakes region.

¹ Exchange rate used \$1.10 to the ECU.

Mr. HAMILTON. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Payne.

Mr. PAYNE. Thank you very much.

There was a proposed meeting in Germany 3 or 4 days ago with the allied forces, the Canadians and the U.S., so forth. Did that meeting take place, or has there been a series of meetings in Europe dealing with the situation in general?

Mr. KERN. There was a meeting in Stuttgart at the end of last month in which more than 25 countries, mostly European, but some African countries as well as international organizations participated. They laid out the different possible roles for an MNF in this new situation. Planning is ongoing for all of those possibilities.

There was then a meeting more recently in Canada where the steering board was established and where the steering board authorized the establishment of a headquarters in Uganda and planning for air drops, which was not discussed in the Stuttgart meeting but which was added as a possible mission.

Mr. PAYNE. The whole question of the intervention—I support that that has been discussed at these meetings; whereas, Mr. Hamilton was asking where does it stand as relates to forces being on the ground either in Kigali or in Uganda or in Zaire or somewhere; is that still being discussed or is it the surveillance and the air drop that is now the new order of the day?

Mr. KERN. The Canadians, now that they have been authorized by the steering committee to move from Stuttgart to put a headquarters into Uganda, are in the process of doing that and will deploy about 450 people for both the headquarters element and for the airlift element.

Mr. PAYNE. So the whole question of having ground troops that the Canadians were going to lead and that the U.S. initially talked about having some participation with, and other countries, that

whole plan now is felt not necessary and it is scrapped, or is there still a discussion about the use of ground forces?

Mr. KERN. There is still planning for that. One of the options that is being looked at would be entering of ground forces into Eastern Zaire in a permissive environment. Another one that is being planned on would be ground forces going in an uncertain environment. So that planning continues. But as of right now, there are no ground forces in the area or deploying into the area that would be designated for Eastern Zaire. They are there for airlift and for headquarters elements in Uganda and Mombassa and also a smaller element in Kigali.

Mr. PAYNE. We have heard the numbers problem and we can't get a fix on exactly how many people there are, but we can assume that there are still several hundred thousand people. I guess anyone could try to answer.

How are they surviving? What is happening to them? I would assume, as I have indicated, that there must be close to 50,000 children. It has to be separated from—what is the concern at least about the children? What is happening to that group?

Ms. OAKLEY. May I take a stab at answering your last question first? The majority of the children that we know about who have been separated from their families are actually back in Rwanda, and there are specific organizations that have taken on this responsibility of tracing and locating parents and family for these children. We have learned a lot about how to do that, including from Mozambique, where photos taken and circulated have been helpful in identifying families.

I think that we realize that we will not be able to pair up all the children with families or communities where they belong and we also know that it is going to take some time to do that. But I think we feel pretty confident that those people are being cared for and we are making the best effort we can to help all these people be relocated.

The problem with those that remain in Zaire is another whole set of problems. We hear reports that we await to be confirmed about people moving further west into Zaire in territory that is very difficult, the terrain is not smooth or easy. There are very few roads. There is a great deal of tree canopy that makes identification impossible. Some have been reported to be going toward Kisangani, others further west. We keep trying to get as accurate a picture as we can of those and to get access to them.

The International Organization of Migration has been very active in this area. They have been the people who have rounded up the trucks and tried to provide transport for these people because generally they are in not very good condition. They have been wandering for some time. They need assistance getting home. We have not heard any stories that those people that finally have identified themselves could not get back to Rwanda. The real problem has been finding the people. Once we find them, I think we feel pretty confident that we can help them.

Mr. PAYNE. Just a question regarding the situation in Zaire, I guess which created this, one of the problems of the rebels, who have been there for hundreds of years and all of a sudden the Gov-

ernment of Zaire just said they cannot, I guess, be citizens anymore and wanted them to leave.

The other question, of course, that the rebels, as you indicated, really are reluctant to have an international force come in, and particularly the French, because it was felt that the French would simply prop up the Mobutu Government again, and I think that the rebels certainly would feel that would be the wrong thing to do.

I just have a general question that I have asked for the last 3 or 4 years. When we talk about Zaire, our answer has usually been, well, nobody else can hold the country together. I have always criticized our policy to Mobutu because I felt that we propped him up through the years because of the cold war and we needed an ally to the United States. He was fighting communism. He was massacring his people but he was fighting communism and therefore we supported him.

Now that all of the need for people to fight communism is over, I continually ask, why can we not work toward taking the man you put in, out? And they say, he is the only one that can keep Zaire together. That is like an answer that he is going to live forever. They say, Mobutu is getting ready to die; what do we do? If we had worked on some kind of solutions in a forceful way, it would not be to the point that he is dying, because everyone dies sometime.

Is there any plan that we have from the State Department or anyone in our government that has been dealing with Zaire, the transformation of its government, if and when that has to happen, and what kind of a policy are we thinking about; because our policy was we have to keep Mobutu there because he is the only one who can keep Zaire together, and it is indicated now that he is on the way out. What is it that we are thinking about? Does anyone know?

Mr. BOGOSIAN. Well, in terms of Zaire, the policy has been for some time that the country needs a legitimate political structure that as far as we can tell would derive from free elections. I think the feeling among those most familiar with Zaire that I have come across is that this is more necessary than ever and, therefore, one needs to move in that direction.

I know that the European Union is prepared to spend a lot of money, something on the order of \$100 million, toward the election. The United Nations is working in that direction as well. They either have or are on the verge of appointing special coordinators for that, and certainly the U.S. policy is consistent with that.

I think one thing you can say is there is a fairly broad international consensus that, given the size and complexity of Zaire, the only way to get legitimacy and to overcome the problems that exist, be it corruption or what have you, is to have free elections, as difficult as that is going to be. Just mounting them is going to be a major task and expensive as well. But I think it is fair to say at this point that that is probably one thing everybody agrees to.

I think it also maybe needs to be said that there is a consensus that the territorial integrity of Zaire should be maintained, which is not the same as saying that people are not raising questions about what do you do about the size and diversity of Zaire. And on our part, I think we tend toward encouraging some form of federal-

ism or some sort of autonomy, something that takes into account the diversity of the country.

As you can imagine, after the events that have occurred there is a need for a fresh look at this. I can assure you that that is being done. In fact, the memos are piling up and the meetings are going to be held.

Mr. KERN. There is a meeting being held right now.

Mr. BOGOSIAN. We are late for a meeting on Zaire. But these issues are all being looked at.

My sense and my prediction is that we will reaffirm the territorial integrity of Zaire. We will reaffirm that the way to get there is through free elections. There will be certain side issues of that. For example, obviously we are not going to support a civil war and, therefore, to the extent that we talk to the rebels, we are going to encourage them to join the legitimate political process. Of course, what they are going to say, and in fact they have said is, will you help us in effect get in that? That raises questions about what our role should be.

One of the complications is how do you do that in an environment where the army has fallen apart and two provinces in the east are under rebel control? How do you persuade the government to negotiate when they have not had a victory? These are problems that have to be dealt with, but they are real nevertheless.

I think one of the most difficult problems that is going to face the international community is what do you do with the army? Do you think that the U.S. Congress would support a strong military assistance program of the United States in Zaire? My guess is no. But it is awfully hard to imagine that country pulling itself together without an army that is not utterly corrupt and a danger to its own citizens.

Do you put something else in its place? Do we need some kind of international force there while the country pulls itself together? These are very difficult questions that maybe somebody is going to have to look at now.

But on the basics: Support the territorial integrity of Zaire, which I assume that the Africans will agree to, and that is important; support elections and then—the Europeans are particularly adamant on this—come up with some kind of serious assistance program for Zaire. We are stopped in our tracks because of the Brooke amendment and everything else.

So some of the “answers,” at least for us, have other problems that are going to have to be overcome, but I think the answers are there one way or the other.

Ms. SARE. This panel is lying. I have to speak.

Mr. SMITH. Order in the committee room.

Ms. SARE. We should be investigating Barrett Gold Company in Zaire. It has concessions to—

Mr. SMITH. I am going to have to ask that you be removed.

Ms. SARE. That is fine. I hope you will pursue the question of population control.

Mr. SMITH. The Subcommittee will be in a very brief recess while the young woman is escorted out, unless you would like to cease.

Ms. SARE. I would like you to ask them about this company.

Mr. PAYNE. I will conclude my questions but it certainly is very, very difficult, as you have indicated, and I am glad that there is heightened attention being brought to the question of Zaire. I think that is really one of the real problems during the last decade or more—the thing that disturbs me is that we knew that this point was going to come at one time. I just do not understand how a State Department, and especially since we were, when they put Mobutu in—I am not saying the panel here is responsible, but it is our creation, our creation of Mobutu and the difficulty that—and the corruption of every one talking about how corrupt Mobutu has been—this has been common knowledge for the last 20 or 30 years. His villa is in Europe. We just continually look the other way. Now we have a very, very serious situation there. I mean, even to the point of intervening to prop Mobutu up in the 1960's, when he was weak.

And so my concern, and I appreciate the chairman's diligence in allowing me to pursue this point, because I would hope that when you go back to your meetings, and particularly the Congressional Black Caucus has been extremely concerned for, as I mentioned, the last 8 years that I have been involved with this, about what happens to Zaire. We saw this coming and now it is here.

It would make the situation of 6 million people in Rwanda pale, to 50 million in Zaire, just like the 100 million in Nigeria where we are still, in my opinion, not having a very defined policy on what to do there. I would want you to certainly take back at least the Congressional Black Caucus concern about the situation in Zaire and hopefully there can be some kind of resolution started anyway.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Payne. Just a parenthetical on that; we all know that there are reports that Mr. Mobutu may have upwards of \$4 billion stashed away in a country. When the country is in some dire straits, for somebody to have personally enriched himself, even if it is half of that or a fourth of that, is mind-boggling.

Let me ask some additional questions, and then I will yield to my colleague if he has any additional comments or questions.

As I think you know, Secretary Oakley, *The New York Times* reported a few days ago that abortifacient abortions, or chemical abortions, are being given to women who are not the victims of sexual violence in these refugee camps. We are not talking about rape victims. The consensus breaker, it seems to me, is when abortions are given or chemical abortions, in this case birth control abortions, simply because the child may not be wanted. I for one—and I think there are a large number of people and this includes some in the NGO communities—am outraged that that is going on.

In your written testimony you make reference to Bosnia. I was very concerned as to what was happening in Bosnia. I held hearings in the Helsinki Commission, which I also chaired; heard from actual rape victims. And I think there is a concern that rape victims are in a whole other category, even though I do think their children are of value. But here we are talking about birth control abortions.

I think if there is one true consensus breaker in our effort to try to provide the maximum effort for those who are suffering in Central Africa, it is when another layer of violence, taking of those children, is imposed upon all the other violence that we see going on.

Ms. OAKLEY. Thank you for the opportunity to address this issue. I know it is important to you. I had written it into my statement, but in the interest of time I had cut it out.

We could spend a lot of time on this, but let me just make two or three brief comments. The U.S. Government does not promote abortion and does not support the performance of abortion. That is clear. We have stated that over and over again. I can assure you that remains our fundamental policy.

We do attach great importance and I must say it has been with some pride that we have tried in my bureau to integrate reproductive health services into primary health care programs for refugees. These services include safe motherhood and child survivor programs, prevention and management of the consequences of sexual violence, and protection against sexually transmitted diseases and HIV-AIDS.

The incidence of sexual violence, including rape, is very high in refugee situations. We know this from the example of Bosnia. The number of women raped during the 1994 Great Lakes crisis is reported to be in the tens of thousands, with the result being many of these unwanted pregnancies. For refugees, even the most optimal living conditions often barely meet minimum health standards. Overburdened health care resources and susceptibility to disease, especially sexually transmitted diseases and HIV-AIDS compound a refugee woman's reproductive health risks. The breakdown of traditional social structures, combined with decreased resources for refugee women, too often leads to increased risk-taking behavior, including prostitution.

We firmly believe that reproductive health services should be based on expressed need and sensitive to people's cultural, ethical and religious values and must be responsive to refugee conditions. We have funded reproductive health activities within the broader components of primary health care programs for over a decade.

Now, to this specific question that you asked about—these abortifacient things. UNHCR, in collaboration with a wide range of U.N. agencies and NGO's, including WHO, UNFPA, UNICEF, CARE, IRC, ARC and IFRC, has recently defined emergency contraception as part of the minimum initial service package. In defining these guidelines, they have talked about sexual and gender-based violence which is strongly associated with situations of forced population movement. In this context it is vital that emergency post-coital contraception supplies are available to those women who request it. This should neither be seen as a substitute for other contraceptive methods or as abortion because these, as you said, chemical products are to be used before conception, before the implantation.

We are getting into an area that is very technical and very medical, but let me close by saying again and assuring you that we are not promoting abortion, nor do we support the performance of abortions.

Mr. SMITH. Semantics become important here because I have raised this issue with UNHCR. To redefine something as not abortion when it is after conception is a semantic gymnastics game that one is playing. I say that with all due respect. A new life is being destroyed, and we can play games with that and say it is before implantation, but implantation is not the beginning of life. Whether one values or does not value that life, these are chemical abortions that destroy that existence.

Ms. OAKLEY. Congressman, as you very clearly have pointed out, there is a very wide difference of opinion on these definitions. I think that it is more than semantics. It is a medical definition. We have adopted the definitions that have been adopted by our own Federal agencies and by the World Health Organization on this.

Emergency contraception is what we are talking about and we believe that it works. And our definition: that it prevents pregnancy, it does not abort pregnancy.

Mr. SMITH. Again, I think we are playing games with words because the intent of contraception is to prevent conception from happening. Once it happens, a unique individual is created, and from then on what one does anytime during that continuum right up until birth, after birth, right up to 80 years of age is the ending of a human life. I find it very reprehensible that some, including the Administration, are promoting this. Again, we are not talking about sexual violence, we are talking about someone who simply did not have protected sex.

Ms. OAKLEY. Again, I will go back to my original point on this: We do not view that it is abortion. I think our position on that has been clear and I think that we will agree that we will disagree.

Mr. SMITH. One final footnote about redefining certain things: there are those who would say that the victim of a partial birth abortion, where the child is three-fifths of the way born, is not a child, as we had in the case of this past congressional session when President Clinton vetoed a bill that would have prevented partial birth abortions on demand. There are some 1,500 in my own State that take place every year, and thousands of others, we don't know the exact number, contrary to the assertions that it is a very small number.

Recently the whole world was aghast because a child was found in Delaware having been killed by its parents, allegedly, immediately after birth. They could claim, and mistakenly of course, that the child was not a child 5 minutes before birth, and that is exactly what partial birth abortion allows. That is where semantics, I think, do a grave injustice to the value and dignity of every human life, which I happen to believe has inherent value, whether it be a refugee, whether it be a woman, a child, or a father. They all have, in my view, basic fundamental human rights, of which life is the principal.

Let me ask a question in regard to the return policy. Do you agree that true refugees who are not liable for past atrocities should not be forced back to Rwanda against their own will? And are there any mechanisms in place right now so that if someone raises their hand and says, "I don't want to go back, I have a well-founded fear that I will be persecuted and perhaps killed," they will be accommodated?

Ms. OAKLEY. Let me just repeat that of course our policy is that refugee return should always be voluntary. I think that is very clear in what we have said and have consistently maintained. I think we are going to get to this position in Zaire when we finally do have access to some of the refugees.

Some of them, particularly those closely associated with the ex-FAR forces and the Interhamwe, are not going to want to go back to Zaire. Mrs. Ogata and I have discussed this issue. I think that even when we have been talking about changing the structure of the camps in Eastern Zaire, we all were always aware that there was going to be a group that would not want to go home. Some, I think, will feel that they cannot go home.

The question is then, what should we do with these people? That was an issue that we had, if you will, put down the road a little bit to deal with. We would certainly need the cooperation of the Government of Zaire. I think we would have to consult with others about this. The question is are those people, then, at a certain point not considered refugees? And how far should UNHCR and the other international and other private organizations go in taking care of those people? It is going to be an issue. Again, let me just stress that access is the key to get to those people and to really discover what they want to do.

Mr. SMITH. Are refugees apprised of the possibility of going to another country like the United States, and do we have any mechanism for trying to inform people that that is a possibility if they are true refugees?

Ms. OAKLEY. I think that the plan would be that when UNHCR does go in to have access to these refugees, that they are protecting people who are with them. And this would certainly be something that would be asked of these people, particularly those who refuse to go home. We do have a refugee resettlement program. I think if some of these people were perpetrators of genocide, we would particularly not think that they were qualified for resettlement in the United States.

Mr. SMITH. Without question, they should be held accountable.

Ms. OAKLEY. But this local integration, if you will, which is always the third element of dealing with refugees after repatriation and resettlement, would be something that we would have to consider. I think that we would want to consult very closely with other organizations involved in this.

Mr. SMITH. Let me ask, on the 80-plus thousand, I think U.N. Rights Watch put it at 83,000 people who are in prison awaiting trial, some of whom may have died—as a matter of fact there are reports that several have died because of inhumane conditions—what kinds of access do we or groups like the International Red Cross or others have to ensure that they are not being tortured or in any way mistreated and are hopefully going to get a fair trial?

Ms. OAKLEY. Let me turn to Mike Mahdesian for this. USAID has been more involved in support for the justice system than we have been.

Mr. MAHDESIAN. Well, I think the Red Cross, as well as the human rights monitors and others, have had access to this population. As far as what we are doing, we are trying to help the

Rwandan Government and the international community get a handle on the scope of this problem.

We have been doing random samples of the prison population in order to find out how many cases have files, how many have been investigated, and what are the actual charges. The Rwandan Government has passed a law on the genocide which categorized different levels of involvement in the genocide with commensurate penalties, and we are trying to get a fix on what are the most egregious cases that are in prison, and how much it will cost the Rwandan Government in dollars as well as time to deal with this population.

I think once we get a handle on that, then we will know how to help them streamline it more.

Mr. SMITH. What kind of interface is there with the International Tribunal on Genocidal Crimes?

Mr. MAHDESIAN. Interface with who?

Mr. SMITH. With the local efforts to prosecute these people.

Mr. MAHDESIAN. I am sure that there is some communication. The tribunal has tended to do its own investigations and try to keep a wall around its methodology and its investigations, but I would certainly hope that there is some communication there.

Mr. BOGOSIAN. They basically have different tasks. The tribunal tends to go after people who are not in Rwanda, who in many cases are what they refer to as the big fish. They have their court and the jail that goes with it in Arusha in northern Tanzania, and Judge Arbor, the new chief prosecutor, is in The Hague. So to begin with they are spread out a little bit.

The Government of Rwanda is looking more after the people in Rwanda itself. There are times the relationship has been kind of strained, when the tribunal says, "This person is ours," and they have slightly different rules. For example, the Government of Rwanda has the death penalty. The tribunal does not. So in that sense, as you can imagine, Rwanda is going to feel it is inadequate if you have a chief perpetrator of genocide who gets away with life in prison.

As you know, none of the cases have really come to trial yet so there is not much of a track record there. There is some relationship, but by and large they go their separate ways.

Mr. SMITH. Do you think that, among the 83,000-plus in prison, there are some of those whom the International Tribunal may be seeking?

Mr. BOGOSIAN. I think it is unlikely. I think the tribunal frankly is barely able to keep up with those people it is looking after. And, again, they are focusing more on the people who are outside the country. In fact now you have this issue of, given the changes in Zaire, might some of those people come up? Of course, a lot of people who have come into Rwanda have confessed to being with the ex-FAR, anyway. It remains to be seen how the judicial system works.

There is a hope that with the security threat gone, which is to say the breakdown of the camps and so forth, the government, particularly since it has its law now, might get moving a little more expeditiously on the cases. The tribunal will take the high profile cases.

In the case of the crowded jails, a lot of people, including, I think, most of us, have visited the jails. They are awful, as far as that goes. As for real torture, I do not know if we have seen torture, other than the mere fact that they are squeezed into these jails.

They have what amount to local jails. These are the ones that are really bad; people stuffed into something that looks like a garage, and often they suffocate. So it is not so much that there is active torture as much as the system itself adds up to that.

Mr. SMITH. Do we have any estimates as to how many died?

Mr. BOGOSIAN. I could try to find out. I do not have that number at my fingertips.

Mr. SMITH. And we do press the Rwandan Government to try to at least treat those people humanely?

Mr. BOGOSIAN. Indeed.

Mr. SMITH. One final question, then I would yield to Mr. Payne.

On December 2nd there were two reports by Reuters. One began, and I would like to know what your reaction to this is: "Belgian Defense Minister Jean-Pol Poncelet on Monday slammed what he called the world's chronic indecisiveness in dealing with the crisis created by the presence of Rwandan refugees in Zaire. The chronic indecisiveness"—this is his quote—"of the international community on how to intervene in the region of the African Great Lakes has unfortunately not given the Western European Union a chance to show it was ready to act and that is regrettable."

On the same day, the United Nations Secretary General, Boutros-Ghali, again called for troops in Eastern Zaire, saying that they are needed, and made an appeal for that again.

Mr. Hamilton was, I think, going in this same direction. There seems to be a waiting game going on.

How do you respond to this Defense Minister's charges, and where do you think we go from here?

Mr. BOGOSIAN. To some extent it sounds like he is complaining about the inability of the European Union itself to reach a consensus, and we know that there are divided views among European countries about whether to intervene or not, and the degree to which the intervention should be more related to re-establishing Zairean authority in Kivu as distinct from evacuating refugees.

As I mentioned in my own testimony, we are open to considering missions that make sense, but we are reluctant to go in just to be seen to be doing something, and that is the criterion I think that we are trying to deal with here.

I think at the outset it was our judgment, after consulting with Mrs. Ogato and others, that there would be a need for some kind of security corridor so that the refugees could repatriate with an adequate measure of safety. The question has come up whether that remains the case when so many of them have repatriated without that, and apparently with minimal difficulty.

What we have now, I think, is a situation where there are still some problems, such as getting to the refugees, but there is also a war going on out there, in a manner of speaking, and one has to take into account whether or not the international community is prepared to fight their way in. That would represent a much higher level of potential violence and a much more expensive operation, and these decisions cannot be taken lightly, particularly if it

appears that you can get the job done by the relief community without military.

Those are the things we have been looking at, and at the moment we are, as Mr. Kern indicated, looking at the different possibilities: going in in a benign environment; going in in a more hostile environment.

I would anticipate that General Baril, who is the more senior military person, might be putting forward some recommendations soon, but up until now we have not seen them.

Mr. SMITH. Let me just follow up on that, because my concern, and I think all of our concern has to be that while we are waiting for access, how can we be sure people are not dying? Every day, as they are becoming more weakened by disease or malnutrition, these people are put in harm's way and a number could be calculated as losing their lives.

In response earlier to one of the questions about the kids who have missing parents, we may know about the 50,000 in Rwanda, but many of these, since we have again very huge discrepancies as to how many people are actually wandering, many of these could be kids and they could be dying.

I know there is always a reluctance as a last-ditch attempt to do airdrops. Supplies may fall into the wrong hands, but some may fall into the right hands, especially since we do not know when or if access is going to be provided. Again, I am making an appeal why I think airdrops are important, because again people could be dying while we are negotiating and every day means a certain number of people die.

Ms. OAKLEY. Well, let me say this. I did comment that airdrops are a last resort, but they have not been ruled out. And airdrops have been successful in providing humanitarian supplies in places where it is difficult to get trucks, particularly when you have people on the ground to distribute it.

And this gets back to the question of access. In the interior, it very well may be that when we get access, and if people are in bad shape, that the concept of trucking in is simply not going to work. And in that situation, then we very well might want to do airdrops.

So I do not want you to think that this has just been dismissed, but right now the focus has been on this ever-expanding access and working with the rebel leadership to get to these people. I think we should have a better idea in 2 or 3 days of what we are going to need to do.

Mr. SMITH. Mr. Payne.

Mr. PAYNE. Thank you very much. I can see that the time has expired, but I too would just like to say that I would hope some decisions could be made.

Many of us felt that there was indecision initially when the situation began after the plane crash of the two Presidents; that had there been some more cooperation at that time, that there were African countries willing to go into Rwanda to prevent the genocide, as the French finally did with the Operation Turquoise, of course for different reasons. But there was a feeling that much of this could have been prevented had we taken the initiative to transport African countries' troops that were willing to go in to create protec-

tive corridors in early April and early May, that perhaps the genocide could have been prevented.

We did a disservice by our reluctance at the United Nations to support the questioning of the cost of logistics and so forth, and as a result we just have this continuing saga of human misery. I just hope that there can be some assertive action taken on the part of the Western countries, in cooperation with African countries that are willing to participate, and that we can really try to see some resolution, to see this continued tragedy come to some ending.

Thanks again, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Payne, and I want to thank our distinguished witnesses and wish you well in your efforts to mitigate the misery, not only in Africa but elsewhere in the world, and thank you again.

Mr. SMITH. I would like at this time to welcome our second panel to the witness table, and I will introduce them as our first panel is leaving.

Roger Winter has served as executive director of the Immigration and Refugee Services of America since 1994, and has been the director of the U.S. Committee for Refugees since May 1981. Prior to joining the USCR, Mr. Winter was director of the U.S. Office of Refugee Resettlement, and that was during the Carter Administration.

Lionel Rosenblatt is the president of Refugees International and an internationally recognized and respected expert on refugee emergencies. During his prior career as a foreign service officer, Mr. Rosenblatt was stationed in Sri Lanka, Vietnam, and Thailand, and received numerous State Department honors for his service. Mr. Rosenblatt has recently returned from a trip to Zaire and Rwanda, where he personally observed the crisis facing the refugees in that region.

Dr. Chester A. Crocker is the Landegger Distinguished Research Professor of Diplomacy at the School of Foreign Service at Georgetown University, as well as the chairman of the board of the United States Institute of Peace. From 1981 to 1989, he served as Assistant Secretary of State for African Affairs. Dr. Crocker earned both his Master's and Ph.D. Degrees from the School of Advanced International Studies at Johns Hopkins University, and has written and lectured extensively on U.S. foreign policy and African affairs.

And, finally, Alison Des Forges is a consultant to Human Rights Watch and is the organization's expert on Rwanda and Burundi. Dr. Des Forges, who received her Ph.D. from Yale University, has taken 17 field missions to those regions over the last 3 years. In addition to her information-gathering efforts, she will serve as an expert witness for the International Criminal Tribunal for Rwanda, which will begin the trials of people accused of genocide in January.

I would like to ask Mr. Winter if he would begin.

**STATEMENT OF ROGER P. WINTER, EXECUTIVE DIRECTOR,
U.S. COMMITTEE FOR REFUGEES**

Mr. WINTER. Thank you. As one of those refugee nongovernmental organizations that focuses on Rwanda and Burundi, that

has been negative about the issue of the planned military intervention in the region, I would like to try to explain my position and how I come to it.

First of all, it is simplifying just too much if you think a humanitarian refugee emergency is only humanitarian. It is always intensely political. And, therefore, it becomes very important that you do an adequate political analysis; that you not just do anything or just do something, but that you do it right; you do it in a way that tends toward a solution, and particularly in the case of the Rwanda-Zaire border.

Over the last couple of years we have consistently gotten it wrong. We have in fact propped up people who committed genocide. We enabled them to continue to hold large numbers of civilians hostage, and to continue to build a military capacity to finish the genocide that they undertook in 1994.

So understanding the politics on the ground and getting it right is what this discussion has to be all about.

Now, from our perspective, we felt 3 or 4 weeks ago that the developments were not taking adequately into account the situation of the rebels themselves. After all, these are the fellows with guns who hold the territory in which the civilians we were seeking to assist; they were holding sway in that area.

So understanding them, where they were coming from, and what their objectives were was something we tried to undertake as an organization, because we believed that that was a perspective which, if not taken into account, would cause American soldiers or other soldiers potentially to be injured, and could cause an intervention intended to do good things actually turn out quite negatively.

So I went and I spent the better part of a week in Eastern Zaire with the chairman of the rebel alliance—this is before the mass repatriation began and during that repatriation—seeking to understand what his movement was all about and what they were thinking. I am not here as a spokesman for it, I want to be very clear, but I do want to be equally clear that understanding what they are trying to do is a part of the puzzle that needs to be understood.

What I found, after living in this fellow's headquarters for basically 4 days and talking with him each evening, during the day, as things were unfolding there, was that he had a dramatically different perspective on what was going on than did the whole rest of the world, because the whole rest of the world had a very Rwanda-focused, Rwanda-centric perspective of what was going on: These are Rwandan refugees, they need to go back to Rwanda; the Rwandan Government may be involved in the hostilities across the border. It was very Rwanda-focused perspective.

On the other hand, if you spend enough time with the rebels, you find out they have a very Zaire-focused perspective, in fact Kinshasa-focused perspective. The two perspectives do have an overlap, obviously in the Eastern Zaire area. But the drive that is causing certain kinds of decisions to be made really comes from these very differing perspectives on what is going on.

Now, from the Rwanda-centric perspective we spent a lot of time talking about what is the involvement of the Rwandan Government in the generation of the hostilities in Eastern Zaire, and I have no

doubts there has been some. It would certainly be in the interest of that government to have some involvements over there, because the rest of the world certainly was not taking their security concerns into any kind of account.

But there is a bad rap that often gets given. The United States did it all the time in the civil rights days here in 1960. It was always outside agitators that caused the problem. Zaire is a country in which plenty of people have very legitimate reasons for being very unhappy in their own right. Zaire does not require outside agitators to actually cause a problem.

In the case of the Zairean rebels that I spent time with, many of them, as you know, are Tutsi, but many of them are not, and there are allied groups that are certainly not, whose orientation is not Rwandan in any sense of the word. What they had done is, they had watched how, after the genocide occurred in 1994, the very perpetrators of the genocide fled to Zaire, wound up largely being supported by your tax dollars and mine, able to hold massive numbers of people hostage and to form links with corrupt and very bad elements in Zairean society, and actually continue the genocide in place in Zaire.

What they did earlier this year, in particular in the region in north Kivu called Masisi, is they liquidated large numbers of Tutsis and others and expelled many others to Rwanda. There was no international outcry. There was no condemnation from the United Nations. Only my colleagues at the Human Rights Watch/Africa and our organization really made a high level of criticism about what was going on.

But these rebels were watching this. They watched the coalition that took place in northern Kivu. They watched the continuing genocide. Many, at least the Banyamulenge portion of that rebel group, were robbed of their citizenship. Killings were on the increase. They were told October 9th that they all had to leave the country. They were being massively expelled.

And the Zaireans and the others are rubbing their hands thinking how they are going to get their hands on the properties of all of these very successful people who were going to be expelled from the country.

And these rebel types said, "No, it is not going to happen to us the way it happened up the road in Masisi," and they took up arms. And that is what has triggered the rebellion, not some kind of prompting from Kigali and Rwanda. They had plenty of reason to undertake arms. In doing that, they saw both the Rwandan murderers, of whom there were plenty in the region, and the Zairean officials as their enemy, and they undertook to attack both of those.

I was with the chairman, Kabila, before they broke the grip on the refugee population at Mugunga. He told me, "These international people are going to come, and who are they? They are French. They are people that do not take any interest in us when we are in trouble, and they are going to come here, and what will be the net impact when they arrive? First of all, they will preserve Interhamwe and ex-FAR, and, second, they will stabilize the government in Kinshasa. These are my enemies. Why should I cooperate with an international intervention which really preserves my

enemies, puts them in a position where they can at some time in the future liquidate us or expel us from the country?"

So Kabila has no vested interest in actually collaborating with the kind of intervention that was approved by the Security Council. So in my view, if there was to be an international force to go in, it had to do a proper political analysis that was not done at the United Nations. It often is not done at the United Nations, and it needs to adequately take into account the realities on the ground.

The State Department, the United Nations, they want to deal with governments, but very often governments are not in control, very often governments are not good. Sometimes rebels are better than governments. That was the case with George Washington, and it is the case that you have to take the entire perspective into account.

My feeling is similar to the analysis that I received from that gentleman, that an international force would have in fact preserved his enemies, and I understood very well why he had a problem with that. In a case where a military force is essentially going to invade, because that is the way he saw it, inadequate communication, inadequate analysis causes people to get hurt.

So we went out of our way to try to frame an approach in which we thought that we could fully recognize that a humanitarian emergency exists in Eastern Zaire, fully, by the way, also recognizing that a humanitarian emergency exists in Rwanda. And you do not want to be blind to that.

Rwanda got a 10-percent increase in its population in 96 hours. It is a country that does not have anything, that is 30 months off a genocide, that has a lot of healing to do. Big problems there also. They need to be equally weighted with that, in my view, because we cannot sacrifice the stability necessary in Rwanda in the way we deal with Zaire.

So it was our view that the approach of the Security Council, while it may have had some initial value, it caused the rebels to want to change the equation on the ground, to defeat their enemies piecemeal before the internationals came and froze the situation on the ground. It became clear to us that at some point the continued discussion of that kind of invasive combat force actually might have become an obstacle to getting on with the task of assisting the civilians that truly needed it.

And our recommendation has been, since I came back about 2 weeks ago, that we work toward that very permissive environment that some of the preceding panel members referred to. And the way you do that is, you put to bed once and for all the idea that you are going to essentially drop a combat military force into Eastern Zaire.

It is my belief these rebels are not saints. I have no brook for them whatsoever. But it is my belief that if you analyze the politics of the situation, you find out that it is by and large in their interest both to see refugees returned to Rwanda and to see others who are in need, like war-affected Zaireans, receive assistance.

What is a problem for them, however, is so long as a threat of—in their view—a military invasion is there, they do not know why they should be letting nongovernmental organizations in from

France and from the United States and from the other countries who may in fact be going to, "invade them" shortly down the road.

So the way to do this properly, at this point, is to recognize that the original conception is an idea that has come and gone. It is past. It ought to be past. There may be military aspects of a humanitarian initiative that need to be undertaken, but in my view the idea of basing a humanitarian operation in Rwanda or even—it is acceptable as far as I am concerned—in Entebbe is actually the right way to go.

Because once you put to bed the idea of an invasion, I believe we will find it and the rebels will find it increasingly in their interest to collaborate. In fact, the diminishing of the viability of the original combat-oriented military operation, the fact that is passing away I think has something to do with the improved access that the preceding panel was speaking of.

I want to be very clear. There is an emergency in Eastern Zaire. There is an emergency condition in Rwanda. The way you get it done, in my view, is to put the old conception of a military intervention to bed, base a humanitarian operation in Rwanda, so the refugees that remain and want to return will see their help coming from Rwanda. That will also help ultimately entice people back from Tanzania, which is sort of the next leg of this thing that is not going to be that far down the road.

I believe if you do it like that you will find out you need less of a military capacity. You are talking about numbers. If you accept the U.S. Government's range of the 200,000 to 400,000—we, too, have always felt the numbers have been estimated too high—that is well within the ability of the humanitarian relief community to begin to deal with, except in one aspect, and that is to the extent that the ex-FAR and Interhamwe types still control large numbers of people.

And the military force from the outside was never going to deal with that anyway. We have said over and over again that was not part of the agenda. That, by the way, was the fatal flaw, in my judgment, in the conception of this military intervention in the first place. If you were not going to do that, you largely are not necessary in terms of a combat military operation.

Thanks.

[The prepared statement of Mr. Winter appears in the appendix.]
Mr. SMITH. Mr. Rosenblatt.

STATEMENT OF LIONEL A. ROSENBLATT, PRESIDENT, REFUGEES INTERNATIONAL

Mr. ROSENBLATT. Thank you, Mr. Chairman. Sir, with your permission, I will read from a statement which I will submit for the record.

Mr. SMITH. Without objection, all of your written statements and those of the previous panel will be made a part of the record.

Mr. ROSENBLATT. Mr. Chairman, we at Refugees International wish to thank you for convening this hearing on the humanitarian and political crisis in Eastern Zaire. With over a million refugees and local citizens displaced in Eastern Zaire, many of whom are still unaccounted for, we are facing one of the worst humanitarian emergencies in recent memory.

I returned last week from the Great Lakes region, an area where we at Refugees International have had representatives on the ground for most of the last couple of years. We have been interviewing refugees and other humanitarian agencies and, above all, trying to get at the question which was at the core of your questions to the first panel, which is what do we do to move ahead with the emergency.

We have, as you know, 600,000 refugees back in Rwanda. That led to some optimistic pronouncement initially that the problem had been solved. But as we all know, whatever the actual number, there are hundreds of thousands of refugees still out there, cut off from their internationally supplied water and food for over 4 weeks now, and many of them in increasingly dire conditions. Their needs must be uppermost in our response.

I wanted to indicate that I guess if we look back on refugee crises that I have been involved with, from Cambodia to the Kurds to more recent events, we have here the largest single number of people who have simply disappeared. They are wards of the international community. They were in camps supported with our tax dollars, with the contributions of many nations. They have disappeared, and we need to be more effective in tracking them down. I think that sense of urgency that you are hearing today is given that the problem is a very important one.

The first key is access. I was not satisfied with the Administration's response that we just heard, which is that better access may be 2 or 3 days down the road. We have had better access promised now, always just over the next little period, and I think we have to get at that.

And it is in that context that we still feel that the international force may have some utility. Because if the access is not granted to the humanitarian organizations, we do not have them pushing to the outer edge of the envelope on their own, then obviously they are going to need the help of people who can provide for their security.

Roger Winter, with whom we have worked and have a lot of respect for, may be right that it is counterproductive in terms of the minds of the leaders. But then the leaders of the rebel force ought to go ahead and give us the access, and preclude the use of force except for continued reconnaissance.

One of the things I wanted to point out is, because the force has at least been put on the drawing boards, you have intelligence coming from both satellites and fixed-wing reconnaissance that we would not otherwise have. We want to keep that coming.

So I would say the force comes into play as a negotiating element, based in Rwanda, not endangering the current balance of power in Zaire, not allowing the French to get a chance to get into Zaire, all of which I agree with. But if the force can help get access, fine.

If the human organizations can get that on their own, that is even better, but I want to get at that. The response that we heard today is unacceptable, which is that 2 or 3 days from now we will have our access to hundreds of thousands of people who are in increasingly dire shape.

We have interviewed a number of survivors, and in several instances the survivors talk about dead and dying they left along the way. We have to assume, projecting from that, that before long we are going to have a death toll that reaches into the thousands and tens of thousands unless we break the current gridlock, and I think that we have to start with that access question.

I would have liked to have asked further questions from the U.S. Government panel. One day we will do hearings differently, so people like us can actually question some of the government witnesses.

I would have wanted to ask, definitively, what kind of contacts are we having with Mr. Kabila? Are we pursuing him relentlessly on this issue? Are we meeting some of his concerns as outlined by Roger Winter and others? Are we getting at this issue in a maximally effective way? I left over a week ago now from Bukavu, and access was a day or two away at that point. Still a day or two away.

Let me quickly survey our other recommendations, access and identifying where the refugees are being the most important.

We also think on the Rwanda side that we ought to be ensuring that the aid is there. It has undergone a population increase. It needs maximum assistance. We need to increase the number of human rights monitors there, without question. All that has been touched on already in testimony.

In Burundi we have to distinguish that people going back there cannot be protected. There is a continuing spiral of violence by both the army there and the Hutu militias, and there ought to be an exception to any refugee going back there.

One point we would like to make is that on the humanitarian needs in Burundi, we ought to be sure that we are allowing an effort of the human rights aid without exception, without strengthening the hands of any of the organized parties. We probably need to be more flexible on how humanitarian aid comes into the country of Burundi at this stage.

I would close by simply noting two longer-term recommendations that we have long made, that I think still fit in the current crisis in Eastern Zaire and in the region.

First, we think that the U.N. system needs to be strengthened, both in terms of the way it coordinates among the various agencies on the ground and in terms of a political voice for the international community that gets at some of the root causes and either prevents a return to violence in Rwanda or tries to do a better job in Burundi.

We felt there should be, within the organization, a world-class figure in charge of the efforts in this region to avoid duplicating roles, and we call such a person a "super envoy." And in our view that should be someone who is well-known internationally, has his or her own access internationally to the leaders of the countries, of the region, and would begin to work aggressively ahead of the curve of violence. We have not gotten ahead of that now in the last few years.

Second, I would note our strong endorsement for a rapid response force of some sort. If we had had that, we would not have to result to a multinational force and not constantly be looking over our shoulder at the French, which is a real problem. How do we

contain them and still move forward? We would have a tool either under the United Nations or, as the Administration proposed, an African response force, but we should move ahead on that as well.

In closing, let me thank you again for focusing on this urgent crisis. I hope as a result of the hearing we will see better access, better reach for the humanitarian organizations, because if we do not have a rescue soon of the hundreds of thousands still unaccounted for, we will only later learn, as we did in the genocide, the toll has been tremendous, and that we acted again too late.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Rosenblatt.

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

Mr. SMITH. Mr. Mahdesian is still here. And you may not be the one that might have the information, your other three colleagues might have it, but I was wondering too about the question of contacts with Laurent Kabila. Peter Whaley, if I am not mistaken, met with him on Friday, and if you could give us an update we would ask that for the record.

Mr. MAHDESIAN. I do not have an update about the embassy contacts.

Mr. WINTER. I can tell you how it got started, but perhaps you want to hear from the other people first.

Mr. SMITH. You can answer that briefly.

Mr. WINTER. On the 14th of November—which was a Thursday, if I recall correctly—anyway, the date of that Thursday was the day in which the breakthrough at Mugunga Camp occurred. On Friday, Mr. Kabila understood he had a meeting with General Smith scheduled in Goma. I was with him that day and he said he expected to meet with Smith in the afternoon.

That evening, when I saw him again for dinner, I asked him what Smith had to say. He said that Smith did not show and he had not had any communication. At the same time, he was hearing on the Voice of America Secretary of Defense Perry announcing that the multinational force would coordinate with the Rwandan Government, coordinate with the Government of Zaire, but expected the acquiescence of the rebels.

He got very concerned about that, and he asked me if I could get some Americans for him to talk to. At 2 o'clock in the morning, Saturday morning, I crossed the border, went to Gisenyi, called people from the American embassy, the military attaché, asked him if he could set something up. He said there was a group of them, including Peter Whaley, coming up the next morning.

I met with them in the morning, tried to set something up. Their reaction was, "No, we are not going to meet with Kabila. We have relations with the Government in Kinshasa. If he wants to meet with us he will have to come to the border and talk across the border with us." I said if I could set that up, fine.

I could not set it up within Whaley's timeframe. I went back to Kabila and explained to him the American delegation had gone back. He said, "I do not want problems with the Americans; if the Americans won't come to me, I will go to them."

And he asked me if I would return to my hotel in Kigali, which I did. At 6:45 Sunday morning, whatever the date was, he called

me and said, "I am here. Can I meet with the senior Americans?" And we had already arranged it with the embassy personnel, and that is when he met with Ambassador Bogosian, Peter Whaley, Ambassador Gribbon, and a colonel from General Smith's staff, and that was the beginning of the process.

I do not know what the more recent ones have been. But it scares me to think there might have been U.S. military troops deployed in his territory without that level of conversation occurring.

Mr. SMITH. Thank you very much, Mr. Winter.

Mr. SMITH. Dr. Crocker.

STATEMENT OF CHESTER A. CROCKER, CHAIRMAN OF THE BOARD, UNITED STATES INSTITUTE FOR PEACE

Mr. CROCKER. Thank you, Mr. Chairman. I appreciate the opportunity to testify here at this important hearing.

In the interest of truth in advertising, I would like to indicate that much of the immediate refugee crisis, much of it, not all of it, has been diffused by the return to Rwanda of 600,000 Hutu refugees from the camps in Zaire. And I would like to add that I have no independent expertise on the basis of which to speculate about how many more Hutu civilian refugees remain in Zaire, either seeking shelter and support on their way back to Rwanda or as the captives or dependents of the Hutu militias who are fleeing deeper into Eastern Zaire.

I would prefer to confine my brief remarks to some of the political factors that we should bear in mind as we look at this overall situation in central Africa. I think the starting place is to point out you really cannot have any such thing as a purely humanitarian foreign policy. Other speakers have addressed that point. I just want to underscore it again and again and again.

A decision to intervene has effects on the balance of power, on the political balance and the military balance. It affects lifelines, it affects food chains, it affects the economic resources of the men and the boys with the guns, and it is really as simple as that. By the same token, a decision not to intervene, not to become involved diplomatically or politically, has direct political implications and affects the balance of power locally on the ground, as well.

So I think if we could rise above the very American urge sometimes to do the right thing but keep our hands clean, and recognize that in practice intervention and nonintervention both have political consequences, we might, in fact with your help, Mr. Chairman, elevate this whole discussion and debate. We cannot have it both ways. We cannot have a feel-good humanitarian policy in central Africa that escapes involvement and political consequences.

If you look at both the current situation and the situations that have preceded it in Eastern Zaire and in Rwanda, I think it is fair to say that we cannot escape in this country some responsibility for those situations. And I could not agree more with Congressman Payne's earlier comments on that very point.

That said, let us look ahead a little bit. Where do we go from here?

I think it is fair to say the Rwandan crisis is by no means over. There are many humanitarian issues that remain to be resolved.

There is certainly an important role for the international community in making certain that returning refugees face improving conditions and conditions that give them confidence, give them hope, give them some sense of a physical security.

It is also important, and the next witness will be talking with real authority on this subject, that we do everything we can to invigorate the judicial process both inside Rwanda and in the international criminal tribunal for Rwanda, because that will send a message across the region that people will be held accountable if that process works. If it does not work, it is an invitation for more of the same.

Second, I would like to make the observation that Rwanda's tragedy is expanding into a central African tragedy, because it is spilling across borders into a country which by any definition is a major country. And it is destabilizing that country at a time when that country, Zaire, is already in very, very bad shape, for all sorts of reasons that we can discuss and which you are familiar with.

So what is happening is that Rwanda is aggravating the institutional and political crisis of Zaire. By the same token, Zaire's crisis is aggravating the Rwandan refugee situation. So the two of them really are very tightly interlinked.

Now, what does that really mean? I think it is a very dangerous situation in central Africa. It should not be underplayed. We should not think because we can get a refugee story off the front page for a day or two that we can begin to focus on other regions of the world. There is the potential for what has been going on in the Kivus to expand beyond the Kivus, which would be a circumstance that is really quite dire for the whole of Africa, for the international community, and we would wind up ultimately paying, as we always do.

A country of 45 million people bordering on nine African states is not one you can sort of walk away from. I am not saying for a moment that this is an issue of what do we do with or for Mobutu. I think that the past tense should be used in talking about that. He has been withdrawing from leadership of his country, disengaging from leadership in his country for years, and may soon be gone from the scene. So what is essential is to get a legitimate transition to a post-Mobutu era, and that includes a whole series of things, including elections but also including the strengthening of Zaire's State institutions, which in my view is a very important agenda item.

I am aware, Mr. Chairman, there are those who speak about the artificiality of African boundaries and how let us let it happen, and maybe it would not be such a bad thing if some African countries, especially big ones, were to fall into their logical ethnic pieces. That, in my view, is playing with fire. There are literally hundreds of ethnic components within Zaire alone, and there are thousands of would-be ethnic champions and warlords who would exploit and aggravate and mobilize ethnic hatred if given half the chance. So that is not, in my view, the way to go.

Finally, this is a part of the world where a failure of American leadership will be noticed and will have grave consequences. Everybody else will be let off the hook if we do not develop a serious pol-

icy toward central Africa. We do not have one at present, in my judgment.

It is time for the senior-most levels of our government to engage on a sustained basis with the senior-most levels of other key governments, that includes the French, to see to it that what has already begun to happen in Eastern Zaire does not become a Zaire national phenomenon and a central African phenomenon. I do not believe our challenge in central Africa is to contain the French but rather to engage the French, and unless we do that it will not work.

So those are a few observations on the broader political situation. I thank you.

Mr. SMITH. Thank you very much, Dr. Crocker.

Mr. SMITH. Dr. Des Forges.

STATEMENT OF ALISON DES FORGES, CONSULTANT, HUMAN RIGHTS WATCH/AFRICA

Ms. DES FORGES. Thank you, Mr. Chairman. Like the other panelists, I too am very grateful for the opportunity to appear here and also very appreciative of your having organized this hearing.

Many of the speakers here this morning, and the Members of Congress, as well, have referred to the extent of the emergency, the sense of crisis, and so on. Why do I have the feeling that these are only words? There is nothing moving, and I must say I share Congressman Hamilton's great frustration at the delays which go on interminably. And I have to say I wonder if there is not some relationship between the continuing delay on the ground in obtaining full access and the continuing delay on the other side of the ocean in terms of moving forward with this multinational force.

The latest contacts that I have had with the Canadians suggests that the earliest possible action would be sometime in January. It is now the 4th of December. The crisis has been going on for somewhat more than a month. How much longer will people deprived of shelter in the rainy season be able to stumble along without the necessary supplies?

Again, the sad echoes of past failure haunt this hearing with the prospect of people, well-meaning people, somehow not getting their act together to take the kinds of decisions that must be taken. In addition to this question of delay, and of course related to it, is the question of access for what. Not only what is this force to do, but what are those wonderful nongovernmental humanitarian organizations supposed to do once they get there?

And here I think is one of our fundamental problems, is a refusal to come to grips with what Dr. Crocker has just suggested, with the inevitable political and human rights implications of a decision to intervene. Delivering food and medicine and water is very well, but what is the point of delivering that if the recipients are about to be shot? If the ultimate objective here is to make it possible for refugees who choose to return home to do so, there must be an element of security provided to them.

Now, this works in two facets. They must have security to make their choice freely, without the pressure and without the guns pointed at them by the Interhamwe and the ex-FAR. Our field researcher on the ground has reported, on the basis of her interviews

with people coming across the border, that there is widespread testimony of people being forced to leave Mugunga Camp in the company of ex-FAR and militia at gun point or under severe pressure. We do not know how many, but as long as there are some people who are held under those conditions, as hostages, that must be part of our ultimate decisionmaking.

We are also extremely concerned about reports of refugees being selected out, male refugees and adolescent boys being selected out by rebel forces before the rest of the group is permitted to continue home. We do not know the fate of the men who are selected out, but I think we can all guess.

If the intention of an international intervention is to permit anyone who chooses to return home to do so freely, then that guarantee must be extended to males as well as to females and to adults as well as to children. It should not be a selective opportunity based upon whatever criteria are decided by people on the ground.

With those considerations in mind, the ultimate objectives of this kind of intervention can simply not be met from an airplane. There is no way that you can provide the security guarantees, not just to the workers, the humanitarian workers, but to the refugees themselves, without having an effective force on the ground.

The humanitarian organizations themselves, I believe, are divided, and I am not sure that Secretary Oakley has effectively taken a poll of humanitarian organizations. I have not taken that poll either, but I suspect there is a division of opinion and that there are some of them who feel that a force is absolutely crucial for them to operate effectively.

I also notice that Secretary Oakley talks now about the need to have effective distributors on the ground even if the supplies themselves are dropped by airplane; that represents really a different concept from the concept of simply opening the cargo door and shoving out the bundles.

The ultimate question of access is, of course, and most immediately, in the hands of Mr. Kabila and his forces. It is most instructive to have Roger Winter's comments and to have the opportunity to add to our knowledge of this movement by someone who was there and who spoke with Mr. Kabila.

I think it is important to recognize, as he suggests, the Zaire-wide focus of Mr. Kabila himself, but it is also important to remark that, I believe, the agreement establishing the movement of the ADFL was actually signed in October, and at that point Mr. Kabila was named its chief spokesman, and not its President or chairman or commander-in-chief or whatever else. And yet here we are looking at a progression which was so astonishingly rapid that a movement which created itself in October has, by the first week of November, the effective control of a substantial band of territory, and has in the process bombarded and shot at 40 refugee camps in order to close them down.

The relief, and I think we can almost say the gratitude which has been felt by significant officials of the American Administration, and I think perhaps by administrations in other countries as well, that someone did the job for us, is a very significant part of what has influenced policy decisions up until this point.

I am very pleased to applaud and congratulate the Administration for the stand which it has taken as of today, asking that the ADFL begin to implement some serious consideration of human rights issues in its behavior in this region. The use of military force on unarmed civilians, the arbitrary detention and removal of men from groups of refugees returning home, and indeed the very intervention, the very prohibition of access to humanitarian organizations, keeping them from people in need, are all violations of international humanitarian law, and we need to say that very clearly, very publicly and very forcefully.

The question of how one can best influence Mr. Kabila and his forces to improve their human rights record and take the necessary measures to investigate these human rights abuses, and bring to justice the people guilty for them, is a very important question.

Mr. Chairman, you have very forcefully, shall we say, expressed the linkage which some of us feel may exist both between the Rwandan Government and Mr. Kabila's forces and between the U.S. Government and the Rwandan Government, which puts us in a unique position of both obligation and opportunity to, in effect, take a very, very strong position on these human rights questions. And it is, as I say, with considerable relief that I see that the Administration has now begun doing that.

To turn for a moment to the question of what is happening to the refugees inside Rwanda, we are all extremely gratified and satisfied that the return of the refugees has been accomplished within Rwanda with relatively little difficulty thus far.

We have had some reports of, again, young men having been taken and apparently killed on the way home, but this has not been a widespread phenomenon. We have also had reports, I presume the same ones that were referred to earlier today, about survivors killed, and I believe it was not in Zaire—survivors of the genocide killed—it was not in Zaire but in Gisenyi, in the northwestern corner of Rwanda.

Providing for the security of the survivors of genocide and the witnesses of genocide, as well as providing security for the returnees, is of course an enormous problem and one for which we should stand ready to give support. Here I think the mention of the increase of the human rights monitors—and I hope that the Administration will indeed see that the request they thought was here does in fact get here, with due regard to the sense of emergency we all feel, of course, about this issue, so that that can be acted upon promptly. In that context, I would mention that the European Union has already taken action and has voted additional funding for human rights monitors.

The justice system has been referred to this morning, and indeed the tragedy of those detainees is of very serious concern for all of us. Let me mention that the return of refugees from Burundi in July and August has caused relatively little comment, and I believe has not been mentioned at all here this morning, but there are 80,000 people who were returned, and again under very questionable circumstances. We cannot presume that all 80,000 of those people were happy to go home but they, in effect, had no choice.

At the time of their return, the Rwandan Government announced that there would be no immediate arrests and there were none. At

this point, somewhat more than 1,000 of those 80,000 people have been arrested. That is 2 or 3 months after. Looking down the road 2 or 3 months, if a similar proportion of those returning from Zaire are arrested, there will be 75,000 more people detained, and I would speculate that the proportion may even be higher of those arrested returning from Zaire simply because of the nature of the population that was in Zaire.

In these circumstances it is, of course, of crucial importance that trials begin. The law is now in place. It took a great deal of political discussion for that to be passed but it has been passed. The judges have been trained. The police inspectors have been trained. There are hundreds of dossiers ready and yet there are no trials. This has got to be a major focus of U.S. pressure within Rwanda to get those trials started, and also to insist that they be conducted with due regard to the right of defense, which the government has publicly acknowledged.

Our person in Butare was able to attend a recent briefing of prisoners in Butare prison about the terms of the law, and they were publicly assured that they had the right to defense and to have access to defense counsel. I am not sure whether any American lawyers will be able to be involved in providing that defense to the accused, but lawyers in Europe have already begun to organize to make their services available.

In connection with keeping a relatively, shall we say, secure atmosphere inside of Rwanda, it is of great importance to stress bringing to trial soldiers who are accused of killing civilians, and there are hundreds of soldiers also who have been arrested. Some of them have been perhaps brought to trial, but considering that we have a military training program which is apparently largely focused on questions of human rights, I would suggest that it be a very appropriate point of pressure for our government with the Rwandan Government that trials of Rwandan military go forward immediately. Again, there should be no impediment. The legal framework is there, the personnel are there, so why are these trials not being held?

One more quick point on the question of not just the judicial system but the Administration in general which is of major concern to me. We have talked about providing identity cards with no ethnic category on them, and I applaud that. Again, that is a measure which we recommended significantly before the genocide and which the U.S. Government chose not to act upon.

But I would provide this caution. In providing, in funding training programs and in assisting in the establishment of a functioning administration and judicial system, donors understandably have not wanted to ask questions about ethnic identity.

We are really here caught on the horns of a dilemma because how can we, after all that has happened in this country, talk about whether or not 95 percent of the trainees presented for a given program are Tutsi rather than Hutu. But yet this is a consideration of great importance in terms of the extent to which the population of the country sees themselves reflected in those people who hold the power in the country.

I do not have a solution for this. I simply indicate it as a point of great importance that we need to keep in mind. One way to ap-

proach this is to look at the percentage of people who have returned from abroad, that is what are described as the first generation of refugees or the old caseload refugees, who are now in positions of authority as opposed to people who were residents of the country before 1994.

The final point I would like to mention is your fourth question, Mr. Chairman, which has not been too much discussed. That is the provision for what we might call the legitimate refugees, those people who are not suspected of involvement in the genocide, who are not armed elements, former militia members and so on, but yet who feel a well-founded fear of persecution.

As we have heard this morning, Zaire agrees with Rwanda that all Rwandans should now go home, although there are differences of opinion on how you define Rwandans in this case. I think that if the hostility against Rwandans and people of Rwandan origin continues to build in Zaire, there may, in fact, be no solution for them within the Zaire boundaries, and it may, in fact, be necessary to think of resettling them in some other location. One thing is sure, we cannot address that problem until we know who these people are and how many of them there are. That brings us full circle once again to the problem of access. Thank you.

[The prepared statement of Ms. Des Forges appears in the appendix.]

Mr. SMITH. Thank you very much for your testimony and for your fine work.

Let me just ask the other members of the panel what their views are with regard to the Administration, UNHCR and generally the international community: are they identifying real refugees and trying to at least inform them that repatriation isn't the only option, that resettlement in another country and perhaps some kind of safe haven on the short term may be something that they ought to consider. Are they being apprised of any of this? Do you see any plans to make them aware?

Mr. WINTER. I do not believe so. I would be very cautious about the idea of sort of generally announcing that people who do not want to go to Rwanda might have a shot at coming to the United States, which is not to say that you don't have a real point to make here, because I think you do.

My sense of the way things are on the ground over there is that there really are not mechanisms in place to protect people like that. It is the kind of job that my organization would seek to see accomplished, Lionel's and Alison's, it is the kind of thing we work on. It is something that you have flagged for us that we will focus on.

In fact, however, I do generally believe that establishing the old camps along the border would be precisely the wrong way to accommodate them. If there are those people, you mention that need to be protected. They need to be allowed to have adequate asylum. It needs to be well away from the border with Rwanda. That was a fundamental mistake before. It needs to be in a situation where they are not dominated by killers.

Mr. ROSENBLATT. I would fully subscribe to that analysis there. The added factor is that as you define people who are afraid to go back, you will want to break away from their control those people

who may wish to return but can't. And again, none of us are suggesting we reestablish the camps or that the humanitarian aid go to armed elements. Those are two basic caveats that will begin to define the core problem of those who feel they can't return more precisely.

Mr. SMITH. Let me ask, for a returnee to Rwanda, what is his or her expectation in terms of what they will do? Do they expect to be on some kind of international assistance? And for how long? Are there any prospects for real employment? They are leaving a desperate situation, going to an uncertain situation which could quickly become desperate. How significant is the aid we need to be providing to Rwanda—I think that point was made earlier. I think Dr. Crocker may have mentioned that we can't think that we just solve the problem here. Rwanda needs a great deal of support as well, otherwise they will quickly go over the edge again or could go over the edge again. What can a returnee expect?

Mr. WINTER. Let me say that it is important to put it into perspective. First of all, the international community was spending a million dollars a day on the old camps before a couple of weeks ago. By and large, the Rwandans in those camps in terms of their physical needs were better off than were the local Zairean population. And you could see the impact of that as people were repatriating. Clearly, at the end of the repatriation line, as it were, there were the lame and the blind and the old and the enfeebled in a variety of ways, but the great bulk of the population was not suffering from malnutrition in any sense of the word. Obviously, and Lionel has made this case very eloquently on a number of occasions, the longer it goes, the more those people that are dispersed in hillsides are going to wind up in desperate situations.

I think basically people's expectations upon return are pretty low at this point. Even those who are very clear they want to return do not really fully understand what they are returning to. They don't exactly know what their security situation is. Most of these people, not all of them, are farmers. They know it is going to be months before they can provide for themselves. And so they do not fully have clear expectations. I think it is a very cloudy picture for them.

I think that is an important thing to focus on because both their expectations and the expectations of the communities that are receiving them need to be addressed in a way that promotes peace, that promotes reconciliation, that forestalls violence, because this is a huge group of people competing for very limited resources in one of the poorest countries of the world.

So I say again, a substantial relief and development operation is needed inside Rwanda as well as in Eastern Zaire to address that kind of thing.

Mr. ROSENBLATT. I would add that our field representative there reminds us that the aid should go beyond a daily ration for the returnee; that the aid ought to go to communities based on impact of returnees; that we ought to be looking at community development projects again if we are able to take the resources that went at a million dollars a day for the refugees and divert them. We should have a substantial pool of resources, and we ought to be looking beyond simply helping only the refugees. If you go into a

community and only help the refugees who have returned, you are going to build frictions from the start. So community-based local development assistance is what we ought to be about.

Mr. CROCKER. I think we have leverage on all these areas, and we should be using it. I do not see this part of central Africa as filled with people who have white hats or black hats. There are people who have committed human rights abuses in both communities. We have leverage because of who we are, and we should be telling the Government of Rwanda that its performance is being closely scrutinized. At the same time we are working with the Government of Rwanda on other aspects of this tragedy. So it is a two-way street.

Mr. SMITH. Do you believe that we are adequately conveying to the Government of Rwanda how serious we are about human rights atrocities, and regarding their friends in Zaire, that is to say the rebels, that there is an accountability there, that we see a linkage?

Mr. CROCKER. I see some improvement in that regard. I think it has a ways to go perhaps. Getting access in Zaire is one dimension of it. Getting the rule of law to begin to function, as Dr. Des Forges just talked about in Rwanda, is a piece of that. But clearly, this is a government which will listen to a clear coherent voice from the outside, if there is one.

Ms. DES FORGES. Stress the clear, coherent if there is one, right? I just, again, on this question of access that we were talking about, one of the things which is of great concern, of course, is that the access, it is not just humanitarian organizations whose access is limited, it is also journalists and others who might potentially observe and report upon the human rights situation within rebel-held territory. As long as we have such a dearth of information, it is extremely difficult for us to assess the situation.

On the question of what do the returnees expect and what will they find when they return home, one question which everyone has identified as central is the question of housing; even more than housing, land. Houses are easily built. You can build a house in from 2 to 3 days. You get the neighbors together, you dig up the mud a bit, you build the framework, and you make the house. The big issue is the land to cultivate your crops.

There are some areas where this will not be such a serious concern because in the colder, hillier, wetter regions, the competition is less. But in areas which are sunnier, warmer, pleasanter, particularly areas which are also excellent pasturage for cattle—and one thing we have not mentioned among the returnees in terms of the original caseload returnees was hundreds of thousands have herds of cattle that need grass to live—they now occupy a considerable amount of the land in Eastern Rwanda which otherwise could be crop land.

I am not referring to the national park, which they are also beginning to encroach upon, but actually formerly cultivated land. That has not become a crisis point yet, but since we are talking about the return of people from Tanzania, that is when it will become a crisis point because those people are largely people who have come from Eastern Rwanda. The ones who come back from Zaire are more people who come from the north and the northwest, and those areas have not been as densely squatted upon by the re-

turnees of 1994 and 1995, because they just do not regard this as a very desirable place to live.

The Rwandan Government established very early, I believe it was already in July or August 1994, property commissions to examine conflicts over questions of property. These commissions have rarely functioned effectively, and here would be one point where there could be some concrete both assistance and pressure combined from the United States, that is, to make those property commissions work well, to provide them with the resources they need to process claims rather efficiently, and to encourage adequate enforcement powers so that their decisions can really be made effective.

In the Rwandan tradition, communities often did get together to settle exactly that kind of problem, the problems of the limits of fields, the problems of whose cow had eaten whose beans. These local property commissions would have the promise of functioning in that kind of setting, and if properly done could actually bring people together to sort of resolve the community-based issues of property rather than allowing them to fester and become a source of new bitterness.

Another aspect of the return which we have not discussed but which could in the end prove very important is the question of squatting on occupations and jobs rather than squatting on lands. A significant number of what you call the intellectuals, the people with education, the people who were the former government officials and so on and so forth were in those camps. Some of them have returned, and those who have returned will find their jobs already occupied. So here is a point of potential friction which is small in absolute numbers, but which, in terms of general and eventual impact, could be very large.

Mr. SMITH. Let me ask two final questions. Generally speaking, has the NGO community been adequately listened to with regard to situation assessment from day to day? And then as well, and equally important, are you being heard at the levels where the decisions are being made both here in Washington and in other governments?

Mr. WINTER. For myself, I could say that once I returned, we gave an NGO briefing and a press conference. We were given good access at the National Security Council and the State Department. So, yes, we felt that the results of that field visit were adequately understood.

Mr. ROSENBLATT. I think we felt similarly, particularly with the NSC, that they are engaged in the problem. I don't feel we are getting a sufficient priority in terms of the responses. I would like to see days not always be days, particularly in access, particularly with regard to the way we conduct our leverage in both Kigali and with the Zairean rebels. I think we could put a lot more top spin on results and break through some of the barriers that have been frustrating to us today as we have talked about them.

Mr. CROCKER. Mr. Chairman, I think that the Administration listens to NGO's. In my own view, maybe the Administration needs to decide what it thinks about a few of these things that we are talking about and decide if it wants to have a policy, which it would, of course, consult with everybody about.

But the issue of waiting for Canadians to push us, or waiting for the French to push us, or waiting for the U.N. Security Council to schedule a meeting, there has been a fair amount of that, and we are in a transitional mode now. A whole new policy team is to be appointed. And the situation on the ground is fast-moving and very, very complicated. We have to acknowledge that if America wishes to lead. It usually does.

Ms. DES FORGES. I believe that we are generally afforded very good access and that our opinions are taken very seriously. I would concur with Dr. Crocker in saying that at this point knowing is not the problem. Acting is the problem. This question of delaying until the action in effect becomes no longer necessary does seem to constitute a policy. I am not sure that what we have here is an absence of policy. We have perhaps a policy of deliberately adopting a passive posture and simply letting it all happen.

Mr. SMITH. Some of us who followed the crisis in Bosnia felt similarly when month after month very little was done to try to mitigate that process. It wasn't until the Croats mounted a very significant offensive, sending hundreds of thousands of Serbs into refugee status and into flight, that the backbone of the Serb offensive war-making capabilities seemed to at least be lessened, opening up an opportunity. But for month after month, many of us tried to get the Administration engaged, and perhaps we are experiencing *deja vu* to some extent.

One final question on the 2 to 3 days as mentioned by Secretary Oakley. She left, I think, the hope that something might happen in terms of a breakthrough on the access question. What happens if 2 to 3 days becomes 2 to 3 weeks and, God forbid, 2 to 3 months? Are we looking at a catastrophe of monumental proportions? Is there something that we in the Congress ought to be doing, though obviously the lead has to be taken by the executive branch.

As you saw, we tried to have this hearing last week and even the week before, and it was put off simply because of the unavailability of Administration witnesses, and we are very grateful they were here today. But it seems to me when you get a crisis, everything stops. Who cares about Thanksgiving? Let us do whatever has to be done to try to mobilize to a positive outcome. What happens if this 2 to 3 days becomes much longer than that?

Mr. ROSENBLATT. I would hope that the momentum of this hearing needs to be preserved because this is one of the few things that has focused on the Eastern Zaire crisis, the Rwanda situation and central Africa in this town over this Thanksgiving period. I don't think we can let 2 or 3 days become 2 to 3 weeks.

I think you are asking specifics about how we are discussing the access and with whom, what we are offering, where our carrots and sticks are. Close collaboration with the UNHCR, which has the lead on this in terms of pushing to the outer edges of the search area inside Eastern Zaire, where do they feel the rubbing points are, what can be done to resolve their problems, when and if they need backup security. Then you do want to look again at the idea of how a force might assist.

Let us first look at what is being done on the ground both in terms of reach by the UNHCR and the relief organizations and by

the United States as a powerful interlocutor with both the Government of Kigali and with the Zairean rebels.

Mr. WINTER. Keeping in mind, too, there are senior people, and here the situation is very cloudy, who are even beyond the reaches of the rebels themselves, people who have been fleeing west. We are assuming that many of these are bad folks themselves, or at least family of or political adherents of people who did the genocide, but we do not really know much about the people fleeing west, what they are all about, and it is sort of a group of people we need to understand better that are entirely outside the purview, at least right now as I understand it, of the rebel territory and the rebel control.

Mr. CROCKER. Mr. Chairman, I would hope that the spotlight that you have put on this problem will be sustained and will be sustained on the central Africa basis, not simply on the immediate situation.

One of the problems with this question of 2 days or 2 months is that if we start out our policy reviews by saying that anything we might do militarily will be subject to the veto of every party on the ground, what we are doing is handing out vetoes to everybody, and therefore we will never do anything in a nonconsensual environment. If that is our real policy in central Africa, let us say it up front. What we are doing is handing out clearance requirements, much like when you are doing a memo in the State Department from the fourth floor to the seventh floor. You need quite a few clearances. That is what we are doing in central Africa right now.

Mr. SMITH. Thank you, Dr. Crocker.

Ms. DES FORGES. I would agree in saying that if we have a conviction that the needs for basic life supplies and the needs for providing security for this group of people existed when there were 1 million of them, surely they still exist even if there are only 200,000 of them. The fact that there are 200,000 should simply make the whole operation easier, not make it unnecessary.

Mr. SMITH. I yield to the gentleman from New Jersey, Mr. Payne.

Mr. PAYNE. I just would like Mr. Winter, could you once again concisely summarize your opposition to a military-type force in the situation?

Mr. WINTER. Twofold, first of all, in terms of the rebel perspective, which in this case and not necessarily in other cases but in this case I understand, that is, that it will freeze the military situation on the ground and therefore, by definition, preserve the remnants of Interhamwe. And since they are not prepared to separate Interhamwe and ex-FAR from civilians who want to be separated or would like to return or just simply get away, that is a mission that does not have a good definition and will not have a good outcome. In addition, the rebels would say it also stabilizes the Government in Kinshasa.

However, at this point in time, so much has changed, I think that what the continued discussion of a 15,000-person combat-capable military force in Eastern Zaire does, or continued calls for that from some people or references to it, what it does is it places the people, the Zairean rebels, in a position of feeling like they are about to be invaded. They have a problem with that. And what it does is, in my view, it inhibits access by the U.N. High Commis-

sioner for Refugees, by NGO's and others, because the rebels are not a sophisticated crowd with a lot of experience. They do not see the outside humanitarians as free from a political agenda. They are coming from the same countries that are the countries who will be sending soldiers. They make a connection there that I think has become dysfunctional.

I think if you can set the multination force concept aside, because I don't think it is going to happen anyway at this point, I think if you just set that aside, I think the interests that are there, of seeing refugees repatriated or war-affected Zaireans assisted, will continue to be clarified and to therefore enhance access.

In fact, I think the awareness that the rebels have that the originally conceived military force really is something that has come and gone is one of the reasons why access is improving now. That is my perspective on it. I recognize other people have differing perspectives on it. My view is if you place a force in the area to participate along with a largely humanitarian civilian operation based from Rwanda or based from Entebbe, that you will therefore diffuse the concerns of the rebels and access will improve, which is really what we want to do. We want to assist those people that need the help. That is my view of it.

Mr. PAYNE. Does anyone else want to comment on that whole issue?

Mr. ROSENBLATT. I would add that, as Roger ended, what we are talking about is not a 15,000-man force. We are talking about a rescue force and one where the humanitarian agencies would take the lead, backed up by logistical muscle and security as necessary from the force. I think that rescue operation based in Rwanda and Uganda possibly would be a fine way to go. If the rebels have a problem with that, then I think we need to get them to configure with us how the rescue might work, but not to simply go on spinning our wheels as we are now.

Mr. WINTER. And a rescue force, I think if they are prepared to separate killers from civilians, is very justified for the remaining civilian populations. But when the Americans and everybody else say that is not what we are going to do, that is where you start to question the point of the rescue force. I would love to see what Lionel has articulated actually become a model that everybody agrees on.

Mr. ROSENBLATT. That would be ideal. Let me say that I still would be for a rescue force even if it does not get involved in disarming. It could focus mostly on a group now further north and west of Goma, but particularly the group that is missing is in south Kivu and you could have a rescue launched there without having to bite that bullet.

At some point we have to have a force in the area that is willing to go in, even in nonpermissive situations, but to throw that to the force right now would probably throw such a monkey wrench into the force that they would back off completely.

I would like to go, as Roger would, full bore and separate intimidators and those controlling the refugees. We probably cannot do that. That still should not deter us from a rescue force that would move ahead quickly, and we ought to deal in the long run with the

fact that somewhere, somebody has to be willing to take a shot in dealing with some of these issues.

Ms. DES FORGES. I would like to comment that I wonder if attempting to deliver humanitarian aid without separating out the armed elements, I wonder if that is not exactly what we have been doing for 2½ years and is a policy that we now recognize is bankrupt. In other words, are we not back to square one where we are saying we cannot provide the force to separate the armed elements from the hungry civilians; therefore, we will feed the hungry civilians? We did that and it didn't work.

Mr. ROSENBLATT. In terms of the rescue, I would do it differently. We would not feed armed elements, and this would be emergency aid, no new camps created; people coming back on corridors for repatriation, as they did through Goma, but have not had a chance through the southern Kivu area.

The group that is most difficult in this regard is the group that is basically still controlled by the former army of Rwanda, and that is far to the northwest, and obviously a different solution might have to be envisioned there such as permanent resettlement far away from the borders of Rwanda. But I don't think that problem ought to prevent us from moving ahead with a rescue effort, using the UNHCR initially if we can in the south Kivu area.

Mr. WINTER. Using an example, I know you know very well of Sudan, it is possible to mount a humanitarian operation, imperfectly but possible, that serves a wide area and a large number of people in a rebel area without a foreign military force being present. The area that the SPLA controls in south Sudan is as big as all of Uganda. There are millions of people there. There is an international relief effort operating in the rebel sector as well as in the government sector. There are no soldiers of any kind that are present there other than the rebels themselves, and it is possible to mount an operation that can begin to meet the needs of people more fully than are currently being met if you stage it correctly. And it does not necessarily require combat military force.

Mr. PAYNE. That is true. It is working in the Sudan. As complicated as the Sudan is, though, I think that this tight area around Rwanda and Burundi and Eastern Zaire is probably even more complicated because of the many decades of people coming in and going back.

As a matter of fact, I have a question regarding that. The reason I am dwelling on that question is because I have supported the intervention militarily of a force to go in to bring relief to the refugees there in Zaire. Of course, as we all know, the mission has changed. People came back because of situations changing. I am still inclined to feel that it is going to be impossible or very difficult for the situation to resolve itself just by NGO's trying to do it or by there being no force introduced in that area.

I have a question regarding, as you mentioned, Ms. Des Forges, that of the 80,000 returnees from Burundi, that up to 1,000 had been in prison, and that the people coming back from Zaire—being that you can't always anticipate those that are left anyway that may come back and that the same thing would occur—do you have opposition to people who may have been accused of participating in the genocide from being detained and incarcerated?

Ms. DES FORGES. Absolutely not. In fact, I regard it as essential that those charges be examined and that the person be tried. That has always been the position of Human Rights Watch, that those people who are accused must stand trial. There is no way except by examining guilt on an individual basis that you can get rid of guilt on a group basis, and it is guilt on a group basis that feeds the cycle of reprisals and future violence.

Mr. PAYNE. Also, the question of returnees and the fact that many refugees, 500,000 estimated came back from Zaire. The fact that there were the original Tutsi, primarily persons who were in primarily Uganda and became a part of the force that took over control of the country; and do you know what the property commission is doing as it relates to people who originally had property before 1959, and their families, who have now returned in 1994 and are claiming their property pre-1960 that was taken at that time, what has happened with the complication of them coming back to try to reclaim land that was taken away then, and how does that fit in to now the returning Zaireans and Burundians and some from Tanzania?

Ms. DES FORGES. Legally, those people who returned from the first generation of refugees have no right to claim property that they lost in 1959 to 1963, 1964. The government took a decision when it was established in July 1994 that no property claims older than 10 years would be honored. So in theory those people coming back in the first generation do not have any claims to their land. In fact, I think there have been cases where they have been able to reassert their ownership of land simply because people have been so afraid of them and intimidated that they have yielded, but in fact this could not be followed up in the court system.

Mr. PAYNE. The question of forced returnees. It has been indicated UNHCR and Mrs. Ogato strongly opposed any prompting of people to return back to Rwanda. The fact that there was armed militia in Zaire somewhat preventing people from coming willingly back; do you think that our policy was sound to allow the military leadership to prevent the refugees from coming back, or do you think that if there had been some kind of an attempt to disarm or to have refugees feel they could somehow break out of the camps, would that have been a more sound policy than the policy that we had about actually not intruding in the whole question of returnees?

Ms. DES FORGES. Indeed, we felt very strongly and we argued that position very strongly that there was a need to separate out the armed militia and former soldiers from the camps and to give refugees the opportunity to choose freely whether to stay or to go. That was debated at various times and in various shapes, and in the end no one was willing to pay for it.

Mr. ROSENBLATT. I might add that we did a series of reports from the camps interviewing refugees about the preposterous notion that you would get voluntary repatriation as long as you had militias in control of the camps and urging the Administration to work out a plan that would begin to remove the leadership, and this was never really joined. There was finally some discussion of this just a few weeks ago, and by then the rebels were taking matters into their own hands. I should say, on balance, they didn't do

a bad job. If we had planned this, we might not have done much better. But I don't think that should allow us to sit back now and sift through the remains in Eastern Zaire and leave the initiative in their own hands.

The humanitarian organizations have to get in on this rescue basis. And I might point out also, had the camps been, when they were dispersed, surrounded a little more thoroughly so that people were directed in more complete fashion back toward Rwanda as an option, we might be seeing less scattering to the west because people were so scared they did run to the west and now it is going to be much harder to assist them in those areas.

Mr. WINTER. Had the force gone in a month ago with a mandate not to engage, not to separate people from those militias, those 500,000 or 600,000 people would still be under the control of those bad militias. If you are going to do an intervention, you have to do it right.

Mr. PAYNE. I was one that felt that the ex-FAR and the Interhamwe should have gone in early on when the camps were set up to separate. In some of these situations there is a lot of hindsight and we always say it is 20/20 vision. A lot of times suggestions are made and they are tough decisions to make at the time. But whether you allow 2 or 3 years to go by, if you think they were tough then, they are almost impossible or insurmountable after several years elapses.

I think that sometime in the future historians will teach courses about the errors of this situation in the Great Lakes region, starting from the initial withdrawal of the small group of U.N. forces that were in Kigali at the time of the plane crash. It was a wrong decision to run out of Rwanda at that time. It should have been strengthened rather than to retreat, and our only mission was to simply get Western expatriates out of Rwanda, period. Let us be sure that we get this thousand or so Westerners out of Rwanda. And that was a successful venture. We talked about the success of getting everybody out without anyone getting hurt. That was great. And then you have a million people dead several months later.

So not only these suggestions were made, I mean they were at least just thrown out as suggestions, no one had a crystal ball, but just the serious lack of any kind of real initiative in this whole situation now has created a situation that we may have to live with for a decade if the crumbling down of Zaire and destabilization in Burundi occur. These were things that we talked about.

I have to commend Tony Lake, and Mr. Lake and Susan Rice and Howard Wolpe lately have been attempting, I think it was too late, too little, and that the Administration had not had a comprehensive policy on Central Africa. There has been a lack by the Clinton Administration of focusing on Africa in general, Central Africa in particular. This is a State Department, in my opinion, that has miserably failed. Our behavior in the United Nations has been disgraceful, and I just believe that much of this could have been prevented. I strongly, as Dr. Crocker notes, criticized the Reagan and Bush Administration on policies.

I also feel that when something in your opinion is wrong, you should criticize regardless of the Administration. This just transcends administration. I think that the whole moral leadership that

could have been provided has failed and been failed miserably by the Clinton Administration. There has been no policy at all, no comprehensive policy on the part of the State Department. Hopefully we will be able to put some pieces together, but the way that we see people sitting around wondering who is going to make the next step, it is sort of like Nero fiddling while Rome was burning. There needs to be some kind of leadership and some action. I have not seen it in the last 4 years nor do I see it now.

Mr. WINTER. I agree with that.

Mr. SMITH. I want to thank Dr. Des Forges, Dr. Crocker, Mr. Rosenblatt and Mr. Winter for your very, very incisive testimony. It is very helpful for the Congress to hear from experts who are just not only knowledgeable but are also doers and do so much on behalf of suffering humanity. I want to thank you for that.

Mr. PAYNE. If it is permissible, I would like to submit for the record a report that was written from a fact-finding group that I happened to cochair with C. Payne Lucas and Vivian Derrick and Mrs. Julia Taft, a number of us. Were you on that trip, Mr. Winter?

Mr. WINTER. No.

Mr. PAYNE. OK. Where we reported back to the President, and the Vice President actually had a meeting with them to give this report, and Tom Campbell, who was chief counsel to the Senate Committee on International Relations. As a matter of fact, I think he worked for Senator Helms, assisted us in writing the report. There were recommendations. He currently is head of the IRI in South Africa. We recently communicated about the recommendations made then. I would like to ask if it would be permissible to add that to the record.

Mr. SMITH. I am sure. How long is it?

Mr. PAYNE. It is not that long.

Mr. SMITH. Without objection, that will be made a part of the record.

[The information referred to had not been submitted as hearing went to press.]

Mr. SMITH. I want to, again, thank you for your fine testimony. The Subcommittee is adjourned.

[Whereupon, at 1:45 p.m., the Subcommittee was adjourned.]

APPENDIX



INTERNATIONAL ORGANIZATION FOR MIGRATION
ORGANISATION INTERNATIONALE POUR LES MIGRATIONS
ORGANIZACIÓN INTERNACIONAL PARA LAS MIGRACIONES

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INFORMATION

EMERGENCY/APPEAL
UPDATE:

RWANDA/
GREAT LAKES
(Special Edition)

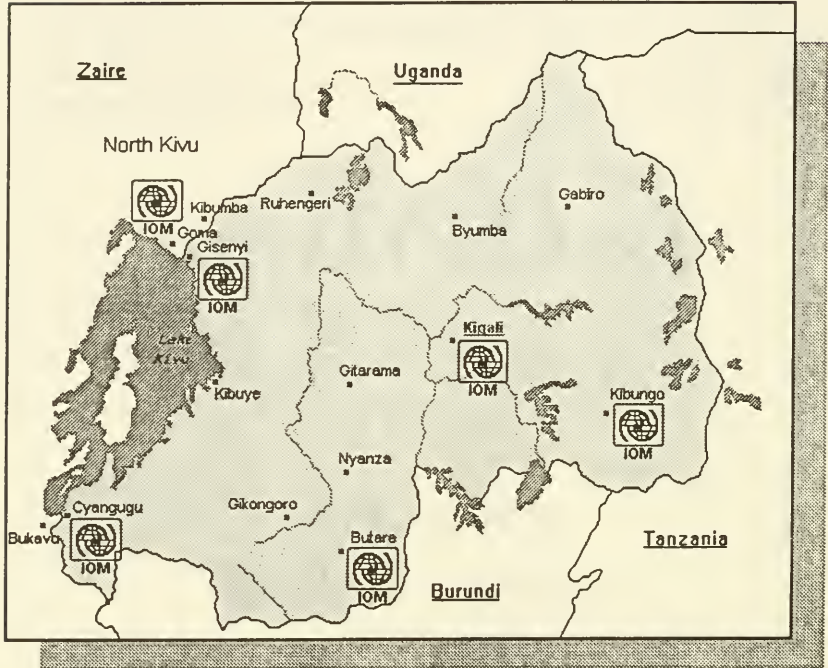
(Geneva, Nov. 22 1996)

IOM is an international, intergovernmental organization founded in 1951, comprising 55 Member States (including the United States and Canada) and 47 Observer States. Headquartered in Geneva, Switzerland, it has Over 60 Operational Field Offices World-wide. Among its main purposes are to foster conditions for orderly migration, to carry out migration programs and to provide a forum for discussion of migration issues. Over 6 million people have been assisted since 1952.

Washington Mission

GREAT LAKES REGIONAL UPDATE

Special Edition, November 22 1996



IOM International Organization for Migration

Since 19 November, a total of 91 vehicles from the IOM managed fleet deployed in the North West of the country have been taken over by the Rwandan authorities. IOM is thus unable to account for their action or for the welfare of the people who might have been transported. The rest of the fleet was deployed in other strategic locations. At that time, the whole fleet of 143 vehicles was operating in Rwanda carrying out tasks as assigned by UNHCR.

IOM staff and others witnessed returning refugees being loaded on these trucks, some 300 at a time instead of a normal maximum capacity of 80 passengers per vehicle, and escorted by the military to unknown destinations.

IOM is concerned about the physical condition and safety of these people, many of whom are exhausted by many days of walking with little food or water.

IOM strongly supports the return of Rwandan refugees, and the need to facilitate accelerated return. IOM hopes to resume control over the entire fleet in order to ensure efficient, timely and safe transportation for the refugees and to restore accountability to donors.

* * *

Since the recent inflow began on 13-14 November, IOM has been operating this fleet in very difficult conditions, making their way through the Human wave of people walking towards Gisenyi or Ruhengeri. The IOM/UNHCR joint fleet consisted before this event of 90 vehicles owned by IOM and 53 from UNHCR. 300 local and 7 international IOM staff have been deployed in the area.

IOM's operations since the vast return movement began focused in particular to providing transport facilities to the most vulnerable among the returnees - the elderly, the sick, the young children and the wounded.

On Sunday 17 November, at the outset of the present massive return and in the spirit of the United Nations Security Council resolution acting under Chapter VII of the UN Charter, UNHCR requested IOM to implement a cross border operation from Goma. In one single day, IOM deployed some 55 vehicles which assisted several thousand vulnerable people including 1,000 unaccompanied minors from the Mugunga Refugee Camp back to Rwanda.

* * *

Since the crisis began in 1994, IOM has provided transportation assistance to over 600,000 refugees and internally displaced persons.

Financing

In 1994, for less than five months of operations, IOM's total budget for Rwanda operations was in excess of USD 5 million. Funding was received from ten countries as well as from the UNHCR, for joint operations involving the two agencies.

In January 1995 IOM launched an Appeal within the UN Consolidated Appeal framework, asking the International Donor Community for some USD 10.5 million to support its continued operations in the Great Lakes region for 1995.

As a result of the Kibeho tragedy and a reduction in refugee return, actual requirements were less than this amount, and in 1996 IOM launched a further appeal for \$3.7 million of which UNHCR pledged approximately \$2.6 for our joint operations. Separate agreements totalling over \$2.6 million were also made with UNHCR for the repatriation of Rwandan refugees from Goma.

Throughout the two and a half years since the crisis began, IOM has thus raised a total of \$14.7 million for the region as a whole, through the inter-agency appeal, UNHCR joint operations and other funding channels.

In addition, the two projects for the Return of Qualified Rwandan Nationals, targeting a total of 330 beneficiaries, is budgeted at over \$3.7 million. To date, over \$2.5 million has been pledged or received for these programmes.

African Great Lakes Emergency programmes 1994-96 - IOM Funding Summary

| Donors | Amount in US Dollars | Date | |
|--------------------|----------------------|---------------------------------|-------------------------|
| | | Pledged | Received |
| Belgium | 382,353 | Jul-94/Jul-95 | Mar/Jul-95 |
| Denmark | 520,525 | 6-Sep-94/May-95/5-Aug-96 | Nov 94/ May 95/ Aug -96 |
| Finland | 108,178 | 1-Sep-94 | 7-Nov-94 |
| Italy | 572,415 | 31-Jan-95/10-Oct-96 | Jun-95 |
| Netherlands | 1,003,105 | 29-Nov-94/Nov 95 | 21-Dec-94 |
| Japan | 900,000 | Aug/Dec-94 | Sep/Dec-94 |
| Luxembourg | 88,106 | 13-May-94 | 27-May-94 |
| Sweden | 738,191 | 26-Jul-94/9-Sep-96 | 29-Aug-94 |
| Switzerland | 390,625 | 12-Sep-94 | 12-Oct-94 |
| United Kingdom | 807,121 | Aug/Sep 94 + Mar 95 | Aug/Sep- 94/Mar-95 |
| U.S.A. | 1,600,000 | 15 Sep-95 + 31-Oct-94/28-Sep-96 | Dec-94/Oct-95 |
| SUB-TOTAL | 7,110,619 | | |
| UNHCR Rwanda | 4,938,905 | 1994, 1995 and 1996 to date | |
| UNHCR Goma | 2,670,468 | 1994, 1995 and 1996 to date | |
| SUB-TOTAL | 7,609,373 | | |
| GRAND TOTAL | 14,719,992 | | |

In addition, IOM has requested further resources to meet the immediate needs of the present emergency. USD 660,000 has been requested under the UN Consolidated Interagency Flash Appeal (attached) covering the period 1 November 1996 to 31 January 1997

Appealing Agency: International Organization for Migration (IOM).

Activity: Transport and resettlement assistance for refugees and affected populations in the Great Lakes Region to transit centres and communes of origin.

Target Population: Approximately 300,000 persons in the region.

Project duration: 3 months (1 November 1996 - 1 February 1997)

Funds Requested: US\$ 660,000

Summary:

IOM, in close collaboration with UNHCR will provide transport, return and resettlement assistance to refugees and populations affected by the current crisis in the Great Lakes Region.

Additional resources are required to maintain and operate the IOM-managed joint transport fleet at anticipated operating levels greatly in excess of those experienced for most of this year to date. Expenses related to strengthening of staffing, maintenance and other costs of increased movement levels account for the bulk of the funds requested.

IOM will continue to provide assistance under the same operating agreement with UNHCR which has been in force throughout 1996. Under the prior agreement, UNHCR funded a joint operation with IOM to the extent of \$2.6 million. IOM's budgeted participation for costs not covered by UNHCR under that agreement was \$ 1.2 million.

As a result of the current crisis, additional funding for IOM's share of the operation is expected to increase by approximately US\$ 660,000.

| Summary Budget: | USD |
|--|-------------------------|
| Truck rentals | 270,000 |
| Light vehicle rentals | 65,000 |
| Radio, EDP equipment | 50,000 |
| Other communications costs | 10,000 |
| Repair /maintenance costs | 10,000 |
| Mobile vehicle workshop | 100,000 |
| Emergency staff | 90,000 |
| Primary health/water/hygiene in transit facilities | 25,000 |
| Programme Support | <u>40,000</u> |
| Total | <u>\$660,000</u> |

Statement of Richard Bogosian
Coordinator for Rwanda and Burundi
before the
Committee on International Relations
Subcommittee on International Operations
and Human Rights
U.S. House of Representatives

December 4, 1996

Good morning: I appreciate this opportunity to discuss the situation in the Great Lakes Region with you. The fast changing events in the region caused by the sudden exodus of refugees to Rwanda has shifted the center of gravity from concern over the refugee situation to the crisis in Zaire itself. The turmoil in Eastern Zaire is both a product of years of neglect by the central government and the destabilizing effect of the former Rwandan Army and government-in-exile accompanied by a million refugees.

RWANDA: POLITICAL SITUATION

Zairian rebel advances have released refugees from the grip of the former Rwandan Army and Hutu militias (ex-FAR and Interahamwe). The estimated 600,000 refugees from Eastern Zaire have returned to their home communes relatively peacefully. A Rwandan Government (GOR) no-arrest policy has been in effect with the exception of some "notorious" alleged genocidists who the government claims would be attacked if left in the community. Ex-FAR have been given identity cards and remain at large in view of chronic prison overcrowding. Rwanda is expecting the imminent return of the estimated 535,000 refugees from Tanzania, who have also been intimidated about returning home. The GOR is operating under the premise that Rwanda's security is less threatened by opposition inside the country than from across the border.

The Rwandan Government remains wary of foreign intervention. It has, however, agreed bilaterally to give certain U.S. military personnel the same immunities and privileges as "experts" under our technical cooperation agreement. Rwanda is reluctant to agree to a Status of Forces Agreement (SOFA) for a Multinational Force, lacking a defined mission or clear rules of engagement.

Our principal objective in Rwanda remains to assist the government in making peace with its neighbors, reabsorbing refugees and the reconstruction of civil society, as well as contributing to rebuilding a justice system that will help Rwandans cope with the past and adapt to the enormous challenges of political reconciliation.

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HUMAN RIGHTS MONITORS IN RWANDA

The UN Human Rights Field Operation in Rwanda (HRFOR) currently has 107 Human Rights Monitors in Rwanda, at an annual cost of about \$12 million. The Monitors are stationed throughout the country and maintain regular relations with provincial government authorities and military units. They visit prisons, make regular trips through their provinces, organize human rights awareness meetings in local communities, and regularly file reports with the Human Rights Field Operation in Kigali. If human rights violations are discovered, the HRFOR raises them directly at a high level with the Rwandan authorities. The government has transferred military officers and brought others before military courts for such violations.

During the recent influx of refugees, the Human Rights Monitors have played an important role in monitoring the conduct of Rwandan Army (RPA) troops along the return routes. They have reported very few violations, indicating the Monitors' effectiveness or the discipline of the RPA, or both.

The High Commissioner for Human Rights plans to deploy an additional 27 monitors to Rwanda by December 8, and 30 to 40 more by Christmas to deal with the immediate crisis. The High Commissioner hopes to have a total of 300 monitors in Rwanda by mid-1997, at a total annual cost of \$30 million. The additional monitors are needed because the returning refugees include many who may have participated in the 1994 genocide, increasing the potential for ethnic tensions.

In addition to the \$3 million the USG has contributed to the HRFOR in 1995 and 1996, the U.S. has pledged \$500,000 toward support of the additional monitors, to be paid upon passage of the 15-day Congressional notification period for reprogramming ESF funds. Eight million dollars has been pledged by European donors for the HRFOR in 1997.

EASTERN ZAIRE: POLITICAL/SECURITY SITUATION

As the refugees have returned into Rwanda or have fled deeper into the interior of Zaire, the rebel alliance now claims to be focusing on a broader agenda to wrest political power from Zairian President Mobutu. Their capability to do so is uncertain and we remain deeply concerned about instability or worse in Zaire. The alliance has allowed humanitarian organizations access to Eastern Zaire under controlled conditions. It has only agreed to allow a handful of military personnel - U.S. or Canadians - to assess humanitarian needs in the area under their control and has made it clear it would resist Multinational Force (MNF) intervention.

The Ugandan Government reportedly sent troops into Zairian territory last weekend to the town of Kasinde, which has effectively secured Uganda's border from Lake Edward to Lake Albert. About 100 missionaries, many of them Americans, have just evacuated Rethi near the Ugandan border, because of the conflict in the area. We are pressing the Ugandans to restrain their forces, even in the face of possible provocation by Ugandan rebels operating from Zaire.

We are deeply concerned about reports of human rights abuses in Eastern Zaire by elements of the rebel alliance. Refugees repatriating at Gisenyi tell of killings by alliance forces of military-age refugees in the Southwestern part of alliance-held territory. Reports from Bukavu allege executions of government officials there. Limited access to some parts of Eastern Zaire make these allegations difficult to substantiate, but we have sent a strong signal to the alliance that it must exert discipline and bring a halt to any such human rights violations.

ZAIRE: POLITICAL SITUATION

The crisis in the Kivus has emerged against a backdrop of Zaire's difficult political transition to a post-Mobutu era. President Mobutu remains in France recovering from surgery. His health and his return to Zaire remain uncertain. Though far away, Mobutu still plays an important role. A succession of Zairian and international figures continues to seek him out in Nice. Political posturing and maneuvering continue in Kinshasa. Last week, after a meeting with Mobutu, opposition leader Tshisikedi announced he had a mandate to form a government of National Unity. This was disavowed by close advisors of Mobutu and denounced by Prime Minister Kengo, who remains in charge of the government and has been doing a fairly good job under difficult circumstances.

The FAZ - the Zairian Army - has been thoroughly discredited in eastern Zaire, having fled in the face of rebel attacks. Tension is rife in Kisangani, almost 500 km west of Goma, where the FAZ is regrouping. Some reshuffling has taken place in the FAZ leadership and the army has vowed to retake the Kivus. Generals still could play a role in the future political dispensation in Zaire. As the Zairian Government (GOZ) rankles at Ugandan and Rwandan border incursions, there are reports that the GOZ may be seeking to hire foreign mercenaries to help the Zairian military. The unstable security situation in the East could be prolonged and further deteriorate should the Zairian authorities mount a counterattack to dislodge the rebels or if the rebels continue their advance.

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The democratic transition, with elections scheduled for mid 1997, is at risk of further significant delays as a result of the security situation in the Kivus. It is likely local political leaders will resist proceeding with the elections until central government authority is established in Eastern Zaire. We can expect key reform-minded leaders to devote less attention and political capital to maintaining the elections on schedule. More money will go to buy military equipment, less to support elections.

U.S. policy is to promote a cessation of hostilities between Zaire and the alliance and assist the repatriation of all remaining Rwandan refugees. We recognize Zaire's sovereignty and territorial integrity and urge keeping the democratic transition on track, including granting citizenship to the Banyamulenge and their inclusion, with other rebels, in the political process.

Zaire remains opposed to an MNF headquarters in Uganda; instead it favors direct MNF intervention in the Kivus to restore eventually Zairian control of the region. Zaire took strong exception to U.S. and Canadian officials meeting with rebel leader Laurent Kabila, as we sought access for aid agencies and survey teams to determine the location and conditions of refugees in the East. Likewise it opposes the concept of airdrops as "undignified," but wants humanitarian aid to flow from the West toward the refugees.

BURUNDI: POLITICAL SITUATION

Although the situation in Burundi has been overshadowed by events in eastern Zaire, the fundamental problems remain. The Tutsi-led self-proclaimed interim government remains in conflict with the predominantly Hutu National Council for the Defense of Democracy (CNDD), a conflict whose main victims continue to be innocent civilians. Both sides are guilty of human rights abuses, although recent reports implicate the Armed Forces of Burundi (FAB) in recent gross human rights violations.

Our goals remain the same: a negotiated cease-fire followed by talks aimed at the restoration of constitutional government. The regional states have imposed economic sanctions on Burundi although their effect has diminished since the July 26 coup. Our position remains that sanctions against the Buyoya government need to be calibrated to the progress made towards the goals set forth in the latest Arusha communique.

While the Buyoya camp has made some progress in partially unbanning political parties and allowing the National Assembly to meet, there is no climate inside Burundi for the conduct of

free political activity. The President of the National Assembly continues to be harassed and has been denied permission to travel overseas. President Ntibanyunganya has been in our Ambassador's residence since before the July 26 coup. We do not believe that the present authorities are capable of ensuring his security but nor will they allow him to depart the country immediately and unconditionally.

MULTIRATIONAL FORCE

The Administration supports the Canadian proposal to establish the multinational headquarters for a humanitarian mission to Central Africa with a watching brief on Eastern Zaire. The MNF mission under UNSCR 1080 was to facilitate the delivery of humanitarian assistance and the return of refugees to Rwanda. Given the mass repatriation of refugees last month and the scattering of those remaining, the scope of the mission has become substantially more limited than originally contemplated. Canada has established the rear MNF headquarters in Stuttgart and is in the process of setting up the main command post in Entebbe, Uganda. The small U.S. task force in Kigali has just relocated to Entebbe.

We are in close consultations with Canada on planning for airdrops to vulnerable groups; final approval of airdrops would require a consensus agreement by the MNF Steering Board. Lacking agreement from the Zairian Government and rebel leader Kabila, airdrops remain problematic. Kabila is reserving agreement until he is informed of a large concentration of refugees in need. There is concern that relief supplies would fall into the hands of the ex-FAR/Interahamwe.

We remain open-minded to an MNF operation with a clearly defined mission. On the other hand, we do not want to commit to an operation without knowing, for example, the whereabouts of the target population, for the sake of "doing something." Resolving Zaire's internal conflicts requires attention, but it falls outside the mandate of UNSCR 1080.

DIPLOMATIC INITIATIVES

Various initiatives are being explored to resolve conflicts in Central Africa and mitigate the social, political and environmental impact of such conflicts.

UNSYG Special Envoy Chretien has just spent four weeks in the region seeking solutions. He will submit his recommendations to the UNSYG next week. I have recently returned from Rwanda where I was in close touch with Rwandan Government and also met with rebel leaders in an effort to get access and safe passage for relief agencies to reach refugees in Eastern Zaire. The parties all committed to providing access. Special Envoy Wolpe has also been in the region, attending the Nairobi Summit and presenting U.S. positions.

African initiatives include a conference on the situation in Zaire/Rwanda called by Congolese President Lissouba in Brazzaville this week, which provided an opportunity for high level Rwandan and Zairian contact. Both Zairian PM Kengo and Rwandan PM Rwigyema will be attending the Ouagadougou Francophone Summit December 4-6. With strong support from OAU Chairman Biya, Kenyan President Moi is setting up a Nairobi II conference of regional leaders later this month to seek solutions to regional conflicts. It is important to get the government in Kinshasa and the rebel alliance talking to each other to find political solutions to their problems. We are trying to do so.

We support the French and other nations' call for a well-prepared, UN/OAU endorsed diplomatic conference to resolve the myriad political, refugee, security and other problems facing Rwanda, Burundi and their neighbors. One long-term result of the current crisis in Eastern Zaire is a heightened awareness of the need to put in place conflict response mechanisms such as the U.S. proposed African Crisis Response Force (ACRF). At the recent OSCE Summit in Lisbon, UNSYG Envoy Chretien told leaders from 50 nations that the international community had shown it was willing to cooperate on the Eastern Zaire crisis but needed to be prodded by a more solid framework for reaction. We believe the ACRF proposal would provide a solid alternative to ad hoc solutions.

Statement of
Michael Mahdesian
Deputy Assistant Administrator
Bureau for Humanitarian Response
U.S. Agency for International Development

Before the

Committee on International Relations
Subcommittee on International Operations and Human Rights
House of Representatives

Washington, D.C.
December 4, 1996

Mr. Chairman and members of the Committee, I am pleased to have this opportunity to discuss with you today the emergency situation in the Great Lakes region of Africa, particularly the refugees and displaced persons in Rwanda and eastern Zaire. You have heard from Assistant Secretary of State Phyllis Oakley about the regional refugee situation, Special Coordinator Richard Bogosian on the political situation, and from Assistant Secretary of Defense Vince Kern on the U.S. military role.

I would like to focus my comments on the humanitarian assistance efforts to address the crisis in the Great Lakes region, particularly our efforts to deal with the returning refugees to Rwanda, which is the principal focus of U.S. assistance. I would also like to touch on the refugee situation in Zaire, the humanitarian situation in Burundi, and the probable return of refugees from Tanzania.

THE CURRENT CRISIS

The massive and sudden migration of refugees and displaced persons has created a crisis of huge proportion in the region. However, amid this crisis, we also see the first hopes for resolving the two-year long refugee emergency in eastern Zaire on a more permanent basis.

Some two million Hutu refugees fled Rwanda beginning in April 1994, fearing reprisals for ethnic massacres of one-half million Tutsis and moderate Hutus, and settled in camps in eastern Zaire, Burundi, Uganda and Tanzania. The Office of the United Nations High Commission for Refugees (UNHCR) estimates that 600,000 refugees have returned

from the Goma, Zaire refugee camps to Rwanda since the fighting began in October of this year. Several hundred thousand Rwandan refugees from the Bukavu and Uvira camps in southeastern Zaire currently remain unaccounted for. We also estimate that 170,000 Zairians have been displaced by the recent conflict in eastern Zaire, that there are an estimated 225,000-285,000 people on the move within Zaire, and that this population is made up of Zairians, Rwandan and Burundian refugees, and former Rwandan militia.

Moreover, of the 143,000 Burundian refugees originally in the Uvira area of Zaire, the UNHCR reports that some 63,000 refugees have returned to Burundi and about 13,500 have arrived in Tanzania. The location of the balance of Burundian refugees in Uvira is unknown. There are also about 73,500 Burundian refugees who have fled to Tanzania to escape the continued fighting in Burundi.

Obviously with these massive population movements so close to conflict zones, there is a great deal of uncertainty about the situation in eastern Zaire. Reporting of population movements and refugees is an inexact science at best, and we have done our best with often conflicting estimates. Even the aerial reconnaissance that is being undertaken is imperfect due to heavy forestation and cloud cover. This is contributing to the uncertainty of military planning in the region. Thus, it is important that humanitarian agencies, such as the International Committee for the Red Cross (ICRC), United Nations agencies, and nongovernmental organizations, gain access to these areas and "ground-truth" what we are able to see from the air and to determine the number, composition and condition of refugees in the region. Most importantly, these agencies will need to provide humanitarian assistance. In the past week, there has been some increased access to these populations, and we hope this access will continue to improve.

ASSISTANCE TO THE GREAT LAKES REGION

On November 18, the United Nations announced a flash appeal for \$259.5 million for international organization programs in the Great Lakes region. The International Committee for the Red Cross also launched an appeal on November 15 for \$38.5 million to support its eastern Zaire operation for three months.

On November 23, the Canadian International Development Agency (CIDA) hosted a conference in Geneva which was attended by representatives from donor governments, the Government of Rwanda, the International Committee of the Red Cross, and United Nations agencies. At the conference, the international community, with the participation of the Rwandan government, agreed on a strategic framework for the integration of refugees and the reconstruction of Rwanda, which was based on the Rwandan government's reintegration plan. The donors also agreed to the following:

Any emergency program should be considered in the context of Rwanda's longer-term needs;

Unimpeded access to the refugee and vulnerable population still in Zaire is a must;

The continuing need for coordination among the agencies with the Rwandan government is crucial; and

A United Nations-Organization of African Unity sponsored regional meeting should be held in the near future on peace, stability and reconciliation in the region as well as a follow-up meeting on implementation of the humanitarian program.

The cost of Rwanda's rehabilitation is high; the government made an appeal for \$729.3 million in donor assistance in November. And the capacity of the new government to respond is restricted both by its inability to absorb resources and by the international community's constraints on direct government assistance. Top reintegration priorities of the Rwandan government include housing, justice, security, and human resource development.

Canada has proposed setting up a multinational force, headquartered in Entebbe, Uganda. Twenty countries, including the United States, support the Canadian plan, but the nations contributing to the multinational force have cautioned that the operation be limited to reconnaissance flights and, if necessary, airdrops of relief supplies to the refugees. Relief agencies have expressed reservations about airdrops, which are expensive and likely would not reach malnourished refugees -- but which would instead be taken by Hutu militia.

Much action has already been taken to address this crisis. Food and other humanitarian supplies were prepositioned in the region, and when the flow of return began, relief agencies quickly established way stations to provide food, water, health care, temporary shelter, and sanitation services to refugees as they returned home. The Government of Rwanda cooperated in these efforts.

Now the returnees have reached their home communes, and further assistance is focused there. The World Food Program and nongovernmental organizations have developed a geographic division of labor for food distributions, and these distributions are underway. Relief organizations are also working with the government to help meet urgent shelter needs, to upgrade health and water systems, and to restore self-sufficiency to the returnees. Donors, nongovernmental organizations, United Nations agencies and the Rwandan government agree that relief and rehabilitation assistance should be provided in an equitable manner to any needy genocide survivors in Rwanda, as well as to returnees, as a means to avoid exacerbating tensions between the two groups.

In Zaire, relief agencies are providing assistance to town residents and any accessible refugees and internally displaced Zairians in the Goma and Bukavu areas. United Nations agencies, the International Committee of the Red Cross, and nongovernmental organizations were recently allowed access to a 30 kilometer radius outside Bukavu town and, from Goma, to points about 20 kilometers west. These organizations are providing food, water and health care assistance and are helping transport those who are too sick to walk across the border to Rwanda. Relief agencies are also trying to reach refugees and internally displaced people located west of Goma, near Kisangani. Unfortunately, many of the missing refugees and internally displaced populations remain out of the reach of relief agencies due to insecurity and continued fighting.

U.S. GOVERNMENT ASSISTANCE

A primary focus of the U.S. Government's efforts over the next few months will be on the problem of absorbing hundreds of thousands of refugees back into Rwanda. This is akin to absorbing them into a state the size of New York, which is a tremendous challenge.

On October 26, the U.S. Agency for International Development (USAID) deployed a Disaster Assistance Response Team (DART) to Rwanda to assess needs and provide funding to support the repatriation of refugees. The DART has also participated with the U.S. European Command in Stuttgart, Germany to plan humanitarian assistance and has assigned a humanitarian advisor to the top ranking U.S. military officer in Rwanda. On November 20, an official from the Canadian International Development Agency joined the DART. We have also seconded five Centers for Disease Control epidemiologists to work with the U.N. High Commission for Refugees, the World Health Organization, and the International Federation of Red Cross and Red Crescent Societies.

Prior to the Geneva meeting, the United States announced that we were adding \$140 million to our contribution to the Great Lakes region, primarily for Rwanda. This includes:

- \$72.5 million of Food for Peace resources (96,000 metric tons of P.L. 480 emergency Title II commodities) through the World Food Program, which will assist Rwandan refugees in the region. Most of the food aid will be made available inside Rwanda to assist in refugee repatriation and reintegration efforts. This assistance represents about 55 percent of resources needed by the World Food Program in its recent flash appeal.
- \$30.0 million from the Emergency Refugee and Migration Assistance fund, primarily for programs related to the repatriation and reintegration of refugees in Rwanda.
- \$20.0 million of Disaster Assistance funds focused on repatriation in Rwanda. These funds are being programmed by the DART to address immediate needs in the way stations, to support food distribution, to provide seeds and tools, to assist in the care and reunification of unaccompanied minors, to provide shelter materials, and to continue programs for rehabilitation of health centers and water systems. These USAID-funded activities are carried out by United Nations agencies and international and nongovernmental organizations.
- \$5.0 million of Disaster Assistance funds for the USAID Office of Transition Initiatives' activities to support the International War Crimes Tribunal for Rwanda, to work with the Rwandan government on justice issues, and to help local women's organizations in repairing shelter and providing other community services.

- \$1.0 million for the United Nations Human Rights Field Operation in Rwanda for human rights monitors, of which \$500,000 will come from the State Department and \$500,000 from the USAID Office of Transition Initiatives. This is in addition to the \$1 million which we have already provided this year.
- \$11.5 million of Development Assistance funds, of which \$4.5 million of FY 1997 funds will support ongoing administration of justice, health and AIDS activities. An additional \$7 million of deobligated funds will be made available to respond to additional needs resulting from the current crisis.

In addition to the new \$140 million commitment, USAID -- through the Office of Foreign Disaster Assistance -- plans to provide \$5 million to support the emergency operations of the International Committee of the Red Cross in eastern Zaire.

The greatest challenge facing Rwanda will be whether the two groups -- the Tutsis and the Hutus -- can live together with mutual respect for human rights. At the Geneva meeting, USAID Administrator Brian Atwood highlighted the justice system as a sector in particular need of help. USAID's Office of Transition Initiatives is focusing on human rights monitors and justice issues, including the crowded prisons. It is expected that the prison population, already overcrowded, will be increased as some of the returnees are investigated for war crimes.

The USAID Mission's development program is also oriented toward the administration of justice and the rule of law. In addition to support for the International War Crimes Tribunal, development assistance supports training at the National Law School and the establishment of a national identity card system which, for the first time, will not identify individuals by ethnic origin. Technical assistance, training, and commodities support are being provided to the national and communal police forces.

The U.N. High Commission for Human Rights, with funding from USAID, plans to increase the number of human rights monitors from the current 110 to a total of 300 in Rwanda and from 5 to a total of 35 in Burundi. In striving to foster a climate of respect for the rule of law and human rights, the Director of the Human Rights Field Operation in Rwanda (HRFOR) announced in Geneva that he would undertake the following activities: develop and strengthen the capacity of the judiciary; empower people through the

dissemination of information; coordinate closely with the International Committee of the Red Cross on detention issues; and break the cycle of impunity through prosecution of genocidists.

The Rwandan government has given squatters two weeks to vacate dwellings belonging to returnees. We can expect significant property disputes as returnees find their homes have been occupied during their absence. The Rwandan government must have a means of adjudicating these disputes. The Ministry of Rehabilitation and Social Integration will focus on resolving the housing issue. The government has set up temporary transit centers to house returnees, displaced residents, and Zairian refugees. We see shelter needs as being urgent. Thus, we will be reviewing these needs and are prepared to provide resources to help address the problem.

USAID's chief of staff, Richard McCall, is now in Rwanda assessing additional requirements of the government in both the justice sector and the resettlement, reconstruction and development of the economy and social infrastructure.

The humanitarian needs of the refugee population as they return to their home communities are being addressed not as a relief problem alone, but a development problem as well. Humanitarian assistance is being provided within a sustainable development framework.

The adverse effects of the 1994 tragic events in Rwanda were and still are visible, and affect both the population and the economy. But two years since the end of the war, genocide and massacres, the socio-economic situation of Rwanda has improved considerably. During 1995, the level of production increased by 25 percent in real terms and the government has succeeded in stabilizing both the exchange rate and inflation, thus reducing the deterioration of real income of the population.

In late 1994, Rwanda had no judicial system. Significant improvements were made during 1995: the National assembly was established, the Supreme Court was nominated, local civil administrators have been appointed, and a police force has been established. The U.S. Government has played an important role in stabilizing and supporting the new government in its efforts to rebuild the infrastructure and reestablish operations of key ministries, including the rehabilitation of courts and court offices throughout the country.

It is important that the donors avoid mistakes of the past. This means we must all operate under a common strategy and framework to ensure that international assistance is genuinely supportive of the needs of Rwandans and to ensure that we are not working at cross purposes, as has sometimes happened in the past. The Rwandan government's plan constitutes the strategic framework into which the humanitarian programs should fit.

From FY 1994 to FY 1996, the U.S. Government provided approximately \$872 million in humanitarian assistance for the Great Lakes regional crisis. We believe it is important to invest a small amount of assistance to continue Rwanda's progress from relief to development.

TANZANIA AND BURUNDI

Although we are focused on the crisis in Rwanda, I would like to comment on the situations in neighboring Burundi and Tanzania. We must keep a vigilant eye on the volatile humanitarian situation in Burundi and we must be prepared for the possible return of Rwandan refugees from Tanzania.

Prior to the crisis in eastern Zaire, there were over 600,000 recent (post 1993) refugees in Tanzania, of which over 500,000 were Rwandans and the remainder Burundians. As a result of the fighting in eastern Zaire and continuing insecurity in Burundi, an additional 122,000 Burundian and Zairian refugees have arrived in Tanzania in the month of November.

So far the United Nations and nongovernmental organizations have been just able to accommodate this influx without great difficulty. However, the channeling of personnel and resources to handle the large return to Rwanda may strain the capacity of the relief community inside Tanzania to deal with larger refugee flows there.

In addition, the over 500,000 Rwandan refugees in Tanzania have been showing signs of wanting to repatriate to Rwanda. Repatriation would be a good thing, but we are concerned that a mass repatriation in the immediate term would overwhelm the capacity of the Government of Rwanda and the relief community to absorb and assist the returnee population. The U.N. High Commission for Refugees and the World Food Program are already prepositioning food and other relief stocks in preparation for repatriation from

Tanzania. The U.S. Government is working with the United Nations and nongovernmental organizations to improve preparedness. We are urging an orderly, measured return.

There has been limited reporting on the humanitarian situation in Burundi due to insecurity in the country. Over 70,000 Burundians fled to Tanzania in the past two weeks, indicating that violence has continued and likely increased. Also, while 62,000 Burundian refugees from Zaire have repatriated to Burundi, there are disturbing reports of a massacre of as many as 425 returnees to Cibitoke province in late October. USAID's emergency disaster relief coordinator was allowed to return to post on November 18, and we hope to get a clearer picture of humanitarian conditions as he is able to travel and meet with relief agencies.

Economic sanctions that were imposed on August 4, following the coup d'etat by Major Pierre Buyoya, remain in place. While the sanctions were lifted on most humanitarian food and relief items for the internally displaced, sanctions on fuel and declarations that all goods must enter via road from Tanzania have led to increased costs and major delays, severely impairing assistance efforts. The U.N. agencies and nongovernmental organizations continue their operations in areas where security permits. The International Committee of the Red Cross has yet to resume operations, following the murder of three ICRC delegates in June.

CONCLUSION

In conclusion, I would like to commend the international community -- the donors, the United Nations agencies, other international and nongovernmental organizations, and the private sector -- for its quick and effective response to the crisis in the Great Lakes region. Of particular note is the dedicated work of the U.S. private voluntary organizations who work with us in the region. You will be receiving testimony from some of these groups during today's hearing.

I would also like to express appreciation for the cooperation of the Government of Rwanda in efforts to absorb the massive influx of returnees to the country. While the situation remains unclear in terms of refugee numbers and locations in Zaire and neighboring countries, the voluntary return of Rwandan refugees is an enormous breakthrough

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for the refugee problem in the region. Much work remains to be done under the agreed strategic framework, and we as a community of nations and people have committed ourselves to the task.

Thank you.

TESTIMONY

VINCENT D KERN

DEPUTY ASSISTANT SECRETARY OF DEFENSE

FOR AFRICAN AFFAIRS

BEFORE THE SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND

HUMAN RIGHTS,

OF THE HOUSE COMMITTEE ON INTERNATIONAL RELATIONS

WEDNESDAY, DECEMBER 4, 1996

Thank you for the opportunity to be here today to discuss the refugee situation in Eastern Zaire and Rwanda.

After several weeks of massive refugee repatriation, we see many signs of progress and hope. More than 620,000 Rwandan refugees have returned home over the past month. UN humanitarian agencies and NGOs/PVOs are slowly re-establishing their operations in eastern Zaire and now have access to 70 KM area around Bukavu and 30 KM radius around Goma. Earlier this week, for example, UNHCR organized the successful return of about 15,000 refugees from a remote site north of Bukavu. Nevertheless, after nearly a month of continuous, extensive aerial reconnaissance, we have located three large concentrations of refugees and internally displaced persons that may number up to 240,000. Although we do not have evidence to support it, several international groups insist that an additional 250,000 may be unaccounted for. We continue to conduct daily reconnaissance missions in a thorough attempt to locate refugee concentrations in eastern Zaire.

When the humanitarian crisis initially exploded in late October, the United States quickly took the lead and help to organize an international response. Our efforts culminated in UNSCR 1080 that authorized the

establishment of a multi-national force (MNF) with the mission to facilitate the delivery of humanitarian assistance and the voluntary repatriation of Rwandan refugees and Zairian internally displaced persons. For its part, DoD played an important role. Anticipating a major humanitarian relief operation under UNSCR 1080, we promptly pre-positioned assets and personnel to the region in order to establish an airbridge and facilitate repatriation. We quickly initiated extensive aerial reconnaissance and passed this information to locally based humanitarian agencies and to UNHCR. We also quickly deployed to the region our Humanitarian Assistance Survey Team (HAST) from the European Command that immediately engaged regional governments and humanitarian organizations. When the President agreed in principle to participate in the UN-authorized MNF, DoD earmarked units and prepared to dispatch nearly 4,000 soldiers to eastern Zaire in order to secure regional airfields and maintain a humanitarian corridor. Then, we joined military planners from more than twenty five countries and international organizations at our at European Headquarters in Stuttgart last month and developed a general framework for a military concept, a mission statement, and five possible response options to the crisis.

Last Friday in Ottawa, the Canadians hosted the first meeting of the MNF Political Steering Board. In addition to standing-up the MNF HQ, the Board agreed to include planning for the aerial delivery of emergency humanitarian food supplies, or airdrops, in eastern Zaire as a possible MNF mission. As Secretary Perry stated publicly last week, if airdrops are necessary and if the Steering Board agrees, DoD intends to play a significant role. Some in the international community have expressed doubts about the usefulness of airdrops and urge them only as an absolute last resort. Based on earlier experiences, they indicate that airdrops are inaccurate, present serious physical risks to target

populations, and will serve only to strengthen the control of ex-FAR/Interahamwe over vulnerable refugee groups. While we share many of their concerns, DoD is actively looking at the feasibility of performing airdrops as part of our on-going efforts to support international relief operations in the region.

Meanwhile, the MNF Force Commander, LtGen Maurice Baril, consulted with regional governments and received approval to establish his MNF Headquarters in Uganda with a forward Headquarters in Kigali and a rear HQ in Stuttgart. He is also working with regional governments to obtain a Status of Forces Agreement (SOFA) and with us and other international troop contributors to develop appropriate rules of engagement (ROE). The Joint Staff has been working actively with the Canadians to develop comprehensive command and control arrangements. While we await a final decision on U.S. military participation, I can assure you that our forces will remain under the command of a senior U.S. military officer. Once Gen Baril concludes these negotiations, we stand ready to participate in the MNF.

Today, we have 451 personnel in the region, including 333 in Entebbe, 22 in Kigali, and 96 in Mombassa. We have a Joint Task Force headquarters staff, a TALCE, three reconnaissance aircraft, and force protection units in Entebbe; a small forward headquarters, a Civil-Military Operations Center, and a media information team in Kigali; and a TALCE in Mombassa. With an airbridge and civil-military elements in place, our forces are ready to assist with humanitarian relief operations and to fashion a comprehensive media campaign message with UNHCR that will facilitate refugee repatriation and resettlement.

We will continue to consult with Congress as details of the mission are finalized. Pending your questions, I thank you.



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Testimony of

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Director

U.S. COMMITTEE FOR REFUGEES

on

REFUGEES IN EASTERN ZAIRE AND RWANDA

before the

**HOUSE COMMITTEE ON INTERNATIONAL RELATIONS
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS**

Submitted

DECEMBER 4, 1996

USCR, a private, humanitarian agency, has been informing the public since 1958.

Background of USCR

Mr. Chairman, thank you for holding this hearing on the urgent situation in the Great Lakes region of Africa.

I am Roger Winter, director of the U.S. Committee for Refugees (USCR). USCR is a nongovernmental, nonprofit organization founded in 1958 to defend the rights of refugees, asylum seekers, and displaced persons worldwide. USCR monitors refugee situations around the globe, issues reports and analyses on the root causes of refugee emergencies, and provides policy recommendations to the U.S. government, foreign governments, the UN, and to the international humanitarian relief community.

USCR has long paid close attention to the Great Lakes region of Africa, because it is a region with a long history of refugee crises. I have conducted virtually annual site visits to the region since 1982, including an 11-day site visit last month. USCR staff have conducted at least 10 assessment trips to Rwanda and neighboring countries during the past two-and-a-half years. We have produced more than 30 reports, trip assessments, action alerts, editorials, briefings, and public information advisories since 1994 in an effort ensure that policy makers, the press, and the American public give proper attention to this conflicted region of Africa. We are prepared to provide you with any of this material, as well as reports on the region published by USCR prior to 1994.

Scope of Testimony

On behalf of USCR, I appreciate your invitation today to share my analysis and my agency's cumulative experience in the region. Mr. Chairman, your hearing today will perform a valuable service if it manages to clarify several issues that have generated much confusion.

This written testimony consists of three main sections. First, it attempts to frame the current situation in central Africa in its proper regional context. Secondly, this testimony will examine five important issues, including:

- Regional Legacy of Genocide
- Refugee Numbers in Eastern Zaire
- Insights into the Alliance of Zairian Rebels
- Deployment of a Multinational Force
- Creating Stability Inside Rwanda

I would summarize my testimony in this way: Important parts of the current situation in the region are at least partially rooted in the Rwanda genocide of 1994 and the international community's failure to respond appropriately to that genocide two years ago. This link must be understood if we are to comprehend the mentalities and politics on the ground. The view from the ground is an exceedingly critical factor when a multinational military intervention is being considered. The actual number of Rwandan refugees still in eastern Zaire is probably fewer than many sources have estimated, but the unfortunate debate over exact refugee numbers has tended to obscure the fact that enormous humanitarian needs exist inside Rwanda, as well as in eastern Zaire in the aftermath of military clashes there. Although I do not pretend to be an expert on the internal politics of Zaire, I did spend considerable time with the leader of the Zairian rebels last month, and it is my conclusion that many outsiders fundamentally misunderstand the Zairian rebel movement.

Talk of deploying a multinational military force to eastern Zaire served a useful purpose several weeks ago, but more recent discussion of an international combat deployment has been counterproductive, in my view. A multinational force would have a rationale at this time only if it were mandated, in full communication with Zairian rebels, to disarm exiled Rwandan extremists and help rescue specific refugee groups held hostage by their own leaders—a mandate that the multinational force clearly has not received from donor nations. The international community should place a priority on addressing acute needs inside Rwanda as that nation absorbs the return home of 600,000 or more refugees, and the potential return of a half-million more refugees from Tanzania. Working toward a Rwanda that is stable and respectful of all human rights should be the linchpin of U.S. policy in the region. At the same time, we should be cognizant that other countries in the region, including Burundi, Tanzania, and Uganda, need our attention as they struggle to cope with the effects of the region's violence.

My testimony concludes with specific policy recommendations.

Regional Context

During the 1970s, the 1980s, and up to today, the world has done a singularly poor job of understanding the Great Lakes region of Africa. In the Great Lakes region, more than in most places I have visited, many outsiders have consistently misunderstood the politics on the ground, the motives of the actors, and the awful fragility of truth.

It is not an easy region to understand, even for so-called experts. Consider the nations in the region:

- Rwanda and its people will suffer the legacy of genocide for generations to come—a legacy with which the international community has precious little experience, little patience, and an exceedingly short memory.
- Zaire's internal politics are Byzantine at best and confounding at worst. Zaire is a fractured country that maintains only the most tenuous grasp on nationhood.
- Burundi has aptly been called a "sick society" riven by ethnic suspicion. It is embroiled in its own full-scale civil war and has lost 60,000 to 100,000 lives in the past three years alone.
- Uganda has gone through difficult times to regain its equilibrium in the aftermath of the butchery inflicted on the population during the Idi Amin-Milton Obote era of the 1970s and 1980s. Uganda is now suffering new destabilization at the hands of its terrorist neighbor state, Sudan, and a rebel incursion from Zaire.
- A fifth country in the region, Tanzania, is a newly democratic society understandably concerned that regional conflict is undermining its own security.

All five countries in the Great Lakes region are among the three dozen poorest, least developed countries on earth, as measured by the United Nations Development Program. The region contains some of the most densely populated areas on the Africa continent. It is a region of the world where reliable facts can be hard to come by, even in normal times.

The contradictory reports in recent weeks about the numbers of Rwandan refugees who remain in eastern Zaire are indicative of the confusion that has afflicted the outside world's understanding of the region. There has too often been similar poor analysis regarding the motives of Zaire's rebel alliance and the efficacy of a multinational troop deployment. The world must force itself to better understand these and other issues if we want to play a constructive role in the Great Lakes region.

Regional Legacy of Genocide

The history of the Great Lakes region certainly did not begin with the 1994 genocide in Rwanda—each country in the area, with the possible exception of Tanzania, has long produced an inordinant amount of violence, human rights abuses, population upheaval, and general instability. Eastern Zaire has its own tensions that have endured for generations. However, the repercussions of the Rwandan genocide are an important ingredient in events of recent months. We outsiders must understand this link if we are to understand the dynamics on the ground and how we can help.

The genocide that occurred in Rwanda was a very special crime—special in its awful evil. The ultimate victims, of course, were those estimated one million Rwandans who died, and tens of thousands of others who were targeted for death but endured horrific suffering to survive. The special evil of genocide, however, is that it claims all of us as partial victims. The legacy of genocide resonates through the years, and steals a bit of our own goodness. In the aftermath of genocide, none of us are saints. The ongoing emergency in the Rwanda region has made this sad fact abundantly clear during the past two-and-a-half years.

The U.S. government currently is pursuing a wise strategy in the region, yet our government failed—to its eternal shame—to take decisive action to publicize and stop the genocide in Rwanda as it occurred in mid-1994.

The UN has authorized the dispatch of multinational troops in eastern Zaire ostensibly for humanitarian reasons, yet the UN Security Council refused during the past two years to dispatch UN troops to the region to disarm extremist refugee leaders and rescue hundreds of thousands of Rwandan refugees who were being held hostage.

International humanitarian relief agencies performed logistical miracles to save Rwandan refugees' lives in eastern Zaire for more than two years, yet the relief community continued to feed and support thousands of genocidal killers in those same refugee camps.

Zairian authorities provided a sanctuary for hundreds of thousands of innocent Rwandan refugees for two-and-a-half years, yet Zairian officials killed and forcibly expelled other Zairian populations, and facilitated arms shipments that further destabilized the region.

Zairian rebels have smashed the exiled Rwandan army as well as a Zairian military that preys on its own citizens, yet those same Zairian rebels have been accused by international human rights groups of committing their own atrocities in recent weeks, and impeding humanitarian assistance to large parts of eastern Zaire.

Rwanda's current leaders ousted a genocidal regime from their country and have encouraged all Rwandan refugees to return home, yet Rwandan officials have struggled at times to

control their own survivor army and population, and only now are initiating trials for more than 80,000 persons imprisoned in connection with the 1994 genocide.

The 1994 genocide—and the world's passive response to it—set in motion a chain of events that continues to haunt us. It signalled to many Rwandan Hutu refugees that their extremist, criminal leaders maintained international stature and were above the law. As a result, many refugees stayed with their leaders, sustaining the massive and expensive refugee crisis of the past couple years.

The genocide—and the world's weak response to it—signalled to extremist Rwandan Hutu leaders exiled in Zaire that the world community, having refused to stop their mass killing campaign the first time, would decline to stop new rounds of atrocities and warfare they wished to perpetrate along the Zaire-Rwanda border. As a result, the former Rwandan military and their militia, the *Interahamwe*, used refugee camps in eastern Zaire as military bases to mount terrorist attacks into Rwanda and raid the Masisi area of eastern Zaire with impunity for more than two years. (For more information on the violence in Masisi, see USCR's report, *Masisi, Down the Road from Goma: Ethnic Cleansing and Displacement in Eastern Zaire*, published in June 1996.)

The Rwanda genocide signalled to corrupt Zairian authorities that they could, with only token protest from the international community, conduct a campaign of ethnic cleansing against Tutsi Zairians who had lived in eastern Zaire for generations. As a result, Zairian officials aided and abetted the killing and expulsion of Tutsi and other ethnic groups from the Masisi area of Zaire in mid-1996, and announced plans to expel some 300,000 Tutsi Zairians from the South Kivu region of eastern Zaire in September 1996.

And the 1994 genocide in Rwanda, coupled with the highly effective ethnic cleansing of Tutsi Zairians from the Masisi area of Zaire during 1995-96, convinced Tutsi residents of Zaire's South Kivu region that they would have to take up arms to protect themselves because the outside world would not save them. As a result, they organized themselves into a rebel force that has won stunning military victories in eastern Zaire since mid-October. This rebel movement has unleashed the current situation on the ground.

Understanding the lingering role of the genocide leads to other levels of understanding. It explains why some refugee leaders are willing to exploit their own followers and hold some refugee population hostage in order to escape justice. It tells us that some Rwandan Hutu who were in Zairian refugee camps are killers or otherwise guilty of complicity in the genocide and therefore are not bona-fide refugees under international law. It explains why some criminals among the refugees, fearing prosecution in Rwanda, have absolutely no intention of repatriating to Rwanda under any circumstances. It explains why some are fleeing deeper into Zaire, voluntarily or involuntarily. It explains why the situation in eastern Zaire since 1994 has always been more than a refugee situation—it has also been a military situation that required a military solution that the world community lacked the courage and integrity to undertake.

The 1994 genocide, combined with pre-existing tensions in the region, set in motion the chain of events that confronts us today. One lesson we all must learn from this, in my view, is that genocide leaves a stain that cannot be erased. Nor can it be ignored. My purpose in stressing this point is not to dredge up guilt—although there is plenty of room for that—but to emphasize that the legacy of genocide is a special evil that will haunt us for years. We must deal with it.

Refugee Numbers in Eastern Zaire

The confusion over the number of Rwandan refugees still in eastern Zaire has been one of several factors undermining assistance plans. As recently as a week ago, estimates ranged from 200,000 to 800,000.

According to USCR's own best estimates, based on our ongoing monitoring of the situation since 1994, the number of Rwandan refugees remaining in Zaire a week ago was probably approximately 300,000. There is reason to believe that an additional 100,000 Burundian refugees might remain in eastern Zaire. USCR can offer no estimate on the number of internally displaced Zairians, though we have reason to believe the number is significant. U.S. officials have estimated that about 170,000 or more Zairians have been displaced.

Members of this Subcommittee have no doubt expressed incredulity about the wide gap in numerical estimates supplied by sources in the Great Lakes region. Some observers have alleged that the discrepancy in population estimates is proof of ulterior motives by relief agencies and international diplomats, who are assumed to have a vested interest in reporting refugee numbers that are artificially high or unrealistically low.

I do not intend to question the motives behind the different statistics. I would instead prefer to outline for the benefit of the Subcommittee some objective reasons that might explain part of the discrepancy in estimates. I will also discuss how the so-called "numbers game" has been an unfortunate distraction from the necessary task of providing humanitarian assistance to eastern Zaire's large population of uprooted people, regardless of the exact number.

One reason for the contradictory estimates about the number of refugees in eastern Zaire is that the security situation on the ground forced UN and private relief groups to evacuate the area in October, depriving the international community of its eyes and ears. Diplomats and relief officials have been forced to rely on inconclusive aerial photos, rumors, and hearsay to monitor the size, location, and condition of refugee populations.

A second problem is that observers are attempting to measure the size of five populations: Rwandan refugees who were in eastern Zaire in October, as the violence began; Rwandan refugees who have repatriated to Rwanda since the recent violence started; Burundian refugees who were in Zaire in October; Burundian refugees who have fled Zaire since the recent violence started; and local Zairians who have become internally displaced within Zaire due to the recent upheaval. Uncertainty about the size of each of these five groups has snowballed into an unusually large discrepancy in aggregate population estimates.

Estimates of the size of large refugee populations worldwide often encounter a 10 percent margin of error, due to the chaos of refugee situations, questions of identity, inadvertent double counting, and attempts by humanitarian workers to ensure stocks of adequate relief supplies. In some camps, even a smoothly conducted census can become quickly outdated as refugee families shift locations. Attempts to count massive, uncooperative refugee populations, such as the Rwandan refugees in Zaire during the past two years, are susceptible to even greater error.

A census of eastern Zaire's Goma-area refugee camps in February 1995 by the UN High Commissioner for Refugees (UNHCR) and other relief groups was hampered by significant fraud orchestrated by Rwandan refugee leaders. Representatives of some relief agencies withdrew from

the census exercise because of the fraud. As a result, the final 1995 census statistics in Zaire were imprecise, although they were useful for planning humanitarian programs and budgets. An attempt by UNHCR to refine its refugee estimates in late 1995 using a combination of aerial photography and on-the-ground checks indicated that official population estimates remained high.

In view of these indicators, USCR's annual *World Refugee Survey*, published in April 1996, estimated that the actual number of Rwandan refugees in eastern Zaire at the beginning of 1996 was approximately 900,000, in contrast to the official UNHCR estimate of 1.1 million.

The Goma-area refugee population again frustrated UNHCR's efforts to conduct a reliable census in September 1996. Groups of young men in the camps reportedly destroyed several census registration booths and threw rocks at vehicles of relief agencies, according to a report received at the time by USCR. The census was cancelled, depriving UNHCR and the international community of a consensus on the number of Rwandan refugees who were in eastern Zaire prior to the outbreak of recent violence. Uncertainties over the numbers of Burundian refugees still in Zaire, as well as confusion about the numbers of internally displaced Zairians, have created even larger discrepancies.

Mr. Chairman, I have chosen to dwell on this rather technical subject of "counting refugees" because, in one sense, it is important to have reliable estimates about the number of refugees in eastern Zaire. Such statistics are one way to grasp the truth of the situation—and the truth does matter. Unfortunately, the discrepancy in the numbers threatens to tarnish the credibility of the humanitarian relief community, especially when the next emergency erupts and pleads for attention in another troubled corner of the world.

In another sense, however, the debate over refugee numbers in the current emergency has become less important. The uncertainty over statistics has needlessly obscured wide agreement among relief workers and analysts that a significant number of people are uprooted or war-affected in eastern Zaire and need humanitarian assistance. The real issue at this time is how best to gain fuller access to eastern Zaire in order to address whatever humanitarian needs are found there. My testimony below contains my assessment of how that can be done.

Insights into the Alliance of Zairian Rebels

Mr. Chairman, during my site visit to eastern Zaire and Rwanda last month, I spent several days talking with Zairian rebel leader, Laurent Kabila. As I mentioned earlier, I am not an expert on the internal politics of Zaire. Nor do I claim to be a military expert, though I have spent significant time in the company of rebels and government troops in the course of my work with USCR over the years. I did not know Kabila before I met him last month, and I have not been in contact with him since November 17.

With those important caveats, I would like to share my assessment of the rebels, based on my time among them and my agency's extensive experience in the Great Lakes region. I believe the discussions I had with the rebel leader were more extensive than his contacts with most other outsiders.

In order to avoid confusion, let me be clear. The rebel group I am talking about is the Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFL), led by Laurent Kabila, which has mounted the successful military offensive in eastern Zaire since mid-October. This rebel

group should not be confused with what appears to be a different new, small rebel force based farther north, in northeast Zaire, known by the strangely similar name, the Allied Democratic Forces (ADF) or the Allied Democratic Army (ADA), according to different reports. This second rebel group reportedly launched raids into Uganda in October, and has recently been chased back into Zaire by the Ugandan military. I have no information at this time about the composition or goals of the second rebel group. I will confine my comments to the first rebel group, the ADFL.

One of my primary purposes in traveling to the region last month was to gain a better understanding of the ADFL rebels. They were the unknown entity in the region, and to some extent they remain so.

It is important to recall the circumstances that forced this rebel group to mobilize. Although the ADFL claims to be an alliance of several opposition groups representing several ethnic groups, it also appears true that the bulk of the ADFL fighting force, thus far, is drawn from the estimated 300,000 Zairian Tutsi residents of South Kivu region, known locally as the "Banyamulenge." The Banyamulenge as a group were relegated to second-class status in Zaire despite their economic success in South Kivu.

A 1981 national law effectively stripped Banyamulenge Tutsi and other Tutsi of their Zairian citizenship. In 1994, the Banyamulenge Tutsi observed the mass killing of up to a million Tutsi in Rwanda. Some Banyamulenge men joined the Rwandan Patriotic Army at that time. In 1995 and early 1996, the Banyamulenge observed the ethnic cleansing of thousands of Zairian Tutsi residents from the Masisi area of North Kivu, Zaire. The ethnic cleansing occurred at the hands of Zairian officials and extremist Rwandan Hutu refugee leaders encamped in eastern Zaire. In mid-1996, the Banyamulenge watched as Zairian authorities took steps to expropriate their property and expel them from the country. A Zairian official announced on October 9 that Banyamulenge must leave Zaire within a week.

The Banyamulenge responded in mid-October by mounting a military offensive to defend their lives and their property. The speed and effectiveness of the offensive has surprised the world.

Many observers assume that the ADFL rebels are little more than surrogates for the Rwandan government. This is a misreading of the situation, in my view, and underestimates the rebels and their motives. I do not know the extent to which the ADFL might have received assistance from the Rwandan government, but we should not be surprised if such assistance exists. Rwandan officials have acknowledged that the Rwandan military launched artillery attacks into Zaire border areas and entered Zaire in hot pursuit of armed groups there. There is every reason to believe that some Banyamulenge men who had served in the Rwandan Patriotic Army have migrated back to Zaire to participate in this Banyamulenge uprising, bringing their combat skills with them.

The military success of the ADFL has benefited Rwanda by securing its western border. But my face-to-face discussions with the ADFL leader, Mr. Kabila, indicate that he and his rebel colleagues are primarily oriented toward the internal politics of Zaire and their country's future. I do not believe they see themselves as Rwanda's surrogates. The Banyamulenge and their ADFL colleagues had every reason to view the Zairian military and the exiled Rwandan military and *Interahamwe* as serious threats to their own well-being in Zaire. The ADFL has done what every rebel group in the world aspires to do: attack their adversaries militarily to gain domestic political advantage. The interests of the rebels and the interests of Rwandan officials clearly overlap in the border area. But Kabila's ultimate goal, politically or militarily, is Kinshasa, the Zairian capital. It

appears that he aspires, at the very least, to position himself as a political and military "player" with whom other Zairian politicians must reckon, should Zairian President Mobutu finally fade from the political scene. In my view, then, it would be a mistake to assume that Kabila is simply a marionette controlled by Kigali.

I hope it is clear that I am not a spokesman for Kabila or the ADFL rebels. He and his cohorts are not angels. It may be that the rebel troops have committed atrocities. I am concerned by reports that the rebels allegedly massacred 300 to 500 people at Chimanga camp in mid-November, and by allegations that men and boys detained by the rebels have disappeared. My point, from a strategic perspective, is that the rebels are an effective fighting force, they appear to control a swath of territory stretching more than 300 miles along Zaire's eastern border, they appear upon close scrutiny to have their own agenda, and they have managed to defeat militarily a dangerous Rwandan exile regime that used its base in Zaire to escape justice and poison the region for more than two years.

The ADFL rebels control the territory where hundreds of thousands of persons are uprooted. It is the territory that humanitarian agencies are seeking to enter. If we fail to understand the rebels' thinking, their motives, and their concerns, we risk creating a new blunder. Good intentions, based on poor information and poor analysis, are not good enough.

Deployment of a Multinational Force

It is rather difficult to discuss the idea of a multinational military force in the region, because the size and purpose of the proposed force seem to change every 72 hours.

The threat of an international military deployment in eastern Zaire was helpful in mid-November, because the threat persuaded the ADFL rebels to attack the final remaining refugee camp / military base outside Goma, known as Mugunga camp, on November 14-15. The rebel attack routed the exiled Rwandan army and the *Interahamwe* who were controlling the camp, and enabled some 600,000 Rwandan refugees to repatriate to Rwanda in a span of four days.

I spoke directly with Laurent Kabila in the hours before and after that attack. It was clear that Kabila distrusted an international troop deployment. He feared that the sudden presence of international troops in eastern Zaire would "freeze" the military situation on the ground and would therefore deprive him of the military victory that was within his grasp. He was convinced that an international force would, perhaps inadvertently, buy time for his retreating adversaries to regroup. Kabila told me that the UN's planned military deployment was forcing him to "change the equation" on the ground. His way of "changing the equation" was to push his remaining adversaries away from Goma. He quickly accomplished this on November 15.

Mr. Chairman, I returned from eastern Zaire two weeks ago convinced that the idea of deploying international combat troops to eastern Zaire was the wrong solution, even though it was a well-intentioned proposal by my colleagues in the relief community. In fact, the discussion of a large multinational troop deployment has, in my view, inadvertently hindered rather than helped efforts to provide humanitarian assistance to the people who need it in eastern Zaire.

The goal of the proposed troop deployment is to safeguard the delivery of relief inside eastern Zaire. It is a worthy goal, but it is the wrong tactic to achieve it. The ADFL rebels oppose

a troop deployment because they fear it will allow their adversaries to regroup. The government of Rwanda has stated its opposition to such a deployment. The U.S. government has said from day one that it would allow its troops to deploy into eastern Zaire only if parties on the ground give their agreement—something that parties on the ground have refused to do. The authorized mandate of the international force would prohibit international troops from venturing into conflict areas, it would prohibit them from disarming armed gangs holding refugees hostage, and it would not authorize them to rescue innocent refugees being held hostage by their leaders. This weak mandate would, in effect, prevent the international troops from performing the tasks they are most needed to do.

Kabila's distrust of an international military deployment into territory he now controls tarnishes, I believe, his confidence in relief agencies seeking access to his territory. From Kabila's perspective, many relief groups seeking to operate in rebel-held areas are based in the same powerful countries that are threatening to "invade" his territory with international troops. It is my belief, based on my discussions with Kabila, that ceasing all discussion of a large multinational military operation in eastern Zaire would probably make him more willing to cooperate with civilian relief operations inside his territory. Continued discussion of a troop deployment is inadvertently impeding the saving of lives, in my view.

It is in the rebels' self-interest to clear the area of refugees by facilitating their repatriation to Rwanda. It is also in the rebels' interest to allow humanitarian assistance to internally displaced Zairians. I believe the rebels would be likely to pursue their self-interest and allow greater access to relief officials if the threat of a multinational invasion is erased. The latest plans to base a limited number of American and other multinational troops in Uganda may be a productive compromise.

Mr. Chairman, the only rationale for a multinational troop deployment that might make sense at this time would be to deploy a force that is mandated to rescue refugees held against their will. There is reason to believe that some groups of refugees who might wish to repatriate are prevented from doing so by *Interahamwe* elements. If the location and true circumstances of these groups can be identified, surgical rescue missions might be in order. If so, these operations could probably be arranged in coordination with rebel leaders who also have an interest in separating armed *Interahamwe* from their human shields.

Creating Stability Inside Rwanda

My assessment, based on my time in the region, is that the most effective way to mount a humanitarian relief operation into eastern Zaire and lend some level of stability to the region as a whole is to base a large relief and development operation inside Rwanda. A relief operation based in Rwanda is the best way to gain rapid access cross-border to eastern Zaire, it makes sense logistically, and certainly the need inside Rwanda is enormous. This appears to be the general strategy of the U.S. government, and I applaud it.

Some 600,000 Rwandans have returned home in the past three weeks. Tens of thousands more are likely to return from Zaire in coming weeks. This means that one tenth of Rwanda's population is suddenly attempting to resettle and reintegrate. But that measures only part of the challenge. In addition to the 600,000 recent returnees, tens of thousands of persons who were already in Rwanda are also suddenly forced to find new housing, as they vacate houses owned by the returning refugees. Moreover, another half-million Rwandan refugees in Tanzania are closely

assessing events in Rwanda. They might suddenly choose to repatriate voluntarily.

The United States and other donor nations cannot turn their collective backs on Rwanda at this critical moment. Rwanda is attempting to get back on its feet. It is a fragile situation. International donors would threaten Rwanda's security—and the security of the region—if they fail to invest generously to meet the needs of persons returning home or those already in Rwanda who must relocate to new areas. The international community must invest in the ability of Rwandan society to reintegrate itself. Rwandan society needs an infusion of capital. Priority needs include short-term food assistance, shelter, health care, and agricultural tools. Based on my experience in other repatriation situations, I cannot overstate the urgency of attending to Rwandans' critical need for housing.

As I have mentioned, Rwanda is virtually unique in the sense that it is a post-genocide society. We are all trying to grasp what that means, and we should respect our collective ignorance on the matter. Despite all they have endured, Rwandans are being asked—and expected—to live together again. It will be hard. Some problems are predictable. With so many people resettling, there will be disputes over land and housing. Some revenge killings will occur because of the genocide. More arrests will occur, and should, because some of the returnees are admitted killers. The rebuilt justice system will remain overburdened, and prisons may remain full.

In addition, the international community should move quickly to increase the number of UN human rights observers on the ground from the current level of about 120 to at least 200 by January 1997, and to a level of 300 as soon as administratively possible during 1997. I am encouraged that the U.S. government and other donor nations have indicated their intention to support such an expansion in the human rights program in Rwanda. The international community should redouble its efforts to bring leaders of the Rwandan genocide to justice before the International Tribunal based in Arusha, Tanzania. International donors should also place a priority on investing in Rwanda's own justice system.

There is reason to believe that proper commitment by the Rwandan government and the international community to these priorities will encourage Rwandan refugees in Tanzania to return home. The physical return of refugees does not automatically solve the enormous problems of Rwanda and the region, but the refugees' return home is a prerequisite if Rwandan society is to have any hope of overcoming its painful past.

Mr. Chairman, there is nothing any of us can do to bring back to life the million Rwandans who died in 1994. What we can do, however, is assist Rwandan society at it seeks to find a new and better way.

Recommendations

Recommendations on Humanitarian Relief

1) Provide Relief, Development Aid, And Human Rights Assistance Inside Rwanda To Facilitate Stability There.

2) Provide Humanitarian Assistance to Eastern Zaire Rapidly. A Large Multinational Military Deployment Is Not The Best Strategy For Rapid Relief.

3) Use Rwanda As Base For Humanitarian Relief Operations Into Eastern Zaire.

4) Zairian Rebel Leaders Should Facilitate Humanitarian Relief Operations Into Rebel-Held Territory.

I spent extensive time with rebel leader Laurent Kabila last week. I publicly urge him to take necessary steps to facilitate humanitarian relief operations to benefit civilians in territory controlled by his forces. Without the threat of international military intervention, I am convinced Kabila sees it in his best interest to collaborate.

5) Provide Aid In Eastern Zaire Only With Proper Monitoring Of Use By Beneficiaries. Refrain From Air-Dropping Food Relief Unless Beneficiary Group Has Been Clearly Identified.

Aid groups should not distribute food and other aid blindly. *Interahamwe* and ex-FAR have demonstrated for more than two years their ability to divert relief supplies intended for innocent refugees. Given reports that *Interahamwe* continue to lurk in eastern Zaire—even in pockets controlled by Zairian rebels—aid agencies should responsibly monitor the end-use of all new aid distributed in eastern Zaire. In situations where proper monitoring of aid is impossible, relief groups should refrain from distributing it.

6) Retrieve Relief Supplies And Materials Left Behind In Vacated Refugee Camps.

Some 40 refugee camps in eastern Zaire vacated in the past two months may contain some relief items left behind by refugees and aid workers. Aid workers should attempt to retrieve supplies that can be re-used. Relief supplies in the old camps should not be allowed to fall into the hands of combatants, who are not the appropriate beneficiaries.

Recommendations on Political / Human Rights Issues

7) A Multinational Military Deployment to Eastern Zaire Makes Sense Only If It Is Mandated To Rescue Refugees Held Hostage By *Interahamwe* or Other Armed Groups.

8) Accelerate The Growth Of The Human Rights Monitoring Program Inside Rwanda.

9) Accelerate The Work Of The International Tribunal In Prosecuting Perpetrators Of The Rwanda Genocide. Provide Assistance To Rwanda's Internal Justice System As Well.

The repatriation of Rwandan refugees is an important breakthrough in the mending of Rwandan society, but the dangerous culture of impunity that has reigned in Rwanda and throughout the region remains largely unaddressed until the International Tribunal prosecutes the leaders of the genocide.

10) New Arrests Of Genocide Suspects Inside Rwanda Should Adhere To Appropriate Standards Of Evidence.

The population of newly repatriated Rwandans includes some individuals implicated in the genocide. Additional arrests by Rwandan authorities are inevitable. Since 600,000 persons returned last month, however, Rwandan officials have wisely abstained from wholesale arrests of suspected criminals. When future arrests do occur, it is important that the arrests adhere to appropriate standards of evidence, rather than hearsay. Such legal protections will serve to reassure newly repatriated refugees, many of whom remain uncertain about their standing with authorities.

11) Rwandan National Officials Should Personally Visit Returnees In Every Commune To Gain Their Confidence And Assuage Their Fears.

REFUGEES  INTERNATIONAL

Statement
of
LIONEL A. ROSENBLATT
PRESIDENT
REFUGEES INTERNATIONAL
On
REFUGEES IN EASTERN ZAIRE AND RWANDA
before the
Subcommittee on International Operations
and Human Rights
Committee on International Relations
U.S. House of Representatives

December 4, 1996

REFUGEES  INTERNATIONAL

Statement of
Lionel A. Rosenblatt, President
Refugees International
To
The House International Relations Committee
Subcommittee on International Operations and Human Rights

December 4, 1996

Mr. Chairman, we at *Refugees International* wish to thank you for convening this hearing on the humanitarian and political crisis in eastern Zaire. With over a million refugees and local citizens displaced in eastern Zaire, many of whom are still unaccounted for, we are facing one of the worst humanitarian emergencies in recent memory.

I returned from the Great Lakes region a week ago and my organization, *Refugees International*, has had representatives on the ground in Rwanda and eastern Zaire frequently since 1994 and continuously from the beginning of this latest phase of the crisis. We have interviewed many refugees returning to Rwanda and have consulted closely with UNHCR, UNDHA, and other agencies on the scene trying to assist the refugees.

The humanitarian crisis in the Great Lakes Region of Africa is not over -- despite optimistic pronouncements following the recent return of some 600,000 refugees to Rwanda. There are still hundreds of thousands of refugees spread throughout eastern Zaire. Having been cut off from internationally supplied water and food for over four weeks now, many of them are in dire condition, and their needs must be uppermost in our response. The crisis has had a destabilizing ripple effect that could escalate into a full-blown regional conflagration, and has already led to increased fighting in Burundi.

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Refugees International

To summarize recent history briefly, the death of Rwanda's Hutu president in a plane crash in 1994 touched off a round of genocide in which about 500,000 Rwandans, mostly Tutsis, were killed by Hutus. However, the Tutsis gained the upper hand and nearly 2 million Hutus, fearing retaliation, fled Rwanda in a mass exodus. About 1.2 million of the Hutu refugees went to Zaire where they were housed and fed in the UNHCR refugee camps.

The Hutu militia -- the primary perpetrators of the genocide on the Tutsis -- fled Rwanda along with the refugees. The militia largely retained its weapons and gained control over the refugees in the Zaire camps. The militia discouraged refugees from repatriating to Rwanda and enforced its dictates with intimidation and frequent murders.

The international community did little to halt the 1994 genocide in Rwanda. The small UN peacekeeping force on the ground while the genocide was occurring had no mandate to intervene and its size was actually reduced. The international community was also complicit, for the last two years, in permitting the refugee camps to become bases for the Hutu militia in their continued war against the government of Rwanda.

This festering situation ended suddenly a month ago when Zairian rebel forces emptied the refugee camps. Once Hutu militia had lost control over the camps, the refugees fled in all directions. Rwanda and the international community encouraged them to return to Rwanda as the safest alternative and, to date, about 600,000 have done so. The rest are still missing in Zaire.

During the last two or three weeks, the international community has engaged in a sterile and time-wasting debate about the numbers and condition of these refugees in Zaire and has equivocated on taking meaningful action to assist them. The massive return of refugees to Rwanda has led to a great deal of wishful thinking in official circles, with some claiming that the humanitarian crisis in the Great Lakes region is over.

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To the contrary, the crisis is far from over. There are still, by conservative estimates, several hundred thousand people hiding in the forests and mountains of eastern Zaire. Their locations and condition are not precisely known, but survivor accounts that I and other members of *Refugees International* collected indicate that many of the refugees are suffering and dying from disease, lack of food and water, and violence. In some cases, the refugees had to flee from efforts of the Hutu militia to herd them west; an unknown number of refugees remain under militia control, many of them reportedly moving toward Kisangani.

The bulk of the refugees unaccounted for are in south Kivu having fled camps in the Bukavu area. A major concentration is said to be at Mwenga and others at places such as Shabunda. Further south the camps in the Uvira area were also dispersed and refugees fled south to Fizi and beyond.

The international community needs to address urgently the desperate situation of these "lost" refugees in Zaire, most of whom are women and children and many of whom would return to Rwanda if not prevented by hardship, distance, or hostile military militias and armies in eastern Zaire. We have a situation here in which the lives of hundreds of thousands of people are in imminent danger -- and the international community, instead of taking rapid and effective action, has instead been in a state of denial.

A reverse form of the "CNN factor" is at work here. Because the current humanitarian catastrophe in eastern Zaire is not on television, many don't believe it's happening (or feel that, politically, they can afford to ignore it).

What can we do to halt the humanitarian tragedy unfolding in eastern Zaire? The U.S., the UN, and the international community should collaborate immediately on the following actions:

- **In order to reach the "lost" refugees with assistance, the international rescue effort must first locate them.** Satellite and aerial photography --

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which should certainly be continued and intensified -- have yielded basic information about the directions many of the refugees headed. If we are to have any chance of finding the large number of refugees who are deep in the dense forests, however, we must follow up with new searches by land or with helicopters and small aircraft. In the meantime, the photographs that have been collected should be released publicly so that all agencies concerned can be working from the best information possible.

- **The main goal should be to reach needy refugees and internally displaced in Zaire with emergency assistance.** Only very limited access to a few areas has been granted thus far by the rebels and the Zairian government; the so-called ten-day "access window" promised by Zairian rebel leaders has not been consistently honored by their soldiers on the ground. The negotiations over access to eastern Zaire have delayed the international response and thereby increased the toll of suffering and death among the refugees and displaced.
- With access from the Zaire rebels, the UNHCR, ICRC and NGOs are willing to try to reach the missing refugees with emergency aid (USAID is giving the ICRC \$5 million for precisely this purpose). **The U.S. should redouble its diplomatic efforts to obtain access for UNHCR and other relief agencies.**
- **The rescue of the refugees would undoubtedly be facilitated by the deployment of a multinational military force.** The force would bring better search capability, including helicopters. The force would also provide back-up security to the humanitarian aid agencies. The force could be based on the Rwanda side of the border to avoid any suspicions that it would alter the current military balance in eastern Zaire.

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- To avoid repeating the mistakes of the past two years, the emergency aid to refugees in Zaire should avoid the re-establishment of refugee camps in Zairian territory. Emergency aid should be oriented toward immediate needs (food, water, medicine), and repatriation corridors should be secured -- especially at Bukavu -- for safe passage of refugee populations from Zaire to the border of Rwanda.
- Air drops have been proposed. Unless there is a presence on the ground to provide order, however, the dropped food will probably only go to the hands of the strongest and fastest. In some instances, where Hutu militia are present, they will undoubtedly expropriate the food. We recommend that the multi-national force work out arrangements with UNHCR and/or other agencies for a presence on the ground to be protected, as necessary, by the force.

RWANDA

About 600,000 Hutu refugees have now returned to Rwanda. These returnees own nothing more than what they carry on their backs and, in many cases, they are finding the land and houses they previously owned or occupied now taken over by other people. Likewise, the Hutu-Tutsi tensions that lead to the 1994 genocide may be quiescent in Rwanda for the moment, but the threat of renewed ethnic violence will continue to be a major concern.

Clearly, the international community needs to avert a recurrence of the horrendous violence that has afflicted Rwanda. The UN, U.S. and other governments and organizations need to provide substantial economic assistance to facilitate the re-integration of the returning refugees and to create an atmosphere of economic stability and progress for the Rwandan people. The Clinton Administration has taken a useful step by assembling a \$140 million package to deal with the refugees and the re-integration of returnees, and we would like to suggest how these resources might be used most effectively in Rwanda.

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- *Refugees International* has long advocated a commune-by-commune approach that addresses the needs of the local communities as a whole, rather than just returning individuals. A food-for-work program could be used, for example, to support construction of housing. While daily rations will be necessary for the time being, an emphasis should also be placed on promoting local capacity for agricultural production to help increase available food for the longer term. We must not, however, distribute food solely to returning refugees, since that will only inflame tensions with those who stayed in Rwanda.
- It will be important to keep ethnic suspicion and fear from engendering further human rights abuses; revenge killings must be prevented while action must also be taken against *genocidaires* to foster a sense of justice. A few international monitors are now in place, but many more are needed -- especially in rural areas -- on-the-scene to intercede to prevent ethnic violence and violations of human rights. Likewise, the international community needs to devote more resources and attention to helping Rwanda process and prosecute suspected mass murderers to punish the guilty and release the innocent, thereby relieving the current situation of severe over-crowding in Rwandan prisons. If international donors are to be successful in helping Rwanda achieve some semblance of normality, they will need to show effective leadership and coordination of the reconstruction effort.

BURUNDI

Although at present the best option for Rwandan refugees is a return to Rwanda, we would not encourage repatriation to Burundi. Burundi is torn by an ethnic civil war, and there is already a report of the massacre of 300 Burundian returnees from Zaire. The

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Hutu rebels and Tutsi-dominated army have continued their war of reprisal massacres in which civilians have been regularly the chief targets.

As in eastern Zaire, the highest priority in Burundi must be on care for vulnerable populations: those displaced and dispersed by local violence as well as those newly returned from Zaire. Unfortunately, the economic embargo imposed against Burundi by its neighbors after the July coup has started to hurt those Burundians with the greatest need.

While the sanctions formally have an exemption for humanitarian relief supplies, the Regional Sanctions Coordinating Committee has regularly tied up vital shipments.

- **We urge that the U.S. intensify diplomatic pressure on the neighboring countries to let humanitarian assistance through and that a technical adviser be attached to the Sanctions Coordinating Committee to provide day-to-day counsel on these issues. President Clinton's special envoy for Burundi, Howard Wolpe, has been working on the problem of how sanctions fit into the larger picture of a peace process for Burundi, but there is also an especially urgent need to break the logjam blocking humanitarian aid.**
- **RI also supports the work of USAID in trying to obtain an in-depth assessment of the humanitarian situation in Burundi.**

UN LEADERSHIP

The UN has had two exceptionally able individuals -- in the persons of Raymond Chretien and Sergio Vieira de Mello -- leading its response to the current crisis in eastern Zaire. The kind of ongoing, complex regional crisis faced by the Great Lakes, however, cries out for a concerted and highly coordinated response.

- **We have long believed that international aid would be more effective if stronger coordinating mechanisms among UN agencies and bi-lateral donors could be established. A major step forward would be for the UN Secretary General to exert leadership by appointing a prominent and dynamic**

Statement of Lionel A. Rosenblatt
Refugees International

individual as a "super envoy" who would, on an ongoing basis, oversee the activities of all UN agencies working in the Great Lakes region, coordinate UN programs with bi-lateral donors such as the United States and also take the lead in addressing the regional political problems of Central Africa.

The current crisis must be seen as part of a larger regional pattern of interlocking conflicts and instabilities in the Great Lakes region. The fighting in Burundi has escalated severely in the last few weeks, Tanzania is host to a growing refugee population that has swollen to 750,000, and the events in eastern Zaire have raised questions about a wider implosion of that large, ethnically diverse country.

This threat to Zaire's basic stability presents a challenge to the United States and its international partners to anticipate and resist any further deterioration in the region. This would represent a departure from the past, when the international community let events run out of control without really addressing them. We failed to take any action to prevent genocide in Rwanda in 1994; we failed to prevent Hutu militia from taking over the refugee camps in Zaire; and, thus far, we have failed to respond adequately to the critical situation of hundreds of thousands of refugees in Zaire. We must begin to break this pattern.

In conclusion, let us recognize that the humanitarian crisis in Central Africa is not over. Unless we meet the crisis with greater international determination, it will fester and spread, especially if the Zairian central government is further weakened.

- We urge that the U.S. catalyze an international effort to examine ways to cope with the transition to a post-Mobutu Zaire and the possible conflicts that may ensue. Post-Tito Yugoslavia exploded into ethnic violence. We should look at ways to reduce that danger in the case of Zaire.

Statement of Lionel A. Rosenblatt
Refugees International

The key to success in saving lives in Zaire is speed in implementing an emergency relief and repatriation operation. This is a humanitarian crisis -- hidden though it may be from TV cameras -- which has already caused substantial deaths of innocent, defenseless refugees, mostly women and children, and threatens tens of thousands more. An unconscionable amount of time has already been lost in head-scratching and denial by world leaders. **This situation reinforces our long-held view that a stand-by international military rescue contingent is needed for quicker response -- either under UN aegis or along the lines of the Administration's proposed African Crisis Response Force.**

The current crisis in eastern Zaire -- with its humanitarian and regional political implications -- represents the kind of crisis that threatens to damage the fabric of an international order in which the United States has a large stake. With four years as leader of the world's sole superpower under his belt, President Clinton is in a good position to galvanize the international community to give such crises a higher priority and improve the record of prevention and response.

* * *

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Refugee Crisis in Eastern Zaire
Testimony of Alison DesForges, Human Rights Watch/Africa
 before the Subcommittee on International Operations and Human Rights
 December 4, 1996

Thank you, Mr. Chairman, for holding these important hearings and for inviting me to testify. My name is Alison DesForges, consultant to Human Rights Watch/Africa and the organization's specialist on Rwanda and Burundi.

It is most appropriate that the Subcommittee on International Operations and Human Rights examine the problem of refugees in eastern Zaire since we are in the midst of a seemingly interminable debate on what to do in that crisis. In this debate, the concern for human rights has been largely forgotten. I am here to insist upon its importance.

Most of the refugees left in Zaire are from Rwanda, but when the current crisis began, there were more than two hundred thousand people from Burundi there as well. Some of these refugees, from Rwanda as well as from Burundi, have now fled to Tanzania and other people from Burundi, frightened from their homes by fighting in the last week, are also streaming across the border to Tanzania. People from Rwanda and Burundi have at various times crossed the border to the other country, sometimes provoking or adding to crises in the country that has sheltered them. In sum, this is truly a regional crisis and for that reason, I will comment on events from that larger perspective.

BACKGROUND

As of mid-October, the international community faced a complex problem in this region, one that had become increasingly serious during two and a half years of wishing it would go away. Some one million refugees, living off international aid that cost nearly one million dollars a day, seemed well entrenched in camps in eastern Zaire, looking across Lake Kivu at the homeland they had fled in July 1994 when the Rwandan Patriotic Front (RPF) and its army (the Rwandan Patriotic Army, RPA) had beaten the Rwandan army (FAR). The RPF was a group composed predominantly of Tutsi who had spent decades in exile after fleeing a revolution which ended Tutsi rule in Rwanda. They invaded Rwanda in 1990 to enforce their right to return and to unseat the Rwandan president, Juvénal Habyarimana. In an effort to prevent an RPF victory and to undermine the growth of a democratic opposition, the government of Rwanda turned to genocide, its army, along with militia, led a campaign which killed more than half a million of its

BRUSSELS HONG KONG LONDON LOS ANGELES MOSCOW NEW YORK RIO DE JANEIRO WASHINGTON

citizens, most of them part of the Tutsi minority. When this tragic strategy failed and the RPF won anyway, the defeated government led a massive exodus of Rwandans to Zaire, Tanzania and Burundi. In the refugee camps established in these countries, militia, ex-FAR soldiers, civilian authorities and others who had participated in the genocide mixed with innocent civilians who had fled their homes from fear rather than from guilt.

Rather than devote the resources necessary to separating armed elements and former authorities from innocent refugees, the international community permitted militia, soldiers and government officials to take control of the refugee camps. These authorities intimidated the refugees under their control, preventing their return to Rwanda, and extorting from them up to fifteen percent of the international food aid delivered for their sustenance. They sold the extorted supplies and used the proceeds to buy arms. The international community compounded its failure to separate militia and soldiers from civilians by ignoring repeated warnings that the exiled Rwandans were rearming and training for renewed war in Rwanda. Although a May 1994 U.N. embargo supposedly prohibited deliveries of weapons to the authorities guilty of genocide, arms dealers from a number of nations unhesitatingly sold them arms. When a U.N. investigatory commission attempted to confirm reports by Human Rights Watch and others about arms deliveries to this region, numerous governments refused to cooperate. Meanwhile the soldiers of the former Rwandan government (ex-FAR) and militia launched increasing numbers of incursions into Rwanda, assassinating local officials and survivors of and witnesses to the genocide.

Inside Rwanda, the new government quickly restored order but its army, the RPA, committed numerous human rights abuses. The government deplored but failed to punish these crimes, including military killings of some six hundred civilians in 1996, some of them done in the course of search-and-cordon operations launched in response to incursions from Zaire. The government also made no progress in bringing to trial more than 85,000 persons accused of genocide and held in inhumane and life-threatening conditions. Detainees are sometimes crushed into rooms so small and lacking in air that they die of suffocation, as was the case last month in the commune of Gitesi. The insecurity and judicial paralysis in Rwanda discouraged voluntary repatriation among refugees and provided material for further propaganda by those who exercised control of the camps.

Inside Zaire, the national government exercised tenuous control over regions in the east and its officials engaged in rivalries based on ethnic loyalties. In these contests, Zaireans of other ethnic groups were permitted or encouraged to attack people ethnically related to Rwandans—at first both Hutu and Tutsi but later mostly Tutsi. Some of those identified with Rwanda came to Zaire relatively recently but others descended from ancestors who had come from Rwanda centuries before. The Rwanda-related people south of Lake Kivu are known as Banyarwanda; those north of the lake, mostly in the region called Masisi, are sometimes called Banyarwanda. Various Zairean political leaders feared the influence and potential votes of these Rwanda-related groups and led efforts to have their citizenship withdrawn. A law ending their citizenship was enacted in the 1980's, but was actively enforced only recently.

In 1993, local Zairean groups attacked Rwanda-related people in Masisi, killing thousands. The exiled militia and ex-FAR from Rwanda joined these local groups in renewing attacks in early 1996, but this time the assailants targeted only Tutsi. They killed hundreds in Masisi and drove the rest into exile in Rwanda, largely eliminating Tutsi from the area north of the lake.

Burundi, like Rwanda home to a large Hutu majority and a small Tutsi minority, experienced a peaceful revolution in June 1993 when Tutsi political control was upset by Melchior Ndadaye, a Hutu who won the presidency in a free and fair election. A group of Tutsi military officers refused to accept the democratic result and assassinated Ndadaye four months later, touching off massacres which killed some 50,000 persons, both Hutu and Tutsi. Several Hutu guerrilla movements began fighting for power, one based in Zaire, others in Tanzania. Some 240,000 Burundian refugees fled into Zaire, many of them seeking protection from severe reprisal attacks of the Burundian army. They were sheltered in camps, somewhat south of the camps that housed the Rwandans.

THE CURRENT CRISIS

In July and August 1996, local Zairean groups south of Lake Kivu, together with Rwandan militia and ex-FAR and Burundian armed elements, began threatening and attacking the Banyamulenge, much as others had attacked Tutsi in Masisi several months before. A sizable group of young men who had gone for military training in Rwanda returned to Zaire at the end of September, just when pressure against the Banyamulenge was increasing. After the deputy governor of the region told all the Banyamulenge to leave Zaire within one week or face the consequences, the Banyamulenge attacked camps of Burundian and Rwandan refugees south of Lake Kivu as well as outposts of the Zairean army.

The Banyamulenge advanced rapidly, taking first Uvira and then Bukavu at the southern end of Lake Kivu, a success that was soon echoed by other rebel forces north of the lake who attacked Rwandan refugee camps and then took the important town of Goma. Within two weeks, the rebels had won control of all the major towns and the only significant airports in eastern Zaire. Following attacks on the camps, tens of thousands of persons returned to Burundi and more than half a million others flooded back to Rwanda in the space of a few days. Meanwhile tens of thousands fled on to Tanzania while hundreds of thousands of others scattered into adjacent areas of Zaire. The Zairean army, totally routed, fled north, pillaging and terrorizing along the way.

The rebels who scored this extraordinary success are led by Laurent Desiré Kabila, who is not from Mulenge or Masisi and who is not Tutsi or otherwise related to Rwanda. A revolutionary from the 1960's, he was at first only the "spokesman" for a coalition of four groups now known as the Alliance of Democratic Forces for the Liberation of Congo/Zaire (ADFL) that came together in mid-October, but he has since emerged as the apparent head of this remarkably effective force.

Early accounts attributed a considerable part of the rebels' success to assistance from

Burundi and Rwanda, even to the point of reporting the involvement of troops from the armies of these two countries in the battles. Both countries denied the reports.

Human Rights Watch has not investigated the role of troops from Burundi, but we have gathered information on the participation of Rwandan troops in the battles. Foreigners traveling through the area who found themselves thrown into prison in Bukavu just before the conflict began have told us that they were freed from jail by soldiers in uniform who identified themselves as soldiers of the RPA and who provided them with assistance in crossing into Rwanda. Expatriate humanitarian workers at the opposite end of the lake give eyewitness accounts of a number of small, fast boats seen leaving the Rwandan shore on November 1 and heading to Goma, where they effectively fired on Zairean soldiers and helped break their resistance. The expatriates report the presence of RPA soldiers in Goma on November 1 and 2 and declare that they were instructed to tell these soldiers that their safety had been guaranteed by Major David, the RPA officer in the Rwandan town of Gisenyi just across the border.

As a human rights organization, we seek to establish the identity of troops because there is evidence of serious human rights abuses having been committed during this conflict. We know that the refugee camps were emptied by attacking them with heavy arms fire, in some cases, by grenades and rifle fire in other cases. Indiscriminate attacks that do not distinguish armed adversaries, such as the ex-FAR, from civilians, as well as direct attacks on civilians violate international humanitarian law. Expatriate aid workers have recently rescued a number of wounded refugees who survived an attack by rebel forces on the Chimanga camp on November 17. The rebels had previously attacked the camp and driven away most of its 25,000 inhabitants, including presumably those who were armed and could have put up any resistance. Then on November 17, they reportedly called together some 3,000 refugees who had not fled, promising to take them back to Rwanda. Instead they are said to have opened fire without warning or provocation and to have killed an estimated 300 people and wounded another 100, in a massacre that clearly violates international humanitarian law. Refugees returning to Rwanda report that rebels have selected out many adult men and adolescent boys and have refused to allow them to depart with their families. When Mugunga camp was emptied, the flood of refugees was so massive that rebels apparently could not hold back the men. But before and since that massive flood, there have been very few men present in the groups of returning refugees. If, as appears to have been the case, the rebels have seized the men and are holding them hostage—or have killed them—their actions constitute violations of international humanitarian law. The rebels refuse to permit humanitarian workers free access to refugees who are perhaps wounded and certainly desperately hungry and thirsty. Obstructing the delivery of assistance to persons at risk of death from hunger or thirst is yet another violation of international humanitarian law.

The rebels have also severely limited access of journalists and other independent observers into most parts of the region, raising questions about why they hinder independent efforts to report on the situation in regions they control.

For two and a half years, the international community watched the situation in the Zairean camps grow worse while it paid the bill. Unable to mobilize our own considerable forces to

resolve the problem, U.S. and other foreign policy makers have reacted with satisfaction--might we even say gratitude--to finally having the camps closed. In the process, they seem not to have noticed the human rights violations that have accompanied their closing.

The rebels have begun restoring order in a region that has suffered greatly in recent years, not just from the presence of the refugees but also from the abuses of various Zairian civilian and military authorities. Because the rebel troops have apparently generally behaved correctly towards local citizens, they stand a chance of establishing the real popular base that was lacking when they first began their battles in October. The international community, as much as the people of the region, welcomes the restoration of local order, with protection for the lives and property of local citizens.

But neither the relief at having the camps closed nor the prospect of an orderly administration in this part of Zaire should keep us from a vigorous criticism of human rights failings on the part of the rebels and their supporters. Excusing violations at the start can only encourage more abuses in the future, leading to yet another round of repression and uprisings. The government of Rwanda, which has supported the rebel movement, must be encouraged to use all its influence to insist on improvements in the rebels' human rights record. The United States, acknowledged as one of the chief supporters of the Rwandan government, must also take responsibility for pressing for such improvements, both directly and through the Rwandan government, with which the U.S. is commonly acknowledged to have much influence.

The militia and ex-FAR too have committed abuses in this conflict, adding to the already long list of charges against them. According to witnesses, they reportedly killed hundreds of refugees outside of camps north of Goma in late October and early November. They used force and threats to oblige refugees to accompany them in their flight. Thousands of refugees are currently blocked at Mivoma, unable to move north and towards home. According to the Canadian Lieutenant General Maurice Baril, who is to direct the multinational intervention force, they are "hostages," apparently to militia leaders.

In Rwanda, the massive return of the refugees has thus far resulted in apparently few abuses. But the government faces enormous problems in assuring security both to survivors of and witnesses to the genocide and to returnees. There have already been reports both of killings of survivors and of the disappearances of returnees. In an effort to finally move to trials of the tens of thousands of persons accused of genocide, the government recently adopted a law dividing the accused into categories and offering plea-bargains to those with less responsibility in the killing campaigns. This new legislation, in combination with intensive investment in training personnel and repairing infrastructure, has prepared the way for trials. As the government seems finally on the point of beginning to judge the accused, it is now faced with having to deal with new accusations bound to surface against those who have just returned. The international community must provide support for the Rwandan government--not unconditional support--but support which in turn requires prompt and fair trials of the accused as well as the guarantee of security to all Rwandans. United Nations human rights monitors, initially not very effective, have improved their usefulness in preventing and reporting on human rights abuses. The international

community should assure funds to expand their numbers as well as those of protection officers from the U.N. High Commissioner for refugees.

Burundian refugees who have returned home have reported that men and older boys have been separated out from their groups, either by rebels on the Zaire side of the frontier or by soldiers of the Burundi army once they have entered Burundi. Burundian soldiers were reportedly guilty of massacring some three hundred civilians who sought shelter in a church in Cibitoke on their way home. At the same time, the guerrillas inside Burundi have launched an extensive offensive against the Burundian army, causing the flight of still more unfortunate persons who have become displaced and refugees. To the north, the Ugandan army has entered the fray crossing its border to occupy positions in Zaire, saying it did so because Ugandan rebels had been operating from Zairean bases. Meanwhile, Zairean authorities say the Ugandan invasion has been only to support rebels against their authority on the model of similar interventions by Burundi and Rwanda. Initial reports indicate tens of thousands fleeing this newest conflict. Because the fundamental political and human rights problems in the central African region have not been addressed, far less resolved, in these two and a half years, the area of conflict has widened. Some 95,000 refugees have arrived in Tanzania in the month of November, many of them Burundians who had originally been in exile in Zaire. They hope to re-establish their guerrilla bases now to the east of Burundi as they once had them to the west.

Various governmental and nongovernmental actors have debated the question of how many refugees remain at risk in Zaire and exactly where they are. Recognizing, of course, the need for accurate and complete data to make planning possible, it is hard to see the current discussion as anything other than a cynical effort to delay action until there is no further need to act. The U.S. Committee for Refugees, with long experience in this work, has analyzed the various statistics and concludes that the number of refugees and displaced persons--Rwandan, Burundian, and Zairean-- is between 370,000 and 700,000. It may be unsatisfactory not to have a more exact number, but it is enough to know that there hundreds of thousands of lives at stake. Delaying further action in an effort to better locate the groups is counterproductive. The refugees will not stand and wait while we draw better maps. People who find no food or water will keep on the move until they can move no longer and at that point our intervention has no purpose.

Providing food, water and medical care is essential to saving the lives of these people at risk, but they are at risk from more than hunger, thirst and disease. They are at risk also of being shot, being walked to death while held hostage, or of being arbitrarily detained by one side or the other. An intervention that fails to provide them security from armed elements--whether of the militia and ex-FAR, Zairean soldiers, or the rebels saves them from one kind of death to leave them exposed to another.

In the current muddle, the international community seems to be moving in the direction of dropping food from airplanes, all the while recognizing that the information needed to identify real refugees as opposed to armed elements cannot be gotten from the air. Even if some of the supplies are really dropped within the reach of real refugees, how long will they keep control of their food with predatory armed bands in the area, able to see just where the food was dropped? If

this procedure is adopted, it will simply continue the practice begun two and a half years ago, providing humanitarian aid indiscriminately to genocidal killers and human rights abusers as much as to innocent civilians who are still their victims.

Despite decades of rhetoric about never permitting genocide again, the international community withdrew rather than added to peacekeeping forces when the Rwandan government set out to annihilate its Tutsi citizens. Nor did it respond in the face of earlier massive slaughters of unarmed civilians in Burundi or in Masisi. After the genocide was finished, the U.N. established the International Criminal Tribunal for Rwanda to try some of those accused of this terrible crime. Short on financial and political support, the Tribunal has not yet brought anyone to trial. Had it been able to function promptly and effectively, its prosecutions might have caused leaders in the region to think twice before ordering or encouraging the slaughter of civilians in Zaire or Burundi. Establishing individual responsibility for such crimes is one way to avoid the continuing attribution of guilt to groups, a practice which leads to reprisals and another round of killing. The United States should press for improved performance from the International Tribunal and the extension of its authority to cover crimes against humanity committed in Burundi.

The conflict in Burundi fuels continuing instability in the region and demands a long-term political solution. In the interim, the international community must insist that both sides observe international humanitarian law. Increasing the number of United Nations human rights field officers would at least enable the international community to better monitor a situation about which we now know relatively little.

RECOMMENDATIONS

1. Any intervention in eastern Zaire should provide refugees not just with food, water and medicine but also with the security to return to Rwanda if they so wish.

2. Refugees—those who by definition are neither armed elements nor liable to charges of crimes against humanity—who do not wish to return to Rwanda have the right to protection elsewhere and should not be forced to return against their will. Any camps and feeding centers established for refugees should exclude all armed elements and should be located a considerable distance from the border.

3. Essential supplies should be distributed on the ground since supplies dropped by air will almost inevitably end up in the hands of armed elements of one side or the other, continuing the mistake of the last two and a half years of feeding those who would exploit the sufferings of the refugees for their own ends.

4. The United States and the rest of the international community should insist that the ADFL leaders instruct their forces to stop all killings, unacknowledged detentions, and summary executions and "disappearances" of refugees and others.

5. The United States and the rest of the international community should insist that ADL leaders investigate reports of killings of unarmed civilians by their troops at Mugunga, Chimanga, Bukavu and elsewhere.

6. The United States and the international community should insist that the Rwandan government begin trials for those persons accused of genocide and that it ensure that detainees

not be subjected to inhumane and life-threatening conditions.

7. The United States and the international community should provide the financial and political support necessary to ensure effective functioning of the International Criminal Tribunal for Rwanda and the creation of a similar tribunal for Burundi.

8. The United States and the international community should support the expansion of the United Nations Human Rights Field Operation in both Rwanda and Burundi.

9. The United States and the international community should insist upon the enforcement of the arms embargo against the militia and ex-FAR and should press for an arms embargo against all elements of the conflict in Burundi.

Human Rights Watch/Africa

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. Kenneth Roth is the Executive Director and Robert L. Bernstein is the Chair of the Board. Its Africa division was established in 1988 to monitor and promote the observance of internationally recognized human rights in sub-Saharan Africa. Peter Takirambudde is the executive director; Janet Fleischman is the Washington director; Suliman Ali Baldo is the senior researcher; Alex Vines is the research associate; Bronwen Manby and Binaifer Nowrojee are counsels; Alison DesForges is a consultant; Ariana Pearlroth is an associate. William Carmichael is the chair of the advisory committee and Alice Brown is the vice chair.



U.S. COMMITTEE FOR REFUGEES

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December 5, 1996

The Honorable Christopher Smith, Chair
House International Relations Subcommittee on
International Operations and Human Rights
2401A Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for convening yesterday's hearing on refugees in Eastern Zaire and Rwanda. Those of us who have closely followed this region of the world for years are grateful for your efforts to obtain accurate information and help resolve the suffering of so many people.

As you and your staff prepare the transcript of the hearing, I would like to ask that you make an initial correction to one of my statements. In response to a question from you, I mentioned a meeting that took place in Kigali on November 17 between U.S. officials and Zairian rebel leader Laurent Kabila. Upon reviewing the video of the hearing, I realize I stated that Kabila said both Ambassador Bogosian, Coordinator for Rwanda and Burundi, and Ambassador Gribbin, U.S. Ambassador to Rwanda, were in attendance. I would like to amend my response to indicate that he only said Ambassador Bogosian was present, along with other U.S. officials.

I appreciate your assistance with this request. As always, please feel free to call upon me when I can be of assistance.

Sincerely,

Roger P. Winter
Director

USCR, a private, humanitarian agency, has been informing the public since 1958.

The Washington Times

FINAL

WASHINGTON, D.C., FRIDAY, DECEMBER 13, 1996 **

Needed: proactive African engagement

By Ileana Ros-Lehtinen

With Somalia still haunting the Clinton administration, U.S. officials' emphasis on helping refugees in Africa was not until public concern and international pressure became so overwhelming that the U.S. reluctantly decided to join an intervention force to help open humanitarian corridors between Rwanda and Zaire.

Now, the administration must be breathing a sigh of relief. The U.S. interventionary force, once opposed, will no longer be necessary — thanks to the initiative of the Hutu militias, who broke free from Rwanda and are returning to Rwanda. The mission is now a humanitarian one focusing on helping the Rwandan government manage the reintegration of refugees into the country.

One day, the continent agrees that this latest Central Africa crisis was both avoidable and predictable. In 1994, when the Hutu refugees came streaming into Zaire in fear of retribution from the Tutsi government, the international community, including the United States, did not have the courage and determination to tackle the

underlying problems that forced the refugees' departure. Its solution was to set up way stations for the refugees. These were set up in the hope that the crisis would be resolved between Zaire and Rwanda, allowing the Hutu militias the protection of a human shield, and cost the international community hundreds of millions of dollars.

I raise this example not to place blame for the Zaire/Rwanda crisis, but to highlight a problem endemic to the U.S. approach to Africa: the lack of a coordinated strategy to lead and further conflict combined with a reluctance by the U.S. to become substantially involved in the continent. This is not just a problem for the Clinton administration, but one that needs to be addressed by all branches of the government.

U.S. policy makers have been virtually paralyzed by the plight of Somalia's passive and defenseless civilians. The U.S. has long sought the goals and what the U.S. was trying to accomplish in the first place. As a result, the policy is disheveled and the U.S. appears indecisive, indifferent to the suffering of others, and most troublesome, unwilling to lead.

As my colleagues in the Congress know, I am not one to argue for the deployment of U.S. troops in Africa. I believe that the time tensions erupt, it would be irresponsible to send American troops into conflict based on knee-jerk assessments. On the contrary, what I am calling for — and it is a theme I have repeated many times and will

ple, given Namibia's independence and South Africa's transition.

Today, Angola is moving toward peace because the United States government initially made a decision to engage and to remain engaged. Under the leadership of the special envoy to Angola, Ambassador James D. Phillips, the U.S. government has launched a relatively even-handed policy in negotiating a peace between the govern-

ment of Angola and UNITA. However, now when Angola has reached its most critical juncture, the United States is not doing the right thing. The U.S. is not providing the leadership and confusion that is shown in Rwanda in 1994.

For two years, U.S. negotiators worked with the United Nations and the government of Rwanda and Portugal to negotiate the Lusaka Protocol, the blueprint for Angola's peace process. The agreement calls for the demobilization of UNITA forces, the return of government troops to their barracks, the formation of a national army, and the establishment of a government of national unity.

While there have been delays in the process, notable progress has been made. In fact, a peace agreement was signed in September that has held.

Nevertheless, in the interim, the Clinton administration began taking some steps that could place the long-term stability of Angola in jeopardy. These suggest a knee-jerk reaction by the administration to a February deadline for the withdrawal of

U.N. peacekeepers, rather than a carefully thought out policy to ensure a successful resolution to the peace process in Angola.

First, the administration began to back away from its even-handed policy, deciding that the best way to accelerate the process was to succeed UNITA and isolate it politically and diplomatically. Second, the United States placed little emphasis on what is to happen in Angola after the Lusaka Protocol.

The U.S. cannot afford to take its eye off the ball. The peace process is only a bridge. The Lusaka Protocol will be meaningless unless it leads Angola to a democratic society and a government that respects the rights and invest its human and financial resources to fail in its commitment to bring multi-party democracy to Angola. Our goal must be to bring Angola into the group of newly emerging democracies in Southern Africa. We should not disengage until the mission is completed.

Appointing Zaire and Rwanda as proxy governments by African nations where concrete, definitive and consistent U.S. engagement is badly needed. There are many others, such as Sudan, Mauritania, and Nigeria, whose future development into free and democratic nations — into countries that safeguard civil liberties and respect human rights — also depends on the level of U.S. involvement.

So, we would argue that the United States has a responsibility in Africa and that its leadership will be perceived as interference. However, history has proven that when the United States leads, the world does not follow. It applauds. The message is clear: the U.S. should lead, needs to lead, must lead



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