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# ZAIRE: A COUNTRY IN CRISIS

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Zaire: A Country in Crisis, 103-1 H...

HEARING  
BEFORE THE  
SUBCOMMITTEE ON AFRICA  
OF THE  
COMMITTEE ON FOREIGN AFFAIRS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED THIRD CONGRESS  
FIRST SESSION

OCTOBER 26, 1993

Printed for the use of the Committee on Foreign Affairs



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## ZAIRE: A COUNTRY IN CRISIS

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TUESDAY, OCTOBER 26, 1993

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
SUBCOMMITTEE ON AFRICA,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:05 p.m. in room 2255, Rayburn House Office Building, Hon. Harry Johnston (chairman of the subcommittee) presiding.

Mr. JOHNSTON. This meeting will come to order. The Subcommittee on Africa meets today to examine the crisis in Zaire. The tragedy in Zaire has many dimensions. Zaire's economy is in shambles, ethnic violence is on the rise and the transition process is in limbo. At the root of Zaire's crisis is the complete failure of political leaders to face reality and make necessary compromise.

In studying the situation in Zaire, it is mind-boggling to witness the impact that one man, President Mobutu, has had on the downfall of this entire country. The people of Zaire have become hostage to a political process that is in deadlock because of the intransigence of the traditional political elite.

There is still cause for hope. It is important to remember that considering Zaire's political history, it is remarkable that Zaireans agreed to the transitional process in 1992. Since the Sovereign National Conference in 1992, political conditions have changed in Zaire, and I seriously doubt that Mobutu now can replicate his past control over the people of Zaire. Yet, serious questions remain.

The United States, once a staunch ally of President Mobutu, has played only a limited role in resolving the political crisis in Zaire. In fact, both the Bush and the Clinton administrations have been unable to clearly articulate a policy toward Zaire. For example, we are not sure if the current administration still considers President Mobutu as a player or as an obstacle to the political process in Zaire, nor are we certain about the position of the administration concerning the Tshisekedi government.

I look forward to hearing about these and a broad range of issues from our panels today. We are faced with a grave situation, and I am hopeful that we can muster a response equal to the challenge.

Before we open the discussion on Zaire, I would like to express my profound concern about the situation in Burundi. I happened to meet with the President 3 weeks ago and was very impressed with him. And as you know, in the past week, a military coup has attempted to topple the democratically elected Government of Burundi, and President Ndadaye was executed by the coup leaders. The death of the President is not only a tragedy for Burundians,

but a tragedy for all of us. Ethnic violence is on the rise, and an estimated 300,000 people have already fled Burundi to neighboring countries. I hope Ambassador Moose will be able to give us an update about the situation in this country.

I would also like to inform members of the subcommittee and the international community of a breakthrough achieved last week concerning the intra-SPLM conflict in southern Sudan. For the first time since the split in 1991, the two leaders of the SPLM factions met in Washington at the invitation of the subcommittee and Ambassador Moose. The SPLA leaders agreed to an eight-point peace plan and I am pleased to inform you that as a result of this agreement, over the past 48 hours both factions of the SPLM have issued a cease-fire order effective immediately. And we hope that this positive development will lead to a comprehensive settlement of the conflict in southern Sudan. Thank you.

Judge, any opening statement?

Mr. HASTINGS. Yes. Thank you Mr. Chairman, and thank you so much for your leadership and initiative that you have taken in calling this particular hearing today, as well as countless others on the subjects dealing with the continent of Africa. As a segue to your remarks regarding the breakthrough of the SPLM, let me again compliment you, Mr. Chairman, for the extraordinary work done in that effort and to let you know that the Miami Heat has a basketball player, Manute Bol, that wound up having to pay \$25,000 for participating in some of the conference. And if there is anything that Congress could do to help Manute, I am sure he will be happy. However, they did suggest that the money would go to his efforts in Sudanese relief.

There is an acute need for democracy in Zaire, and we all recognize that. After 33 years of independence, this central African nation has been plagued by systematic and widespread human rights violations generally led by President Mobutu. The economic and political conditions in Zaire are deteriorating, and President Mobutu and his allies in Zaire have obstinately and consistently blocked all reforms that would remove him from power. The people of Zaire have been reduced to living below the minimum poverty level and can no longer wait for their liberation and the end of their misery. There can be no hope for an end to the current political, social and economic crisis unless Zairians are allowed peacefully to exercise their rights to freedom of association and expression.

The transition, Mr. Chairman, to democracy in Zaire is at a virtual halt, as you have identified in your remarks that I would associate myself with. We need to outline the essential steps that the Government of Zaire must take to enhance economic stabilization and reform. I believe that the various crises in Zaire are likely to escalate as long as President Mobutu continues to block any democratic transition. The United States and the international community need to continue to exert influence and pressure on Mr. Mobutu and his political supporters to commit themselves to the prevention of human rights violations.

Today, Mr. Chairman, I look forward to hearing the testimony from the most distinguished witnesses that are here as we strive to help find a peaceful democratic solution to the crisis in Zaire.



Mr. JOHNSTON. Thank you very much, Judge. It is kind of interesting that the Miami Herald had an article Saturday and it said that Manute Bol was missing—and how someone 7 feet, 7 inches tall could be missing. Manute had been excused to come to Washington for the hearing on Tuesday and Wednesday; and on Thursday, they could not find him. And I mentioned that he was in my office Thursday night eating pizza and was very helpful in his presence there.

The first panel—Mr. Payne, your opening statement.

Mr. PAYNE. Thank you. What I will do is to ask unanimous consent for the majority of the statement to be put into the record.

Mr. JOHNSTON. Without objection.

Mr. PAYNE. I will just read the conclusion.

The Congress of the United States, we go into some of the problems that I am sure we are all aware of and the history of Mr. Mobutu in Zaire. But kind of concluding that the Congress of the United States is equally aware of these conditions, passed H.Con.Res 238 in November of 1991, called for support of the aspirations of the Zairian people to conduct a Sovereign National Conference that would fully represent all parties to establish a transitional government. This was done by Tshisekedi. This was done when Tshisekedi was elected the traditional Prime Minister—transitional Prime Minister. But unable to gain control of the army and the banks, as we know, there has not been the progress that we were hoping would occur from that election.

Mobutu, whose term ran out in December of 1991, then illegally appointed another Prime Minister and used military force to prevent Tshisekedi from governing. In April of this year, Chairman Johnston and I cosponsored H.Res.128, which called upon Mobutu to leave. While some of the other provisions of the bill to mandate diplomatic sanctions have been carried out by the administration, I have been highly disappointed to see the inconsistency of the administration in pressuring Mobutu to leave. Rather, we have legitimized his presence by urging his inclusion in what I call to some degree a power-sharing arrangement.

This is most disturbing, when in a letter I wrote to President Clinton and cosigned by 37 other members, we asked the President to implement the items of H.R.128. President Clinton's reply to me on March 2, 1993 was, "My administration has made it abundantly clear to President Mobutu that the U.S. Government believes he should immediately transfer effective authority to a transitional government and stop interfering in its efforts to implement political and economic reform."

In conclusion, I am troubled by the role of Monsignor Monsengwo, who has seemingly been enlisted by Mobutu in a campaign to recapture Mobutu's dictatorial power by initiating so-called negotiations.

The aim of the meeting has been enlarged to take in the High Council of the Republic, and it also was attempting to amend the Sovereign National Council and its authorities. Then, a hurried election can be organized and it is felt that Mr. Mobutu would be able to move ahead with the whole question of this organization.

What I will do, though, because it is detailed and lengthy, what I will do is to ask that the entire statement and the other conclu-

sions be put in so that we can move on. And I will get some of the points out as we get into the questions. I am sorry that I was at another meeting and tried to rush to get here on time, but I will yield the balance of my time.

Mr. JOHNSTON. All right. Without objection, the entire statement will be a matter of record.

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

Mr. JOHNSTON. The first panel today is Ambassador George Moose, who as all of you know is the Assistant Secretary of State for African Affairs in the Department of State, and Mr. John Hicks, Acting Assistant Administrator for Africa for AID Ambassador Moose.

#### STATEMENT OF GEORGE MOOSE, ASSISTANT SECRETARY FOR AFRICAN AFFAIRS, DEPARTMENT OF STATE

Mr. MOOSE. Thank you, Mr. Chairman. We welcome this opportunity to appear again before the subcommittee to address the situation in Zaire and the measures that the administration is taking to respond to that situation.

Mr. Chairman, I have a longer statement that I would like to submit for the record.

Mr. JOHNSTON. All right. Without objection, we will submit your entire statement for the record.

Mr. MOOSE. In the interest of brevity and in the interest of allowing more time to try to address some of the questions from the subcommittee, let me try to briefly summarize the situation as we now see it in Zaire.

As has been noted, Zaire frankly is at a very critical stage in its hoped-for transition to democracy. The size of Zaire, its population, its resources make its well-being vital to the political stability and the economic development of the entire region. And, indeed, the downward spiral that we have witnessed over the last several months has contributed to a real danger of destabilization throughout the region that could affect Zaire's nine neighbors, and the effects of that could be profound.

There is a continuing political impasse in Zaire, one that has developed since December, 1992. That impasse is symbolized by the ongoing dispute between President Mobutu and the government of Mr. Tshisekedi, which was created by the Sovereign National Conference back in December of 1992. The United States continues to regard President Mobutu as the principal obstacle to the effective implementation of the agreements of the Sovereign National Conference, and that is because President Mobutu continues to refuse to allow the institutions of the Tshisekedi government to function in an unhindered fashion.

Accordingly, we have adopted over the last several months a series of tough measures, together with our allies, to bring pressure to bear on President Mobutu and his collaborators to move him to respect the powers of the government that was established in December, 1992. And those measures, which we can list for you later, include a cessation of all U.S. bilateral assistance, both in developmental and military, an embargo on all U.S. arms sales to Zaire, and most recently, the imposition by the President by decree of

visa restrictions on President Mobutu and all those who are associated with him in the blocking of the democratic process in Zaire.

We believe those measures have had some effect. Indeed, the continuing outside pressure has prevented President Mobutu and his collaborators from prevailing in their efforts to defeat the efforts of the Tshisekedi government and to consolidate his position in the face of other political opposition groups. And indeed, we also believe that those pressures are responsible for the efforts that we have seen over the last several months to resume a political dialogue in Zaire, a dialogue which frankly we believe is important—essential if the current impasse is to be broken.

In conjunction with those measures, we have, therefore, encouraged the efforts of Archbishop Monsengwo to seek a political solution to the current impasse. Those efforts began last May, but quickly became bogged down in serious disagreements between the opposition and the regime. At our urging, the U.N. Secretary General, Boutros-Ghali, appointed a special envoy to assist in those political efforts, the former Algerian foreign minister, Mr. Brahimi.

The negotiations have made some progress since he entered that process in August, but there are very real, very significant differences and obstacles that remain—in particular, President Mobutu's unwillingness to accept and respect meaningful limitations on his powers and prerogatives that would permit the government to function without hindrance, and secondly, his insistence and the refusal on the part of Mr. Tshisekedi to bend to the demand that Mr. Tshisekedi step down as Prime Minister.

The impact of this political impasse on Zaire's economy and society has been severe. The consequence has been the breakdown of Zaire's modern economic sector, rampant hyperinflation and growing malnutrition, especially in Kinshasa. Against this background of the collapsing economy, President Mobutu's government has just introduced further measures, which we regard as a very wrong-headed currency reform, that could further incite a renewed round of military unrest and military pillaging in the capital of Kinshasa and elsewhere in Zaire.

In addition, there has been in many parts of the country a pernicious pattern of government-provoked or tolerated violence against minority ethnic groups. This has been particularly true in Shaba and in north Kivu and in Kasai provinces. More than 500,000 Kasaians living in the Shaba area have been driven from their homes and businesses and tens of thousands of displaced persons have been living for months in abominable conditions in train stations and transit camps awaiting so-called repatriation to villages in Kasai, villages which, frankly, their families have not seen in generations.

We were successful in working with others in August in persuading U.N. Secretary General Boutros-Ghali to name a special envoy to specifically look into the humanitarian situation. The conditions which he discovered are documented in a U.N. report. I think both my colleagues here can describe those conditions in greater detail. We took advantage of the visit, the mission of Mr. Silovic, the U.N. special envoy, to send in with him our own team from the Office of Foreign Disaster Assistance.

Mr. Chairman, I sum up the U.S. response to this continuing political impasse and all of its implications for stability, not only in Zaire, but for Zaire's neighbors. First, on the political track: We continue to encourage discussion that would look toward an agreement that might prepare the way for meaningful elections in Zaire. That process would have to be based on an acceptance by all concerned, in this case, particularly by President Mobutu, of an unhindered government—one which would be able to carry out its responsibilities to address meaningfully social and economic problems in the country. It would also have to have meaningful control over the country's military, including the Special Presidential Guard.

The outcome of the current negotiations is far from clear. Indeed, there is good reason to be skeptical about the chances of success, not least again because the demands being made by President Mobutu are demands which many regard as excessive and which would not produce the kind of unhindered government that all believe would be essential for this process to go forward.

If an agreement is blocked, and if continued opposition by President Mobutu and his collaborators is the cause of that blockage, we would be obliged to consider new and more stringent political and economic measures. If on the other hand an agreement is achieved, we and others would have the obligation to consider what measures or guarantees we might be able to provide in order to ensure full respect for the terms of that agreement.

Secondly, on the humanitarian side: We have continued to provide extensive assistance through nongovernmental organizations to try to address the requirements of the population in Zaire. While the current political impasse must be addressed, we must also confront urgently the very real humanitarian catastrophe. The United States provided over \$7 million last fiscal year in disaster relief in Zaire. We have channeled our assistance, as I indicated, through American NGO's, such as Catholic Relief Services, World Vision and the Belgian Group, Doctors Without Walls, and also through U.N. organizations like UNICEF and through the Sovereign Order of Malta.

We will continue to work with NGO's now on the ground in Zaire in the difficult task of delivering needed supplies. But we also feel in the current situation a need to develop other channels in order to meet the growing emergency that we have found, not only in Kinshasa, but increasingly in the countryside.

And thirdly, and this, I think, will represent a new dimension of what we are trying to achieve in Zaire, a recognition that so long as the impasse continues in Zaire, we will need to find other means to try to strengthen and develop civic organizations in Kinshasa, in the capital, as well as throughout the country. This is an extension—

Mr. JOHNSTON. Excuse me, develop what kind of an organization?

Mr. MOOSE. Civic organization.

Mr. JOHNSTON. Civic? All right.

Mr. MOOSE. Organizations which are not dependent directly on government. In essence, the collapse of any governmental authority has made it all the more difficult to find meaningful channels to

provide assistance to people in rural areas in particular. And so, I think our search, as was indicated by the recent visit of the OFDA, must be broadened to extend to a search for other indigenous organizations with which we can work and cooperate in an effort to try to at least mitigate the worst effects of the continuing political impasse in Kinshasa.

I will stop in my remarks there, Mr. Chairman, but I look forward to addressing your questions, particularly about our efforts with regard to the political transition process.

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

Mr. JOHNSTON. Mr. Hicks, we need about 10 minutes to go vote. The meeting will be in recess until we come back.

[Recess.]

Mr. JOHNSTON. The second witness on the first panel is Mr. Hicks. You are on, Mr. Hicks.

Mr. HICKS. Thank you very much, Mr. Chairman. I, too, will be brief. I have a longer written statement that I would like to offer for the record, please.

Mr. JOHNSTON. Without objection.

#### STATEMENT OF JOHN HICKS, ACTING ASSISTANT ADMINISTRATOR FOR AFRICA, AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. HICKS. Mr. Chairman, I would like to introduce to the committee Nan Borton, who is the newly appointed head of AID's Office of Foreign Disaster Assistance.

Mr. Chairman, much of what I would like to say has been covered by Secretary Moose, so I will indeed be brief. I would like to talk a little bit about what AID is doing in the country and try to respond to some of the questions that were contained in your letter of invitation just briefly and by way of summary.

Civil strife in and around Kinshasa, as well as ethnic violence in Shaba and northern Kivu provinces, has affected some 3 million people. There are displaced persons in Shaba, east and west Kasai, and northern Kivu provinces. It is estimated that the ethnic violence in Shaba, east and west Kasai, and northern Kivu provinces has resulted in approximately 750,000 affected persons in need of food and nonfood assistance since August of 1992. Mr. Chairman, at least 350,000 displaced persons still remain in makeshift camps. In Kinshasa, another 2 million have been affected by hyperinflation and civil strife, half of these very seriously affected.

Now, the USAID's Office of Foreign Disaster Assistance, in fiscal 1992, provided some \$750,000 for the humanitarian assistance to civil strife victims in Kinshasa and displaced persons in Shaba. And as such—

Mr. JOHNSTON. How much?

Mr. HICKS. \$750,000 in fiscal 1992.

Mr. JOHNSTON. That comes to \$1 a person?

Mr. HICKS. That is correct, Mr. Chairman, if you would choose to look at that way.

Mr. JOHNSTON. Yes.

Mr. HICKS. In fiscal year 1993, as Secretary Moose indicated, that total is more than \$7 million for humanitarian assistance in Shaba, east and west Kasai, and in the capital of Kinshasa. The

assistance included plastic sheeting for temporary shelter, water, sanitation, and food supplies for the displaced and victims of hyperinflation and unemployment.

As it relates to the AID mission in Zaire, until recently, the AID mission in Zaire was one of AID's largest in sub-Saharan Africa. The evacuation of mission personnel in 1991 resulted in an inventory of local personnel, buildings and nonexpendable property, well in excess of the requirements of the few people who remained at that time. Gradually, the great majority of personnel have been released. Most real properties and commodities were initially retained, however, on the assumption that there would be an opportunity to resume our activities in Zaire should underlying economic and political conditions improve.

However, it was only in January, 1993 that we proceeded with the disposal of real and nonexpendable property in earnest. The disposal process is still in full swing; however, the extent of our inventories was such that it will take several additional months for us to completely liquidate these holdings in Zaire.

Our office in Kinshasa currently includes one direct hire American and five local national employees basically supporting our humanitarian response.

Mr. Chairman, one of the concerns raised in the invitation was a UDPS proposal for the Organization for the Reconstruction of the Zairian Economy. The U.S. representative of Zaire's leading opposition political party and an economic and financial consultant in the United States for the transitional Government of Zaire has requested AID's financial support for the Organization for the Reconstruction of the Zairian Economy. The assistance would be for the purpose of formulating specific strategies, policies and programs for privatizing, and rehabilitating, reviving and restructuring Zaire's economy.

While it would be difficult to criticize the appropriateness of such a proposal, certainly Zairian authorities would have to go through this type of exercise once the political situation in the country permits. However, at this time, we cannot support the proposed activity, for a number of reasons. These include the fact that, in our view, this activity is premature. The situation in Zaire is so fluid and uncertain at present that the point at which the required economic and political preconditions are in place that would permit such an exercise to have any chance of success just cannot be foreseen at this time.

Additionally, the relationship between the ORZE to both the transitional Government of Zaire and the UDPS is not clear enough at this point to make a judgment that assistance to it would be permissible in light of the Brooke sanctions and AID's established policy on assistance to political parties. That is, to permit assistance under section 552 of the 1994 Foreign Assistance Appropriations Act to a country subject to Brooke, the assistance must be in support of the program of a nongovernmental organization.

Also, this proposal is advanced by a representative of only one of Zaire's many political parties. AID's policy is that where any assistance is provided to political parties, it should be provided only through NGO's, not directly by AID, and the opportunity for assist-

ance must be available to all parties that support the democratic process.

In closing, Mr. Chairman, let me assure you that AID will continue to monitor the situation in Zaire closely and continue and try to expand our humanitarian response. Thank you, very much, Mr. Chairman.

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

Mr. JOHNSTON. Did you want to make a statement quickly?

Ms. BORTON. Mine is not a written statement. I am here more as a resource person.

Mr. JOHNSTON. Would you spell your last name?

Ms. BORTON. B-O-R-T-O-N.

Mr. JOHNSTON. It is Nan?

Ms. BORTON. Nan, N-A-N.

#### STATEMENT OF NAN BORTON, DIRECTOR, OFFICE OF FOREIGN DISASTER RELIEF

Ms. BORTON. I am here mostly as a resource person. In terms of the humanitarian assistance that the U.S. Government has been providing in Zaire, little, as you have noted, considerably more in fiscal 1993. But there are a number of constraints, as both the gentlemen have indicated, in terms of providing more. The main concern at this point being that the on-the-ground implementers of the humanitarian assistance program, largely U.S. PVO's, but also U.N. organizations and Zaire organizations, are stretched extremely thin. They were not designed to be able to handle such a massive number of refugees internally displaced and other at-risk populations.

O.F.D.A. has funded virtually all of the proposals that have come to it. As Ambassador Moose pointed out, that is approximately \$6.5 million. We have already spent about a quarter-of-a-million dollars in this fiscal year, with more coming down the line. Our assessment team, which was recently in there, among its other recommendations, felt that we should push for a United Nations donors meeting, not only to bring additional donors into the fold, because a number of the European nations are thinking of either severely reducing their commitments in Zaire or leaving it entirely, but also to broaden the base of international organizations, private organizations that undertake humanitarian work so that there could be more to work with inside Zaire.

And that is all, Mr. Chairman.

Mr. JOHNSTON. OK. Thank you. Judge, I know your time is limited. Do you want to go first?

Mr. HASTINGS. Mr. Chairman, thank you so much, but I will defer to you. I learned that I will not be speaker—so I can stay. I will be brief, Mr. Chairman.

Mr. JOHNSTON. Oh, no, do not be brief.

Mr. HASTINGS. Secretary Moose, thank you so much, and as usual, I am impressed with yours and Mr. Hicks's comments regarding matters on the continent.

You say in the written statement, and I apologize to you, I was reading the written statement in part while you were speaking, that "It is not at all clear that the current gap between the principal Zairian parties can be bridged, but if these efforts fail because

of President Mobutu's intransigence, we will need, along with the rest of the international community, to consider tougher measures such as economic sanctions."

Mr. Secretary, what other sanctions, or tougher measures can be taken, and why? Why is the international community dilly dallying? Is there a point where we say enough, already? And when we do, then what do we do in a case like in Zaire?

Mr. MOOSE. Congressman, I would certainly not characterize the efforts of the international community to date as "dilly dallying." I do think that there is a difference in our situation and the situation that others find themselves in. The fact of the matter is that our direct interests, investments, etc. in Zaire are modest and, therefore, the constraints on our ability to do certain kinds of things are less than they may be for others who do, indeed, have significant interests. I think that is one part of the answer.

But I think there is another part of the answer, and it is to what end would be mobilize those measures. And I do think one of the questions that we have wrestled with is how one applies what limited leverage one has to a meaningful solution to the problem?

And that is why in parallel with the measures, we have also been searching for ways to support a political negotiation process. And I know that there are many people who are concerned about negotiation, but the fact of the matter is that the parties, themselves, the Zairian opposition parties and others have willingly entered into a process of discussion in negotiation; and that process has been, if you will, presided over by Archbishop Monsengwo. It has been supported by the efforts of the U.N.'s special envoy, Mr. Brahimi.

Now, it is my view that if, in fact, we come close now in this current situation, as indeed the case seems to be—close in the sense that the parties have agreed on a whole range of measures that would govern the operations of a transitional government, that would set the stage for an election, that would presumably take place within 15 months after this agreement takes effect—that having now gotten that close in an agreement, that it may well be that our efforts, the additional pressures or threats of pressures that we can apply, would be sufficient to bring that to closure, to bring them to final agreement. And I think in that context, many of our colleagues and allies would find it easier to take specific actions if they could demonstrate that those actions are aimed at a particular end result.

If, on the other hand, the agreement were to fail now, precisely for the reason that other agreements before it had failed, namely, the unwillingness of President Mobutu to allow certain things to happen, I think, again, that that would change significantly the way in which other countries view the situation in Zaire. But I think it is why we must continue our dialogue with other governments.

And let me just close by saying that I think the only way we can magnify our own influence in this situation, frankly, is to stay in close dialogue with others. Our influence, in and of itself, will not be sufficient to move the situation in Zaire. Therefore, in my view, it is very important that we continue to work as closely as we can with other allies. It may well be that from time-to-time, we have



certain differences. But I have been impressed by how closely our positions on Zaire have converged over the last several months.

I do think that there is an opportunity in the current situation for outsiders to exert some meaningful pressure to try to overcome the remaining obstacles that have arisen in the negotiations that have taken place.

Mr. HASTINGS. Are there steps that the African states might take in their own interest to help resolve the Zairian crisis?

Mr. MOOSE. I do, indeed, think that. And, in fact, there have been a number of offers and actions already on the part of neighboring states. I will cite for you Tanzania. Also, Rwanda has been very much concerned about the situation, not least because of the impact of the situation in Kivu on refugees coming across the border in Rwanda. And both of them have offered to lend their support to the efforts that are currently underway, by Archbishop Monsengwo and of Mr. Brahimi.

Mr. HASTINGS. Mr. Secretary, is there a continuing cross-border arms traffic taking place, and if so, how much of that is ongoing, say between Zaire and Angola?

Mr. MOOSE. There is certainly a continuing flow of goods and services, including arms, going across that border. One of the consequences of the total breakdown of authority in the country, that is to say there is, in effect, no meaningful extension of government authority throughout most of the country, and that is that a lot of local military establishments and others have become freelancers; they make their money by participating in traffic of weapons and other goods going back and forth across the Zaire border. That is one of the dangers, if you will, of this continuing political impasse in Zaire—one of the reasons I think many of us are concerned, if at all possible, to find a way to break that.

Mr. HASTINGS. Thank you, Mr. Secretary. Mr. Hicks—I have just one question or more, Mr. Chairman.

Mr. JOHNSTON. Certainly.

Mr. HASTINGS. You mentioned what AID is currently assisting the victims of ethnic violence in Shaba. I am not certain that I heard you, and it may be that I just was not listening attentively at the time about Kivu, but what I am more interested in is sort of a spin-off from what Chairman Johnston put to you when you spoke about the \$750,000 and that costing out to roughly \$1 per person. Are there plans to increase our assistance at all?

Mr. HICKS. Congressman, I will speak on the existence of organizations through which to deliver assistance. Also, the security situation and access has constrained our ability to substantially expand our assistance. But I think if you look at what we did in 1992, as compared to what was done in fiscal year 1993, you will see that there was a very, very substantial expansion in our efforts.

There has been a recent OFDA assessment, as well as a U.N. assessment, that have come in with recommendations and ideas as to means to expand our involvement. Ambassador Moose made reference to identifying local groups, grassroots organizations, through which we can work and perhaps deliver assistance. There is the possibility of expanding our activities through the utilization of church groups. And we are presently engaged in a process of actu-

ally trying to identify additional organizations that we can work with and get more assistance in.

So we are—our strategy basically consists of an effort to try to expand: first, trying to do more through the organizations that are presently on the ground; secondly, by trying to build on a base of local institutions through which we could provide more assistance. And hopefully through these efforts, we will be able to increase—perhaps Ms. Borton would like to comment further.

Ms. BORTON. Just, that is exactly right. Our strategy for this fiscal year is to expand the assistance in the Kivu area using UNICEF and using the Dutch Medecins San Frontieres, with whom we are now discussing a fairly large project that they have proposed to us.

Prior to this year, we have not done very much in Kivu because of the security, roughly \$25,000 worth of assistance only. Now with the situation in Burundi, of course, we are keeping an even closer eye on that whole Kivu area and will expand as we can based on increasing needs there.

Mr. HASTINGS. The Catholic Relief Services operates in that area?

Ms. BORTON. I am not sure where they operate. They are in Kinshasa. We have—I know that we were funding them for a program in Kinshasa. I do not believe they are in north Kivu.

Mr. HASTINGS. I raise that for the reason that when Chairman Johnston and Congressman Payne and I went to the Horn of Africa, I left there very impressed with the work that all NGO's do. And I would urge, as you are doing, greater utilization of available NGO's who have, it seems to me, a good deal of experience and credibility in the area. Thank you, Mr. Chairman.

Mr. JOHNSTON. Ambassador Moose, is President Mobutu supplying arms to UNITA?

Mr. MOOSE. Congressman—Mr. Chairman, I do not have any direct evidence that President Mobutu, himself, is providing arms to UNITA. But given the way in which—given the ties that President Mobutu has to certain parts of the military, I do not think one can rule out the possibility that, in fact, he is engaged in or is benefiting from that traffic in arms and other goods.

Mr. JOHNSTON. Does the United States recognize the Tshisekedi government?

Mr. MOOSE. The United States has recognized and has worked with the Tshisekedi government as the institution that was established by the agreements going back to 1992.

Mr. JOHNSTON. What can you do to separate yourself from the former Mobutu government and the Tshisekedi government? How about the Ambassador of the United States? Appointed by Tshisekedi?

Mr. MOOSE. The agreements that emerged from the Sovereign National retain President Mobutu retains as head of state. He has certain prerogatives and certain authorities, as does Prime Minister Tshisekedi. The issue has been that President Mobutu has strayed from the straight and narrow of the prerogatives that were accorded him under those agreements and has interfered in what should be the appropriate functioning of the government, as administered by Prime Minister Tshisekedi.

That is indeed at the heart of the impasse that now exists. And it is indeed that impasse that Archbishop Monsengwo and others have been seeking to resolve. But the fact is that President Mobutu remains head of state. Nobody has ever said, including his opponents, that he has ceased to become head of state. And, in fact, the negotiations that are now taking place, in which many of—most of the opposition parties are engaged, start from the premise that he is that.

Mr. JOHNSTON. My previous question: Who appoints the Ambassador to the United States from Zaire?

Mr. MOOSE. Under the prerogatives of the current arrangement, President Mobutu still has the authority.

Mr. JOHNSTON. To me, that is recognition. I mean, you are having an ambassador appointed by a man who you say has exceeded his authority under their constitution. Now,—I have got to go back to Judge Hastings's words of "dilly dallying." I mean, you are recognizing the Mobutu government in full by accepting his Ambassador to the United States as sitting here in Washington. It seems a little incredulous that he has been allowed to certify his papers here.

Mr. MOOSE. It is—we have never derecognized, if you will, President Mobutu as head of state, nor, therefore, we have taken those other actions that might be consonant with nonrecognition. Again, I would say that our policy has not changed since the letter that was quoted by Congressman Payne. The effort has been throughout to exert those pressures that we can bring to bear to try to persuade President Mobutu and others to respect the agreements that they had signed back in 1992.

Mr. JOHNSTON. OK. Now, this is your testimony. These are your terms: "tough measures that have been placed on Mobutu include: cessation of aid." You know he has enough to keep him going for some time. "And embargo on arms sales"—that, obviously, from your own testimony, has not been effective. "And the visa restrictions on Mobutu"—that means he cannot come to the United States.

Mr. MOOSE. That means also that it extends also to his collaborators, those people who engage with him in frustrating the ends of the—

Mr. JOHNSTON. Would you not say his Ambassador is one of his collaborators?

Mr. MOOSE. We have not talked of expelling the Zairian ambassador here. We have been concerned, to be very candid with you, about what that might mean for our diplomatic presence in Zaire and, therefore, for our ability to do things that we are currently engaged in, which are: one, trying to influence the political situation in Zaire; then two, trying to respond in some way to the humanitarian crisis which has been detailed by my colleagues here.

Mr. HASTINGS. Would the Chairman yield, please?

Mr. JOHNSTON. Certainly.

Mr. HASTINGS. In your testimony, you cite the fact that we do not have an ambassador.

Mr. MOOSE. That is true.

Mr. HASTINGS. Thus, I am confused as to how that is hampering our efforts in that regard. Another question that I would have is:

Why did we not challenge Mobutu's people and their credentials at the United Nations?

Mr. MOOSE. The legal basis which obliged us to grant visas to the delegation dominated by President Mobutu is the same language I cited, namely, we continue to recognize a government. That government has two parts—it actually has three parts—it has the High Council, which is the interim legislative body; it has the President, President Mobutu, who remains head of state; and it has the government, that is to say, the government headed by Prime Minister Tshisekedi.

In our discussions with the U.N. legal people, it was quite clear that they would accept the credentials of a delegation that were signed by their legal head of state. And under those circumstances and under our headquarters agreement to the United Nations, we had no alternative but to grant visas to that delegation. But at the same time, we did make it clear, in a public statement we issued, that we did not regard this delegation as being the legitimate representative of the Zaire Government.

Mr. HASTINGS. I yield back, Mr. Chairman. Thank you.

Mr. JOHNSTON. Ambassador, you then jump down to what you are looking for in the future. Again quoting your words, "to encourage discussion for meaningful elections and for meaningful control over the military." And then in response to Judge Hastings's question, you said you want to continue the dialogue with others. Now, how is encouraging discussion and continuing dialogue going to rid of Mobutu?

Mr. MOOSE. Mr. Chairman, I fully understand the frustration which many here have, indeed which I share about—

Mr. JOHNSTON. I am sure you do.

Mr. MOOSE [continuing]. about the obstacles that have been created in the transition process in Zaire. You asked earlier whether I thought President Mobutu was an obstacle or a player. Well, the fact of the matter is that he is both, and that is a fact which is understood and recognized by the parties in the Zairian situation themselves.

If we adopt a position that President Mobutu should cease to be a player in the political scene in Zaire, we would have to consider a whole range of other actions, which to date, frankly, no one has been willing to contemplate, how we might honor that kind of a commitment. In the time being, therefore, we have treated President Mobutu as a player in this process. And the effort continues to be how does one influence him to accept what others regard as reasonable restrictions on his own powers, his own authorities, such that a government duly constituted in Zaire can address these increasingly critical economic and social conditions.

If we cannot find a way to resolve that impasse, then we confront a continuing deterioration in the countryside. Then how do the international community, the United States, the U.N. and others, address the consequences of that deterioration while we are witnessing a continuing political impasse?

Mr. JOHNSTON. Last week, the administration froze the assets of the Haitians in the United States who were in complicity with the military militia. Why have we not done the same thing to Mobutu?

Mr. MOOSE. I think, Mr. Chairman, there are a range of actions which the United States might take on its own, independently and, indeed, I can envisage circumstances in which we might do that.

Mr. JOHNSTON. We can balance the budget, you realize that? [Laughter.]

Mr. MOOSE. There are very few assets of Zaire, either official or private, in this country. So the consequences of our doing that would be largely symbolic and would have very little impact on the situation in Zaire, itself.

I return to my comment earlier. I think our leverage can be magnified to the extent that we can work in collaboration and cooperation with other governments.

Mr. JOHNSTON. Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chairman. Getting back to the whole problem with the Office of Foreign Disaster Assistance, I understand that there are funds in the pipeline, but that the monies have not really gotten to the NGO's. I was not here at your testimony. Could you briefly explain to me where the humanitarian monies have gone from the Office of Foreign Disaster Assistance, and whether the funds have actually been in a timely fashion? Rumor has it that maybe the office there is not staffed up to where it ought to be and, perhaps, there has been a lack of performance by virtue of that. But could you tell me, because word that we get from NGO communities out in the field is that there has just been a delay in the funds coming to do the work.

Ms. BORTON. Yes, sir. There are two different questions there. In terms of the money, \$668,293 has been obligated and given. It has left the coffers of the U.S. Government and gone to the grantees. It is under the control of the grantees at this point. In addition to that is the \$283,000 that has been spent this month—that is, in fiscal 1994.

Now the issue, and your staff member raised this at the break with me, the issue as to whether the money was given to the PVO's in a time manner is a different issue and one I will check into. If it was not timely, that certainly is something that we can work on. I suspect we have adequate staff. We may have to work on priorities. We may need to add staff. I do not know. I have been there 5 weeks. But I will certainly look into that. And I would encourage the NGO's to tell us if they think we are not being timely, which, frankly, I thought they were; but perhaps not.

Mr. PAYNE. Well, this was certainly before you came on. But, there have been complaints of long delays; I mean, not—significant delays in the funds, getting them with the, of course, the rising malnutrition, especially in Shaba and even things that are happening in Kinshasa. The problem is getting more difficult and hopefully this—you said \$283,000 has been expended this month, and you said \$668,000. When did that—

Ms. BORTON. Million. Sorry, \$6 million.

Mr. PAYNE. Right, million. When did that get over the \$668,000?

Ms. BORTON. The 6,660—excuse me, \$6 million—\$6.6 million has been getting over there in the course of fiscal 1993, so it would have been throughout 1993. It was all expended by us by the end of last month, by September 30. A number of those are cable grants, and a good deal of the food, I believe, is locally purchased.

So a great deal of that should have been—should have turned around rather quickly. But as I said, I will check into any problems that NGO's are having at any time.

Mr. PAYNE. Mr. Ambassador, I understand that on October 17, President Mitterand, at a francophone summit in Mauritius, revealed that France has intentions to chart its own course in dealing with Mobutu, and also made it clear that France does not recognize the Tshisekedi government, and in his summit speech, gave no mention of even an existence of the High Council or the Republic Order Sovereign National Council. Have you been in consultation with your counterpart since this French policy evidently has been formalized, I think, suddenly? It was that way all along, but it seems that they have made it clear that they will continue to deal with Mr. Mobutu and that there will be no activity on their part to attempt to see if the rightful elected Prime Minister and his office can proceed. Have you had any conversations since the October 17 meeting?

Mr. MOOSE. Congressman Payne, I have not personally had contact with my French counterpart since that meeting took place. But I would say that I do not believe that that information is accurate. It certainly does not accord with the information that we have received.

I will say that in the month of September, I met twice with my French and Belgian counterparts precisely to discuss policy. And that in advance of the meeting which President Mitterand did hold in Mauritius with President Mobutu, they did seek our counsel and advice. And I believe I can say that there was a fairly firm agreement about what the objective of that meeting should be. And I would say that it was entirely consistent with the comments that I made earlier, namely, to continue to, encourage President Mobutu to agree to those provisions in the current negotiations that would allow for an unhindered government to carry out its responsibilities.

As I indicated earlier, there are times when we are not entirely in agreement among the three of us, or, indeed, with other partners in this exercise. But I had been impressed by the fact that in our very frequent consultations on this issue of Zaire, number one, that these consultations are held with great importance by all three of our governments; and secondly, that we have, over the—certainly over the last 6 months in which I have been in this office, been able to come to a large area of agreement on what the objective ought to be of our common efforts.

Mr. PAYNE. All right. If you would do perhaps the committee a favor. If you have an opportunity to talk to your counterparts since the meeting—I know you said you had talked to them in September, and this was October 17. And perhaps, as you indicated, my information is incorrect; and if it is, I appreciate you giving us the correct information. Or if, in fact, my information is correct, I would appreciate that information to be verified also.

The assumption that without Mobutu, there is a problem. I know there was some discussion, too, about what—when we raised some questions about taking a stronger stand against Mobutu, the question was: what happens to Zaire if Mobutu leaves? And I wonder, has there been any discussion in that regard with your office? And

what is the thinking on the part of the administration? As I indicated, some felt that without Mobutu, there would be total chaos. Could you tell us your position?

Mr. MOOSE. Congressman Payne, there has been, certainly within the intelligence community, a lot of thinking about future prospects for Zaire. I do not think it would be appropriate for me to get into that kind of discussion in this session, but I would be happy—

Mr. PAYNE. No.

Mr. MOOSE. I think, though, the real question at the moment is the fact that as of yet, President Mobutu remains a player on the Zaire scene. And despite the fact that there are many people who would wish it otherwise, there has not yet been found a means to change that situation. And therefore, I think as a practical matter, we have bent our efforts to try to influence his attitudes, his behavior, his unwillingness to cooperate with the efforts that have been made to try to break the impasse in Zaire.

I think, again, to repeat what I said earlier, were we to decide on a different course, then we would have to consider a rather significant range of new kinds of actions and measures. And I think that would require a very solid political consensus that would embrace both the Congress and the administration. My own sense is that that kind of consensus does not exist.

Mr. PAYNE. Mr. Chairman, let me just say I think that the opportunity that the three main players missed was, I guess, when the British—I mean, when the Belgian and the French armies were there and they evacuated their nationals. It seemed that at that time, that some decisive action would have been taken. In my opinion, this situation probably would have been resolved so far as Mr. Mobutu being their concern.

Another problem I have, though, is that we have had a policy that was driven so long by the cold war and the fact that we needed to have allies to fight against the Soviet peril. And so, unfortunately, the people who had to drive those policies, and seem to still be around—I am talking about in the intelligence area—and we do find, in my opinion, that many of our policies today are still driven by those 1970 and 1980 goals and objectives. And we see that in Haiti. We see that in other places where our intelligence gives us a position which is the same position that created the support of people like Sgt. Doe, and Mobutu, and Savimbi and many of the other people like—Baree—that we supported during the cold war; all brutal dictators, all murderers, thieves.

And it is just disturbing that we are unable to undo the need—undo what the damage that was done for that goal of defeating communism, and I am glad we won over communism by democracy, also. But, I do not think we have worked hard enough as an administration to attempt to undo those things that had to be done in order to defeat communism. But, hopefully, we will be able to see some progress in the future. Thank you, Mr. Chairman.

Mr. JOHNSTON. Just briefly, because we are running out of time here, Ms. Borton, do you know if there are any provisions that have been made for the immunization of the people in the Shaba province?

Ms. BORTON. Yes, in the public health programs. I believe the childhood immunization is part of that program.

Mr. JOHNSTON. Yes. Measles, etc.

Ms. BORTON. Yes.

Mr. JOHNSTON. Briefly, Mr. Ambassador, could you tell us what the present status is in Burundi?

Mr. MOOSE. Yes, Mr. Chairman. There is still a great deal of uncertainty about what actually transpired in Burundi. It is clear that several units, Italians, Burundi military, were engaged in what—some of it described as a rebellion. What is not entirely clear is how far up that chain of command was the involvement in this exercise.

As you know, by all evidence, the President and a number of other senior members of the government were killed. But a number of senior representatives of the government remain alive and most of them are currently in refuge in various diplomatic missions around Bujumbura. They include the Prime Minister, who along with the foreign minister and several other senior members of the government, have been conducting, through the mediation of foreign diplomatic representatives, a discussion—with other intermediaries who are purporting to represent the military.

There had been several indications that the military, having recognized the disastrous course on which it is embarked, is seeking now to find a way to extricate itself. They have offered to allow the remaining members of the legitimate government to resume power. Needless to say, there is great misgiving about whether, in fact, that is a serious offer, and the concern about the safety and security of the remaining members of the government.

In the meantime, the chain of events which has been touched off is an extremely grave one. Already, more than 300,000 refugees have fled across the Rwanda-Burundi border into Rwanda, others have fled into Tanzania, and there are increasingly disturbing reports of ethnic violence taking place in the Burundi countryside. The U.N. special representative, at the urging of a number of nations, has dispatched Mr. James Jonah as a special emissary to try to help the government restore its authority. And the OAU and others have also offered to play a supporting role.

In the meantime, at least in so far as Americans in the country are concerned, they are, at last report, all safe and accounted for. I think that is the summary I can offer you at this time, Mr. Chairman.

Mr. JOHNSTON. All right. I am sure you are familiar with the history of the country and the fact that when the Belgians left, 600,000 Hutus were slaughtered; and it is starting again. And it took the United Nations 6 months to react to Rwanda. And if it takes 6 months for them to react in Burundi, you are going to have a genocide again.

Thank you very much for coming. We will ask the next panel to come up.

Mr. MOOSE. Thank you, sir.

Mr. JOHNSTON. We have a very distinguished second panel here: the Honorable Herman Cohen, who was previously Assistant Secretary of State for African Affairs and is now a consultant with Global Coalition for Africa; Mr. Curt Goering, the Acting Director



of Amnesty International; and Professor Nzongola, who is a professor at Howard University African Studies Program in Washington. All of you have, I think, prepared statements. It is not totally incumbent upon you to read all of them in full, and they will be made a matter of public record, but that is your discretion.

And we will start with Mr. Cohen.

Mr. COHEN. Thank you, Mr. Chairman, and I would like to add my congratulation to you for the great work you did on the southern Sudan conflict.

Mr. JOHNSTON. Thank you.

#### STATEMENT OF HERMAN COHEN, CONSULTANT, GLOBAL COALITION FOR AFRICA

Mr. COHEN. I will not read my statement. I will just summarize to say that the situation in Zaire is very bad. It is extremely important that every effort be made to get into a transitional government as soon as possible that could lead to a free and fair election and could stabilize the economy. Without that, the social and humanitarian situation can only get worse.

If the current negotiations lead to such a situation, to a transitional government that is focused on those two objectives, free and fair election and stabilization of the economy, and if it is clear that President Mobutu and his cronies no longer have control over the Central Bank and the Ministry of Finance, and that the money, revenues are all controlled by a neutral party under the supervision of the IMF and the World Bank, if that happens, I would recommend that the U.S. Government waive many of the restrictions that are there now, such as the Brooke amendment, at least to help them with preparations for an election.

You may not be willing to waive anything for economic assistance, and that would be very understandable; except for humanitarian, of course. But for help with a free and fair election, I think—recommended it was waived and I believe it was waived—or it can be waivable for Liberia. The precedent was already set by this committee on that.

If in the likely event an agreement is not possible under present negotiations, I think it is important to encourage both Mobutu and Tshisekedi to relinquish any claim to the Prime Ministership, because what is key is that the interim government be run on a neutral nonthreatening basis to any political action, and to get on with the job of having an election and a stabilization of the economy. To continue to focus on personalities as to who will control this transition, I think, is a total travesty and will just delay any recovery of Zaire.

Tshisekedi feels that he is the most popular politician. He may very well be. I think he should not concentrate on the Prime Ministership, which is only transitional, and prepare for the election so that his popularity can be turned into an election victory as President of the Republic.

So I would encourage U.S. Government policy to shift away from just support of Tshisekedi as the legitimate Prime Minister, into a request that both Mobutu and Tshisekedi relinquish any claim for the Prime Ministership; put it in the hands of neutral technicians, people who have no claim, no ambition for future political power,

so that they can get the economy right and get a government—get a transition to an election. The best role model for this would be what recently happened in Pakistan, where a Pakistani who had been working for the World Bank for 30 years was brought in, had no political agenda of his own and, in effect, brought the country to a successful transition.

U.S. pressure, the one area—

Mr. JOHNSTON. Ambassador, can I ask you one question right there?

Mr. COHEN. Yes.

Mr. JOHNSTON. You say “relinquish any claim to Prime Minister.” After the transitional government, though, will you still have this dichotomy between the Prime Minister and the President?

Mr. COHEN. There would—well, they have written a new constitution, and there will be a Presidential election. The President will name the Prime Minister. So, presumably, all of them will have the legitimacy of an election.

Mr. JOHNSTON. Thank you.

Mr. COHEN. I believe sincerely that, as I have indicated in my written statement, that Mobutu is the cause of Zaire’s disaster, more in the economic field than any other field, and I will be greatly overjoyed the day that he leaves and no longer has any function in Zaire.

In terms of pressure to get him to conform, I agree with Ambassador Moose that he is mainly at fault for this impasse. I am very disappointed in the Belgian and French Governments, which failed to fulfill their initial commitment when I was Assistant Secretary, that they would consider seriously seizure of assets and going beyond just denial of visas. Now most of the assets, of course, are in areas controlled by the Belgians and the French. And they have since shied away from that for their own internal political reasons. And as Ambassador Moose says, we have very little leverage in that area.

But I think our diplomacy should go back to the Belgians and the French and encourage them to take another look at that and to treat Mobutu as we are now treating the present Government of Haiti, as you mentioned, Mr. Chairman. I will stop there.

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

Mr. JOHNSTON. Mr. Goering. Incidentally, your remarks will be filed. Thank you.

#### STATEMENT OF CURT GOERING, ACTING DIRECTOR, AMNESTY INTERNATIONAL

Mr. GOERING. Thank you, Mr. Chairman.

Amnesty International welcomes this opportunity to present this testimony on the human rights situation, specifically in Zaire, before this subcommittee. And I want to commend you, Mr. Chairman, for holding these important hearings, as well as for your statement with respect to Burundi, which is a situation we are following very closely as well.

Mr. JOHNSTON. Excuse me. Are you in Burundi now? Do you have a delegation there?

Mr. GOERING. We have a delegation in Burundi at the moment. Mr. Chairman, we would also like to submit the report that we produced about a month ago, entitled, "Zaire, Violence Against Democracy" in the record.

Mr. JOHNSTON. We will put that in the record, also.

Mr. GOERING. And I guess I also want to voice a bit of disappointment at this stage, as well, with some of what I heard in the previous testimony, especially from an administration which has not had a valid human rights policy, and its emphasis on democracy and sometimes, it is hard to understand how some of what I heard here can be reconciled with the current policy.

Zaire's independence has been marred by many years of widespread human rights violations. And today, as a struggle for power between President Mobutu and his opponents continues, Zaire is undergoing its worst human rights crisis since the end of the civil war in the early 1960's. The government is using the country's worsening political and economic situation as an excuse for appalling human rights violations, largely at the hands of the security forces. The crisis has been marked by the ruthless brutality of government security forces, under the control of President Mobutu, who have murdered or tortured thousands of civilians and members of the peaceful political opposition. There is a real danger that the anarchy which characterized Zaire after independence is set to return.

In April of 1990, as a result of increasing political pressure from within and from foreign aid donors, President Mobutu announced a series of political reforms, including the freedom to form political parties, human rights groups and the liberalization of the independent press. The announcement seemed set to end more than two decades of political repression, widespread human right violations and single-party rule. Many people in Zaire expected that the promised reforms would herald a new era of freedom and democracy, but these hopes have been brutally dashed. The desperation caused by political and economic collapse have led civilians to confront the heavily armed security forces, with disastrous consequences. The scale of the abuses has been particularly serious over the 3 years since political reforms were announced.

Thousands of opposition supporters, including members of the main opposition party, the Union for Democracy and Social Progress, have been murdered, tortured, raped or disappeared. Detained members of the security forces identified as opposition sympathizers have been treated even more brutally. Civilians have been incited to violence against other civilians who do not support President Mobutu. Over 1,000 have been killed in incidents when soldiers went on looting sprees. Journalists critical of the government have been arrested, and printing presses and offices destroyed. Conditions in prisons and detention centers are barbaric—dirty, overcrowded, lacking in basic sanitary facilities. Many prisoners have reportedly died of starvation or lack of medical attention.

In 1992, a commission of inquiry on political killings set up by the National Conference found President Mobutu responsible for arbitrary detention, torture, abductions and political killings.

Mr. Chairman, I want to address your specific request for information on the situation in north Kivu and Shaba, where political instability has also led to inter-communal violence. Ethnic violence, instigated or condoned by President Mobutu and the security forces, has claimed the lives of thousands of people and left hundreds of thousands displaced. In the Shaba region, from mid-August 1992 until mid-1993, more than 500 migrant Luba have been killed and more than 100,000 displaced during attacks by members of the Lunda ethnic group. Former Prime Minister Karl-I-Bond and regional governor wa Kumwanza, both Lunda allies of President Mobutu, reportedly instigated the violence. The Lunda accused the Luba of supporting opposition Prime Minister Tshisekedi, exploiting Shaba's wealth and depriving Lunda of jobs. In north Kivu, the inter-communal attacks on Banyarwanda, which began in March of this year by the Hunde and Nyanga, were reportedly encouraged by the regional governor. Days before the violence began, the governor made public speeches where he suggested that the Banyarwanda were not Zairians and promised that the security forces would help in their "extermination." At least 3,000 people, mostly Banyarwandas, have been killed and about 200,000 displaced. Sources from north Kivu claimed that some members of the security forces in civilian clothes were involved in the violence against the Banyarwanda. Some of the soldiers sent to the area to quell the violence were reportedly involved in raping women and looting. No action is known to have been taken against those responsible for the north Kivu and Shaba attacks, apparently because the victims were supporters of political parties opposed to President Mobutu.

A deepening political and human rights crisis continues to develop in Zaire. Rampant inflation, expected to rise to 10,000 per cent this year, has deepened the social crisis and led to further violence. At the end of 1992, Prime Minister Tshisekedi, elected by the National Conference, declared a 5 million Zaires note issued on President Mobutu's order, illegal tender. In January of 1993, soldiers who had been paid in the disputed currency went on a looting spree in the capital. Hundreds of civilians and soldiers were killed. In February, President Mobutu dismissed his Prime Minister, and government troops prevented members of the transitional government from meeting and held them for 3 days.

Mr. Chairman, Amnesty International welcomes the March 1993 U.N. Commission on Human Rights resolution deploring the torture of detainees, inhuman prison conditions, disappearances and summary executions. Amnesty also welcomes the Commission's request of the Special Rapporteurs to focus attention on Zaire. President Mobutu for many years has failed to respond to or cooperation with the Special Rapporteurs and various U.N. working groups. We, therefore, urge the United Nations to consider sending human right monitors, who would have investigatory and reporting powers to Zaire. These human rights monitors would collect data and report to the U.N. on their findings. The findings should be made public and international pressure should be applied on the government for compliance with international standards.

In spite of mediation attempts by the U.N. with visits by a special envoy appointed by the Secretary General and the OAU with

visits by Namibia's President Sam Nujoma and the organizations Secretary General, President Mobutu refuses to relinquish his unilateral control over the security forces.

Countries such as Israel, Germany, Egypt, China, France, Belgium and the U.S.A. have all helped train the Zairian security forces, many of which have been responsible for human rights atrocities. Until the breakup of the former Soviet Union, some Western governments who supported President Mobutu, including the United States, exerted little, if any, pressure on the Zairian Government to deal with its human rights violations. Amnesty has welcomed the indication that the U.S. Government and President Clinton will exert such pressure, and we look for specific concrete actions to generate this pressure. Meanwhile, the humanitarian crisis mounts. Despite the suspension of all military assistance since 1990, as well as all economic assistance, except the non-governmental organizational assistance, since 1991, no U.S. Ambassador assigned to Zaire at the moment, the United States still retains enormous influence and credibility with the people of Zaire.

Mr. Chairman, Amnesty urges the U.S. Government to focus on ways and use means at its disposal to compel President Mobutu and his supporters to end the cycle of human right abuses and adopt safeguards that will promote respect for human rights. For example, the U.S. Government should publicly and regularly condemn the human rights violations committed by President Mobutu and the security forces.

The U.S. Government should lead in demanding full cooperation from President Mobutu and his forces with the U.N. Commission on Human Rights, the U.N. Special Rapporteurs, particularly the Special Rapporteur on Summary and Arbitrary Executions, and the Working Group on Enforced or Involuntary Disappearances. The U.S. Government should also affirm the report of the Commission set up by the National Conference and demand accountability.

The U.S. Government should also take the lead and introduce a resolution at the General Assembly calling for the cessation of killings by the security forces under the control of President Mobutu. The resolution should also call for human rights monitors to be dispatched with urgency to Zaire and the recommendation of the Special Rapporteur to be implemented. The action at the General Assembly should be followed by the Human Rights Commission examining Zaire, perhaps under Item 12, the public reporting of the findings.

The U.S. Government should also seek to ensure that it shares its information and concern with the U.N. Secretary General in preparation for his report for the Human Rights Commission early next year.

The United States also, perhaps through Assistant Secretary Moose, should make urgent contact with the Foreign Minister of Egypt, who currently chairs the OAU, to explore the possibility of joint U.N. and OAU efforts in bringing peaceful resolution to the impasse, and the deepening human rights and humanitarian crises. If these measures were taken, Amnesty International believes the human rights situation would improve.

Mr. Chairman, I know you have asked me to speak about Zaire, but the recent events in that part of Africa require me to make a

few very brief comments. I am speaking, of course, about the situation and tragic events in Burundi. Amnesty has received unconfirmed reports that the recently elected President has been killed by the military coup, along with some senior advisers. Burundi's history is one of massive human rights violations, including massacres by the Tutsi security forces against Hutus. This bloodshed must not be repeated. The coup participants must be told that they will be held accountable for any loss of life or other human rights abuses. The U.S. Government and indeed the international community must ensure that the situation does not deteriorate into the killings and violence of recent memories. Thank you.

[The information appears in the appendix.]

Mr. JOHNSTON. Thank you very much, Mr. Goering. Professor Nzongola.

**STATEMENT OF GEORGES NZONGOLA-NTALAJA, PROFESSOR OF AFRICAN STUDIES, HOWARD UNIVERSITY**

Mr. NZONGOLA. Thank you, Mr. Chairman, members of the committee. I am very happy for this invitation. I would like to congratulate you for your concern. I have met all of you and I know you to be very much concerned with the situation in Zaire.

I would like to take this opportunity to acknowledge the presence in this room of Mr. Mukendi, who is the Chief Political Advisor to Prime Minister Tshisekedi and who has come here to participate in the U.N. General Assembly.

I will not read my statement. It is available to you and I would be happy to see it in the record.

Mr. JOHNSTON. All right. It will be entered in.

Mr. NZONGOLA. I would like to summarize and read only my conclusions.

First of all, statements have been made here, for example, that Zairians, themselves, have accepted to engage in current talks in Kinshasa to resolve the situation. I find those statements to be completely misleading, because Zairians have gone to these discussions, the opposition has gone to these discussions mostly because of pressures exerted on them by the United States, France and Belgium. Mr. Mukendi is present. He can tell you about the U.S. Chargé d' Affaires, going to Prime Minister Tshisekedi's house and insisting that they must participate in these talks. And, again, the question is that we have to respect the rule of law and democratic processes.

I was privileged to be a member of the Zaire National Conference, which met last year. This National Conference approved an institutional framework for the transition. As a matter of fact, that institutional framework was greatly influenced by the United States. Mr. Herman Cohen, here present, came to Kinshasa and pushed through a power-sharing formula which we adopted as a comprehensive political compromise. I do not mind to say that I was one delegate who was at the National Conference to ask the people to reject this compromise, because I could never see how a dictator could be transformed into a democrat overnight.

Unfortunately, the Conference adopted this formula. Mr. Mobutu has refused to honor this formula. He should be impeached. As a matter of fact, impeachment procedures started last December and

January. Monsignor Monsengwo has blocked the impeachment procedures. And Monsignor Monsengwo, whom Secretary Moose credits today as a person who is engaged in finding a solution, is a person who in press statements—press interviews—is pushing for 50 percent sharing of government with Mr. Mobutu.

That is denying what the National Conference decided. The National Conference took a decision last August 15 that Mr. Tshisekedi be Prime Minister of the transition. In that election, Mr. Tshisekedi received close to 71 percent of the vote. Mr. Mobutu's candidate received 27 percent. Why should the person who got 27 percent be given 50 percent of the government? Why should he be allowed to control the government, and control foreign affairs, the military and so on?

I heard statements here that Mr. Tshisekedi should step down as Prime Minister by the Pakistani example, that both him and Mr. Mobutu should not control the post of Prime Minister. But how about Mr. Mobutu's presidency? Why isn't anyone saying that Mr. Mobutu should step down as President? Why should Mr. Tshisekedi, who was the only person elected by the National Conference, step down and Mobutu, whose term of office was automatically extended due to U.S. pressure, be allowed to stay? I find that to be a contradiction, and also a great disrespect for the rights of the Zairian people, for the democratic rights of people to choose their rulers.

The current talks are a formula for extending the dictatorship, rather than for ending it. Why did the U.S. accept the Mobutu delegation at the United Nations? We find it difficult to understand that if you do not recognize a government as representing the people, you would still give them credentials to represent these very people in an international gathering.

We do not see that same formula being applied to Haiti. General Cedras has effective control of the Haitian state, the military and everything. We do not see General Cedras being allowed to represent Haiti in international gatherings because he happens to have effective control over the state. I think that the formula used by the United States is simply a formula to give comfort to those people who have come to power through unconstitutional means. And I think that one should be consistent, and if it is recognized that a government is illegal, that government should be isolated internationally. They should not be allowed to participate in international gatherings.

The United States is a superpower. And the United States should be called upon to play a major role, in situations such as Zaire, Liberia and Somalia. Whether you like it or not, the United States would be involved because you happen to be the leader of the entire world today. So when I understand that the United States cannot do anything to President Mobutu's assets, I do not understand it. We have assets in this country. Why shouldn't the U.S. Government freeze those assets in the same way you froze Haitian assets?

Certainly, we know that those assets do not amount to much, but such an action would be very, very important symbolically and would prompt other governments to act. Last February when the three—when the troika, as it is known: the United States, France

and Belgium—met and decided that they wanted to freeze those assets, we were very pleased to see that the Swiss government issued a statement that if the international community makes a decision to do that, we will consider following suit. And yet, nothing has been done in the international community to do that. I think that this should be done so that Mobutu knows that he has no support.

What we are seeing today is an attempt simply to obviate the wish of the people. The people of Zaire have chosen a transitional process. We have chosen a transitional council, a transitional government, and this should be respected. Mobutu is the obstacle. Mobutu is preventing that process from going forward. So, therefore, he should be the person dealt with and not the people who are willing to work for the transition.

This is why I am saying that the best guarantee for establishing the rule of law and for a successful transition to democracy in Zaire is for all internal parties to the conflict, as well as the international community, to respect the legal and institutional framework of the transition as adopted by our Sovereign National Conference. The political impasse in Zaire today is due to the attempt by one individual to destroy this framework and to obstruct the transition to democracy. An entire nation of 40 million people is being held hostage by one man. This should not be allowed to continue.

Mr. Chairman, members of the subcommittee, the conclusion to be drawn from the Zairian experience is that rather than seeking compromise agreements that dictators will never honor, a Zairian-type situation requires that a dictator be pressured into stepping down. This is what happened in the Philippines with Ferdinand Marcos and in Haiti with Jean-Claude Duvalier. Since internal pressure is insufficient to achieve this aim, external pressure is required to avoid further disintegration into absolute chaos, as in Somalia, Liberia and elsewhere. This is why it is incumbent on those external forces, like the United States, responsible for the very existence and survival of the Mobutu regime, to help our people in overthrowing him. There cannot be a compromise with a dictator.

I would like to propose the following recommendations for the U.S. Government as policy measures likely to help the cause of democracy in Zaire:

(1) The United States should strongly support the legal and institutional framework of the transition to democracy as defined by the National Conference, and recognize the transitional government of Prime Minister Tshisekedi, and that would mean issuing a legal, a clear-cut declaration of recognition of this government;

(2) The U.S. Government should actively seek international isolation and sanctions for Mobutu and all those helping him to obstruct the democratization process. So far, the visa policy has failed, has not been applied consistently, and we understand that now in Kinshasa, Mobutu's people are getting lots of visas to go all over the world because of the fact that the President's emissaries have been able to come to the United States on several occasions.

(3) The United States should give all possible assistance to the transitional Government of Zaire to enable it to implement the decisions of the National Conference with respect to the restructuring of the armed forces, administrative reform, economic reconstruction, and the preparation and holding of free and fair elections.



of the armed forces, administrative reform, economic reconstruction, and the preparation and holding of free and fair elections.

Let me add, in conclusion, that people should not be misled to believe that there are negotiations going on in Zaire today which are going to solve the whole problem. The so-called talks are meant to generate propositions that ought to be considered by the High Council. Then we note that this High Council has not been able to hold meetings since members were held up in the People's Palace for 3 days as hostage by Mobutu. Monsignor Monsengwo, although he has been given the keys to the People's Palace, continues to refuse to conduct a meeting of the High Council. So, there is no assurance that the High Council will consider the conclusions of the ongoing talks, or is going to approve them. The impasse will continue.

So what we need is to pressure Mobutu to either accept the decisions of the National Conference or simply step down. Thank you, Mr. Chairman.

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

Mr. JOHNSTON. Thank you, Professor. Congressman Payne.

Mr. PAYNE. Let me say that at the time when the decision to attempt to have a sharing of the government—maybe, Mr. Cohen, how was the agreement made with the Prime Minister, the whole national sovereignty? And was Mr. Mobutu always going to be a part of the final solution, I mean, that shared power? Was that the—

Mr. COHEN. Well, at the time of the compromise that Professor Nzongola mentions, the opposition led by Tshisekedi was insisting that he disappear from the scene completely and step down. He refused to accept that and, therefore, was threatening to block the entire process. So the compromise that we helped broker was that Tshisekedi would accept—the opposition would accept that Mobutu remain in a titular position without any power over the transition in return for allowing the National Conference to choose a Prime Minister and to move ahead with the transition. So that is the way it came about.

And Mobutu effectively blocked that by refusing to accept Tshisekedi as the selection. And he asked the High Council of the Republic, which we effectively replaced in the National Conference, to name somebody else. He felt threatened by it and he felt that he could not—he, and his entourage and his whole patronage system could not live with Tshisekedi as the transitional Prime Minister. That is where we are today, 2 years later.

Mr. JOHNSTON. Do you think that at the time when the French and the Belgium troops were evacuating their citizens, do you think if, just sort of hindsight, if there had been a more aggressive intervention by the French and the Belgium, and with say U.S. support, do you think that if there had been some decisive action, that this problem might have been behind us now?

Mr. COHEN. I think if you look at it purely from a military point of view, they could have, in effect, changed the political situation drastically; put it on the right track. I cannot put myself in their place, but from what I understood at the time, their main concern was evacuating their citizens and making sure they get them out

ical action, some of their citizens might have gotten hurt and that would not have played well back home, which we can understand.

Mr. JOHNSTON. One other question: have you seen the latest report of the meeting with the French President at the summit, and do you have any information on whether you feel that there has been a sort of shift in the French position?

Mr. COHEN. Well, I was rather disgusted to see—I was in Paris at the time of the meeting and I was watching French television—I was rather disgusted to see Mobutu standing right next to President Mitterand. He should have had the good taste at least to put him in the back row or something like that. But, I think the center of power on French policy in the French Government right now is the gentleman known as the Minister of Cooperation, Mr. Roussin, and he has said that he prefers that neither Tshisekedi, neither the Mobutu solution, which is something that I have suggested in my testimony, and also get on with the job of having a transition and get to a legitimate election.

Mr. NZONGOLA. Congressman, can I say a word on that?

Mr. PAYNE. Yes.

Mr. NZONGOLA. The position of Mr. Roussin, as of Mr. Cohen, is not neither Mobutu, nor Tshisekedi. It is, rather: no Tshisekedi. Because, what we have is the question of Prime Minister. They want Prime Minister Tshisekedi to step down. But they do not say anything about Mobutu leaving. Mr. Cohen has not said anything about Mobutu leaving. And Mr. Roussin said—he did not say Mobutu; he said neither Birindwa nor Tshisekedi. And it is in a published interview. We are going to give you that interview.

So the question is not clearly stated. We are seeing basically an anti-Tshisekedi position being proposed in nice language, but it is an anti-Tshisekedi position.

Mr. PAYNE. The whole question of—you know, this whole question of compromise, it would appear to me that if one should step down, the other should step down, or neither should step down. You know, it should be uniform. I concur with that. Of course, it is always the difficult time when it gets down to the bottom line, it is usually, you know, who has the guns and who does not have the guns. And that, I think, is what the situation is, where Mobutu tends to prevail all of the time because he is still the one that has all the guns.

And unless you—it is the problem in Haiti. Cedras has all the guns; François—Michel François, they have the guns. And it is difficult to—unless you are going to use guns against guns, then the one with the guns prevail and that makes it very difficult. But, I do think that the situation just continues in Zaire, just wanton chaos, starvation, death, malnutrition is just going to come in and it is going to be a tragedy. It is going to be a tragedy that will take a long time to correct.

Mr. NZONGOLA. Congressman, you are raising a very interesting issue for U.S. foreign policy and for the international community. Do we want this world led by warlords, like Cedras, and François and Mobutu, or do we want democratically elected leaders? And I believe that we have a means to try to control those people if we follow the rule of law, if we stick to the agreements we negotiated,

and we could make it clear that these people would have no way of imposing themselves by force. And it can be done.

Mr. PAYNE. You are right. We are really at the crossroads in foreign policy, just where will the future world be. Is it going to just be thugs and murderers running it, and a withdrawal of superpower intervention; or will there be some order? And that is going to be the debate, I believe, in the next 4 or 5 months, to determine what the world is going to be like in the future, based on this growing isolationism here in the United States. Thank you, Mr. Chairman.

Mr. JOHNSTON. Mr. Cohen, I would like to get your ideas on some things that Mr. Moose said and also the Professor said about the recognition of the Tshisekedi government. Mr. Moose seemed to think that we were locked in by their transitional constitution and, therefore, had to recognize the Ambassador and had to recognize the U.N. delegates. Do you concur with that opinion and position?

Mr. COHEN. Well, as Professor Nzongola said, what goes for legitimacy in Zaire right now is the decision of the National Conference, which, in effect, allows Mobutu to remain at least titular President, and the person who receives and names Ambassadors. And that Tshisekedi is the legitimate Prime Minister, which the U.S. Government, both under the Bush administration and under the Clinton administration, has accepted and has recognized.

The current Ambassador here was named by Mobutu long before the whole process started. So, there is a tradition in diplomacy to sort of allow—you do not derecognize someone who is already there. You do not expel people, unless they have done something wrong. So that situation here, I think, is not something to worry about legally. I think the message we are sending today is not replacing our Ambassador to Zaire. That is a clear message. We do not want someone to present credentials to Mobutu and that is why we are not sending an ambassador out there. This is the key.

Mr. PAYNE. But, you know, Hank, they are sending an ambassador to Nigeria next week. Now, is that consistent?

Mr. COHEN. I am not commenting on that one.

Mr. PAYNE. That is right. I used to beat up on your parts. It is tough being on this side with your own administration in there because you are basically trying to be on the same team. But if there is a nonrecognizable illegal government, then how do you send someone—how do you send someone to an illegal government? Babangida said that he did not like the winner. "I'll annul it." Like I said, the first annulment I heard since a friend of mine's marriage was annulled; but I never heard of an election. And we are going to—evidently, we, therefore, will be recognizing an illegal government.

Mr. COHEN. That is an excellent point on the moral plain. But as they say, you still have to continue having diplomatic intercourse. And who do you deal with?

Mr. JOHNSTON. Strange choice of words. [Laughter.]

Mr. PAYNE. Especially following the annulment.

Mr. JOHNSTON. That is a showstopper. I have to think about it. Mr. Payne earlier brought up to Mr. Moose about this fear of a post-Mobutu Zaire, and will this country blow up when he is gone. I have talked to several Ambassadors through Africa and they say

we really have not thought that out. And Shaba province is a tinderbox, ready to really blow up. And is that driving American policy here, not to squeeze Mobutu any harder than we are?

Mr. COHEN. I do not think so and I disagree totally with that argument. I think Zaire would be totally better off without Mobutu. In fact, the problems in Shaba and Kivu right now, the ethnic cleansing, are all in effect done in cahoots with Mobutu.

Mr. JOHNSTON. Is that right?

Mr. COHEN. This is a way of showing the Zaire people, they need Mobutu to keep order. In fact, he is playing on this myth, that without Mobutu, there is chaos. He is saying, "OK, we will show you some chaos. If you want more, I will get rid of me." I totally disagree with it. Zaire has a tremendous number of educated people who can really run that country well. But, of course, any replacement system must take care of the army, must find a way to rehabilitate, demobilize. And that will cost money. And I think that is something we have to consider.

Mr. JOHNSTON. Well, I think it is your suggestion and we reacted to it, putting money in the budget this year.

Mr. COHEN. Yes.

Mr. JOHNSTON. We adopted the Cohen proclamation almost verbatim.

Mr. COHEN. But do not fall for that argument, that with Mobutu gone, there will be chaos. There is chaos because Mobutu is there.

Mr. JOHNSTON. Well, let us say we go through everything that you want to go through on a constitutional scale: a new transition government, everything, we have them both step down and things like that. First, how do we protect the process from being hijacked by Mobutu? And secondly, how do we demobilize the army? Professor, we will start with you and then we will go to Mr. Goering.

Mr. NZONGOLA. The National Conference came up with a very good formula that—we have a huge military, close to between 80 and 100,000 troops, 15,000 of whom are members of the elite guard, made up mostly of people from Mobutu's own region and own ethnic group. We decided that we should create a very small defense force for the patrol of our borders, well-trained, well-equipped and so on, and a larger security force for—for law and order. And we appealed to our traditional partners, the United States, France, Belgium and others, to help us do that.

So what we need, basically, is that the majority of our troops want change. They want change. And I think that if the international community shows that it is really serious about change, the way you are doing it in Haiti, sending a clear-cut message that we support the transitional process, we support the National Conference decisions and want to see the institutions coming out of the National Conference function, you would have a lot of support within the military for that. And I think it would be incumbent to the transitional government to try to win enough support from the military to neutralize those elements who would want to continue supporting Mobutu.

The problem is that so far, we have not gotten any support from the international community for the transitional process.

Mr. JOHNSTON. Mr. Goering, before you answer, let me just make one observation. On page 5 of your testimony, you said the United

States should urge contact with the Foreign Minister of Egypt. I spoke to him this morning and also President Mubarak about that, really with the idea that the U.N. has run out its string. It really did not have any more troops it could put anywhere now. Under the OAU Charter, I am not so sure they can go into a sovereign country. But at the same time, I think—I asked them to use their influence. And if you read the history of the OAU, they have not had that much influence in the past; but, hopefully, with Egypt in the driver's seat things would get better. Excuse me if I interrupted you.

Mr. GOERING. Yes, and that is precisely one of the points we wanted to make, that if regional bodies such as the OAU begin to take a more active role in some of these kinds of situations, we believe it can have a very beneficial effect. So the capacities do not exist at the moment, but we hope that they will be pushed in that direction.

If there is a successor to Mobutu, in order to prevent some of the problems from recurring that we have seen over the past 30 some years, we feel that it is very important that whoever that person is, at the very beginning, make a clear public commitment, an unequivocal statement that the types of abuses that have plagued Zaire for so long simply will not be tolerated. But, there is an iron-clad, unequivocal statement that cannot be misinterpreted by members of the security forces or the public at large, that these abuses are a thing of the past and I will not tolerate them.

Mr. JOHNSTON. Let me stop you right there. Unequivocal words are like taking visas away. In your last sentence, "The U.S. Government and indeed the international community must ensure that the situation does not deteriorate into killing and violence of recent memories." How? The words are not going to do it.

Mr. GOERING. Yes. This leads me to my next point, which is after they make that statement, which is a very important signal to be sending, when it does happen, when there is new information that these killings are continuing, that there is continued torture in prison, that there are unfair political trials, that that information be investigated, and it be investigated by direction from the highest public officials. So the investigations need to be independent. They need to be impartial. They need to interview witnesses from all sides. Once that information is in, then if it is warranted, there needs to be a prosecution and a punishment. There cannot be continued information about these violations that surface year after year with the government not doing anything about it.

And one indication of the government's commitment to stop these abuses is also in the actions that it takes to say to security forces that through actions, that you will be prosecuted, and if you are found guilty, you will be punished. And those kinds of actions, I think, demonstrate the political will of a high governmental official. That political will sends a very strong signal to security forces that we should not be doing this.

Mr. JOHNSTON. Mr. Cohen, anything to add before I go to Judge Hastings?

Mr. COHEN. Yes. I would totally disagree with Mr. Goering on this. I think there have been so many abuses by so many people. Nobody is innocent in Zaire who has been in political life for the

last 20 years. I know all of them. They have all been feeding at the public trough and they have all been engaged in abuses.

The only way to get peace in Zaire is a blanket amnesty, and I will use that word "amnesty" from Amnesty International. And to go into war crimes trials, and to punish and to record is just going to make things worse. And you will never get anyone to cooperate in bringing about a stable situation.

Demobilization—one thing we are working on now in my current position of the Global Coalition for Africa is demobilization. And I am finding out there that there is plenty of donor money available for the rehabilitation and demobilization of troops. Once you consider people civilians, and say you are hereby demobilized, you are all civilians, give us your guns and now we will give you training, we will help you get home, give you seeds, and money for tools and that sort of thing, there is plenty of money out there. The Common Market, all of the European countries, because they all understand that in Africa, this is an extremely big problem, and not just Zaire. You have Chad, Ethiopia, Mozambique, Angola, they are all running into that now.

Mr. PAYNE. You have Uganda.

Mr. COHEN. Excuse me?

Mr. PAYNE. Uganda.

Mr. COHEN. Uganda is actually doing some successful work there.

Mr. PAYNE. That is right.

Mr. COHEN. Mr. Chairman, I am afraid I have to excuse myself.

Mr. JOHNSTON. All right.

Mr. COHEN. I have a meeting I cannot miss.

Mr. JOHNSTON. Well, you are very kind to come, Mr. Secretary, and we appreciate it. We are going to talk about you after you leave. That is our only discipline of keeping witnesses.

Mr. HASTINGS. Mr. Chairman, it appears to be that Zaire's general problem is that the three parties, they, of necessity, looked to Belgium, France and the United States. Belgium is too weak to do anything, France is unwilling to do anything, and the United States is uncertain about what it ought to do. And left to those devices, it is an incredible posture that we come to that as the Assistant Secretary of State said, as—or did Secretary Moose, for whom I have great respect, that America's interests are modest in Zaire.

If that is true, then I may be hearing America say that the only time we are going to do anything is when we have something more than whatever modest interests are. And yet, these immense humanitarian concerns are brought to our attention on a continuing basis.

Let me go further with my statement. If I were Mobutu and I knew that Belgium was weak, was not going to do anything, and if France was not going to do anything, and if the United States did not know what to do, then I would do exactly what I am doing for as long as life lasts. And so, I do not know exactly where the parties would turn.

I wanted to ask the Secretary about his proposal, with which I have some measure of disagreement for the reason that you cannot implicate neutrality into a situation where somebody has already

been elected by National Conference, and somebody else has ignored it and said that it has no validity.

Perhaps, I could ask just one question, after having made my statement, and thanks for bearing with me, Mr. Chairman, and Professor Nzongola, let me direct it to you. Please define for me what America's interests are in Zaire.

Mr. NZONGOLA. Yes. The United States has several interests. One is to have a stable government in Zaire so that Zaire will not disintegrate into another Somalia or Liberia, because the United States, as a superpower, will be drawn in, whether you like it or not. If we disintegrate, the world will come in and have to do something about it. And as you know, when it comes to just keeping budget at the U.N., you are now assigned, what, 37 percent. You are fighting to get it down to 25. So you will be asked to spend money to send people to deal with the situation whether you like it or not. That is interest number one.

Secondly, Zaire is an extremely rich country in natural resources. And Western Europe, in particular, depends a lot on a number of resources in our country. We have one of the largest tropical rain forests. We have one of the largest hydroelectric potential in the entire world, in addition to copper, and diamonds, and gold, and so on. So, we have a lot of resources which are useful to the world economy. And the United States has an interest to see that the world economy has access to these resources in terms of international trade and in terms of development in Africa, which would not create problems of refugees, problems of poverty, problems of humanitarian concerns which must require your own money and so on.

Thirdly, we are talking of a specter of Islamic fundamentalism in the Sudan, and Zaire is a neighbor of the Sudan. And Zaire, again we see—to the west of us, in West Africa, Nigeria, we are seeing religious intolerance arising. Zaire can play a major role as a stabilizer in Central Africa. We border on nine countries. So that, we can—if we are stable, well managed, well organized—be a good partner in terms of maintaining stability in this region of Central Africa and, of course, in adjoining regions, the Horn of Africa and Southern Africa.

Mr. HASTINGS. And you left out the humanitarian concerns. And I appreciate so very much your assistance in that regard, Professor. Perhaps, it is that that is ultimately the definition if you add to it the humanitarian concerns that are always present for superpower.

But, I urge upon you, sir, that there is a Bosnia and there is a Burma. And as we speak, absolutely nothing is being done about those areas. Do not at all be surprised if this country does nothing in Zaire. Thank you, Mr. Chairman.

Mr. PAYNE. Yes, I think one other—you know, as we—as I indicated before in another point that did not mention. But as we disengage from the cold war activities into the new era of democratization, it appears that we should have some moral responsibility as we disengage. We decided that Poland, and Russia, Romania needed infusions of funds and enterprise funds were set up to stabilize the governments and to give them financial support. Of

course, the cold war was not fought in those countries; they were fought in Africa.

And it appears to me that there is some responsibility. As we feel responsible to come up with the billions of dollars for Russia, and I voted for Russian aid and assistance to Poland, that we have a different kind of responsibility for a different kind of problem in the countries in Africa that we supported; you know, say Mobutu with our CIA support when he was crumbling when the French and the Belgium propped him up decades ago.

And the whole question of the Angola situation that needed Mobutu's cooperation, which also brought South Africa in. This was a whole big agreement that I commend Hank Cohen for working on the disengagement of South Africa in Angola, although they were about to be defeated by the Cuban troops anyway. And Russia was broke, so they did not have much choice. But the Cubans that agreed to leave Angola and the South Africans agreeing to sense that if some body bags went back to South Africa, the South African population were not so interested in their troops being engaged in Angola any longer. Because once you get casualties, it changes the climate, regardless of what country it is.

But, then, with Mobutu and the whole Namibia being a part of that brokered agreement that Hank worked on becoming—getting its independence from South Africa. And even the un-banning of the ANC and the release of Nelson Mandela, all of that was involved in this whole process of undoing the cold war. And I think that there is a responsibility, since Zaire Mobutu was one of the prime partners of the U.S. Government to foster this cold war victory we have now.

I think there has to be some orderly way that we disengage or give support to the different areas. And support, like I said, is different in different places. But this cut and run that we heard talked about in Somalia, let us get out by the weekend when we had our unfortunate casualties, or the whole question that it is of no more interest to us, so we just, you know, we throw out the baby in the water, in the tub and everything else because we do not need them any more.

I think that there is some kind of responsibility on the part of the major country in the world to figure out how do we disengage in all of these things; that we cannot have troops, and money and people at every place in the world that was touched by the cold war. But, there has to be an orderly process that you just simply cannot withdraw from the Liberias, and the Zaires and the Somalias that were created during the 45 years that we opposed the Soviet philosophy. It is just immoral to simply say today, we have no more interest and, therefore, let the world fend for itself and let chaos be all about. It just cannot be.

Well, there has to—I do not know what the answer is, but the diplomats need to sit down and figure out how do we—and it might be a different strategy for different places—but how do we get to this position of trying to have an orderly world and move toward economic development, which is lacking in this stagnated world economy. That cannot continue to remain this way because it is creating unrest in even Western European countries with unemployment and all of that.



So, I think there has to be a broader discussion on the part of our academicians and State Department people because we have a real crucial period, I think, now within the next 2 years.

Mr. NZONGOLA. Well, if the Chairman would allow comment.

Mr. JOHNSTON. Surely.

Mr. NZONGOLA. I think that that is exactly the way our people see this question, Congressman. Our people hold you, the United States, responsible for our misery because you were part of the assassination of Patrice Lumumba. You were part of the coming to power of Mobutu. People say, "Well, you brought Mobutu to power. Please come and get rid of him for us." Certainly, we know that is very simplistic; but we think that if the international community were to stick strong sanctions against Mobutu, the people around him are going to desert him. People act in their own self-interest. They are going to see that there is writing on the wall. They would desert him.

All we are asking you is please, support the transitional process. You cannot expect Mobutu—I could not understand how people could say Mobutu is both an obstacle and a player. He cannot be both. He is an obstacle, and that obstacle should be removed. And the way to do it is not to allow him to control the transitional process. Because if he is there, we will not have a transition to democracy.

Mr. JOHNSTON. Professor, do you all mind staying just a little longer? You say the United States is at fault. We were not a colonial power, only because the Europeans got there before we did. But at the same time, you have to assign some of the guilt to the Belgians and the French; do you not?

Mr. NZONGOLA. Oh, yes.

Mr. JOHNSTON. For not training when they pulled the plug.

Mr. NZONGOLA. That is true.

Mr. JOHNSTON. A civil infrastructure in this country.

Mr. NZONGOLA. Exactly.

Mr. JOHNSTON. How many separate tribes are there in Zaire?

Mr. NZONGOLA. I do not know. People have given all kinds of figures, over 200. I really do not know the number, but I can look it up.

Mr. NZONGOLA. Right.

Mr. JOHNSTON. If I could just follow up on my colleagues here, particularly the comment that Judge Hastings made. You said the United States will be drawn in.

Mr. NZONGOLA. Yes.

Mr. JOHNSTON. The United States would not be drawn into the Bahamas right now. And I am dead serious. We have, in the last 90 days, and if you could hear the rhetoric by my colleagues on the floor of Congress, when it came to the United Nations' assessment, when it came to the National Endowment of Democracy, each time, it was Africa that was beaten up. Why should we have one American life lost in Africa. And they do not realize that while we lost maybe 25 men or women in Somalia, we saved the lives of 400,000 Somalians.

If I can defend the administration a little, which is rather interesting since there are three Democrats up here and we have kind of beat up on the democratic administration today. The President

was sworn in on January 20. And you go through a process of getting a Secretary of State, and then you go through a process of getting an Undersecretary of State, all of which has to be confirmed by this motley group at the other end of the hall called the Senate. [Laughter.]

Mr. HASTINGS. Good you said that.

Mr. JOHNSTON. Yes. But if you look at what has happened in the world, with the exception of Bosnia, and to a lesser extent Haiti, and then to a lesser extent Cambodia, and possibly then some of the Russian Republics, all of the controversy in the world, then, is in Africa. And I just wrote them down: Somalia, Sudan, the western Sahara, Liberia, Nigeria, now Burundi, Zaire, Angola, and then the big banana is South Africa.

And so, the State Department in general, and the African desk specifically, have been so preoccupied with putting out fires on this continent, that they have not had a chance to step back and develop a, what I think is a coherent policy. And so, you have to be a little sympathetic toward the State Department going in there.

I have the same question I will ask you that I asked Mr. Cohen and Congressman Payne asked Mr. Moose. What is going to happen after Mobutu? Will this country blow up? Will the 200 tribes go their own way? Will there be a blood bath in Shaba province? Do you have any idea of what will happen to the country if it is not glued together by a tyrant dictator, as was Tito in Yugoslavia?

Mr. NZONGOLA. No, I do not think so, Mr. Chairman, because our country has shown that there is a strong commitment to develop national unity.

I was at the National Conference last year. We had long, long debates, for example, concerning the structure of the country. Should we be a federation, a confederation, a unitary state. Never during the entire period did I hear or detect any secessionist sentiments.

Mr. JOHNSTON. Is that right?

Mr. NZONGOLA. No. Mostly because we went through a very traumatic period in our country's history: the violence of the 1960's, between 1963 and 1965 especially; the Katanga secession between 1960 and 1963. All of these have left the mark. As a matter of fact, I went to a briefing at the U.S. Committee on Refugees. The young lady who presented a report on a tour of Shaba, for example, told us that in Shaba province itself, many people were saying that the conflict there was artificial; was created by politicians, especially Mr. Mobutu, Mr. Nguz and Mr. Kyungu; that the people of Shaba, who have lived with the Kasaians for so many years, see no problem in continuing that cohabitation.

So, basically, as you know, ethnicity is a problem, but it arises primarily when demagogues come around and tell people who have been living together for so long that you are different, that you must be fighting—you should be fighting one another. So, we do not think that is going to happen. Because within all the political groups in Zaire, there is a very strong commitment to Zaire remaining as it is. And I think that that is going to be very good for us.

And as a matter of fact, it is not limited to Zaire. You find it in a number of other countries. Uganda went through lots of wars for a long, long time. You did not see Ugandans talking of secession.

Chad, for example, went through civil wars, north and south; of people in the north fighting each other and against the South. We did not see anyone in Chad talking about breaking up the country. I think that Somalia and Sudan are somehow different, but—

Mr. JOHNSTON. And Ethiopia.

Mr. NZONGOLA. Yes; right. But there, again, because of historical factors, which are quite different.

But if I can go back to the question about the blame assigned to the European powers. Certainly, Belgium shares the blame for what happened in 1960. But, today, there is a strong candidate, and that is France. France is supporting dictators all over Africa.

Mr. JOHNSTON. Oh, tell me about it.

Mr. NZONGOLA. France, basically, has no business in Zaire. We were not a French colony. We do not understand how France can be considered a member of the troika, supposed to determine the future of our country. We do not owe them anything. You know, the French came to Zaire in 1978 to rescue Mobutu, who was about to be overthrown. And they have stayed there because Giscard D'Estaing, the former President, had business deals; his family had business deals in Zaire. Mitterand's son, Jean-Christophe, was head of African Affairs at the Elysee Palace. He has a lot of contacts with Mobutu's people. One of Mobutu's right-hand man, Mr. Mokolo, is a close friend of Jean-Christophe Mitterand.

So, all of these very incestuous relationships between the members of the French political class and Mobutu, and this is why we do not trust France to be on our side. France is not a friend of Zaire's democracy. And we would like to see the United States stop hiding behind France, that you are coordinating policy with France. You cannot coordinate anything with France. They do not want anything to do with us.

So, we should really—I would hope that the United States would take the leadership, and work with Belgium and other countries, which we like Canada. Why don't you have Canada? Why have France? You know, Canada is a francophone country, too. So, we can find other countries that would be willing to work with us to bring about change.

Mr. JOHNSTON. Now, that is almost a paranoid statement, "Canada is a francophone country."

Mr. PAYNE. Mr. Chairman, would you yield for a second?

Mr. JOHNSTON. Yes.

Mr. PAYNE. It was clear to me that when, as you know, the Ambassador to France, or one of its high diplomats, was accidentally killed in Zaire, and a week later, the French allowed Mobutu to come in to have a tooth pulled or something. So, that was clear to me that there was no real—and then, of course, pressure was brought to bear and the second trip was finally denied.

But if a high official of your government was killed in a country, and the President is sitting around feeling that Mobutu certainly was in control and, therefore, should be held responsible, to allow him then to come to your country to meet, did not make it very clear that France, as it is doing in Liberia with Charles Taylor buying the lumber and the timber that they could not get when the former people were there. And it is just unfortunate that we are

seeing these kinds of things happen that keeps propping up and keeping the dictators in power.

Mr. NZONGOLA. Well, Mr. Cohen has a comment—I should say one positive thing about him—he told us that the chief architect of French policy is Mr. Roussin. Who is Mr. Roussin? Mr. Roussin is a former member of French the intelligence. So the French intelligence people control African policy and that policy cannot be forthcoming for us, cannot really be useful in terms of democratic change on the continent.

Mr. HASTINGS. Professor, let me tell what I think about Mr. Roussin. He has, by everybody's estimate, at least—and I mean extremely conservative by the most sophisticated intelligence, he has at least \$1 billion. We believe that it is a great deal more. And the more money he has, the more control that he is going to have over the military. This means that the more that sanctions are tightened, the heightening of violence is going to come from his sources. It is only then through massive—revote of the masses that a person like that can be thrown out.

I agree with you, and I can assure you these two gentlemen here, they need not have me speak for them. The fact of the matter is, he makes that ingress and egress in and out of there because he has money. And the same for Belgium, he has more money than Belgium does. Do you understand?

Mr. NZONGOLA. I understand that.

Mr. HASTINGS. Thus, Belgium is at his mercy. He is not at their mercy. That is part of the problem. And as long as he amasses a fortune the way that he has, he is an obstacle; but he is also a player.

Mr. NZONGOLA. Congressman, there is one point that should be kept in mind: much of what Mobutu has in assets is solid assets; much of it is in real estate holdings. So, what he needs most is liquid assets. So, we can stop the flow of liquid assets to Mobutu. If he is able to maintain his entourage it is because he has money from diamonds, and gold and coffee. You could stop that.

Mr. HASTINGS. Thank you, Mr. Chairman.

Mr. JOHNSTON. OK. Professor, are you a Zairian citizen?

Mr. NZONGOLA. Yes, sir.

Mr. JOHNSTON. What part of Zaire are you from?

Mr. NZONGOLA. The eastern Kasai province.

Mr. JOHNSTON. Kasai?

Mr. NZONGOLA. Yes.

Mr. JOHNSTON. Mr. Goering, I appreciate your coming today. I have used your reports all over Africa. Just the other night in the Sudan, just by throwing it on the table, both the SPLA and the SPLA United were mentioned prominently on both sides of the issue, as well as the cartoon cover. It has been very helpful, and you do incredible work. I appreciate it.

Mr. GOERING. Thank you.

Mr. JOHNSTON. The meeting is adjourned.

[Whereupon, at 4:38 p.m., the subcommittee was adjourned.]

## APPENDIX

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### OPENING STATEMENT

OCTOBER 26, 1993 HEARING ON ZAIRE

CONGRESSMAN DONALD M. PAYNE

Mr. Chairman, I am happy the Administration was able to reschedule this hearing in a timely fashion as events in Zaire continue to undermine the very fabric of this important nation. I can not think of a country in Africa with greater natural resources, yet in worse shape.

The Journal of West Africa makes the point that "Zaire has suffered little or no drought. Its farming land is rich. It has immense deposits of cobalt, copper, diamonds and other scarce minerals. It still has immense forests, and its river provide a natural transport system as well as a huge source of hydro-electric power.

And yet, real wages are a tenth of what they were at independence in 1960. Malnutrition is chronic and 80 percent of the people live in absolute poverty."

In contrast to the deplorable condition of the country, some estimate that the debt of the country is coincidentally about the same amount as Mobutu has stolen from Zaire. I need not expand on his wealth in billions of dollars that have afforded a string of mansions all over Europe, a palace in each home province, and ownership of jet planes, ships, and fleets of Mercedes Benz cars.

I am taking this time to focus on Mobutu because he alone is responsible for the condition of his country and the suffering of his people.

In the Sept. 16, 1993 report of Amnesty International on Zaire, *Violence Against Democracy*, they state in their conclusion that "Zaire's 33 years of independence have been characterized by systematic and widespread human rights violations by members of security forces led by President Mobutu." And most provoking is their statement that the scale of human rights violations has become more pervasive over the past three years, since the country embarked on a program of political change which, initially, seemed set to take the country towards a multi-party political system."

A memorandum by the Bishops of Zaire to Mobutu this September, briefly stated, indicates the present situation Zaire faces is characteristic of the determination to assassinate the State by:

- o the useless and illegal duplication of institutions;
- o intimidations and State terrorism set up as a system of government.
- o widespread and daily pillaging of cities
- o incitement to ethnic hatred
- o destruction of public service and education by insufficient remuneration and non-payment of some.
- o strangulation of the national banking system.
- o and the destruction of public medical centers.



The congress of the United States, equally aware of these conditions passed H. Con. Res 238 in November of 1991 called for support of the aspirations of the Zairian people to conduct a sovereign national conference that would fully represent all parties to establish a transitional government. This was done and Etienne Tshisekedi was elected the transitional Prime Minister, but unable to gain control of the Army and Banks. Mobutu, whose term ran out in December 1991, then illegally appointed another Prime Minister and used military force to prevent Tshisekedi from governing.

In April of this year Chairman Johnston and I cosponsored H. R. 128 that calls upon Mobutu to leave Zaire.

While some of the other provisions of the bill to mandate diplomatic sanctions have been carried out by the Administration, I have been highly disappointed to see the inconsistency of by the Administration in pressuring Mobutu to leave.

Rather, we have legitimized his presence by urging his inclusion in what I would call some degree of power sharing.

This is most disturbing when in a letter I wrote to President Clinton, and co-signed by 37 other members, we asked the President to implement the items in H. R. 128.

President Clinton's reply on March 2, 1993 was, and I quote "My Administration has made it abundantly clear to President Mobutu that the United States Government believes he should immediately transfer effective authority to the transitional government and stop interfering in its efforts to implement political and economic reforms."

In conclusion, I am troubled by the role of Monseigneur Monsengwo, who has seemingly been enlisted by Mobutu in a campaign to recapture Mobutu's dictatorial powers by initiating so called "negotiations". The aims of the meetings have been to enlarge the High Council of the Republic by infiltrating it with Mobutu supporters so that it can amend all that was decided by the Sovereign National Conference.

Then, a hurried elections can be organized which will maintain Mobutu in power by fraud.

Since Monsengwo's election as President of the High Council of the Republic, he has devoted an inordinate amount of time lobbying foreign governments concerning the appointment of a new Prime Minister to replace Tshisekedi, who was elected by over 70 percent of the Sovereign National Conference which he himself presided over. Instead of campaigning for the resumption of the work of the High Council of the Republic, which Mobutu has not allowed to meet for the second time, Monsengwo has spent most of his time trying to appease Mobutu and organize negotiations intended to legitimize Mobutu's dictatorship.

I am further troubled by the French role. President Mitterand's statement on October 17 at the Francophone Summit in Mauritius clearly reveals France's intention to chart a separate course in dealing with Mobutu. Mitterand clearly stated that France does not recognize the Tshisekedi government and made no mention of the existence or sovereignty of the High Council of the Republic or the Sovereign National Conference.

Mitterand's statement should be considered a change in France's policy toward Zaire. The French policy means continued support of Mobutu and his regime. The United States should not rely on France in its efforts to help the people of Zaire end dictatorship and build democracy.

The United States should instead take the leadership in helping the Zairian people achieve democracy.

I wish there was time to further share my disappointment upon the lack of timely humanitarian assistance that has actually arrived in Zaire. Hopefully, we will be able to get into questions on this with our distinguished Administration witnesses.

Thank you for allowing this extended time Mr. Chairman, but these issues need to be raised.

TESTIMONY OF  
ASSISTANT SECRETARY OF STATE  
GEORGE E. MOOSE  
BEFORE THE SUBCOMMITTEE ON AFRICA  
U.S. HOUSE OF REPRESENTATIVES  
OCTOBER 26, 1993

MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE, GOOD AFTERNOON AND THANK YOU FOR ANOTHER OPPORTUNITY TO APPEAR BEFORE THE HOUSE SUBCOMMITTEE ON AFRICA. GIVEN THE REGIONAL IMPORTANCE OF ZAIRE, TODAY'S HEARING IS A TIMELY OPPORTUNITY TO EXAMINE ZAIRE'S POLITICAL CRISIS AND EXPLAIN STEPS WE HAVE TAKEN TO ADDRESS IT. ZAIRE'S TRANSITION TO DEMOCRACY HAS REACHED A CRITICAL STAGE. HOPES WERE HIGH WHEN THE SOVEREIGN NATIONAL CONFERENCE, AND ITS OFF-SHOOT, THE HIGH COUNCIL OF THE REPUBLIC (HCR) WERE ESTABLISHED TWO YEARS AGO. YET THE CURRENT POLITICAL IMPASSE, CHARACTERIZED ACUTELY BY THE CONFRONTATION BETWEEN PRESIDENT MOBUTU SESE SEKO AND THE TRANSITIONAL PRIME MINISTER ETIENNE TSHISEKEDI, HAS CAUSED A STEADY DETERIORATION IN ZAIRE'S POLITICAL, SOCIAL AND ECONOMIC CONDITION. IF A BREAKTHROUGH IN THE NEGOTIATIONS FOR A POLITICAL SOLUTION IS NOT FOUND, THE COSTS, BOTH IN FINANCIAL AND HUMAN TERMS, COULD BE CONSIDERABLE, NOT ONLY FOR ZAIRE AND ITS NEIGHBORS, BUT ALSO FOR THE INTERNATIONAL COMMUNITY. ZAIRE'S SIZE, POPULATION, AND RESOURCES MAKE ITS WELL-BEING VITAL TO THE POLITICAL STABILITY AND ECONOMIC DEVELOPMENT OF THE ENTIRE REGION. SHOULD ZAIRE CONTINUE ITS DOWNWARD SPIRAL, THE DESTABILIZING EFFECT ON ITS NINE NEIGHBORS WOULD BE PROFOUND. TODAY THERE ARE HUNDREDS OF THOUSANDS OF DISPLACED PERSONS WHO HAVE FLED THEIR HOMES FOR OTHER AREAS WITHIN ZAIRE. THE PROSPECT OF INCREASING NUMBERS OF ZAIRIANS FLOODING ACROSS BORDERS TO SEEK REFUGE FROM ETHNIC VIOLENCE AND ECONOMIC COLLAPSE IS VERY REAL. ALREADY THERE ARE OVER 70,000 ZAIRIAN REFUGEES IN NEIGHBORING COUNTRIES.

THE IMMEDIATE OBJECTIVES FOR THE UNITED STATES IN ZAIRE ARE TO HELP REINVIGORATE THE TRANSITION TO DEMOCRACY AND ADDRESS THE URGENT HUMANITARIAN CRISIS. TO ACHIEVE THESE GOALS, WE ARE WORKING CLOSELY WITH FRANCE AND BELGIUM, AS WELL AS UN SECRETARY GENERAL BOUTROS-GHALI'S SPECIAL EMISSARY TO ZAIRE LAKHDAR BRAHIMI.

BACKGROUND AND CURRENT SITUATION:

THE INAUGURATION IN DECEMBER 1992 OF A GOVERNMENT LED BY LONG-TIME OPPOSITION LEADER ETIENNE TSHISEKEDI SEEMED TO SIGNAL MOVEMENT FORWARD IN ZAIRE'S LONG ROAD TO DEMOCRACY. PRESIDENT MOBUTU, HOWEVER, TOOK IMMEDIATE STEPS TO HINDER THE NEW GOVERNMENT'S ABILITY TO DIRECT THE AFFAIRS OF THE COUNTRY. IN PARTICULAR, THE PRESIDENT'S CONTINUED CONTROL OVER THE CENTRAL BANK, TRANSPORT, AND MOST IMPORTANTLY, INTERNAL SECURITY AND THE ARMED FORCES, CREATED A SITUATION OF UNAVOIDABLE CONFLICT BETWEEN COMPETING GOVERNMENTS WHICH HAS LED TO VIRTUAL PARALYSIS IN THE COUNTRY'S INSTITUTIONS. IN JANUARY 1993, PRESIDENT MOBUTU DIRECTED THAT LONG-OVERDUE SALARIES FOR CIVIL SERVANTS AND MILITARY PERSONNEL BE PAID IN A NEWLY-PRINTED, AND ULTIMATELY WORTHLESS CURRENCY.

THIS IRRESPONSIBLE ACTION PRECIPITATED A VIOLENT ROUND OF MILITARY UNREST, PILLAGING, AND RIOTS ON THE STREETS OF KINSHASA. TO FURTHER COMPLICATE THE POLITICAL SITUATION, PRESIDENT MOBUTU, IN COMPLETE DEFIANCE OF THE TRANSITION ACT DECREED BY THE HCR, RE-CONVENED THE PROROGUED "NATIONAL ASSEMBLY" (PACKED WITH HIS SUPPORTERS), AND IN MARCH OF THIS YEAR, NOMINATED FAUSTIN BIRINDWA AS PRIME MINISTER. SINCE THEN, ZAIRE HAS BEEN FACED WITH THE CHAOTIC SITUATION OF TWO COMPETING GOVERNMENTS, EACH HEADED BY A DIFFERENT PRIME MINISTER.

IN AN EFFORT TO RESOLVE THIS COUNTERPRODUCTIVE DUALITY OF INSTITUTIONS, AND TO MOVE THE TRANSITION PROCESS FORWARD, THE PRESIDENT OF THE HCR, ARCHBISHOP LAURENT MONSENGWO, BEGAN A MEDIATION PROCESS IN MAY. NEGOTIATORS REPRESENTING PRESIDENT MOBUTU'S SUPPORTERS, TSHISEKEDI'S GOVERNMENT, AND THE HIGH COUNCIL OF THE REPUBLIC MET SPORADICALLY IN MAY AND JUNE TO TRY TO DRAW UP A COMPROMISE. IN JUNE, ARCHBISHOP MONSENGWO EXPRESSED FRUSTRATION AT THE SLOW PACE OF THE NEGOTIATIONS. IN JULY, THE UNITED STATES JOINED WITH OTHERS IN URGING THE UN SECRETARY GENERAL TO SEND A SPECIAL EMISSARY TO ZAIRE TO WORK WITH ARCHBISHOP MONSENGWO TO HELP RESOLVE THE POLITICAL IMPASSE.

THE MISSION OF THE SPECIAL EMISSARY, FORMER ALGERIAN FOREIGN MINISTER LAKHDAR BRAHIMI, SUCCEEDED IN BRINGING THE PARTIES TO THE BRINK OF AN ACCORD. PRESIDENT MOBUTU'S SUPPORTERS, AND TSHISEKEDI'S GOVERNMENT HAVE AGREED ON MOST OF THE OUTSTANDING INSTITUTIONAL ISSUES WHICH SEPARATE THE TWO SIDES, INCLUDING THE COMPOSITION OF AN INTERIM CABINET. THERE IS ALSO GENERAL AGREEMENT ON THE TIMING OF ELECTIONS, REQUIREMENTS FOR CANDIDACIES, AND THE MECHANISMS FOR HOLDING FREE, FAIR, TRANSPARENT, AND ADEQUATELY-MONITORED ELECTIONS FOR PRESIDENT, PARLIAMENT, AND LOCAL AUTHORITIES. IN PARTICULAR, THE PARTIES HAVE AGREED TO A MORE REALISTIC 15 MONTH INTERIM PERIOD PRIOR TO HOLDING ELECTIONS, AN EXPANSION OF THE INTERIM LEGISLATURE TO ABSORB APPROXIMATELY 200 MEMBERS OF PRESIDENT MOBUTU'S MOVEMENT, AND A CABINET WHICH BALANCES DELICATELY OPPOSITION AND PRESIDENTIAL SUPPORTERS.

THE NEGOTIATIONS HAVE DEADLOCKED, HOWEVER, ON THE CRUCIAL ISSUES OF "THE NEUTRALITY OF THE INSTITUTIONS" (MEANING THE CAPACITY OF GOVERNMENT INSTITUTIONS TO BE RUN WITHOUT PRESIDENTIAL INTERFERENCE) AND THE SELECTION OF THE INTERIM PRIME MINISTER. IT WOULD APPEAR THAT PRESIDENT MOBUTU ALSO CONTINUES TO BE THE PRIMARY OBSTACLE AND REFUSES TO ACCEPT MEANINGFUL LIMITATIONS ON HIS CONTROL OVER FINANCES AND THE MILITARY. HE INSISTS THAT THE CURRENT PRIME MINISTER CHOSEN BY THE HCR, ETIENNE TSHISEKEDI, BE REPLACED BY A SUCCESSOR ACCEPTABLE TO HIM. TSHISEKEDI, FOR HIS PART, IS EQUALLY ADAMANT IN HIS INSISTENCE THAT MOBUTU RECOGNIZE HIM AS PRIME MINISTER.



ECONOMIC AND SOCIAL IMPACT OF THE POLITICAL CRISIS:

THE CONSEQUENCE OF THE IMPASSE AT THE POLITICAL LEVEL HAS BEEN A NEAR-TOTAL BREAKDOWN OF ZAIRE'S MODERN ECONOMIC SECTOR, RAMPANT HYPERINFLATION, AND GROWING MALNUTRITION, ESPECIALLY IN KINSHASA. THE ZAIRIAN MINING PARASTATAL GECAMINES, WHICH ACCOUNTED FOR 80 PERCENT OF THE COUNTRY'S FOREIGN CURRENCY EARNINGS DURING THE 1980'S, HAS STOPPED EXTRACTION ACTIVITIES AND IS NEAR TOTAL COLLAPSE.

AGAINST THE BACKGROUND OF A COLLAPSING ECONOMY, PRESIDENT MOBUTU'S GOVERNMENT HAS JUST INTRODUCED A WRONG-HEADED "CURRENCY REFORM" WHICH COULD INCITE A RENEWED ROUND OF PILLAGING AND MILITARY UNREST. THE "NEW ZAIRE", INTRODUCED LAST FRIDAY, IS AGAIN INTENDED TO PAY SALARY ARREARS FOR GOVERNMENT EMPLOYEES AND SOLDIERS. THE NEW CURRENCY, HOWEVER, IS PEGGED AT A COMPLETELY UNREALISTIC EXCHANGE RATE OF THREE NEW ZAIRES TO ONE DOLLAR, AND THERE IS NO INDICATION THAT THE GOVERNMENT HAS HARD CURRENCY RESERVES TO SUPPORT THE NEW MONEY. AS A POINT OF COMPARISON, THE OLD ZAIRE TRADED LAST WEEK AT OVER 8 MILLION TO THE DOLLAR. IF THE NEW CURRENCY IS NOT ACCEPTED IN THE MARKETPLACE, WE ARE CONCERNED THAT THE EVENTS OF LAST JANUARY COULD REPEAT THEMSELVES.

IN ADDITION, THERE HAS BEEN, IN SOME PARTS OF THE COUNTRY, A PERNICIOUS PATTERN OF GOVERNMENT-PROVOKED OR TOLERATED VIOLENCE AGAINST MINORITY ETHNIC GROUPS. THIS HAS BEEN PARTICULARLY TRUE IN SHABA, NORTH KIVU AND KASAI PROVINCES. MORE THAN 500,000 KASAIANS LIVING IN SHABA HAVE BEEN DRIVEN FROM THEIR HOMES AND BUSINESSES, AND TENS OF THOUSANDS OF DISPLACED PERSONS HAVE BEEN LIVING FOR MONTHS IN ABOMINABLE CONDITIONS IN TRAIN STATIONS AND TRANSIT CAMPS AWAITING SO-CALLED REPATRIATION TO VILLAGES IN KASAI, VILLAGES THEY AND THEIR FAMILIES HAVE NOT SEEN IN GENERATIONS.

OUR OFDA TEAM WHICH VISITED ZAIRE IN AUGUST REPORTS THAT MANY ZAIRIANS LIVING IN THE HINTERLAND HAVE ABANDONED THE FORMAL ECONOMY ALTOGETHER AND HAVE RETURNED TO HUNTING AND FORAGING TO MEET BASIC NEEDS. ALTHOUGH THE MARKETS IN KINSHASA ARE FILLED WITH FOOD, THE URBAN POPULATION CANNOT AFFORD TO PURCHASE ESSENTIALS WITH THE VIRTUALLY VALUELESS LOCAL CURRENCY. THE OFDA TEAM REPORTS THAT KINSHASA IS, BY FAR, IN THE WORST NUTRITIONAL AND MEDICAL STATE OF ALL THE REGIONS WITNESSED. RESERVE FOODSTUFFS, DEFINED AS A THREE-DAY SUPPLY, ARE NON-EXISTENT EXCEPT IN WEALTHY FAMILIES, AND GOVERNMENT OF ZAIRE HEALTH SERVICES HAVE ALMOST COMPLETELY CLOSED THEIR DOORS. NGO'S REPORT THAT OVER-TAXED FEEDING PROGRAMS ARE COPING WITH OVER 20,000 MALNOURISHED CHILDREN.

U.S. OBJECTIVES AND OUR EFFORTS TO DATE:

THE POLICY OF THE UNITED STATES IN ZAIRE IS TO SUPPORT THE PROCESS OF NEGOTIATIONS UNDERTAKEN BY THE ZAIRIANS THEMSELVES, UNDER THE WISE LEADERSHIP OF ARCHBISHOP LAURENT MONSENGWO. TO THAT END, THE UNITED STATES CONTINUES TO ENCOURAGE CONSTRUCTIVE, PEACEFUL CHANGE THROUGH THE EXERTION OF MOUNTING PRESSURE ON THE PRESENT REGIME AND A CLEAR OFFER OF ASSISTANCE FOR A DEMOCRATIC SUCCESSOR GOVERNMENT. WE HAVE SUPPORTED THE DEMOCRATIC TRANSITION ESTABLISHED BY THE NATIONAL CONFERENCE, AND WE HAVE RAISED THE STAKES BY PRESSURING PRESIDENT MOBUTU TO COME TO THE NEGOTIATING TABLE.

THE UNITED STATES SUSPENDED MILITARY ASSISTANCE TO ZAIRE IN SEPTEMBER 1991, AND WE ANNOUNCED AN ARMS EMBARGO IN APRIL OF THIS YEAR. PRESIDENT CLINTON IN JUNE IMPOSED VISA RESTRICTIONS ON "ZAIRIAN NATIONALS WHO FORMULATE OR IMPLEMENT POLICIES THAT IMPEDE ZAIRE'S TRANSITION TO DEMOCRACY, AND THE IMMEDIATE FAMILIES OF SUCH PERSONS". WE HAVE REFUSED TO SEND AN AMBASSADOR TO KINSHASA UNTIL SUCH TIME AS PRESIDENT MOBUTU PERMITS THE INSTALLATION OF WORKING, DEMOCRATIC, INTERIM GOVERNMENT.

MEANWHILE WE CONTINUE TO REVIEW OTHER OPTIONS TO MOVE THE PROCESS FORWARD. MOST RECENTLY, I MET TWICE IN SEPTEMBER WITH MY FRENCH AND BELGIAN COUNTERPARTS IN WASHINGTON AND NEW YORK, AND DISPATCHED A COLLEAGUE TO BRUSSELS FOR FOLLOW-UP CONSULTATIONS. OUR EMBASSY IN KINSHASA REMAINS ENGAGED IN A DIALOGUE WITH ALL THE PARTIES, AS WELL AS THE PRESIDENT OF THE HCR, ARCHBISHOP MONSENGWO. I HAD THE CHANCE TO REVIEW THE STATE OF PLAY IN THESE NEGOTIATIONS WITH THE ARCHBISHOP LAST FRIDAY WHILE HE WAS HERE IN WASHINGTON. WE ALSO WILL CONTINUE TO ENCOURAGE EFFORTS LIKE THE BRAHIMI MISSION, WHICH PLAYED A KEY AND CONSTRUCTIVE ROLE IN THE PROCESS. WE CONTINUE TO URGE BOTH PRESIDENT MOBUTU AND PRIME MINISTER TSHISEKEDI TO PUT ASIDE THEIR PERSONAL DIFFERENCES AND GIVE PRIORITY TO THE NEEDS OF THE ZAIRIAN PEOPLE, WHO DESERVE BETTER. THIS MEANS THAT A FUNCTIONING GOVERNMENT MUST BE PUT INTO PLACE THAT CAN DIRECT ITS ATTENTION TO IMPROVING THE ECONOMIC SITUATION AND SOCIAL SERVICES IN THE SHORT TERM AND PREPARE FOR ELECTIONS. A KEY PRIORITY FOR AN INTERIM GOVERNMENT MUST GAINING THE ABILITY TO GOVERN, INCLUDING ESTABLISHING AN INDEPENDENT CENTRAL BANK, AND RESTORING A MEASURE OF CONFIDENCE IN THE ECONOMY. SIMILARLY, FOR ANY DEMOCRATIC TRANSITION TO SUCCEED, THE REGIME'S WELL-ARMED AND RELATIVELY WELL-TRAINED TROOPS MUST BE BROUGHT UNDER CIVILIAN CONTROL. THIS WILL REQUIRE A COMBINATION OF DEMOBILIZATION OF EXCESS SOLDIERS AND MILITARY REFORM OF THOSE WHO REMAIN IN UNIFORM.

IT IS NOT AT ALL CLEAR THAT THE CURRENT GAP BETWEEN THE PRINCIPAL ZAIRIAN PARTIES CAN BE BRIDGED, BUT IF THESE EFFORTS FAIL BECAUSE OF PRESIDENT MOBUTU'S INTRANSIGENCE, WE WILL NEED, ALONG WITH THE REST OF THE INTERNATIONAL COMMUNITY, TO CONSIDER TOUGHER MEASURES SUCH AS ECONOMIC SANCTIONS. IF THE TRANSITION PROCESS MOVES FORWARD, IT IS IMPERATIVE THAT THE U.S. AND OTHERS CONSIDER MEANS TO ENSURE THAT ALL CONCERNED ABIDE BY THE AGREEMENTS AND RESPECT THEIR ENGAGEMENTS.

RESPONSE TO THE HUMANITARIAN CRISIS:

WHILE THE CURRENT POLITICAL IMPASSE MUST BE ADDRESSED, WE MUST ALSO CONFRONT URGENTLY THE VERY REAL HUMANITARIAN CATASTROPHE. IN TERMS OF HUMANITARIAN ASSISTANCE, THE UNITED STATES PROVIDED OVER 6.5 MILLION DOLLARS LAST FISCAL YEAR IN DISASTER RELIEF IN ZAIRE. WE CHANNLED OUR ASSISTANCE THROUGH AMERICAN NGO'S SUCH AS CATHOLIC RELIEF SERVICES, WORLD VISION, THE BELGIAN GROUP MEDECINS SANS FRONTIERES (MSF), UN ORGANIZATIONS LIKE UNICEF, AND THE SOVEREIGN ORDER OF MALTA.

WE WILL CONTINUE TO WORK WITH THE NGO'S NOW ON THE GROUND IN ZAIRE IN THE DIFFICULT TASK OF DELIVERING BADLY NEEDED RELIEF SUPPLIES, BUT WE MUST ALSO EXPLORE OTHER MEANS TO CHANNEL ASSISTANCE. THE INTERNATIONAL RELIEF COMMUNITY IS PERFORMING ADMIRABLY, BUT PERSONNEL AND FINANCIAL RESOURCES ARE STRETCHED TO THE ABSOLUTE LIMIT. WE SHOULD FIND WAYS TO ENCOURAGE AND SUPPORT CHURCH AND COMMUNITY GROUPS, AS WELL AS LOCAL PRIVATE VOLUNTARY ORGANIZATIONS AT THE GRASSROOTS LEVEL IN ZAIRE, WITH AGRICULTURAL REHABILITATION, AND BASIC HEALTH AND NUTRITION AS TOP PRIORITIES. THE TASK IS A DIFFICULT ONE, PARTICULARLY GIVEN THE STATE OF ZAIRIAN INFRASTRUCTURE, BUT THE EXTENT OF THE ONGOING HUMANITARIAN CRISIS IN ZAIRE REQUIRES URGENT ACTION BY THE UNITED STATES AND THE REST OF THE INTERNATIONAL DONOR COMMUNITY. BEYOND THE USE OF NGO'S FOR HUMANITARIAN ASSISTANCE, WE SHOULD LOOK TO THEM TO HELP BUILD A STRONGER CIVIC SECTOR. IN THE LONG RUN, NGO'S CAN HELP BUILD DEMOCRACY AND A MORE OPEN SOCIETY THAT WILL REFUSE TO TOLERATE THE DENIAL OF CIVIL AND POLITICAL RIGHTS.

CONCLUSION:

ALTHOUGH THE SITUATION IN ZAIRE IS GRAVE, WE REMAIN CONVINCED THAT A NEW BEGINNING FOR THE COUNTRY IS POSSIBLE. WE URGE ALL THOSE INVOLVED IN THE NEGOTIATIONS TOWARD A DEMOCRATIC TRANSITION TO KEEP IN MIND THE SUFFERING OF THE ZAIRIAN PEOPLE AND TO ACT IN THE LARGER INTEREST OF THE ZAIRIAN NATION.

STATEMENT OF JOHN F. HICKS  
Acting Assistant Administrator  
Bureau for Africa  
Agency for International Development  
before the  
Subcommittee for Africa  
Committee on Foreign Affairs  
U.S. House of Representatives  
Washington, D.C.  
October 26, 1993

Mr. Chairman, Members of the Subcommittee, I am pleased to be testifying at this hearing today on the subject of Zaire, A Country in Crisis.

Brief Historical Overview of the U.S. Aid Program in Zaire: The U.S. began providing development assistance to Zaire shortly after it achieved independence from Belgium in 1960. U.S. aid in the early 1960s concentrated on direct cash grants, Food for Peace (P.L. 480) loans for agricultural imports, and training programs. Following the end of a prolonged period of civil war in 1967, USAID shifted from emergency assistance to a program emphasizing institution building and transportation infrastructure. Gradually, our assistance was diversified to include projects in agricultural planning and health. By the mid 1970s, the program had evolved into roughly the form that it retained into the early 1990s. PL 480 food sales were combined with assistance that integrated agricultural development with rural road rehabilitation, which, given the country's vast size, increasingly concentrated in the Provinces of Shaba and Bandundu. In addition, smaller grants were directed at local NGOs that had been working since colonial times to provide health and other basic services, especially in rural areas. The cooperation with local non-governmental organizations (NGOs) played an increasingly larger role in USAID's strategy for delivering assistance. U.S. assistance to Zaire expanded appreciably after the country committed itself to a sweeping economic reform in 1983. Additional PL 480 Title I sales were forthcoming, grants were approved for imports needed to help industries use more of their capacity (i.e., commodity import programs), and a variety of projects were undertaken aimed at expanding agricultural production, rehabilitating and maintaining rural roads, improving basic health care, and strengthening key government agencies and private organizations.

By early 1990, agreements between the Government of Zaire (GOZ) and the World Bank came unglued as the two parties failed to agree on fiscal policy. At issue was World Bank insistence on limiting non-productive expenditures, earmarking expenditures for the social sectors, and increasing the transparency of GOZ budget planning and execution. The economy deteriorated rapidly thereafter. Mines and plantations, roads and railways, have

largely worn out since then due to lack of maintenance and investment. Brooke sanctions came into effect on June 1, 1991. Nearly four months later, in September, 1991, a Zairian military mutiny and widespread looting caused the U.S. Embassy to order the departure of non-essential personnel. The ordered departure further accelerated the wind-up of the program. Only one U.S. direct hire remained in Kinshasa thereafter to oversee the close-out of the program. Since that time, the \$111 million pipeline of U.S. assistance has been reduced to approximately \$6.3 million at present. These include nearly \$2.0 million in funds awaiting deobligation. Nearly all of the rest are contained in contracts that are awaiting closeout. In some cases the amount to be decommitted is subject to dispute. Virtually the only U.S. assistance provided since the country entered Brooke in 1991 has been the continuation of training for nearly 100 Zairians who were already in long-term programs in the U.S. and a total of approximately \$7.8 million in emergency/disaster relief assistance administered through PVOs such as Catholic Relief Services and World Vision. As the economy continues to deteriorate, the volume of assistance needed has increased apace. The dire economic conditions have precipitated ethnic violence that has resulted in the forced uprooting and mass migration of hundreds of thousands of displaced persons. Thus far, ethnic cleansing has been limited principally to Shaba and Kivu Provinces. It is spreading, however, and, if left unchecked, could conceivably engulf the entire country. We will continue to address emergency needs, as required.

**Current and Future Plans for Zaire:** Zaire is the second largest and third most populous country in sub-Saharan Africa. It shares borders with nine of its neighbors. While the economic and political atmosphere there is currently inimical to longer-term economic development, the country is simply too big and too important to ignore completely. For, if current trends in economic and political disintegration continue unabated, the international community could conceivably witness a disaster on a scale unprecedented in modern African history. The unraveling of Zaire could surpass calamities that have occurred in Angola, Mozambique, Sudan, Ethiopia, Somalia and Liberia.

Consequently, while a program of development assistance is not appropriate at present, A.I.D. wishes to support, to the full extent warranted by current conditions and circumstances, broader U.S. Government objectives in Zaire related to: 1) timely emergency/humanitarian assistance aimed at reducing the likelihood that the country will disintegrate further; and 2) the conduct of free, fair, and democratic elections. Of course, any such assistance would be provided in ways consistent with the Brooke sanction and recognized exceptions to it.

**U.S. Humanitarian Assistance to Zaire:** Areas Affected: Civil strife in and around Kinshasa, as well ethnic violence in Shaba and northern Kivu Provinces, has adversely affected some three

million people. There are displaced persons in Shaba, East and West Kasai, and Northern Kivu Provinces.

**Numbers of Affected:** It is estimated that the ethnic violence in Shaba, East and West Kasai, and northern Kivu Provinces has resulted in approximately 750,000 affected persons in need of food and non-food assistance since August, 1992. At least 350,000 displaced persons still remain in makeshift camps. In Kinshasa, another two million people have been affected by hyperinflation and civil strife. At least half - one million - are seriously affected.

**U.S. Government Assistance:** The Office of Foreign Disaster Assistance (OFDA) provided \$749,100 in FY 1992 humanitarian assistance to the victims of civil strife in Kinshasa and to displaced persons in Shaba Province. In FY 1993 USG assistance expanded to about \$7 million for humanitarian assistance in Shaba, East and West Kasai, and in the capital of Kinshasa. The assistance included plastic sheeting for temporary shelter, water, sanitation, and food supplies for the displaced and victims of hyperinflation and unemployment in Kinshasa.

**Status of the A.I.D. Mission in Zaire:** Until recently, USAID/Kinshasa was one of the largest A.I.D. Missions in sub-Saharan Africa. Thus, the evacuation of mission personnel in late 1991 resulted in an inventory of local personnel, buildings, and non-expendable property, both OE and project funded, that were well in excess of the requirements for the few who remained behind. Gradually, the great majority of personnel have been released. Most real properties and other commodities were initially retained, however, on the assumption that they would permit a rapid resumption of our activities in Zaire should underlying economic and political conditions improve suddenly. Consequently, it was only in January 1993 that disposal of real and non-expendable property began in earnest. The disposal process is still in full swing. However, the extent of our inventories was such that it will take several additional months to dispose of the remaining equipment, supplies and properties without creating a temporary glut on a very limited market.

The A.I.D. Affairs Office (AAO) in Kinshasa currently includes one U.S. direct hire and five local hire employees.

In addition to continuing to close down the program, AAO/Zaire is also currently overseeing a growing volume of OFDA-funded humanitarian/emergency relief assistance. The Mission also requested and provided logistical support for a recent preliminary survey of the status of democracy and governance activities in Zaire.

**Assessment of the UDPS Proposal for the Organization for the Reconstruction of the Zairian Economy:** The U.S. representative

of Zaire's leading opposition political party, and an economic and financial consultant in the U.S. for the Transitional Government of Zaire, Gilbert Mundela-Tshimanga, has requested A.I.D.'s financial support for the *Organization for the Reconstruction of the Zairian Economy*, (ORZE). The assistance would be for the purpose of formulating "specific strategies, policies and programs for privatizing, rehabilitating, reviving, and restructuring Zaire's economy."

It would be difficult to criticize the appropriateness of such a proposal. Clearly, Zairian authorities will have to go through an exercise similar to the one proposed before the World Bank Group would be willing to underwrite any stabilization/structural adjustment program for the country. However, A.I.D. cannot support the activity as proposed for a number of important reasons. These include the fact the activity is premature at this point. The situation in Zaire is so fluid and uncertain at present that the point at which the required economic and political preconditions are in place that would permit such an exercise to have any chance of success simply cannot be foreseen. Additionally, the relationship of the proposed ORZE to both the Transitional Government of Zaire and the UDPS is not clear enough at this point to make a judgement that assistance to it would be permissible in light of Brooke and A.I.D.'s established policy on assistance to political parties. That is, to permit assistance under section 552 of the FY 1994 Foreign Assistance Appropriations Act to a country subject to Brooke, the assistance must be in support of the program of a non-governmental organization [NGO]. Also, this proposal is advanced by a representative of only one of Zaire's many political parties. A.I.D.'s policy is that where any assistance is provided to political parties, it should be provided only through NGOs, not directly by A.I.D., and the opportunity for the assistance must be available to all parties that support the democratic process.

In closing, Mr. Chairman, please rest assured that A.I.D. will continue to monitor the situation in Zaire closely. We will also continue to support the broad foreign policy interests of the U.S. Government in the areas of humanitarian assistance and democracy/governance initiatives.

Herman J. Cohen

Statement

Before the Subcommittee on Africa of the Committee on Foreign Affairs of the House of Representatives on October 26, 1993.

The Situation in Zaïre

Mr. Chairman:

Thank you for inviting me to testify. I have devoted a significant percentage of my career to Zaïre, and I feel particularly sad about the suffering of the Zaïrian people.

To say that Zaïre has a government today would be a gross exaggeration. A small group of military and civilian associates of President Mobutu, all from the same ethnic group, control the city of Kinshasa by virtue of the loyalty of the 5,000-man Presidential Guard known as the DSP. This same group also controls the Central Bank which provides both the foreign and local currency needed to keep the DSP loyal. While the ruling group has intelligence information about what is going on in the rest of Zaïre, there is no real governmental authority outside of the capital city. Needless to say, virtually all of the physical and social infrastructure left by the departing Belgian colonial regime in 1960 has disappeared. The only positive element is the Inga hydroelectric facility built in the 1970s which currently allows Zaïre to export power to east and southern Africa.

Fortunately, the absence of central government authority in Zaïre's vast provinces has not resulted in a Somalia-type situation of mass starvation, although malnutrition is rampant. On the contrary, the people are better off without any relationship to the current regime. Left alone, most people can at least avoid starvation. Two important exceptions exist, however, which make parts of two eastern provinces resemble Bosnia. In Kivu and Shaba, ethnic cleansing is causing great hardship to Rwandans and Kasal Balubas who are being made homeless and destitute by other groups who see them as despised and relatively successful foreigners. Local authorities allied with Mobutu are aiding and abetting these



atrocities in order to maintain their positions and to profit from plunder.

A vicious cycle has been at work in Zaïre for the past three years. The ruling clan has run the economy into the ground by utilizing every dollar of foreign exchange earnings to manipulate the democratization process. As a result, the state-owned copper company --- Gecamines--- has been deprived of maintenance resources causing finished copper production to fall from 350,000 tons per annum to the current 70,000 tons. With reduced foreign exchange earnings from copper exports, the ruling group has had to squeeze more and more funds from other sources such as diamonds, gold, cobalt, and oil, thereby reducing further the maintenance base of production. Money has been printed without any economic rationale, thereby causing the worst hyperinflation in the world today. Many areas of Zaïre, especially along its borders, no longer utilize Zaïrian money, preferring the currencies of the neighboring countries.

President Mobutu began a democratization process in April, 1990 after Secretary of State Baker told him that he could not ignore the winds of change. There were some good results --- a relatively free press and a more open political process. The National Conference brought tremendous grievances of the population to the surface for the first time in 25 years. Unfortunately, the process became bogged down in a fight for control over the transitional government. The National Conference elected Etienne Tshisekedi to the job of Interim Prime Minister. As the leader of the anti-Mobutu dissident movement during the 1980s, Tshisekedi felt that he deserved to run the government. Mobutu saw Tshisekedi not as an Interim prime minister, but as a personally threatening adversary. Tshisekedi's efforts to take control of the central bank were the most threatening of all, and Mobutu demanded a replacement Prime Minister. In addition, Tshisekedi alienated all of the other opposition political personalities by not naming any of them to his Interim government. Many of them would have been happy to choose an alternate prime minister, but they were all afraid of seeing their homes burnt down by Tshisekedi's armed militias.

Tshisekedi was apparently counting on external pressure to force Mobutu to accept the decision of the National Conference. The Belgian, French and American governments had developed a plan during 1992 to pressure Mobutu to accept the democratic decision of the National Conference, but nothing has happened since the initial decision to deny

visas to Mobutu's family and political cronies. The more muscled proposal to freeze the foreign assets of the ruling group has not yet been implemented, and indeed, even the denial of visa policy has broken down in Belgium and France. The Belgian government is too fragile to implement a serious sanctions policy against Mobutu, and the current conservative French government is much less enthusiastic about such a policy than its socialist predecessor.

Since Secretary Baker's conversation with Mobutu in March, 1990, the United States Government has been consistent in demanding that Mobutu live up to his own promises to democratize in a free and fair manner. Both the Bush and Clinton administrations have been particularly adamant that Mobutu give up control of both the central bank and the ministry of finance so that a measure of economic stabilization can be attempted by a transitional government.

Historically, all American administrations --- both Democratic and Republican --- have maintained good relations with Mobutu. Over the years, Mobutu consistently supported American foreign policy objectives, and has defended American interests in third world forums. President Reagan's 1985 decision to give assistance to the UNITA movement in Angola could never have been implemented without Mobutu's help. During the 1970s and 1980s, Mobutu's dismal human rights record was about average for Africa's one-party authoritarian regimes. Until copper prices fell through the floor in 1974, Zaire was even succeeding at economic structural adjustment. Where Mobutu and his ethnic family deserve the full condemnation of history is in their total mismanagement and plunder of Zaire's abundant resources. That, more than any other reason, is why Mobutu and his regime must retire from office and allow a new generation of educated capable Zairians to take over and reconstruct the country toward its full potential. If Mobutu were to run for President in a free and fair election, and if he were to be elected, there would be no hope for Zaire. He and his entourage are totally incapable of change.

Frankly, as I look at Prime Minister Tshisekedi and the other opposition political leaders, courageous as they have been, I do not see any new blood. I see many of the same tired old politicians who were very happy to feed at the public trough throughout the Mobutu years. I know that in both the ruling MPR party and in the serious opposition parties that

are not being financed by Mobutu himself, there are newer talents waiting for their chance. There are a goodly number working in other countries, including the United States. Zaïre needs a generational revolution.

American policy faces the classic dilemma in Zaïre. It was there when I was Assistant Secretary, and it has not gone away in the six months since I left. Do we follow a politically correct policy, or do we try to help the Zaïrians solve their own problem? As Assistant Secretary, I adopted the politically correct policy of insisting that Mobutu accept the will of the National Conference and allow Tshisekedi to take over the government as interim Prime Minister. I worked with my French and Belgian counterparts to develop a plan for sanctions pressure on Mobutu and his entourage. Assistant Secretary Moose has continued that policy. Neither one of us totally broke communications with Mobutu and his people, however. So the links are still there if we want to use them.

A UN mediator is now in the game to supplement the work of Archbishop Monsengwo and a committee of wise men headed by former Foreign Minister Bomboko. That is all to the good. I personally believe it is time to move political correctness to the back burner, and concentrate on solving the problem.

A transitional government must first of all be non-threatening to anyone, and must limit itself to two objectives: - (a) stabilize the economy in cooperation with the IMF and World Bank, and (b) prepare the country for a free and fair election. I cannot see how these goals could be achieved in less than two years. Tshisekedi's interim government is considered threatening by Mobutu and the thousands of people who depend on him for their security. Tshisekedi has clearly intended to go way beyond the two limits that I cited above. Equally, an interim regime controlled by Mobutu would be threatening to all oppositionists, making a free and fair election highly improbable. In addition, economic stabilization would be impossible because the central bank would not be allowed to function as it is supposed to function.

The interim government must therefore be under the control of neither Mobutu nor Tshisekedi, but under a team which will have two important attributes: (a) absolutely no ambition for power after the interim government's work is finished, and (b) the technical capability to

redress the economy with international technical assistance. I recommend that the mediation work of Monsigneur Monsengwo, the Bomboko wise men, UN mediator Brahimi and the friends of Zaire in Paris, Brussels and Washington seek to bring about this solution. An important adjunct to such an outcome would be guarantees to all political leaders of their personal security as well as that of their families and followers.

If an agreement along the lines that I have described above can be mediated, it will be very important to stand watch over the central bank and the ministry of finance. If Mobutu or his surrogates manage to maintain control of Zaire's foreign exchange cash flow despite such a new arrangement, then all bets should be off and full international sanctions, including seizure of assets, should be implemented.

Thank you again, Mr. Chairman, for giving me this opportunity to address an issue that is of such great personal concern.

# ZAIRE

## Violence against democracy

### 1. introduction

Zaire<sup>1</sup> is undergoing its worst human rights crisis since the end of the civil war in the early 1960s. The crisis has been marked by the ruthless brutality of government security forces, under the control of President Mobutu Sese Seko, who have murdered or tortured thousands of civilians and members of the peaceful political opposition. Political reforms announced in April 1990 -- including the legalization of opposition parties and human rights groups, and the liberalization of the independent press -- seemed set to end more than two decades of political repression and single-party rule. But in the government-led backlash against reform, the human rights situation has instead deteriorated significantly.

Expectations of a free and democratic country, dashed by the failure of the promised reforms, and the utter desperation caused by political and economic collapse, have led civilians to confront the heavily armed security forces, with disastrous consequences. Hundreds, perhaps thousands, of civilians have been executed extrajudicially by government troops or killed by what the authorities claim are "unknown gunmen". Others have simply "disappeared".

Civilian opposition supporters, including members of the main opposition party, the *Union pour la démocratie et le progrès social* (UDPS), Union for Democracy and Social Progress, have been arrested and tortured in custody. Detained members of the security forces identified as opposition sympathizers have been treated even more brutally. Most have been held in secret detention centres where they have been tortured, raped and subjected to other forms of cruel, inhuman or degrading treatment; some have been killed in custody, others have "disappeared". Dozens of prisoners have reportedly died of starvation or lack of medical attention.

During the 1980s human rights violations in Zaire consisted mainly of long-term detention of prisoners of conscience, systematic torture and intermittent extrajudicial executions by the security forces, mainly during counter-insurgency operations. This

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<sup>1</sup> The country was formerly known as Congo-Léopoldville. Its name was changed to Zaire in 1971; the name of the capital -- Léopoldville -- was changed to Kinshasa.

pattern changed dramatically in early 1990, after opposition parties were legalized and other political reforms were introduced. The opponents of President Mobutu are now less likely to be subjected to long-term imprisonment; the authorities have resorted to brute force to crush the opposition. This has included ordering or condoning the use of automatic firearms and other lethal weapons, such as bombs, against largely unarmed civilians. President Mobutu's supporters or officials appointed by him have incited civilian gangs to attack civilians thought to be sympathetic to the opposition. But despite the crackdown, more and more people have been willing openly to oppose President Mobutu, and call for his resignation or removal from power.

Since assuming power in 1965, President Mobutu, who holds the rank of army Field Marshal, has been personally in charge of the security forces. He has built up the size and firepower of his forces, often with the help of foreign governments, and has set up various security services and specialized military and paramilitary units, all of which have been responsible for human rights violations. The security forces enjoyed almost total impunity, which suggests that they committed human rights violations with the acquiescence of the President, perhaps under his direct orders. During the recent power struggles and economic collapse (see Chapter 2) the security forces periodically seemed to be out of control, rampaging through cities and towns and carrying out looting sprees against unarmed civilians, including many of President Mobutu's opponents. The President has cynically used the instability to argue that he must remain in power, as he is the only one who can control the security forces and thus ensure security and stability for Zaire. However, appeals by Zairians and the international community to President Mobutu and his supporters to stop the security forces from violating human rights have gone unheeded.

Branches of the security forces which have been most notorious for human rights violations include the Israeli-trained *Division spéciale présidentielle* (DSP), Special Presidential Division; the *Garde civile*, Civil Guard, which was formed as paramilitary force in 1984 with the help of German and subsequently Egyptian experts; the military security service known as the *Service d'action et de renseignements militaires* (SARM), Military Action and Intelligence Service; and the *Service national d'intelligence et de protection* (SNIP), National Intelligence and Protection Service, a civilian security service. Other units of the Zairian army, the *Forces armées zairoises* (FAZ), Zairian Armed Forces, have also committed human rights violations and other crimes; the Civil Guard became part of the FAZ in March 1993. Special units have been formed with expertise from China, France, Belgium and the United States of America. It is not clear whether these countries continue to offer training to the Zairian security forces.

In September 1990, Amnesty International published a 15-page report<sup>2</sup> entitled *The Republic of Zaire: Outside the law - security force repression of government opponents, 1988-1990*. Since then the organization has published short reports and appeals on violations including extrajudicial executions, detention of prisoners of conscience, torture and "disappearances". Amnesty International is particularly concerned about the recent escalation of extrajudicial executions against unarmed civilians.

As the struggle for power between President Mobutu and his opponents continues, Zaire is sliding inexorably towards a total breakdown of law and order. The armed forces have been unleashed on President Mobutu's opponents, but in the process, the heads of the security forces seem to be losing control of their troops. In numerous cases it has been difficult to determine whether human rights violations have been ordered by the authorities or whether security forces are acting on their own initiative. This is because most violations and other crimes by the security forces go unchecked or unpunished, without any official and independent investigation.

Amnesty International is publishing this report highlighting the deterioration of the human rights situation in Zaire to call on the international community -- including international and regional political or human rights bodies -- to devise ways and means to bring an end to the growing crisis in Zaire. Human rights must be protected, including the rights to life, freedom of expression and association and the basic right of each individual to be treated humanely. If no action is taken now, tomorrow may be too late. The anarchy that characterized Zaire after independence threatens to return.

## **2. Stifled political reforms escalate a human rights crisis**

By 1990, increasing political pressure from within the country -- and from foreign aid donors -- forced President Mobutu to accede to demands for political reform, including the introduction of a multi-party political system. Although President Mobutu had long insisted that his people did not want political change, a country-wide survey of political opinion held at the beginning of 1990 demonstrated overwhelming support for an end to the 24 years of corrupt single-party government. Individuals and groups submitted more than 6,000 memoranda to the survey; most of them, including that submitted by

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<sup>2</sup> AI Index: AFR 62/10/90

Roman Catholic bishops and published in newspapers, accused President Mobutu of being the origin of "*le mal zairois*"<sup>3</sup> (Zairian evil).

On 24 April 1990, President Mobutu announced an end to the one-party state and the release of political prisoners. The political opposition demanded the establishment of a *Conférence nationale souveraine*, Sovereign National Conference, to debate Zaire's political future and to set up a transitional government to steer the country towards multi-party presidential and legislative elections. President Mobutu's government instead opted to press ahead for elections managed by the ruling *Mouvement populaire pour le renouveau* (MPR), Popular Movement for Renewal<sup>4</sup>.

In the aftermath of these announcements, political and human rights groups which had existed clandestinely came into the open, and by the end of 1991 more than 200 new parties had been formed.

But the implementation of political reform has been repeatedly delayed. The President has made token attempts to form transitional governments of national unity. He appointed seven prime ministers between April 1990 and December 1991, including Etienne Tshisekedi<sup>5</sup>, his leading opponent and a UDPS founder member. Although twice offered the Prime Ministership, Etienne Tshisekedi refused to take office under President Mobutu because of his disagreements with the president's government. President Mobutu has consistently refused to relinquish control of the security forces, which have remained his power base.

In mid-1991, the opposition formed an umbrella organization called the *Union sacrée*, Sacred Union, aimed at promoting the National Conference and working towards the promised political reform. Popular sentiment supported demands for political change, and to step up the pressure, the Sacred Union orchestrated a series of demonstrations and workers' strikes, many of which were brutally repressed. Hundreds of peaceful demonstrators were shot dead by government troops, many others were wounded.

In June 1991, as strikes and protests continued, President Mobutu agreed to summon the National Conference, but decreed that it would not be sovereign on

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<sup>3</sup> This is a common expression in Zaire, referring to all of the political and economic difficulties of the past 15 years, including massive corruption, political repression and widespread killings by the security forces

<sup>4</sup> Known as *Mouvement populaire de la révolution*, Popular Movement of the Revolution, before 1990

<sup>5</sup> He was repeatedly imprisoned as a prisoner of conscience during the 1980s because of his peaceful political activities.



constitutional matters. The Conference finally opened on 31 July, but delays in proceedings continued and opposition parties suspected it had been packed with the President's supporters. On 2 September, a demonstration against delays in the Conference was fired on by police, who reportedly killed dozens of unarmed people.

The Conference was again suspended in mid-September. A few days later, scores of people were killed after rioting broke out when soldiers protesting at low pay occupied Kinshasa airport, and then began looting in the city. They were joined by civilians angry at hyperinflation and at the holdups in the National Conference. The situation was thought to be so dangerous that France and Belgium sent troops to Kinshasa to protect and evacuate French and Belgian nationals. Disorder rapidly spread to other parts of the country, and, in protest at widespread human rights violations and the absence of economic reforms, the US government suspended all development aid to Zaire.

As sporadic rioting continued, a series of attempts between President Mobutu and the Sacred Union alliance to reach power-sharing agreements failed. The opposition set up a parallel government in November 1991, under the leadership of Etienne Tshisekedi. On 25 November, President Mobutu appointed Nguz a Karl-i-Bond prime minister. Nguz had been a member of the Sacred Union, which immediately expelled him.

The National Conference resumed in November under the Presidency of Roman Catholic Archbishop Laurent Monsengwo Pasinya, whose house was reportedly attacked by armed men shortly after his appointment was announced. On the same day, a bomb destroyed a bar in Kinshasa in an area known to support the Sacred Union, killing 17 people. The explosion was blamed on President Mobutu's supporters.

In mid-January 1992 Prime Minister Nguz a Karl-i-Bond ordered the suspension of the National Conference, claiming that it was too costly and that it was provoking violence. He also alleged that it was dominated by members of the Luba ethnic group, apparently because opposition leader Etienne Tshisekedi, a Luba, was favoured by the Conference to replace Nguz as Prime Minister.

Throughout the early part of the year, political demonstrations and workers' strikes continued, many of which were violently repressed, leaving dozens of peaceful protestors dead. Under pressure, the government agreed to re-open the Conference. It resumed in April, and in defiance of the Prime Minister's orders, adopted sovereign status later that month. However, factions within the Conference itself continued to operate. Many of the delegates accused President Mobutu and his supporters of responsibility for the country's social and economic collapse and for gross human rights

violations. In turn, some of the delegates loyal to President Mobutu withdrew from the Conference, claiming that the criticism was unjustified and defamatory. In May the Conference set up commissions to investigate responsibility for crimes, including human rights violations, committed since President Mobutu came to power in 1965. The commission on political killings claimed that President Mobutu was directly responsible for arbitrary detention, torture, abductions and political killings.

In August 1992, in a direct challenge to the President, the National Conference elected Etienne Tshisekedi as Prime Minister. His election was met with jubilation on the streets of Kinshasa, but President Mobutu refused to relinquish control over most state institutions, including the security forces. The new Prime Minister was left with little effective power.

But the Conference continued to push new initiatives, adopting a multi-party constitution and dissolving the old National Legislative Council, before electing a transitional legislative body known as the *Haut conseil de la République*, High Council of the Republic. The Council was created to supervise the implementation of the decisions and policies of the National Conference and to exercise legislative powers. The Council also sought means of enforcing the Conference decision to transfer most executive powers to the transitional government and the Council. In December, President Mobutu retaliated by attempting to dismiss the transitional government, and ordered members of the security forces to surround the National Assembly building to prevent the Council from meeting there.

Shortly afterwards, Prime Minister Etienne Tshisekedi declared that a five-million zaires<sup>6</sup> note issued on the orders of President Mobutu was illegal tender because it had not been issued with the agreement of the transitional government and would aggravate inflation. Soldiers attacked traders who refused to accept the note, some of whom were killed. At the end of January 1993 armed soldiers began a looting spree in Kinshasa, which left hundreds of civilians dead. The disorder escalated as a series of anti-President Mobutu strikes brought the city to a standstill.

On 3 February, Belgium, France and the USA issued a joint statement, warning that President Mobutu was bringing ruin to Zaire, and "forcefully" insisting that he hand over executive power to Etienne Tshisekedi. The President rejected their demands as "interference", and just two days later announced that he had dismissed Etienne Tshisekedi after accusing him of "endangering the security of the state" on the grounds that he had provoked the army mutiny and the rioting and deaths that followed by declaring the five-million zaires note illegal.

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<sup>6</sup> Zaire's currency

On 9 February government troops sealed off the People's Palace to prevent a meeting of the High Council of the Republic, which continued to support Etienne Tshisekedi. Later that month, troops held members of the Council hostage for three days demanding the legalization of the note. No action was taken against the soldiers.

Relations between the President and the High Council continued to deteriorate in March, as President Mobutu sought to circumvent the authority of the Council by appointing Faustin Birindwa<sup>7</sup> as Prime Minister to replace Etienne Tshisekedi. Faustin Birindwa, a former ally of Etienne Tshisekedi, was expelled from the UDPS, and the Council refused to recognise his appointment.

In April Faustin Birindwa's government ordered soldiers to raid the homes of Etienne Tshisekedi and his cabinet on the pretext of recovering government property. Several civilians were shot in the attacks. Etienne Tshisekedi's Minister of Foreign Affairs, **Pierre Lumbi**, was arrested on the night of 26 April and questioned for four hours. He was subsequently put under house arrest for four weeks.

By July Etienne Tshisekedi's government had considerable popular support, but no real power. It continued to call for civil disobedience and workers' strikes to keep pressure on President Mobutu to relinquish control, and asked the United Nations to send a peace-keeping force to the country. The UN Secretary-General appointed former Algerian Foreign Minister Lakhdar Ibrahim to visit Zaire and investigate the possibilities of UN mediation. Lakhdar Ibrahim met President Mobutu and opposition leaders in mid-July, but without apparent results.

The Organization of African Unity had also tried to mediate, with visits by its Secretary General, Salim Ahmed Salim, in May, and by Namibia's President Sam Nujoma in late July.

As the social and political breakdown continues, communications both within Zaire and with other countries have become increasingly erratic. Telecommunications and postal services have nearly collapsed, making it very difficult for outside human rights organizations such as Amnesty International to obtain and verify information about human rights violations. Very few foreign journalists are filing reports from inside Zaire. The security services have reportedly been intercepting mail and telecommunications critical of the President and his supporters. Many human rights activists and opposition members have been beaten, imprisoned or even threatened with

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<sup>7</sup> He was repeatedly imprisoned as a prisoner of conscience during the 1980s because of his political activities.

death because the security forces know or suspect that they inform the international community about human rights violations in Zaire. When human rights activists and others succeed in sending out information, it is often weeks or months out of date. As a result, Amnesty International's appeals on behalf of the victims have been delayed or obstructed, though not stopped.

As of August 1993 Zaire continued to struggle under conditions of virtual political deadlock. There were two Prime Ministers at the head of rival government structures, but real power remained in the hands of President Mobutu and his allies, who control the security forces. Long-term political instability has also fostered intercommunal disturbances in parts of the country, resulting in thousands of killings. As a result of violence, endemic corruption and political stalemate, the formal sector of the economy has virtually ground to a halt. In early 1990 one US dollar was exchanged for 530 zaires, the same dollar was being exchanged on the black market for four million zaires in mid-1993. The rate of inflation in 1992 stood at more than 3,000 per cent and was expected to rise to 10,000 per cent by the end of 1993. The authorities have shown total disregard for the welfare of the Zairian people. Their resources appear to be devoted to enhancing political influence and crushing the opposition at virtually any cost, including human life.

### **3. Extrajudicial executions and other unlawful security force killings**

Since 1990 violence by the security forces and President Mobutu's other supporters has escalated: thousands of unarmed civilians have been killed and thousands more wounded or maimed. Members of the security forces suspected of supporting opposition leaders or parties have also been detained, tortured or even "disappeared".

In a recent development, the bodies of those murdered by the security forces have been concealed, in a manner reminiscent of January 1961, when Zaire's first Prime Minister, Patrice Lumumba, and several other politicians were killed and their bodies disposed of in secret. Following recent incidents in which dozens of people were known to have been killed, there were persistent reports of soldiers carrying bodies away to undisclosed places. In the past bodies have been dumped in forests or in the Zaire river, which flows past Kinshasa.

Most killings since 1991 have been sanctioned or condoned by security officials, who are under the direct control of President Mobutu. The President refuses to relinquish control over the security forces, or share this authority with the transitional government. The security forces are used to enforce decisions which have been rejected

by President Mobutu's opponents or to prevent the implementation of reforms or policies the President opposes.

The security forces have frequently attacked peaceful political demonstrations, killing or injuring unarmed civilians. In April 1991, in the southern provincial town of Mbuji-Mayi, troops opened fire on supporters of the Union for Democracy and Social Progress party, who were protesting at arrests and looting by soldiers. The authorities claimed that nine people were killed; other sources said that nearly 50 died.

In January 1992 the security forces violently suppressed peaceful demonstrations calling for the resumption of the National Conference. The following month, at least 37 people were killed in Kinshasa when soldiers opened fire on a peaceful demonstration calling for the resumption of the conference.

Eye-witnesses claimed that troops of the elite Special Presidential Division (DSP) used rifles, hot-water cannons, metal-tipped canes and tear gas to break up the crowd, many of whom were reportedly carrying rosaries and prayer books. At least 13 bodies were later carried to a nearby church and up to 100 casualties were admitted to hospital. The march, organized by members of the Roman Catholic Church, followed Sunday services for "peace and hope" in Zaire.

The military has killed more than a thousand civilians during periodic looting sprees. In September 1991, for instance, an army mutiny broke out when soldiers occupied Kinshasa airport and subsequently spread to military bases across the country. Soldiers protesting against inadequate and irregular pay ran riot, engaging in widespread violence and looting. At least 250 people were killed nationwide, many of them shot by soldiers. Some of the killings appeared to be extrajudicial executions; the victims were civilian looters or civilians who resisted the looting of their homes or business premises. No action was taken against the mutinous soldiers and looted property was sold openly for months in military barracks. At the end of the year, the authorities announced a 10-fold increase of salaries for the military, which did not prevent them from engaging in additional looting during 1992 and 1993.

In December 1992 more than 50 civilians were reportedly killed by looting soldiers in Kisangani, the capital of northern Zaire's Haut-Zaire region. Around the same time several civilians were killed in the towns of Goma and Rutshuru in eastern Zaire's North-Kivu region. Again the pretext for the violence was non-payment of salaries or the refusal of traders to accept five-million zaire notes. As on previous occasions those responsible for the violence were not brought to justice and the victims were not compensated.

Troops again began to riot in Kinshasa at the end of January 1993; nearly 1,000 people, many of them unarmed civilians, died in the ensuing violence. Soldiers from Kokolo military barracks (*Camp Kokolo*) in Kinshasa and those from the *Centre d'entraînement des troupes aéroportées* (CETA), Airborne Troop Training Centre<sup>5</sup>, rioted after being paid in the controversial five-million zaire notes, which many traders refused to accept. A day after the violence started President Mobutu's DSP was sent in to quell the disturbances, but they in turn opened fire indiscriminately against armed soldiers and unarmed civilians. Many civilians were shot dead in their homes; French troops were deployed to evacuate expatriates after the French Ambassador, Philippe Bernard, was killed in a burst of machine-gun fire.

Several hundred soldiers suspected of involvement in the Kinshasa riots were reportedly arrested and detained by the DSP at Tshatshi military barracks (*Camp Tshatshi*) detention centre. The authorities have not made public the identities of those detained, whether they would be brought to trial, or details of any investigation. It is feared that they may have been subjected to torture or ill-treatment. Many soldiers detained since 1991 have been tortured, sometimes to death, or have "disappeared".

**Berthos Kibassa**, the son of opposition leader Kibassa Maliba, was among the civilians executed extrajudicially at the end of January 1993. Soldiers believed to be DSP members launched a rocket attack on the house of Kibassa Maliba, then entered and set Berthos Kibassa's body on fire. Other members of the family sustained severe injuries in the attack.

On 4 July 1993 at least four men were shot dead and an 11-year-old boy stabbed to death by the security forces, who were trying to prevent the UDPS from holding a rally at Kinshasa's main sports stadium. A number of people were injured. There were reports that the bodies of three of those killed were loaded into a jeep and taken away by soldiers to an unknown destination. Several other people, including **Emile Nkombo**, third Vice-President of Kinshasa's Bandal area UDPS branch, reportedly "disappeared".

Many civilians have been massacred by members of the security forces in reprisals for the killing or beating by civilians of soldiers involved in criminal activities. About 52 unarmed men, women and children were reportedly shot dead -- and many others severely injured -- on 22 February 1993 by members of the DSP in Kinshasa's Kimbanseke district. The attack was reportedly carried out to avenge the killing of a member of the security forces by a group of civilians. Three days earlier DSP soldiers had knifed a civilian to death. During the attack, truckloads of other security force members joined the DSP soldiers, and subjected civilians to beatings, rape and other

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<sup>5</sup> French military experts have been in charge of training at CETA

forms of ill-treatment, and looted property. Again no investigation by civilian or military authorities is known to have occurred.

#### 4. Arbitrary and unlawful detention

Since 1991, many hundreds of government opponents and their supporters have been detained, most of them as prisoners of conscience, held because of their peaceful opposition to President Mobutu and his policies. A few of them have been charged, usually with "disturbing public order" or "endangering the security of the state". However, no trials of civilian detainees are known to have been carried out.

Most of them were held for periods ranging from a few days to a few months. Some were detained incommunicado in breach of the Zairian Code of Penal Procedure, which limits police custody to no more than a few days. Many of the detainees have been kicked, beaten with belts, whipped or subjected to other forms of cruel, inhuman or degrading treatment at the time of their arrest and while in custody. There have also been reports that women have been raped in custody. These arrests appear to have been ordered or condoned by supporters and political allies of President Mobutu.

Among those detained were 15 members of the UDPS arrested in Kinshasa in January 1991 and held for a week. About 200 supporters of the UDPS and the *Parti lumumbiste unifié* (PALU), Unified Lumumbist Party, were held for a day in April 1991, severely beaten and then released. They were arrested for holding or attending meetings and demonstrations in support of the National Conference.

Scores of students were also detained in 1991 for suspected involvement in anti-government protests, some of them violent. Most were released after a few days but about 40 were held with criminal prisoners in Kinshasa's Makala central prison. Although virtually all of them were expected to have been released by the end of the year, it is difficult to confirm this as the authorities did not publish the identities of those detained and released.

Eight people preparing to welcome a delegation of French-based human rights activists were arrested in December 1992 at N'Djili airport near Kinshasa. The eight, all prisoners of conscience, included **Mukendi wa Mulumba**, a lawyer, human rights activist and adviser to opposition Prime Minister Etienne Tshisekedi, and three security advisers to the Prime Minister. The eight were beaten at the time of their arrest by troops loyal to the President, and were held incommunicado for three days before being released without charge. Mukendi wa Mulumba was again held briefly in April 1993

after a trip to Europe and the USA. He has apparently been targeted because of his links to Etienne Tshisekedi and a statement he had made to the United Nations Commission on Human Rights about the appalling human rights situation in Zaire. Virtually all the documents he had obtained during his trip were reportedly seized by members of the security forces.

A number of UDPS members were arrested at the end of March 1993, including **Placide Mukendi**, **Martin Lukulungu** and **Kajinga Tambe**, wife of **Jacques Tshimbalanga**. Also detained was **Lambert Tshitshimbi Katombe**, a former army colonel, who was one of Etienne Tshisekedi's security advisers and bodyguards. Placide Mukendi was released untried on 7 July. At the end of August 1993, it was unclear whether all or some of the others were still being held.

More than 20 government opponents and their supporters, including trade unionists, were arrested in Kinshasa by the security police or armed forces loyal to President Mobutu in April 1993. Some had been released by the end of July, but it was not known how many remained in detention. They were initially held incommunicado at detention centres controlled by the security forces for several weeks before being moved on to Kinshasa's Makala central prison. Reports indicate that virtually all of them were arrested because of their peaceful opposition to President Mobutu.

At least 18 members of the Sacred Union were arrested during April 1993 and many are believed to be still held. **Joseph Olenga Nkoy**, an envoy (*chargé de mission*) of Etienne Tshisekedi and leader of the *Force novatrice de l'union sacrée*, Innovative Force of the Sacred Union, was arrested on 29 April, and was initially held at the Kinshasa headquarters of the National Gendarmerie, known as the "CIRCO" (*circonscription militaire*), where he was reportedly tortured. After being charged with inciting disobedience against a legally established authority (*incitation à la révolte contre l'autorité légalement établie*), his case was dropped by an examining magistrate and he was released on 11 May. However, reports from Kinshasa indicate that the magistrate who released him has been suspended from his post and Joseph Olenga Nkoy was rearrested only two days after his release and re-detained at Makala prison. He was released without trial in early July 1993.

At least five trade union leaders were arrested following a strike by civil servants on 17 and 18 May 1993. They include **Kuku Gedila** and **Ngandu Tshilombo**, leaders of the *Confédération Démocratique du Travail* (CDT), Democratic Labour Federation. They were said to be held in cells below the Procuracy and were apparently still in detention at the end of July 1993.



#### 4.1 Detention and repression of journalists

Several dozen independent newspapers have been established since 1990. Although the papers were initially allowed to operate without restrictions, the government clamped down when it became clear that most of them were critical of President Mobutu and his supporters. Several dozen journalists have been imprisoned and government agents have destroyed printing presses and offices, and attacked newspaper vendors. Opposition newspapers have been banned in Shaba by the region's governor since 1992.

Most detentions and attacks on journalists have occurred in Kinshasa. In January 1992 the offices of *La Référence* newspaper were set on fire. In November 1992 *Terra Nova* printing press, which printed independent newspapers, was burned to the ground by armed men believed to be members of the security forces, and in late December 1992 the offices of *Le Phare* and *Le Potentiel* newspapers were also burned down. Soldiers reportedly attempted to burn the home of Léon Moukanda Lunyama, owner of *Umoja* daily newspaper in late 1992. In March and April 1993 vendors of independent newspapers in Kinshasa were attacked by members of the security forces, who confiscated or destroyed many of the papers.

Journalists arrested include **Mukengeshayi Kenge**, the Editor-in-Chief of *Le Phare* newspaper, who was arrested in April 1993 by members of the *Service national d'intelligence et de protection* (SNIP), National Service for Intelligence and Protection, Zaire's security police. After being held for five days in secret detention at the SNIP headquarters his case was referred to the Procuracy. The grounds for his arrest were apparently *propagation de faux bruits* (spreading false rumours) but the details of the charge remain unknown. On 30 April a court ordered his immediate release, but the Procurator General contravened the court's decision and signed a warrant authorizing his re-detention. He was released without trial on 28 June. He appeared to be a prisoner of conscience detained solely for exercising his right to freedom of expression.

There was concern for the safety of another of *Le Phare's* staff, an editor known as **M. Muboyayi** and two members of his household, all of whom have reportedly gone into hiding after the security forces attempted to arrest him in late April 1993.

#### 4.2 Imprisonment of soldiers suspected of disloyalty to President Mobutu

Several hundred soldiers, many of them thought to be sympathetic to President Mobutu's opponents, have been detained since 1991. Some have been charged and tried, but most continue to be held incommunicado without any prospects for a trial. Some have

reportedly died as a result of severe ill-treatment, including beatings, or lack of medical care. Some of those detained are former army officers who are apparently suspected of influencing serving members of the security forces to support Etienne Tshisekedi.

About 10 soldiers and officers, including **Luc Mayolo Mokakoso**, an army dentist with the rank of lieutenant-colonel, were arrested in July 1991 and accused of plotting against the government, apparently because of their suspected links with opposition political parties. Following his arrest, Colonel Mayolo was held at military intelligence headquarters in Kinshasa, where he was reportedly tortured. In September 1991 he was transferred to Ndolo military prison, where he was ill-treated and denied visits. Colonel Mayolo's co-accused were provisionally released in mid-1992 and promptly went into hiding. He was tried by a military court in July 1992 and convicted of disobeying military orders by contacting opposition leaders in order to form a political grouping within the army. He was sentenced to two years' imprisonment with hard labour. He was released in April 1993, after serving virtually all his sentence.

About 30 soldiers were arrested in January 1992 after occupying the national radio station in Kinshasa and broadcasting statements calling for President Mobutu's government to resign and for the resumption of the national conference. They were held incommunicado at Kinshasa's Camp Tshatshi military barracks, where they were reported to have been tortured and severely ill-treated. Just two months later, 11 of those arrested appeared at a trial before the *Conseil de guerre supérieur*, Higher Court Martial, in Kinshasa. They were allowed no access to legal counsel before the trial, and faced charges of seeking to overthrow the government ("*avoir voulu renverser les institutions de la République*"). After an unfair trial, seven defendants were convicted and sentenced to prison terms of between five and 10 years. Four others were acquitted. The Higher Court Martial refused to allow an independent investigation into claims by some of the defendants that they had been forced to make false incriminating statements under torture. At the same trial, 17 of the other arrested soldiers were tried *in absentia* and sentenced to death for crimes against the state. The authorities claimed they had escaped, but it is feared that they had actually been killed in custody before the trial started. There had been no news of them by August 1993.

More than 50 soldiers arrested in January 1992 in Kinshasa continue to be held in Irebu military detention centre in Haut-Zaïre, mostly incommunicado, without charge or trial. The authorities say they committed criminal offences but have failed to specify the charges or bring the soldiers to trial. Independent human rights activists in Zaïre have maintained that the soldiers are detained on suspicion of sympathizing with opposition parties. In April 1992 two of the soldiers, including Corporal **Kudenda Mbetenge**, reportedly died in custody from ill-treatment and lack of medical care. Several others are reported to have died since. The detainees have been denied medical care and clothing

and there has been no independent supervision of detention conditions. Two women, delegated by the families of the detainees to deliver some supplies, were reportedly detained when they approached the detention centre. The women are the wives of sergeants **Kabamba Tunba** and **Muteba Kasongo**. It is unclear whether the women have been released.

## 5. Torture and rape of government opponents

Torture and ill-treatment of government opponents and detainees is widespread. Detainees are routinely beaten by members of the security forces, and there are reports of the use of electric shocks, rape, whipping and other forms of cruel, inhuman or degrading treatment aimed at punishing and humiliating those suspected of supporting President Mobutu's opponents. The authorities, including the judiciary, have refused to investigate claims of torture. Members of the security forces who violate human rights under the cover of defending the President and his supporters enjoy virtually absolute immunity. Only President Mobutu himself can effectively order action against those responsible for the abuses, but he has shown no inclination to do so.

The soldiers tried in March and April 1992 (see 4.2, above) told the Higher Court Martial that members of the DSP had systematically tortured them to make them confess and implicate civilian political opposition leaders. They claimed that they had been regularly stripped and beaten with whips and gun butts. They were stabbed with bayonets and subjected to mock executions, and, in some cases, sexually assaulted. The court failed to order an investigation into the torture allegations and rejected demands by lawyers that they should be examined by a doctor.

In April and May 1992 there were reports of torture of civilians, including the rape of dozens of women, by members of the security forces during an anti-poaching operation around Salonga National Park in Equatorial region's Boende sub-region. More than a dozen people were reportedly executed extrajudicially during the operation; unarmed villagers were shot simply because they protested. Despite protests from local human rights groups, the authorities were not known to have investigated the reports or to have taken any action against the culprits.

Some people have been arrested, detained and tortured solely for criticizing President Mobutu and his policies during ostensibly private conversations. For example, **Jean-Claude Bahati** was arrested on 13 September 1992 after remarks he made to companions in a public taxi in Kinshasa were overheard by a member of the DSP travelling in the same vehicle. When they stopped near Camp Tshatshi the DSP agent

produced a revolver and ordered him out of the taxi. Other DSP agents came and beat up the taxi driver and other passengers when they protested. Jean-Claude Bahati was taken into the Camp, where he was stripped naked, showered with a high-pressure hose, beaten with military belts and kicked. He was burned with hot metal, shaved with broken bottle glass, rolled in mud and a tyre was placed around his neck. He was detained in a dark cell into which water was poured three times a day. He was whipped some three times each day until his release three days later. Members of the DSP told him he was being tortured for supporting President Mobutu's opponents, particularly Etienne Tshisekedi and Bishop Monsengwo. Although he reported his ordeal to the authorities, no investigation or disciplinary action was carried out.

## 6. Life-threatening prison conditions

Like most of the country's infrastructure, Zaire's prisons and detention centres have been largely neglected. Dirty, overcrowded and lacking in basic sanitary facilities, they have degenerated into virtual death traps. In recent years, mass starvation has been averted only by humanitarian and religious associations. Numerous deaths from starvation and lack of medical care have been reported in Kinshasa's central prison of Makala, but also in other prisons around the country. There have been persistent and credible reports that the meagre resources allocated to prisoners are embezzled by prison and other government officials. Prison guards reportedly often demand payment before relatives are allowed to give food to detainees, and those without relatives are condemned to starvation.

The system is riddled with corruption. Some detainees remain in prison solely because influential individuals responsible for their arrest do not want them released. For many years there have been reports of prisoners remaining in custody after serving their sentences because they have failed to bribe prison officials.

In addition to formal civilian prisons there are also detention centres and cells known as *cachots* at most administrative centres, and at the offices or barracks of the security forces and security services. Cells usually lack adequate lighting or sanitary facilities and inmates are often obliged to defecate and urinate in open containers within the cells, which are usually crowded, hot and humid. Although under Zairian law all detention centres are supposed to be supervised by a magistrate, in practice those belonging to the security forces serve as secret and informal prisons. These include SNIP headquarters and the DSP's Camp Tshatshi near the Presidency, in Kinshasa. Many of these have no facilities for preparing food or meeting the hygienic needs of prisoners, who are forbidden visits from relatives or any other persons.

In some prisons locally-made leg-irons are used to restrain detainees. The leg-irons often have no locking device and have to be welded together while the inmate is wearing them. They can only be removed by melting the points at which they are welded. The rough surfaces of the leg-irons cause injury around the ankle, and severe burns are caused by welding and melting. The use of such leg-irons has been reported in Bunia and Bukavu prisons in eastern Zaire and at Kibomango DSP military training base near Kinshasa.

## 7. "Disappearance" of supporters of opposition parties

Amnesty International is very concerned about persistent and consistent reports of the "disappearance" of dozens of suspected government opponents or their supporters. "Disappearance" is a device used by members of the security forces to arrest people without any warrant or adherence to legal process. It is often a prelude to secret extrajudicial execution. In virtually all cases suspects or their relatives are not informed of the reasons for the arrest, and relatives are not told where the suspects are detained.

Members of the security forces who carry out these secret arrests are usually dressed in civilian clothes and travel in unmarked vehicles. Independent sources in Zaire blame the recent spate of "disappearances" on a shadowy unit of the security forces known as the "*hiboux*", "owls", because they virtually always work at night. The unit was apparently set up after April 1990 as a counter-insurgency force, trained and equipped by members of the South African security services. The trainees reportedly received instruction in techniques of urban warfare, sabotage, mine handling, abduction and assassination. The first group of trainees apparently completed their training in August 1991. Zairian and other human rights groups have published reports about the unit, but the authorities have neither denied nor confirmed its existence. Most of its members are reported to have been recruited from the DSP and other elite units.

During 1992 several dozen people, some of them suspected government opponents, reportedly "disappeared" in Kinshasa. They were abducted from their homes or on the streets by armed men in civilian clothes. For example, **Jean-Marie Katonga Kabuluku**, a former member of the National Assembly and a UDPS supporter, was reportedly abducted by unidentified men in January 1992 and had not been found by August 1993. In July 1993 **René Kanda**, a resident of Kinshasa's Selembao district, was seized by men in plain clothes carrying bayonets and handcuffs. His whereabouts were still unknown by the end of the month.

## 8. Insurgency and human rights violations in North-Kivu region

There have been reports of serious human rights violations in the northeastern part of North-Kivu region, near the border with Uganda, in the aftermath of armed clashes between rebels calling themselves "Lumumbists"<sup>7</sup> and government troops. The latest wave of insurgency in the region started in early 1992. Government troops have reportedly extrajudicially executed unarmed civilians in the area, set villages on fire, looted property and raped women. These violations have occurred in the context of counter-insurgency operations.

North-Kivu region's Beni district has been the hardest hit. About 20,000 Zairians had fled to neighbouring Uganda by early 1993. Despite reports about the violations the authorities are not known to have taken any action to bring the abuses to an end and bring those responsible to justice.

In mid-January 1992 "Lumumbists" attacked army units in Watalinga county (*collectivité*). During clashes between the rebels and the security forces, thousands of civilians in the area fled to neighbouring Uganda. During another rebel attack in February 1992 rebels reportedly looted property and burned houses of people they believed were government supporters.

In July 1992 the rebels launched a fresh attack, reportedly harassing local people to force them to support the insurgency. Some civilians, including a trader at Butembo and a peasant farmer at Kasaka village, were reportedly killed by the rebels.

In the course of the counter-insurgency operation that followed, government troops carried out atrocities in attempts to crush the rebels and civilians suspected of sympathising with them. In one instance, government soldiers reportedly executed five unarmed civilians in Museya village and two others in Kasaka village. In Bunondo village they burned an old woman alive. Government troops are said to have rampaged through the villages of Museya and Kasaka, looting and burning more than 500 houses. At Museya members of the security forces looted property, materials and medical drugs from a local dispensary. The security forces reportedly killed and beheaded an official (*animateur*) of the local Baptist church, and then paraded his head around the village claiming that they had killed a rebel leader.

In mid-December 1992 members of the security forces carried out reprisal killings and other human rights violations following a siege of Kasindi by insurgents claiming

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<sup>7</sup> Followers of the country's first post-independence Prime Minister, Patrice Lumumba, who was executed by opposition forces in January 1961

to be members of the *Parti de la libération congolais* (PLC), Congolese Liberation Party, and *Mouvement ouvrier et paysant* (MOP), Workers and Peasants Movement. Both rebel groups are based outside Zaire. As well as burning houses, the security forces reportedly shot dead at least 20 civilians in Mudende village and raped dozens of women. In mid-January 1993 the security forces reportedly killed about six unarmed civilians in Kiriba village.

## 9. Politically-motivated ethnic persecution

Several thousand people were reportedly killed, thousands more injured or maimed and tens of thousands forced to flee their homes during intercommunal disturbances in the regions of Shaba and North-Kivu. In Shaba, members of the Lunda ethnic group have carried out extensive attacks on members of the Luba ethnic group from Kasai. In North-Kivu members of the Hunde and Nyanga ethnic groups, particularly in the districts of Walikale and Masisi, have carried out attacks against people of ethnic Rwandese origin (Hutu and Tutsi), locally collectively known as Banyarwanda. In both regions government and security officials have instigated or condoned the killings.

### 9.1 Ethnic persecution of Luba in Shaba region

Intercommunal violence, with Lunda attacking Luba, broke out in Shaba in mid-August 1992 after Nguz a Karl-i-Bond was replaced as Prime Minister by Etienne Tshisekedi, who is a Luba. In mid-1993 reports from Zaire put the number of people killed, most of them Luba, at more than 500 and the displaced at more than 100,000. Luba have been forced out of their homes, most of which have been destroyed or burned, and obliged to live in cramped and unsanitary conditions in public buildings and other places, especially railway stations where they waited for transport to Kasai. At the end of 1992 there were about 40,000 displaced Luba at Likasi railway station alone. Many have died from infectious diseases such as cholera and dysentery caused or exacerbated by unhygienic conditions. In April 1993 medical sources reported that about eight out of 10,000 people were dying daily from disease and lack of medical care. Humanitarian organizations such as *Médecins sans frontières* (MSF), Doctors Without Borders, have been unable to control the death rates and provide basic care because of the enormous numbers of the displaced.

Credible evidence strongly suggests that the violence was instigated by Nguz a Karl-i-Bond and Shaba's governor, Kyungu wa Kumwanza<sup>8</sup>, and their supporters with the aim of ridding Shaba of Etienne Tshisekedi's supporters. After he was replaced, Nguz a Karl-i-Bond said in public that he would make Shaba ungovernable for Etienne Tshisekedi. He was several times reported to have said that the imposition of Etienne Tshisekedi on the people of Shaba would lead to the "Yugoslavization" of Zaire. Kyungu wa Kumwanza is reported to have fanned ethnic hatred by accusing the Luba of taking jobs, especially in the Gécamines mining company, which would otherwise have gone to the Lunda. He is also reported to have alleged that the Luba had exploited Shaba and that they had to leave in peace or be forced out. Most Luba in Shaba settled in the region, many before Zaire's independence, as migrant mine workers from the neighbouring regions of West and East Kasai regions.

Members of the security forces were very slow to intervene and when they did they clashed with Lunda gangs. Members of the security forces who intervened to protect the Luba lacked adequate reinforcements or political support from the local or national leaders who hold power -- that is, those close to President Mobutu, whose supporters have apparently fuelled or condoned the violence because it rids Shaba of Etienne Tshisekedi's supporters. In June 1993 the official national radio known as *La Voix du Zaire*, Voice of Zaire, reportedly announced that President Mobutu would not guarantee safety for Luba in Shaba after 31 July 1993. It was not clear that he had done anything before then to protect the victims.

In September 1992 two commissions, one responsible to President Mobutu's government and the other to the National Conference, were sent to investigate the violence in Shaba. Neither commission satisfied basic standards of independence and impartiality which are indispensable for proper investigations into violations of human rights. The government commission failed to establish responsibility for the violence, and simply called for reconciliation between Luba and Lunda. The Conference commission blamed Nguz a Karl-i-Bond and Kyungu wa Kumwanza for being the prime movers of violence and inter-ethnic hatred. Kyungu wa Kumwanza refused to meet members of the Conference's commission which recommended that he and Nguz a Karl-i-Bond should be brought to justice for instigating the violence.

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<sup>8</sup> Kyungu wa Kumwanza was among the original 13 members of the National Assembly that founded the UDPS and was several times adopted by Amnesty International as a prisoner of conscience in the early 1980s. Nguz a Karl-i-Bond was several times appointed by President Mobutu as Prime Minister, Minister of Foreign Affairs and ambassador. He was repeatedly accused of plotting against President Mobutu and was even sentenced to death in 1977 but later pardoned. President Mobutu has appointed many Zairian politicians to key posts before or after accusing them of plotting against him. Kyungu wa Kumwanza and Nguz a Karl-i-Bond appear now to have formed an alliance with President Mobutu against the UDPS and the Sacred Union.



## 9.2 Ethnic persecution of Banyarwanda in North-Kivu region

The violence in the southeastern parts of North-Kivu region began on 20 March 1993 with members of the Nyanga and Hunde ethnic groups attacking Banyarwanda at Ntoto market in Walikale district (*zone*). The violence continued the following day, a Sunday, and Banyarwanda were attacked and killed or injured in or near their churches. Banyarwanda property and homes were looted and burned. The violence extended to Rutshuru district near the border with neighbouring Rwanda. By June 1993 independent sources had estimated that more than 3,000 people, mostly Banyarwanda, had been killed. A humanitarian organization reported that as many as 7,000 people may have been killed by mid-August 1993. About 200,000 people were displaced, most of them fleeing into the bush, health centres or churches.

The killing of Banyarwanda was reportedly ordered by the Nyanga and Hunde traditional chiefs who also control local government, and who were using the violence to suppress Banyarwanda attempts to choose their own leaders and gain control over community affairs. There are reported to be about two million Banyarwanda in the region: many entered Zaire as refugees during ethnic disturbances in Rwanda which began in 1959. Others were brought to Zaire between the 1930s and 1950s by Belgian colonialists as migrant labourers. Some of them became Zairians (Congolese before Congo-Leopoldville became Zaire in 1971) when Rwanda and other countries were created by colonial powers at the end of the 19th century. In neighbouring Rwanda a civil war between a Tutsi-dominated rebel group and the Hutu-led government began in October 1990. Before a peace agreement was signed by the government and the rebels on 4 August 1993 the war had caused thousands, mostly Tutsi, to flee into exile and hundreds of thousands of Hutu to be displaced. Most of the land occupied by the Banyarwanda in North-Kivu region traditionally belongs to local chiefs who have been renting it to Banyarwanda on terms and taxes imposed by the chiefs. In recent years Banyarwanda have protested at being treated as foreigners or as having limited or no civil and political rights.

At independence, the Zairian (Congolese) Constitution granted citizenship to all people resident in the territory. In 1981 the MPR National Assembly approved legislation withdrawing citizenship from immigrant ethnic groups, but the legislation never became law. In 1991 the authorities set up a commission to identify "non-Zairians" in the regions of North-Kivu, South-Kivu and Maniema in eastern Zaire. Independent organizations such as the *Ligue zairoise des droits de l'homme* (LZDH), Zairian Human Rights League, expressed concern that the commission was biased against Banyarwanda and that its actions constituted a witch-hunt against the Banyarwanda aimed at depriving them of their constitutional rights. Again the nationality

question was not resolved. Nyanga, Hunde and other ethnic groups in the region had hoped to resolve the issue in their favour at the National Conference but this did not occur, despite the fact that some Banyarwanda, particularly the Tutsi, were denied representation at the Conference on the grounds that they were not Zairians.

There have been reports that only days before the violence began the governor of North-Kivu region made public speeches calling into question the nationality of the Banyarwanda. He reportedly promised that the security forces would assist Nyanga and Hunde to "exterminate" Banyarwanda. The governor and his deputy were suspended at the end of July 1993 but the authorities did not give reasons for their suspension or indicate whether there would be any further action or inquiry in connection with the violence. Sources from North-Kivu claimed that some members of the security forces in civilian clothes were involved in the violence against the Banyarwanda. Some of the soldiers sent to the area to quell the violence were reportedly involved in looting and raping women. In mid-July 1993 President Mobutu sent about 140 members of the DSP to the region, ostensibly to quell the violence, but their presence has yet to have any such effect.

Some Banyarwanda were reported to have re-grouped and staged counter-attacks, killing and injuring some Nyanga, Hunde and other ethnic groups. Government officials in Walikale and Masisi were reported to have, in some cases, provided firearms to non-Banyarwanda. Apparently in preparation for the attacks, Banyarwanda members of the security forces had been transferred from North-Kivu region to distant regions. The army commander for Masisi and Walikale districts is reportedly a Nyanga. No arrests of those who started or carried out the violence had been reported by August 1993. No action is known to have been taken by the authorities against the attackers, possibly because the victims were supporters of political parties opposed to President Mobutu.

## 10. Conclusion

Zaire's 33 years of independence have been characterized by systematic and widespread human rights violations by members of security forces led by President Mobutu Sese Seko. The scale of human rights violations has become more pervasive over the past three years, since the country embarked on a program of political change which, initially, seemed set to take the country towards a multi-party political system. Some of the violations have taken place in situations of armed opposition and intercommunal disturbances. Despite appeals by Amnesty International and other organizations, extrajudicial executions, torture, "disappearance", arbitrary arrests and unlawful detention have been used to crush opposition to President Mobutu.

Zaire has attracted media attention since its independence, usually because of endemic political killings and other human rights violations. It was the first country to which UN peace-keeping forces were deployed in the early 1960s. The UN Secretary General, Dag Hammarskjöld died in a plane crash while on a mission to the region. Much of the publicity during the subsequent three decades was due to the Cold War rivalry between Western powers, especially the United States of America and the former Soviet Union. Zaire was a rich source of strategic raw materials such as uranium, but more importantly it was used to sustain US anti-communist policy towards neighbouring Angola. Zaire was used by the USA to support the Angolan armed opposition group known as the *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola. Although Amnesty International and other human rights organizations published numerous reports about human rights violations by President Mobutu's government, the reports appeared to generate little pressure from the Western powers that supported President Mobutu; these governments maintained their support for his government until strategic and political considerations made this no longer a priority for them at the end of the 1980s.

However, there has been some change of attitude, especially since the introduction of political reforms in the former Soviet Union. Some of the change has resulted from the work of human rights and other organizations, who have urged their own governments to put pressure on Zairian authorities to end human rights violations. It is partly as a result of this pressure that President Mobutu accepted the holding of the National Conference with a view to reforming the Zairian political system. However, President Mobutu and his allies in Zaire have obstinately and consistently blocked, by the most vicious means available, all reforms that would remove him from power or reduce his grip on the mechanisms of power.

Amnesty International believes that unless Zairians are allowed peacefully to exercise their right to freedom of association and expression -- including the right to freely choose their leaders -- without fearing assassination, torture or imprisonment, there can be no hope for an end to the current political, social and economic crisis. The organization welcomes a resolution adopted in March 1993 by the UN Commission on Human Rights deploring the torture of detainees, inhuman prison conditions, "disappearances" and summary executions. The Commission asked UN special rapporteurs to focus their attention on Zaire. The resolution was adopted by consensus of 53 states. Other UN and regional bodies, especially the Organization of African Unity, need to add their voices to the support for the many thousands of Zairian victims of human rights violations.

## 11. Recommendations to the international community

The following recommendations are intended to address the human rights violations of the past, as well as providing safeguards to prevent similar abuses in the future. Amnesty International has submitted many recommendations to the Zairian Government, which has taken no steps to implement them. This is why the organization is now appealing to the international community to exert influence and pressure on President Mobutu and his political or military supporters to commit themselves to the prevention of human rights violations. While the recommendations stress the government's obligation to prevent human rights violations, responsibility for ensuring that safeguards are adopted which will promote respect for human rights in Zaire also rests with the international community.

President Mobutu and others who exercise authority over the security forces should take and announce urgent and decisive measures to halt the spiral of attacks on human life and dignity. They should publicly condemn all forms of abuses, including ethnic persecution, extrajudicial executions, arbitrary and unlawful imprisonment, torture and "disappearance".

The silence of President Mobutu and others who control the security forces so far in the face of gross human rights violations has effectively told those responsible that their actions are supported by the authorities and that they can continue to violate human rights with impunity. President Mobutu should make a personal and public commitment to the protection of all people on Zairian territory, regardless of their political or ethnic affiliation, and ensure that government and security officials under him do likewise.

All political groups involved in the Zairian power struggle have an obligation to uphold minimum humane standards, set forth in Common Article 3 of the Geneva Conventions of 1949<sup>9</sup>, to which Zaire became party in 1961. Amnesty International calls on all of them, leaders and supporters alike, to respect these standards at all times. They should take immediate steps to end deliberate and arbitrary killings, to stop torture and other forms of cruel, inhuman or degrading treatment of all people in Zaire, and formally to commit themselves to work for the human rights of all Zairians, regardless of ethnic affiliation or political opinion. National and local officials should unreservedly condemn the deliberate and arbitrary killings, commit themselves publicly to observe basic human rights and the minimum humane standards set out in Article 3. This applies to situations of internal conflict and requires that all those taking no active part in

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<sup>9</sup> The current situation in Zaire is amounting to a civil war in many respects. Adhering to Common Article 3 of the Geneva Conventions is a first step which should be followed by the adoption of safeguards contained in international human rights standards.

hostilities, including civilians and wounded or surrendered combatants, should be treated humanely. Common Article 3 specifically prohibits the commission of various acts against those taking no active part in hostilities, including:

- violence to life and person, in particular murder of all kinds, mutilation, cruel treatment or torture;
- taking of hostages;
- outrages upon personal dignity, in particular humiliating and degrading treatment
- the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

Amnesty International has appealed to all governments which are core members of the Organization of African Unity (OAU) to ask the OAU Assembly of Heads of State and Government to address human rights violations, in particular extrajudicial executions, in its member states publicly and regularly. It is essential for them to condemn such killings in Zaire.

Governments should also press the Zaire Government to extend full cooperation, as requested by the UN Commission of Human Rights at its 1993 session, to UN special rapporteurs, particularly the Special Rapporteur on summary or arbitrary executions and the Working Group on Enforced or Involuntary Disappearances.

**STATEMENT BY GEORGES NZONGOLA-NTALAJA  
PROFESSOR OF AFRICAN STUDIES AT HOWARD UNIVERSITY  
BEFORE THE SUBCOMMITTEE ON AFRICA  
OF THE COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES  
OCTOBER 26, 1993**

Mr. Chairman and Members of the Subcommittee:

Thank you for inviting me to testify at this hearing on "Zaire: A Country in Crisis." As a Zairian citizen residing in the United States -- I have been here since 1962 -- I welcome this opportunity to give you my assessment of the current situation in Zaire and to appeal to you for greater U.S. support to the cause of democracy in my country.

The political crisis in Zaire today is primarily due to the refusal of President Mobutu Sese Seko to relinquish absolute power and to accept democratic change. Politically, Zaire is now divided into two antagonistic camps: the forces of the status quo aligned with President Mobutu and the democratic forces led by Prime Minister Etienne Tshisekedi, head of the Transitional Government.

Both Mobutu and Tshisekedi have been politically active since 1960, the year of our independence. Named Chief of Staff of the Armed Forces by Prime Minister Patrice Lumumba a week after independence, Mobutu staged a coup against his erstwhile mentor two months later on September 14, 1960. He went on to participate in the assassination plot that ended Lumumba's life, and he eventually took over as the country's Head of State through a second coup d'etat on November 24, 1965. He proceeded to establish one of the most corrupt and brutal dictatorships on the African continent. His regime is notorious not only for its lengthy record of human rights violations, but also for the excessive wealth of the President himself and his associates, in one of the poorest countries on earth with a per capita annual income below \$150.00.

Tshisekedi began his political career as a Deputy Commissioner of Justice in a caretaker government set up by Mobutu in September 1960. He later held important positions in the Mobutu regime, including those of Interior Minister and Vice President of the National Assembly. He eventually broke with Mobutu in 1980 as one of the 13 members of Parliament who sought to put an end to the Mobutu dictatorship through democratic reforms. Repeatedly jailed, banished to remote prison camps and tortured, he persisted in his fight for freedom with so much courage and dignity that he became a symbol of our people's struggle for democracy.

The United States has played a major role in both Mobutu's rise to absolute power and the emergence of the reform movement under Tshisekedi's leadership. Until 1977, the U.S. Government gave uncritical support to Mobutu as the strongman needed to keep Zaire as an important ally for the West in Central Africa in the context of the global confrontation of the Cold War. The first Shaba War of 1977 exposed the weakness of the Mobutu regime, as it was incapable of repelling a modest military challenge by a group of Zairian exiles without resorting to external military support.

In the wake of this event, President Jimmy Carter succeeded in pressuring Mobutu

to start liberalizing the political system. As a result, the 1977 parliamentary elections were the freest elections ever held under the Mobutu dictatorship. And it is this 1977 Parliament that produced the Group of 13 which eventually assumed the leadership of the current phase of the democracy movement in Zaire. Apart from the Carter initiative and a number of important Congressional hearings on Zaire, much of American support for this movement came from the private sector, from nongovernmental organizations like the Rainbow Lobby, church groups (National Council of Churches, the Presbyterian Church USA, Washington Office on Africa) and human rights organizations (Africa Watch, Amnesty International, Lawyers' Committee for Human Rights).

In spite of the strong leadership shown by this Subcommittee in particular and the Congress in general on matters relating to corruption and human rights violations in Zaire, the Executive branch has pursued a generally pro-Mobutu posture in U.S.-Zairian relations. The Reagan and Bush Administrations abandoned the human rights thrust of the Carter years and reverted back to the pre-1977 policy positions, with strong and unqualified support for Mr. Mobutu. For example, the State Department refused to condemn the Lubumbashi massacre in May 1990 and stuck to the official Zairian version that only one person was killed, although estimates of the number of students killed ranged from 50 to 150. From October 1991 to July 1992, the Department pushed for, and succeeded in having Zairian leaders adopt, a "power sharing" formula under which Mobutu would remain Head of State during the transition to democracy.

Today, in spite of the fact that Mobutu has violated the Comprehensive Political Compromise which has incorporated the U.S. transition plan for Zaire together with the Transitional Act (or provisional constitution) which is based on the compromise, the State Department is calling for a "neutral administration" to replace the legitimate government elected by the Sovereign National Conference in August 1992. The latter was a political reform and constitutional convention of over 2,800 delegates from all walks of life that met between August 7, 1991 and December 6, 1992. I was greatly privileged to be one of the approximately 100 delegates-at-large coopted by the Conference to participate fully in its deliberations.

To govern the country during a two-year transitional period, the Conference established a parliamentary system of government with separation of powers between four institutions: (1) a President "who reigns but does not govern;" (2) a High Council of the Republic with all legislative powers as the provisional parliament; (3) a Transitional Government with all executive powers headed by a Prime Minister elected by the National Conference; and (4) the Courts of Law. None of these institutions is supposed to interfere with or to impede the functioning of the others. Such obstruction is considered treasonable and therefore an impeachable offense, one for which an official can be removed from office by a two-thirds majority vote in the High Council.

Fearing an erosion of his powers and an end to his unlimited access to state coffers at the central bank, President Mobutu moved to destabilize the newly installed Transitional Government of Prime Minister Tshisekedi, first by militarily occupying in September, 1992 the central bank and the general tax office -- both important sources



of cash for him -- and then by illegally dismissing Tshisekedi's ministers and locking them out of their offices in December. In March of this year, he named an illegal government with Faustin Birindwa as prime minister. This action was illegal and unconstitutional. Under the Transitional Act, which was declared by Zaire's Supreme Court on January 8, 1993 to be the only legally binding constitution for our country today, Mobutu is a ceremonial Head of State with no executive powers. Both the U.S. brokered Political Compromise, to which he subscribed in July 1992, and the Transitional Act, stipulated that the Prime Minister of the Transitional Government be elected by the National Conference.

In view of all this, the current talks or negotiations in Kinshasa make no sense. By taking part in them, the democratic forces of the opposition are responding to the growing misery of the population in the face of Mobutu's reign of terror on the one hand, and to external pressures by the United States and other powers, on the other. As the Catholic Bishops of Zaire have stated in their declaration of September 6, 1993, Mobutu is using state terrorism, ethnic cleansing (particularly in Shaba and North Kivu provinces) and economic sabotage as means of destabilizing the country and maintaining full control of the state apparatus. As for Mobutu and his followers, their willingness to take part in these talks is a function of their desire to regain credibility and respectability in the eyes of the international community. Thus, by backing these negotiations, Zaire's Western partners and the United Nations are objectively helping Mobutu to find an easy way out of a crisis that he had himself created in a manner that would allow him to rehabilitate himself internationally while retaining effective power in Zaire. Given Mobutu's record of not honoring agreements, there is no guarantee that what comes out of the current negotiations will be respected by him if it diminishes his hold on power.

In addition to backing these ill-conceived talks, the U.S. Government has helped to raise the comfort level of the illegal Birindwa government by giving it hope for greater recognition in the international community. Last June, President Bill Clinton issued a ban on the granting of U.S. visas to Mobutu and all those who are helping him to obstruct the transition to democracy in Zaire. Since then, the State Department has granted visas to Mobutu's national security adviser, Mr. Ngbanda, who is widely known because of his brutality as the "Terminator," and to the delegation of the illegal Birindwa government to the current session of the U.N. General Assembly. The Department's reasoning, that it is under treaty obligations to grant visas to official delegations even when it does not approve of them, actually amounts to giving aid and comfort to groups which come to power by unconstitutional means. Fortunately, the U.S. has not applied this reasoning to Haiti, where the illegal Cedras regime, despite its effective control over the state, has not been allowed to represent the Haitian state in international gatherings.

The best guarantee for the establishment of the rule of law and for a successful transition to democracy in Zaire is for all internal parties to the conflict as well as the international community, to respect the legal and institutional framework of the transition as adopted by Zaire's Sovereign National Conference. The political impasse in Zaire today is due to the attempt by one individual to destroy that framework and thus obstruct the transition to democracy. An entire nation of 40 million people is being held hostage by one man. This should not be allowed to continue.



Mr. Chairman, Members of the Subcommittee:

The conclusion to be drawn from the Zairian experience is that rather than seeking compromise agreements that dictators will never honor, a Zairian-type situation requires that a dictator be pressured into stepping down. This is what happened in the Philippines with Ferdinand Marcos and in Haiti with Jean-Claude Duvalier. Since internal pressure is inadequate to achieve this aim, external pressure is required to avoid further disintegration into absolute chaos. This is why it is incumbent on those external forces responsible for the very existence and survival of the Mobutu regime to help the Zairian people overthrow him. There cannot be a compromise with a dictator.

I would like to propose the following recommendations for the U.S. Government as policy measures likely to help the cause of democracy in Zaire:

- 1) The United States should strongly support the legal and institutional framework of the transition to democracy as defined by the National Conference, and recognize the Transitional Government of Prime Minister Tshisekedi;
- 2) The U.S. Government should actively seek international isolation and sanctions for Mobutu and all those helping him to obstruct the democratization process;
- 3) The U.S. should give all possible assistance to the Transitional Government of Zaire to enable it to implement the decisions of the National Conference with respect to the restructuring of the armed forces, administrative reform, economic reconstruction, and the preparation and holding of free and fair elections.

Thank you.



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