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**REPORT OF A DEMOCRACY/GOVERNANCE CONSULTANCY  
TO ZAIRE  
(Kinshasa, Lumumbashi, Goma)  
August 7-30, 1993**

**By**

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**Please Note: The views contained in this report are my own and do not necessarily reflect the official thinking of the Government of the United States or any of its Agencies. Nor should they be taken to reflect the opinions of any of the personalities listed in Appendix II.**

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**REPORT OF A D/G MISSION TO ZAIRE, AUGUST 7-30, 1993**

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Abidjan, September 23, 1993

This report is in response to a request from the USAID mission/Zaire for a review of US options concerning electoral assistance to Zaire if and when elections can be realistically envisaged as a way out of the current impasse.

The SOW for this mission is as follows:

**OBJECTIVES:**

- (A) Identify and critically evaluate the broad parameters within which electoral processes can take place within the Zairian context.
  - (1) Presentation and critical assessment of the views of the major political parties concerning what they believe the elections should entail, how they should be timed and structured, and how their results should be implemented.
  - (2) Assessment of the likelihood that a consensus can be reached and sustained concerning the views expressed in (1) above.
  - (3) Analysis of the conditions (and guarantees) under which it is most likely that President Mobutu and his followers would permit free, fair, and transparent elections to occur nationwide.
  - (4) Assessment of the extent to which the present government is in a position to guarantee free and fair elections, even if committed to supporting such a process (including an assessment of how neutral the civil service and armed forces are likely to be).
  - (5) Evaluation of the degree of freedom that political parties are likely to have in organizing and campaigning.
  - (6) Assessment of the extent to which opposition political parties are likely to have permitted access to the media.
  - (7) Assessment of the extent to which the present manifestations of "ethnic cleansing" in Zaire are likely to

be exacerbated, or adversely affected by, nationwide elections at the provincial level.

(8) Identification of the kinds and amounts of external safeguards and resources that are estimated to be necessary to assure free, fair, and transparent elections.

(B) Identify potential strategies for U.S. support for elections in Zaire once a political consensus is reached as to the constitutional and legal preconditions determined in (a) above.

Lemarchand should clearly identify the alternative strategies that he considers appropriate for donors in general, and the U.S. specifically, to pursue. In addition, to the extent possible, he should analyze the advantages and disadvantages of each alternative strategy. In the course of developing these strategies, and indeed in all other aspects of his work as well, the advisor should consult closely with the Charge d'Affaires.

(C) Identify in a preliminary manner the administrative requirements for free, fair, and transparent elections. Should include, but not be limited to:

(1) Assessment of logistical problems posed by the absence of adequate infrastructures:

(2) Availability of trained Zairian personnel needed for purposes of election administration and monitoring;

(3) Identification of the type of election assistance required from PVOs; and

(4) Identification and analysis of the rules and regulations governing voter registration.

The rationale for the above alterations in the SOW is to utilize most effectively D/G Advisor Lemarchand's strong comparative advantages in both African and Zairian political systems to provide the USG with an objective, authoritative assessment of existing political realities in Zaire and the changes required in order for the USG to support any future election activities.

Given the limited time and resources available to Lemarchand to carry out the activities set forth in the SOW, priority should be to the completion of those items that appear in sections 2(a) and 2(b) above. Specific, detailed knowledge of Zaire's electoral administrative infrastructure and the constraints that it poses for free, fair, and transparent elections is of secondary importance until the necessary

background information requested above has been received and analyzed. Moreover, any information that Lemarchand develops on these latter themes will eventually require more detailed assessment.

Although the focus of this report is on anticipated electoral processes and the strategic choices facing the USG, our assumption is that such processes cannot be properly analyzed unless placed in their wider political context. This context being what it is -- extraordinarily fluid -- there are limits to how far one can assess the possible outcomes associated with one strategy or another. If much of what follows is speculative, this is because the Zairian arena has a "theater of the absurd" quality that often defies prediction or comprehension. At the root of this situation lies a more fundamental reality: the game of politics in Zaire unfolds in a complete institutional void. The state is a fiction.

We begin with a summary of the main conclusions and recommendations, then sketch in the principal events and circumstances in the background of Zaire's blocked transition and move on to a discussion of the key parameters within which electoral processes are likely to unfold -- or collapse --, i.e. (a) the position of the two major party coalitions (the Union Sacree and the Mouvance Presidentielle) on electoral and constitutional issues, (b) the liabilities inherent in the incivilities of the civil society, (c) recent trends in the security situation, and (d) the threats posed to the transition by the catastrophic decline of the economy.

We conclude with a consideration of the strategic options available to the US once a consensus emerges among social actors on an electoral time table and a transitional constitutional framework. (Included in the appendix is a list of the acronyms cited, and a selective listing of the political actors interviewed in the course of our mission in Kinshasa, Kisantu, Lubumbashi and Goma).

## I. SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Transitions to democracy involve struggles over the rules of the political game -- over the legal and constitutional rules designed to pave the way from one regime to another, and over the length of the interval between them.

In Zaire the struggle is between the Mobutist forces (collectively referred to as the Mouvance Presidentielle [MP]) and the Opposition (a loose coalition of parties known as the Union Sacree [US]), and revolves around four major issues: (a) the appropriate time frame for presidential, legislative and

local elections, (b) whether electoral processes should proceed in that order, or the other way around, (c) whether the constitution of the future Third Republic should be based on a presidential or a parliamentary system of government, (d) whether the key decisions during the transition should be made by the Haut Conseil de la Republique (HCR) or whether the presidency should be actively involved.<sup>(1)</sup>

The MP position on these issues is straightforward: as Mobutu recently disclosed in an interview in Le Figaro (Sept.4-5), presidential elections are scheduled for December, to be followed by legislative and local elections some time in the Spring of 1994; a presidential form of government, in which Mobutu will again emerge as the central figure, is seen as the only acceptable one for the Third Republic; and even during the transition Mobutu insists on playing a key role.

The US, by contrast, rejects the December deadline for presidential elections, and insists on a longer time frame (18-24 months) if administrative and political requirements for free and fair elections are to be met ; its preferred option is to organize the electoral process from the ground-up, beginning with local elections; its commitment to a parliamentary system of government for Zaire translates into a Prime Minister elected by and responsible to a popularly elected parliament; and it views the HCR as the only institution with a legitimate mandate to organize the transition.

These differences are discussed and qualified at further length in section III; suffice it note that (a) the US is not a monolithic bloc, any more than the MP; as circumstances evolve positions may change on some if not all of these issues; (b) although the holding of presidential elections in December would presuppose a prior referendum on the Constitution as well as on the Transitional Constitutional Act the issue will not be decided until a consensus emerges from the ongoing negotiations under the auspices of the UN representative.

The "likelihood that a consensus can be reached and sustained concerning the views (held by the the US and the MP)" depends on

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<sup>1</sup> The Haut Conseil de la Republique (HCR) consists of 250 members coopted by the National Sovereign Conference (CNS) in December 1992, before its dissolution. Arguing that the HCR is the emanation of the CNS, the US claims that it is now the sole repository of popular sovereignty -- a view which the MP has consistently contested. As President of the HCR, and by virtue of his reputation of fairness and neutrality, Msgr. Monsengwo continues to play a significant role in trying to bridge the gap between the US and the MP. Prior to being elected President of the HCR, he served as President of the Bureau of the CNS.

whether the US and UP participants in the ongoing negotiations can reach agreement on a mutually agreeable power sharing arrangement. Specifically, the chances of a durable compromise hinge around the following factors: (a) whether a "third way" solution can be found to the current impasse, in the form of an alternative Prime Minister to the incumbent (Birindwa) and the US candidate (Tshisekedi), and a government broadly representative of the main political currents in US and MP; (b) whether agreement can be reached on some kind of institutional fusion between the HCR and the National Assembly, (c) whether proper guarantees can be given to Mobutu that his electoral defeat, or voluntary withdrawal, would not result in "cruel and unusual punishment" or prevent him from enjoying the rights of an ordinary citizen (such as they are), (d) whether the mediation of the UN delegate, Mr. Brahimi, proves effective in inducing concessions from both sides. At the time of this writing (September 22) there is no evidence that any of these conditions have been met.

### 1. Electoral Scenarios

The following scenarios are based on the assumption that agreement has finally been reached between the MP and the US on key constitutional and legal issues. This is a large assumption. Even in the absence of an agreement Mobutu may still go ahead and hold presidential elections in December on the basis of the 1967 amended constitution. This would most probably induce the opposition to call for a boycott of the elections. Alternatively, for the sake of an agreement with the US Mobutu may agree to postpone the elections to a later date in return for recognition of the presidency as "un organe de la transition", meaning that decisions concerning the administration of the elections would be taken jointly by the HCR and the presidency. But this, clearly, is a very iffy proposition...

#### 1. Constitutional Referendum in October 1993.

Regardless of whether agreement is reached between the MP and the US over the pace and manner of the transition, Mobutu has publicly stated his intention of holding a constitutional referendum in October 1993. Whether the referendum would involve a choice between two different documents -- the Constitution adopted by the National Sovereign Conference (NSC) and the Mobutu constitution (either the Acte Constitutionnel Harmonise, or the 1967 amended constitution) -- or a "yes" or "no" response to a single document is still unclear. Rejection of the Mobutu constitution is unlikely as long as the media and the administration (or what is left of it) remain under Mobutu's control. Evidence of massive fraud might lead the US to refuse to take part in subsequent elections, especially if the December deadline for the presidential race holds (a variation on the

Ghana scenario discussed below). A majority vote for the CNS constitution, on the other hand, would reduce to nil the stakes that Mobutu has in the presidential elections. Whether this would trigger a coup de force or Mobutu's withdrawal from the race is anybody's guess, though the former appears more likely.

2. Presidential Elections in December 1993, followed by Legislative and Local Elections in 1994.

This time-table would translate into a plebiscitary ritual for Mobutu. What was said earlier of the adverse conditions under which a referendum would be held also applies here.

Two scenarios come to mind:

(a) the Togo scenario, where opposition forces simply refuse to take part in the presidential elections as long minimum conditions of fairness are not met, which would also prompt a boycott of legislative and local elections;

(b) the Ghana scenario, where the opposition agrees to participate in the presidential race, yet loses the elections and invokes massive fraud as a sufficient reason for not contesting the legislative and local elections.

A third scenario would involve a Mobutist victory in the presidential race followed by a victory of the opposition in the legislative elections, along with solid majorities in at least some provincial assemblies (Kasai Occidental, Bas-Zaïre). The full implications of this scenario remain unclear, however, as long as disagreement persists over the distribution of constitutional powers.

3. Agreement on a "decent interval" before elections, organized from the ground-up.

This is the preferred option for the parties affiliated to the Union Sacree. While most would endorse the CNS time frame (18-24 months) there is ample room for concessions in one direction or another. Few, however, would accept the December deadline suggested by Mobutu.

A 24-month interval seems like a strict minimum to ensure free and fair elections, yet there is no indication whatsoever that the MP would agree. Nor is there reason to believe that the MP would endorse an electoral calendar that would provide for elections at the local level first, followed by legislative and presidential elections. A possible compromise might involve agreement on a December 1994 deadline in return for a top-down electoral calendar starting with presidential elections.

While a more extended time-frame would improve the chances of

"free and fair elections", this would not guarantee smooth sailing. If the 1957 precedent is any index, there is every reason to assume that an electoral process organized from the ground-up would unleash widespread ethnic violence in several urban localities, and thus serious compromise the outcome of the next phase.

Renewed ethnic violence is also likely under the Togo and Ghana type scenarios discussed above. If so this might give Mobutu a convenient pretext for calling off the elections and once again turning to the army.

## 2. US Options

A. In the unlikely event that a constitutional referendum is held in October, our choice is either to "wait and see" or to insist on a pro forma international monitoring presence. Given the time constraints and the size of the country the latter option would not make the slightest difference in the outcome, and whatever evidence of fraud might surface could just as well be picked up by local Zairian observers recruited from the Ligue Zairoise des Electeurs or any of the several human rights organizations in existence in Kinshasa and Lubumbashi.

B. The December 1993 scenario (snap elections à la Togolaise) again confronts us with two different options: one is to publicly denounce the electoral procedure as a sham and explain why, in our minds, snap elections can only lead to a parody of democracy. As long as the radio and television are under Mobutu's control, as long as he can manipulate the territorial administration and the security forces, and as long as the time constraints facing the opposition candidates deny them the opportunity to get their electoral act together, the prospects for free and fair elections are virtually nil.

Another option is to give Mobutu the benefit of the doubt, and invite a group of international observers to act as a watchdog. This does not imply that we would necessarily agree with either the time-table or the conditions under which the electoral process would unfold. But it would enable us to frame our criticisms on the basis of specific instances of electoral fraud.

These choices cannot be exercised in a vacuum: the first would clearly be the more appropriate in circumstances approximating the Togo scenario -- where there is no evidence whatsoever that the regime is willing to release its grip over the media, that opposition parties have the opportunity to campaign freely, and that the security forces will remain neutral. Our condemnation of the electoral process would reinforce the stance of the opposition parties, and cast further discredit on the regime.

The second choice is the more appealing if the opposition is given a fair chance, and if it is willing to contest the elections. Even so, it faces major obstacles. The problems involved in bringing in on such short notice hundreds of international monitors and training Zairian observers are monumental (this point is further qualified and elaborated upon in Section IV below). And so are the risks, given the fact that ethnic violence may increase rather than diminish as the date of the elections approaches.

C. The "decent interval" scenario -- meaning a breathing space of anywhere from 15 to 24 months after a consensus emerges between the MP and the US -- is where electoral assistance is likely to make a difference.

In terms of our media strategy, and assuming that the radio and TV are no longer the vehicles of the MP, our aim should be to make sure that candidates to the presidency are allowed equal time, that campaign issues and platforms are given appropriate coverage, and that the meaning of democracy and of the electoral process are properly conveyed to the rural sectors in the vernacular languages.

The training of election observers should be next on our agenda: for this primary reliance should be placed on NDI, acting in close collaboration with Zairian NDI-trained NGOs (Ligue Zairoise des Electeurs) and human rights organizations (Association Zairoise des Droits de l'Homme, la Voix des Sans Voix, etc.). And we need to make sure that certain basic administrative requirements for free and fair elections are properly met, meaning among other things the setting up of an electoral register, agreement on the composition of an electoral commission, and an electoral law that specifies the manner in which elections are to be carried out (should they be conducted on a regionally "staggered" basis, or should they be conducted everywhere at the same time? should they be conducted on a PR or on a "first-past-the post" basis? Will there be run-offs if candidates get less than 50% of the vote? etc.). Last but not least, provision must be made for an international monitoring presence. Rather than to seek maximum coverage of the electoral process, a more realistic option is to aim at a selective monitoring, concentrating on areas where the electoral contest is most likely to invite fraud and intimidation (North-Kivu and Southern Shaba).

Here our choices are between doing all of the above -- a very tall order -- or to concentrate on what we perceive to be the really important priorities, i.e. (a) explicating the meaning of democracy to the rural masses, (b) the training of Zairian election observers, with NDI and the Carter Center working in tandem with Zairian NGOs, (c) the organization of an emergency

task force that would rely heavily on the participation of NGOs and OFDA people, and whose mandate would be to restore security and improve infrastructures in those areas most directly affected by ethnic violence. (For a more extensive discussion, see section IV below).

Preference for the latter option reflects our conviction that these are areas where our investments, in terms of money and expertise, are likely to be most productive. Another reason lies in the opportunity it offers to help develop certain functional interactions among variables (a), (b) and (c): just as the training of Zairian NGOs for monitoring purposes also offers a point of entry into (a), the networks of individual and professional solidarity thereby established among NGOs can also provide the basis for organizing a civilian "rapid deployment force" into crisis-stricken areas. (For further elaboration of this point see section IV below).

### 3. Constraints

On closer inspection even the most promising options appear somewhat uninviting, in part because Mobutu has no intention to help bring about minimum conditions of freedom and fairness, and in part because of the environmental constraints inherent in the Zairian situation.

Mobutu's defiant attitude is well established. As he himself recently stated, "Je suis encore la par defi, pour faire la demonstration que le peuple zairois reste tres attache a son chef" (Le Figaro, Sept. 4-5, 1993). In the light of that statement -- and of his track record during and after the CNS <sup>(2)</sup> -- Mobutu's assurances have a singularly hollow ring: "The (legal) texts are ready. The ballots are printed. There will be international observers from the OAU and the UN. I have already talked to the Secretary General about it. I am firmly committed to these elections" (Ibid.). The electoral cost estimates recently submitted to the UN by the Zairian authorities are another reason for questioning Mobutu's credibility. In March 1991 the Department of Territorial Administration estimated the cost of holding general elections at \$ 12 million; two years

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<sup>2</sup> The methods used by Mobutu to stage-manage the CNS, and later to circumvent the decisions of the HCR, include: (a) packing the conference hall with loyal supporters, (b) sponsoring pro-regime parties, (c) buying-off opposition members, (d) stimulating ethnic tensions within and outside the CNS (most notably in Shaba, with tragic consequences for the Kasalian community of that region), and (e) setting up parallel institutions designed to challenge the authority of the CNS and the HCR -- a process known in Zaire as "dedoublement". And to this must of course be added the more or less systematic use of force to intimidate, repress and punish.

later, however, in a revised estimate submitted by the Minister for International Cooperation, Denis-Henry Buketi Bukayi, to the UN representative in Zaire the price tag for a referendum along with presidential, legislative and local elections was set at \$ 373.5 million. Presented by Minister Buketi Bukayi as the price that needed to be paid for a "credible and honest electoral process", his request can better be described as a thinly-disguised ripoff. (3)

(Lest we forget, Mobutu's obstructionism is of course the main reason for the congressional restrictions on assistance to Zaire included in section 307 of the FY 1993 Foreign Assistance Act, which rules out economic and military assistance to the GOZ; this, however, does not "prohibit NGOs from working with appropriate ministries or departments of the GOZ"; nor does it exclude "assistance to programs of non-governmental organizations" in the conditions stipulated in section 619 of the FAA).

Constraints of time and money are magnified by the size of the country and its population -- 900,000 square miles, the largest in the continent after the Sudan, and anywhere from 35 to 40 million inhabitants. (4) Owing to poor infrastructures the organization of monitoring teams faces colossal problems. Deploying thousands of election observers from Walikale to Bafwasende, and from Mbanza-Ngungu to Manono and countless other remote localities is a logistical nightmare. Again, providing adequate transport for voters living in remote rural villages

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3. See Requete du Gouvernement de la Republique du Zaire pour Solliciter l'Appui des Nations Unies au Processus de Democratization et Decentralisation en cours au Zaire (May 1993). Included in this request are, among other things, 300 all-terrain vehicles, 50 outboard motors, 46 large trucks, 217 radio telephones, 217 solar panels, 217 batteries and 39,000 "transparent" ballot-boxes; additional items include \$ 500,000 worth of ball-point pens, \$ 300,000 worth of candlesticks and \$ 1,000,000 worth of envelopes ("petites et grandes")... While some might argue that the needs justify the means, there is every reason to doubt that the GOZ would use the money or the goods for their intended purpose.

4. According to the previously cited document, the total population of Zaire for 1993 is estimated at 43 million (up from 30.7 million according to the 1984 census), and the eligible population at 23.3 million. Both figures seem deliberately inflated, however, in order to make the country's "needs" consistent with the request for UN assistance. Additional demographic data for 1984 can be found in Zaire: Un Apercu Demographique (Institut National de la Statistique, Kinshasa: 1984).

also raises obvious difficulties regardless of time-frames and electoral calendars.

(Given the size of the country, and in order to keep the number of monitors to a reasonable level, a convincing case can be made for holding elections on a regionally staggered basis, that is region by region, over a period of several weeks. So to avoid "coat tail effects" the results would be disclosed at the same time for all of the eleven regions).

If logistics are bad, the security situation is even worse (for further details see Section III below). In the past troops did not hesitate to fire on the opposition (as they did in Mbuji-Mayi in April 1990, killing dozens of people). There is no reason to assume that further violent action will not be directed against opposition candidates. That the army might get involved in the electoral process on behalf of MP candidates is not to be excluded. Yet even in the absence of such direct involvement electoral mobilization would be more than enough to trigger violent confrontations among candidates and their supporters. And this in itself could be a sufficient reason for the army to call off the elections -- or seize power.

## II. BACKGROUND TO THE CURRENT CRISIS: A BLOCKED TRANSITION

Zaire is the only country in the world to claim two Prime Ministers, two governments, two parliaments, two constitutions, and two transitional constitutional acts (one of which "harmonise" and the other not). The phenomenon -- euphemistically referred to in Zaire as "dedoublement" -- bears testimony to the total impasse currently facing the country.

At the root of the continuing deadlock lies a fundamental disagreement over the pace and manner of the transition. Against the claims of the US that it has full authority to define the rules of the transition, Mobutu and his MP acolytes insist that the only source of legitimacy lies in the 1990 revised constitution of the Second Republic, tailored to his autocratic stature. Which means that he, and he alone, has the right to appoint and dismiss the Prime Minister, to define the limits of his prerogatives, to determine the basic outlines of a transitional framework, and to set the time-table for presidential and legislative elections.

On each count the disaccords between the Union Sacree and the Mouvement are virtually unbridgeable. Yoked together in a mire of contradictions and disagreements, they can neither live with each other nor without each other. For if there can be no question that the CNS (and now its successor institution, the Haut Conseil

de la Republique [HCR]) embodies an alternative source of legitimacy to that of the Mobutist state, power -- i.e. access to guns and money -- lies with the presidency.

The state in Zaire has virtually ceased to perform its intended functions, but the HCR is utterly impotent to act as a surrogate. While the security forces are a permanent threat to the civilian population, private militias are emerging in parts of North Kivu, protection rackets proliferate in Lubumbashi and Kinshasa, and mutinies are reported in Kolwezi. Meanwhile, the extreme fluidity of political alignments and ceaseless combinations among members of the political class make it impossible to predict what the next round might be like.

### Towards a "Global Political Compromise"

The critical issue now facing the political class is whether the July 1992 compromise (the so-called Compromis Politique Global [CPG]) hammered out between the Mouvance and the Union Sacree can once again provide the basis for a democratic transition.

What many at the time saw as a major breakthrough came about after a protracted trial of strength between Prime Minister Nguz Karl i Bond (Mobutu's candidate) and the CNS. Tensions came to a head on February 16, 1992, when, in response to Nguz's decision to suspend the CNS, thousands went on a protest march in the streets of Kinshasa -- only to be savagely repressed by units of the Civil Guard.

Not until July was a "global compromise" finally reached which, among other things, (a) recognized the right of the CNS to elect a Prime Minister, (b) acknowledged the prerogatives of the President as the Head of State and Supreme Commander of the Armed forces during the transition, (c) called for a neutral transitional government "free of partisan militancy and exclusivism", (d) suggested a pre-electoral time-frame of 18 to 24 months. An important stipulation of the compromise -- promptly violated by Mobutu -- was that "the present National Assembly will not stand as a transitional institution". Furthermore, "aucune institution ne peut imposer sa volonte au peuple ou aux autres institutions" -- a provision that contained within itself the seeds of endless conflict.

As if to give them greater legitimacy the terms of the compromise were subsequently enshrined in a basic constitutional document -- officially known as "Acte portant dispositions constitutionnelles relatives a la periode de transition", in short "l'Acte de la Transition" (hereafter referred to as the Transitional Constitutional Act). Adopted by an overwhelming majority of the CNS on August 4, this document incorporates and elaborates upon the key provisions of the Global Compromise, with the added

provision that the country would again be known as the Congo and not Zaire.

As subsequent events showed, the election by the CNS of Union Sacree leader Tshisekedi to the Prime Ministership, on August 15, marked the limits of Mobutu's tolerance in recognizing the terms of the Global Compromise and the Transitional Act.

### **President vs. Prime Minister**

Arguing that the CNS had violated the terms of the compromise by changing the name of the country, that Tshisekedi had failed to put together a government of "national union" of neutral complexion, as had been agreed upon by the parties to the compromise, and that he went far beyond his prerogatives as Prime Minister in sacking the Governor of the Central Bank, Nyembo Shabani, on October 1st, Mobutu proceeded to use every means at his disposal, including force, to reassert his control.

On October 1st armored units of the Forces Armees Zairoises (FAZ) were ordered to Banque Centrale to reinstate Governor Shabani; a few days later the National Assembly met at the Palais de la Nation at the request of Mobutu, a move clearly intended to challenge the legitimacy of the CNS; on October 27 a carefully selected group of CNS members, mostly identified with the Mouvement, met with Mobutu and publicly came out in support of a neutral and more broadly representative transitional government - "un gouvernement qui doit etre neutre et ouvert a toutes les tendances et respecter la representation regionale". On December 1st a presidential ordinance dismissed Tshisekedi from office and appointed him as "formateur" in hopes that he would heed the presidential warnings and reshuffle his cabinet. Tshisekedi remained obdurate. Resisting pressure from the newly elected HCR -- which, after the dissolution of the CNS in December, emerged as a kind of surrogate parliament -- Tshisekedi decided to maintain his cabinet, with 7 ministries out of a total of 22 (including Interior, Justice and National Defense) under the control of his own party, the Union Democratique Populaire et Sociale (UDPS). Mobutu responded with a presidential ordinance vesting full authority with senior civil servants ("secrétaires généraux") to run the day-to-day tasks of the administration: to induce compliance with Mobutu's directives each received an additional month's salary as a bonus.

The crunch came in January 1993, after Mobutu decided to issue a new 5 million zaires banknote in an attempt to reduce the printing costs of his sharply devalued currency. The move was immediately declared illegal by Tshisekedi. His call was largely heeded by traders and shopkeepers. Upon discovering that they would not accept the new banknote, scores of infuriated soldiers went on a looting spree, spreading violence, arson and chaos through the capital city and other localities. This was not the

first time that disgruntled soldiers had gone on rampage, but there was no precedent for the scale of the devastation. An estimated 1,000 human lives were lost at the hands of the DSP (mostly among FAZ soldiers, many of whom were high on drugs and alcohol); hundreds of millions of dollars worth of property went up in flames; and not a few of the looting operations conducted by FAZ commandos were specifically targeted against enemies of the regime, including UDI turncoats.

#### **Mobutu seizes the initiative**

In the atmosphere of fear and consternation which enveloped Kinshasa Mobutu moved swiftly to exploit the situation to his advantage -- first by blaming Tshisekedi for the rioting, then by appointing General Eluki, known for his total loyalty to Mobutu, as his Chief of Staff, in replacement of General Mahele, suspected of being too "liberal", and finally by making it unambiguously clear that Tshisekedi was longer qualified to serve as Prime Minister. By then there was a growing sentiment among some members of the Union Sacree that Tshisekedi had outlived his usefulness. Capitalizing on this sense of frustration and disaffection, Mobutu quickly set about the task of reconstructing his power base through an appropriate mixture of intimidation and rewards.

In a move clearly intended to intimidate the HCR and cast discredit upon it, on February 24, 1993, units of the Civil Guard were instructed to surround the Palais du Peuple and make sure that none of the Conseillers attending the session would be allowed to leave the building. Not until three days later would they be allowed to go home.

As if to add to the debilities of the HCR, and in clear violation of the terms of the Global Compromise and the Transitional Constitutional Act, on March 9 Mobutu resurrected the National Assembly (elected in 1987), with the firm intention of using it as a counterweight to the HCR.

Having dissipated all doubts as to where power lay, Mobutu now turned to the task of splitting the opposition by dangling the prospects of a nomination to the post of Prime Minister before a pool of receptive candidates. This was the main purpose of the "conclave" summoned by Mobutu, from March 9-18. Among the key members of the Union Sacree attending the conclave were Albert Ndele, Thomas Kanza, Cleophas Kamitatu and Faustin Birindwa. By appointing Birindwa Prime Minister Mobutu exposed the disillusioning venality of at least some members of the opposition while at the same time driving a deep wedge between hard-liners and moderates. All four "ministrables" were immediately expelled from the Union Sacree.

With a new parliament and a new Prime Minister Mobutu could

finally turn to the last and most important step: the construction of a new constitutional formula for the transition. Approved by an overwhelming majority of the National Assembly, on March 26, the so-called Acte Constitutionnel Harmonise provides for a constitutional formula radically different from the one embodied in the constitutional document of August 1992 adopted by the HCR: the President remains the central figure during the transition, with the Prime Minister, the National Assembly, the HCR and the Courts and Tribunals all reduced to an ill-defined limbo.

### III. ASSESSING ZAIRE'S DISABLING ENVIRONMENT: SOME KEY PARAMETERS

The central obstacle in the way of a democratic transition lies in the historical legacy of the Mobutist state: although presidential and legislative elections were held in 1970, 1975, 1977, 1982 and 1987, at no time did they threaten Mobutu's autocracy; even when several candidates were allowed to compete under the banner of the Mouvement Populaire de la Revolution (MPR), as happened in 1977, 1982 and 1987, electoral processes were little more than plebiscitary rituals. For the overwhelming majority of the Zairians the concept of democracy has no meaningful resonance.

Prolonged obeisance to the politics of patronage has insured the emergence of a political class utterly lacking in vision and maturity, primarily concerned with jockeying for power, ever ready to switch sides as long as the price is right, and, with few notable exceptions, blissfully indifferent to the fate of the rural masses.

More specific handicaps include (a) sharp disagreements among political parties about the time-table and manner of the transition, (b) an extremely weak and fragmented civil society, with few cross-ethnic ties, and (c) a security situation characterized by countless human rights abuses, in some areas (Shaba and North Kivu) reaching the proportions of a near genocide.

#### Electoral formats and political discords

As noted earlier, disagreements among political parties center on (a) the time frame for electoral processes, (b) whether these should start at the local level first, then the legislative and presidential levels, or the other way around, (c) the distribution of power in the new constitutional dispensation.

Reaching agreement on these issues is made all the more complicated by the sheer number of contestants, and the fluidity of political alignments. Switching sides ("vagabondages politiques") is a common practice among Zairian politicians; coalition partners may share a common stand on one issue and not

on others; party leaders in the capital city may approach legal and constitutional issues from one perspective and regional and local leaders from another. All of which also raises serious questions about the durability of a consensus, should one emerge.

The number of registered parties increased from three in April 1990 (following Mobutu's speech of April 24, when he first recognized the legitimacy of a multiparty system) to 255 when the CNS met for the first time, to over 500 at the time of this writing. These are for the most part regrouped into a smaller number of "plateformes", each gravitating around Union Sacree and Mouvance Presidentielle.

Included in the former -- recently renamed Union Sacree de l'Opposition Radicale (USOR) -- are the following "plateformes", each consisting of a constellation of satellite parties:

- Front Uni de l'Opposition (FUO)
- Collectif Progressiste (CP)
- Alliance des Forces Independentes pour le Changement
- Integral (AFICI)
- Cartel des 18
- Independents

The Mouvance Presidentielle (MP), on the other hand, includes:

- Cartel des 40
- Consensus
- Alliance des Democratres pour des Elections Libres (ADELI)
- Union des Forces Nationalistes et Lumumbistes (UFONAL)

(NB: the ADELI is made up of three separate parties: the Mouvement Populaire de la Revolution (MPR), which served as the pivot of the Mobutist state for a quarter of a century, Karl I Bond's Union Federale des Republicains Independants (UFERI), with its political base in Shaba, and the Bula Mandunqu wing of the Front Commun des Nationalistes (FCN); as of September 1993 the other wing, headed by Gerard Kamenda, was said to have joined the USOR.)

The key players in the spectrum of political parties are the Union Democratique pour le Progres Social (UDPS), the Parti Democratique Social Chretien (PDSC) and the Union Federale des Republicains Independents (UFERI). The first two are key partners in the USOR, and the third is one of the pillars of the MP, along with the MPR. Its staunchly "federalist" stance did not prevent the UFERI from entering into an alliance of convenience with the normally "unitarist" Mobutist forces, a situation which helps explain why the unitary vs. federal issue appears to be the least contentious. On other issues, however, the prospects of a compromise between the USOR and the MP are not nearly as promising.

The position of the MP on the timing of the elections is clear -- the sooner the better. As already noted, this means a constitutional referendum in October, presidential elections in December, and local and parliamentary elections some time in the Spring of 1994.

The USOR, on the other hand, insists on a longer time frame, so as to insure that Mobutu will not interfere in the electoral process, and give the opposition parties enough time to organize their campaign. Broadly speaking, the USOR position is set forth in the Transitional Constitutional Act: a period of 18 to 24 months should precede the elections, and these should start at the local level first, and proceed from the ground-up.

Unlike the MP, which argues that there is no need for a census or an electoral register, both are generally seen by the USOR as an important condition for free and fair elections, along with international monitors. Tshisekedi (UDPS) and Boboliko (PDSC), among others interviewed, made it clear to me that they viewed a census as the first step towards putting together an electoral register. The last census was taken in 1984, and is said to be less than reliable. (Those Zairian human rights activists we interviewed unanimously endorsed the USOR position on a pre-electoral time frame of 18-24 months, though some would prefer an even longer period of time, ranging from 3 to 4 years; most would agree that immediate priority should be given to setting up an electoral register, and that close ties should be established with NDI for monitoring purposes).

More substantial are the differences between the MP and the USOR on constitutional issues. Where the MP insists on a strong executive and a weak parliament, the USOR argues the precisely the reverse. Specifically, a weak executive for the USOR means (a) a figurehead President and a Prime Minister accountable to the National Assembly, (b) a "delai butoir" clause, meaning that after fifteen days of its passage by the National Assembly a bill becomes law regardless of whether or not it is promulgated by the President, (c) a federal system of government allowing substantial autonomy to the regions, (d) rejection of a presidential "reserved domain" that would enable the president to control such key portfolios as Foreign Affairs, Interior, and Defense. On each count the position of the MP is diametrically opposed to that of the USOR (except for a compromise of sorts over the unitary vs. federal issue). Furthermore, unlike the MP, which insists on recognizing the 1967 parliament as a "key organ of the transition", the USOR takes the view that only the HCR can claim the role of a surrogate parliament before elections. In the words of the Compromis Politique Global, "le Haut conseil de la Republique exerce le pouvoir de legiferer pour les besoins de la transition".

The principal constitutional divergences between the USOR and the

MP are summed up in the table below:

ISSUES	USOR	MP
Strong President	Against	For
"Delai butoir"	For	Against
Prime Minister responsible to National Assembly	For	Against
Federal System of Government	For	Against
Presidential "reserved domain"	Against	For

A protracted deadlock on these issues may not prevent Mobutu from going ahead with the presidential poll in December, but if so it will provide the opposition with further ammunition to boycott the elections. Even if agreement is reached before the elections, the sheer number of parties, along with their overwhelmingly ethno-regional underpinnings, is reason enough to expect considerable ethnic violence during the campaign, and question the likelihood of a viable consensus in the post-electoral phase of institutional consolidation.

#### The "missing middle": A weak and fragmented civil society

Democracy requires a great deal more than parties and elections. It requires participatory structures through which social demands can be formulated and acted upon. Such demands -- the raw materials out of which parties normally build their platforms -- are nowhere more weakly articulated than in Zaire.

Set against a quarter of a century of patrimonial rule, the organizational weakness of Zairian society must be seen as the logical consequence of the Mobutist state. Patrimonial rule sets sharp limits on the organization of independent power centers; state-society relations are mediated through personalized linkages, of a patron-client variety; social demands are funnelled upwards from clients to patrons, rather than through cross-ethnic associations capable of mobilizing widespread support from their constituents. In such circumstances the organization of social life has little to do with professional associations, trade-unions, or cooperatives. The civil society is largely reducible to a congeries of kin groups and ethnic associations.

The situation I observed in Goma (North Kivu) is not untypical: While the local branch of the Union Nationale des Travailleurs Zairois (UNTZ) seemed in very bad shape, with a skeletal membership and average monthly dues amounting to the equivalent of \$ 50.00, ethnic associations (or "mutualites"), on the other hand, were flourishing. Here is a sample of the most active:

Association Culturelle Bahunde  
 Bushenge (Mutuelle des Bahunde)  
 Kyahanda (Mutuelle Nande)  
 Bunakima (Mutuelle des Banyanga)  
 Mogo (Mutuelle des Originaires de Goma)  
 Banyamunigi (Association des Hunde de Goma)  
 Umoja (Mutuelle Banyarwanda)  
 Magrivi (Mutuelle des Agriculteurs et Eleveurs des Virunga)

Asked why parties and trade-unions had such shallow roots in Goma and its vicinity, the answer I received from local notables was everywhere the same: "Political parties mean nothing to us. The same goes for the UNTZ. We'd rather be with people of our own kind. At least we know they can provide us with help and protection when we need it". Reports from other regions point to much the same sense of frustration over the inability of parties to respond to local concerns. Although interviews with local party officials convey an image of strong public support for their respective organizations, the weight of the evidence suggests otherwise. In the absence of strong party organizations, ethnic associations will become the most serviceable frameworks for setting up vote banks. Thus to the extent that much of the social space has been pre-empted by ethnic associations -- which seems to be the case almost everywhere -- it is easy to see why electoral processes might intensify inter-ethnic competition and lead to further violence.

Except for the UDPS, the UFERI and the PDSC, all of which have substantial roots in the countryside -- the first primarily in Kasai Oriental, the second in Shaba and the third in Bas-Zaïre -- few parties are likely to emerge as a dominant force at the regional or national level. Furthermore, since all three tend to be identified with specific ethno-regional aggregates -- the PDSC with the Kongo, the UFERI with the Luba/Shaba and the UDPS with Luba/Kasai -- there is every reason to expect electoral competition to translate into ethnic confrontations, with Shaba emerging as the most likely candidate for another round of ethnic unrest.

Not only does this situation pose major threats to the electoral process -- and possibly induce Mobutu to have recourse to force to bring it to an end -- but it also casts grave doubts about the next phase: in the absence of strong civic and professional associations to counter-balance the power of the government, a successful consolidation of democratic institutions seems most unlikely.

#### **Insecurity: the omnipresent threat**

The dominant trend in the security situation has been from repressive actions directed against regime opponents to something approximating organized anarchy.

Specifically, there are strong indications that Mobutu is no longer able to exercise effective control over the Forces Armees Zairoises (FAZ), as shown by their propensity to engage in recurrent looting sprees. Furthermore, there has been a major increase in the scale of human rights abuses committed by non-state agents, most notably in Shaba and North Kivu. Even if such were his intentions, Mobutu is in no position to guarantee minimum security conditions during the elections. To the extent that he still has a measure of control over certain units, as well as over the Division Speciale Presidentielle (DSP), the intimidation and harassment of opposition candidates is not to be excluded.

Estimates of the size of the Zairian armed forces vary between 175,000 and 120,000. The core units are the DSP and the Garde Civile (GC). Officially described as consisting of "unites de la force terrestre chargees d'assurer la securite du President", the DSP is Mobutu's praetorian guard. Headed by his brother in law (General Nzimbi), and much more generously treated than other units in terms of salaries and privileges, its 12,000 troops are essentially recruited among Mobutu's own ethnic group the Ngbandi. Its loyalty to Mobutu seems assured.

The same applies to the 14,000 strong GC, headed by General Baramoto, also of Ngbandi origins. His meteoric rise through the ranks -- illustrated by his instant promotion from the rank of Sergeant to that of Four-Star General -- owes much to his unquestioned loyalty to Mobutu. According to Baramoto Bas-Zaire (a predominantly Kongo area) contributes the largest number of troops to the GC; next comes Haut-Zaire, and third Equateur, with an almost even proportion of Ngbandi, Ngwaka and Ngombe. Like the DSP, its pay scales are substantially above those of the regular FAZ units. Its reputation as an instrument of political repression is well established. On a number of occasions -- beginning with the attacks against students on the Lubumbashi university campus in May 1990, against UDPS members in Mbuji-Mayi in April 1991 and in Kinshasa in September 1991, and followed by countless other "interventions" of a similar kind -- the GC has been called upon by Mobutu to intimidate, beat or kill his political opponents.

The recent upsurge of political violence is traceable to the rise of anti-regime forces, and Mobutu's determination to use every means at his disposal, including force, to teach them a lesson. After the killing of some 40 UDPS supporters in Mbuji-Mayi by the security forces in April 1991, came the shooting of some 60 peaceful demonstrators on February 16 1992 during the "marche des Chretiens", and the "actions ponctuelles" directed against various opposition figures, accompanied by the destruction of their property -- all of which come under the rubric of what Msgr. Monsengwo described to me as "state terrorism".

Another form of political violence is associated with non-state agents. A case in point is the "ethnic cleansing" undertaken by the Jeunesse wing of the UFERI -- the so-called JUFERI -- against Kasaiian elements in several localities of Southern Shaba (Likasi, Fungurume, Lwena, Kanzenze, Musokantanda, Kolwezi): under the leadership of a certain Jeannot Tshiyuka, the JUFERI have developed into gangs of terrorists, most of them high on drugs and alcohol. Although the initiative behind the anti-Kasaiian pogroms came from above (the regional UFERI leadership), according to Governor Kyungu (Shaba), the Jeunesses have evolved into a totally uncontrolled, self-recruiting group ("les membres se recrutent eux-memes"). Responding to Kyungu's call, "Debout Katanga!" ("Up on your feet Katanga!"), they sprang into action shortly after Tshisekedi was appointed for the second time to the post of Prime Minister, in August 1992. Since then an estimated 150,000 Kasaiians have been forced out of Shaba, leaving much of their property -- houses, cars, bicycles, cattle and land -- in the hands of JUFERI elements.

North-Kivu is another case in point: in March 1993 an estimated 3,000 Banyarwanda were massacred at the hands of Bahunde, Banyanga and Banande elements in Walikale and Masisi. Despite evidence of involvement on the part of the regional authorities, the killings were the work of rural elements, many of them landless, infuriated by the provocations of local Banyarwanda activists affiliated to the Mutualite des Agriculteurs et Eleveurs des Virunga (Magrivi). Tensions between Banyarwanda "migrants" and "natives" had been building up for years. That many of the large landowners in Masisi happened to be of Banyarwanda origins contributed in no small way to focus popular resentment against all Banyarwanda. Like the Kasaiians in Shaba the majority of the Banyarwanda (numbering approximately half a million) were born in North Kivu. Although the sudden influx of thousands of Tutsi elements from Rwanda after the 1959-1962 Hutu-led revolution put additional strains on land resources, the precipitant factor behind the killings has nothing to do with the land problem. The key issue revolves around the rights of Banyarwanda as a group: following the decision of the CNS to withhold recognition of their rights as Zairian citizens, Magrivi activists proceeded to make clear their discontent by staging a civil disobedience campaign in Walikale, much of it targeted against local authorities. In the climate of inter-group tension that existed at the time, this was the signal for a violent retribution. Violence spread quickly from Masisi to Bwito, where Tutsi elements took advantage of the situation to kill hundreds of Hutu. Yet a few miles south, in Bwisha, Hutu and Tutsi joined hands to kill every Hunde in sight. In addition to the loss of thousands of human lives on both sides of the ethnic fault line, an estimated 120,000 homeless people have found refuge in mission stations and PLZ shelters.

Just as a distinction must be made between state and non-state

agents as vectors of human rights violations, it is important to distinguish between violence that is explicitly political in character, and acts of arson and looting by troops angered by long delays in the payment of their salaries, or the refusal of local traders to accept their freshly printed 5 million zaire notes -- in short the "pillages". In practice, however, the distinction is not nearly as clear. As reported recently by Amnesty International the January 1993 "pillages" involved more than just the destruction of property. The pillage were an opportunity to settle scores with personal or political enemies, and in the process a fair number of anti-Mobutist elements were eliminated. According to a VSV report (Rapport sur la Mutinerie de l'Armee a Kinshasa, Jan. 28-Feb. 3 1993) in Kinshasa alone 113 persons were killed in January 1993, including 27 identified as "militaires"; 156 were seriously wounded by bullets. Reliable sources told this writer, however, that at least 1,000 FAZ troops involved in looting were shot dead by the DSP. Meanwhile millions of dollars worth of property were destroyed by FAZ elements.

Although the January 1993 and September 1991 "pillages" have received a fair amount of publicity, much less has been heard of other looting sprees -- in Lubumbashi on October 23, 1991, in Mbanza-Ngungu on January 28-29, 1992, in Goma on December 1992, in Mbandaka in September 1992, in Kisangani, Goma and Rutshuru in January 1993, in Lisala in August 1993.

With the prospects of Mobutu running out of cash, the likelihood of further "pillages" increases and insecurity becomes omnipresent. Zaire had reached the stage where the army is increasingly spinning out of control. Furthermore, the issue of ethnicity intrudes into this situation with equally ominous implications: the anti-Kasaian pogroms in Shaba have triggered serious mutinies among predominantly Kasaian FAZ units in Kolwezi; and the killing of an estimated 1,000 FAZ looters by DSP troops in Kinshasa in January 1993 must have left in its wake a rich potential for further conflict within the military.

The following table shows the ethno-regional origins of FAZ Generals as of August 1993:

**Distribution of Ethno-Regional Identities among FAZ Generals**

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<b>1. Equateur</b>		<b>31</b>
Ngbandi	10	
Mbuja	10	
Libinza	4	
Mongo	4	
Ngombe	3	
<b>2. Haut Zaire</b>		<b>7</b>
<b>3. Bandundu</b>		<b>6</b>
<b>4. Maniema</b>		<b>5</b>
<b>5. Bas-Zaire</b>		<b>5</b>
<b>6. Kasai Occidental</b>		<b>3</b>
<b>7. Kasai Oriental</b>		<b>2</b>
<b>8. Sud Kivu</b>		<b>2</b>
<b>9. Shaba</b>		<b>1</b>
<b>Total</b>		<b>62</b>

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**Source:** La Tempete des Tropiques, No. 109, Aug. 21-24, 1993, p.7

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Although half of the FAZ generals come from Mobutu's region (Equateur), and one third of these are of Mobutu's own ethnic group (Ngbandi), the more important point to note is that Ngbandi elements are overwhelmingly concentrated in the DSP and the GC. In both outfits recruitment into higher ranks can best be seen as a patronage operation designed to reinforce the loyalty of the officer corps to the Supreme Patron. Merit is of secondary importance to personal devotion to Mobutu. In such circumstances one can readily appreciate the difficulty of persuading Mobutu to reorganize his armed forces. All efforts to achieve a more equitable ethnic balance among the upper ranks and to professionalize the army will be strenuously resisted by Mobutu and his "men".

Nonetheless, to the extent that the situation threatens to get totally out of hand and result in the disintegration of what little is left of the security apparatus, both the OAU and the UN should be alerted to the extreme gravity of the situation and encouraged to bring maximum pressure on Mobutu to allow a reorganization of the FAZ.

### **The economy in shambles**

The crisis which currently assails the economy holds equally somber implications for "free and fair" elections: as the economic pie shrinks, the competition for scarce resources becomes all the more intense, thus giving a fresh impetus to ethnic tensions (as happened in Shaba and North Kivu); and where eruptions of violence have led to a substantial flight of capital and expertise the result has been to drive the economy even further into the ground. This is what happened in Shaba after hundreds of highly qualified Kasaians -- Gecamines technicians, teachers, nurses, doctors and entrepreneurs -- were driven out of the region at gun point by JUFERI gangs; this is also what happened in Kinshasa and Lubumbashi in the wake of the "pillages", when scores of well to do Zairian and non-Zairian businessmen suddenly decided to pull up stakes and to take their savings to South Africa.

The catastrophic effects of the looting on the economy go far beyond the flight of capital and expertise. Infrastructures, plants and equipment have been destroyed; employment has declined, and the purchasing power of the urban masses has plummeted. Many had no alternative but to return to their villages. The rural sectors are in no better shape, however. The contribution of industrial crops -- tea, coffee and cotton -- to the economy is but a fraction of what it used to be. Almost everywhere people are going back to a subsistence economy. Speaking of the "almost forgotten countryside", one recent visitor to Bas Zaire noted: "people scratch out a living any way they can... (on roadsides) charcoal, manioc, tomatoes and bananas are offered to the declining number of passers-by". Again, to quote from the same source: "the modern economy is in full retreat, with a handful of businessmen hanging on as the economy plunges to less than half its former levels, and infrastructures crumble". Although the foregoing was inspired by a visit to Matadi -- where port facilities, we are told, operate at 30 or 40 per cent of their capacity -- it applies equally well to just about every other part of the country.

The industrial sectors are virtually paralyzed. From a total copper production of 130,000 tons in 1991 (approximately one fourth of its 1985 level), Gecamines is expected to produce less than 50,000 tons in 1993. Not only copper but every other mineral product (cadmium, zinc, silver, cobalt) registers a sharp decline in output. Diamonds remain the regime's best friend, but here again the output is declining (a large volume of diamond exports avoid official channels, however, which could also explain the registered drop in official exports).

Given the heavy reliance of the Zairian economy on industrial exports for foreign exchange, it is easy to see why annual

inflation runs into four figures. The zaire's value against other foreign currency keeps tumbling day after day; it dropped from 4.5 million zaires to the dollar at the beginning of my trip to 6 million three weeks later.

A successful transition to democracy is the indispensable first step to deal effectively with the economic crisis, yet the profoundly destabilizing effects of the crisis on Zairian society pose a mortal threat to the transition.

The threat is two-fold: not only do resource scarcities have a multiplier effect on ethnic tensions; they also generate a heightened awareness of the shocking social disparities between rich and poor, between those members of the political class whose foreign bank accounts allow them to engage in conspicuous consumption, and the urban poor who cannot meet even minimum food requirements. Given the fact that few parties have anything resembling a "projet de societe" let alone a coherent economic program, one can see why, for many Zairois, the game of politics is seen as a utterly irrelevant to their immediate concerns, and why their attitude is marked by a growing sense of alienation and disaffection towards politics and politicians. These are far from propitious omens for the holding of democratic elections.

#### IV. POTENTIAL STRATEGIES FOR SUPPORT OF THE ELECTORAL PROCESS

In order for Zairian voters to grasp the difference between free and fair elections and the plebiscitary rituals of previous years at least two conditions must be met: (a) they must be free to chose their leaders, and (b) they must come to realize that voting makes a difference.

The tasks and types of assistance involved in the fulfillment of these objectives are dealt with under two separate rubrics:

(a) short-term electoral priorities (i.e. nuts-and-bolts election assistance, insuring the independence of the media, monitoring the registration process, the electoral campaign and voting operations)

(b) long-term civic education programs (i.e. the training of Zairian "animateurs" and the promotion of grass-roots participatory structures).

After identifying the tasks involved we turn to the strategies through which they can best be accomplished.

Finally, we conclude with a brief discussion of the problems involved in putting together a civilian "rapid deployment force" to deal with the crises and conflicts generated by the vagaries of the transition.

## 1. Short-term priorities

### A. Key tasks

**(a) "nuts-and-bolts" election assistance:**

this includes logistical and other forms of support for any or each of the following: updating electoral rolls and distribution of voter identification cards, printing of ballots, distribution of voting booths and ballot boxes, supplying vehicles for the deployment of Zairian and international election observers

**(b) insuring the independence of the media:**

although print media enjoy a fair amount of freedom, this is hardly the case for radio and TV, both of which are under strict control of the CRTZ; furthermore, freedom of the press does not mean that professional standards of journalism are always in evidence, or that the press is sufficiently self-conscious about the need to explicate the meaning of elections and democracy

**(c) monitoring the registration process, electoral campaign and voting operations:**

Given the magnitude of the task heavy reliance needs to be placed on domestic election monitors, and on US PVOs to provide training for that purpose; but this does not rule out the need for an international monitoring presence in the regional capitals, if only to encourage transparency and deter voter intimidation

**(d) conflict resolution:**

the two obvious areas where such efforts are needed are Shaba and North Kivu: unless Kasalian elements are guaranteed rights of residence in Shaba, and unless a compromise is found to settle the issue of citizenship rights for the Banyarwanda community in North Kivu, neither region can be expected to meet the minimum security requirements for free and fair elections

### B. Strategies

**(a) "nuts and bolts" election assistance**

Assuming that the costs can be met by USAID, the most logical channels for providing such assistance are the National Democratic Institute (NDI) and the International Foundation for Electoral Systems (IFES). The latter is specifically designed to provide technical electoral assistance; the former, though covering a much broader range of activities, is especially well equipped to assess the scale and types of election assistance needed at each phase of the electoral process.

Assistance at this level may take the form of pre-election technical assessments (how many ballot boxes are needed in any given locality?), election commodities (i.e. ballot boxes, ballot paper, registration books, indelible ink, etc.), or vehicles and computers, outboard motors and radio-telephones. How much may be needed of what and where is for IFES and NDI to determine after proper consultation with relevant interlocutors.

Several points deserve attention: (a) the scale and types of electoral assistance communicated to the UN by the Ministry for International Cooperation in its request of May 1993 should be treated with extreme caution (for example, calculating the number of polling stations [39,000] on the basis of a magic figure of 600 voters for each cannot be taken as self-evident); the entire document needs to be thoroughly reviewed by IFES or NDI, in collaboration with UN experts, with a view to scaling down and "prioritizing" the levels and types of assistance requested. (b) Both the review process and the elaboration of an alternative needs assessment should be conducted in concertation with the newly elected electoral commission and the Institut National de la Statistique. (c) Election assistance should be given on the basis of a regionally staggered schedule, beginning with those regions least subject to social upheavals.

**(b) insuring the independence of the media**

Short of prayer and fasting, there is little the US or anybody else can do to persuade Mobutu to relax his grip on the radio and TV. The decision of the GOZ, last August, to censor the showing on TV of a conference on "The Role of the Media in a Democracy", held under the auspices of the FDD and with substantial participation from the ORTZ, shows the extent of the limits placed by the state on access to televised information. The same applies to news broadcasts.

Information is also limited in another sense: few of the newspapers published in Kinshasa are available in the regions, and while newspapers suffer relatively few restrictions in the capital city, this does not appear to be always the case in the provinces. For example, three Lubumbashi-based pro-Kasaian newspapers (L'Espoir, Le Communicateur, and La Tribune) have ceased publication since the eruption of anti-Kasaian violence in the region.

Since much of what would normally be conveyed through radio and TV filters in the print media, the latter should be seen as a major priority for USAID support. This could involve support for production and distribution, but also, and more importantly, for improving the quality of professional standards among Zairian journalists.

Support for production and distribution should be established on

the basis of two priorities: professional qualifications and focus. Given the scale of human rights violations in Zaire -- and how little we know of the circumstances and consequences of such abuses in places like Shaba and Nord-Kivu -- priority should be given to those newspapers or newsletters with a strong focus on human rights. Le Periodique des Droits de l'Homme, L'Eveil du Patriote, and La Voix des Sans Voix: Bulletin d'Information pour la Defense et la Promotion des Droits de l'Homme should be logical candidates for USAID support: the first is the "Bulletin de Liaison" of the Association Zairoise des Droits de l'Homme (AZADHO), the latter two are identified with the VSV. Both have an impressive record for tracking human rights violations. Indeed the most revealing and reliable inquest into the January 1993 "pillages" is the VSV-sponsored "Rapport sur la Mutinerie de l'Armee a Kinshasa".

Along with a clearer and more carefully calibrated focus on human rights violations, what is needed from the press is a greater self-consciousness of the opportunities for political freedom involved in democracy. This is where USAID-sponsored seminars involving the participation of professional journalists from the United States (and other parts of Africa where the skills of reporting and political analysis are more fully developed) could be of considerable help.

#### (c) monitoring electoral processes

Responsibility for much of the monitoring of the registration process, of the electoral campaign and voting operations should be entrusted to Zairian NGOs -- because there is no other way a country the size of Zaire can be properly "covered", and because domestic observers have a better grasp of the local languages and overall political situation than most international experts.

Training non-partisan domestic observers, however, should be the responsibility of American PVOs, preferably of those with a proven track record, such as the African-American Institute, the Carter Center and NDI. There is already in Zaire a small core-group of NDI-trained human rights activists, most of them associated with the Ligue Zairoise des Electeurs (LZE). Other Zairian NGOs, such as the AZADHO, the LZDH and the VSV, could provide a critical mass for the selection of domestic observers.

On the strength of its performance so far the LZE would seem to be the most promising candidate for monitoring the electoral process. In April 1990 the LZE claimed a membership of approximately 3,000, including 20 full-time employees. Drawing from their experience gained during the 1991 Brazzaville-based seminars run by NDI, a small core group of LZE activists proceeded to put the lessons of the seminar into practice. A series of "seminaires de formation d'observateurs" were held in Bandundu region, designed to explain the meaning of democracy to

the rural masses, and recruit and train election monitors. I was told that already 100 election monitors have been trained in Bandundu, and another 70 in Kinshasa. Out of these 170 trainees 63 are women (including ten nuns from Kikwit). An electoral newsletter (L'Echo des Urnes) is currently under consideration. After a lengthy exchange with four key LZE members (Paul Nsapu, President; Sabin Bamza, Vice-President; Ladislas Nkongolo, Directeurs des Services Generaux, and Joseph Kolomanta, Secretaire General) I came away with the impression of a remarkably competent, dedicated, dynamic and honest group of people.

For international monitoring teams to field delegates to every polling site is out of the question. While the presence of anywhere from 100 to 200 international observers would contribute to promote voter confidence and possibly inhibit massive fraud on election day, it is not at all sure that a large-scale monitoring effort of the kind that occurred in Angola (400 international observers) would be the most sensible way of investing scarce resources. To repeat, much of the monitoring effort should be the responsibility of Zairian NGOs, with pride of place given to LZE, Azadho and VSV.

#### (d) conflict resolution

Unless substantive political issues are resolved, one wonders whether monitoring efforts will make much of a difference. The two critical issues that need to be resolved before any attempt is made to organize a monitoring initiative are the Kasaiian problem in Shaba, and the Banyarwanda nationality question. Both involve legal and political issues of great complexity.

The first raises thorny questions about the rights and security of those Kasaiians still residing in Shaba, whether the refugees now living in Kasai Oriental can expect compensation for their lost property, and the conditions under which they may be allowed to return. The second involves a reconsideration of the CNS resolution concerning the legal procedure under which Banyarwanda can apply for Zairian citizenship. If implemented this resolution would abrogate the previous legislation (1972) which made it legally possible for all Banyarwanda residing in the Kivu province (North and South Kivu) as of 1960 to claim Zairian nationality and instead force all Banyarwanda, irrespective of the length of their residence in Zaire, to file individual citizenship applications. Just how the provincial authorities would handle the applications of an estimated half a million Banyarwanda is anybody's guess. It is difficult to avoid the conclusion that the CNS commission in charge of handling the Banyarwanda question had every intention to disenfranchise the Banyarwanda currently living in North Kivu, and place them at the mercy of Hunde and Nande elements. The issue lies at the heart of the conflict opposing Banyarwanda and those groups indigenous to

the region.

USAID should explore the possibility of organizing pre-election missions in each region, involving a flexible "mix" of representatives from American and Zairian NGOs, delegates from the government (once another materializes) and UN experts. The Lawyers Committee for Civil Rights Under Law could play a significant role as a participant in this mission. The Carter Center has recently taken the initiative in organizing seminars on the theme of conflict resolution. It could also provide expertise. For the Shaba region two NGOs come to mind: the Katanga Federation of the Ligue des Droits de l'Homme du Zaire (LDHZ), and the Ligue des Droits de l'Homme du Shaba (LDHS), both thoroughly acquainted with the political situation in Shaba and relatively free of partisan biases. There are no equivalents for the Shaba-based human rights organizations in Kivu. Nonetheless, valuable advice and information could be proffered by representatives of Church organizations, most notably by the Bishop of Goma (even though the latter is sometimes accused of pro-Banyarwanda biases). In both Shaba and North-Kivu, however, representatives of Toges Noires, a Kinshasa-based lawyers' association, should be invited to play an active role in the search for a solution, either as members of or advisers to the pre-electoral missions.

The mandate of this pre-electoral conflict-resolution mission would be to report on the causes of the conflicts in Shaba and North Kivu, to establish the share of responsibilities involved in human rights violations, and to come up with solutions. This could conceivably provide the basis for a set of specific recommendations from the UN, and possibly induce the UN to mount a major monitoring effort during the elections (as happened in Namibia) to supplement that of local NGOs in those areas where their neutrality might be questioned.

## 2. A long-term goal: civic education

Although some civic education activities can be seen as short-term and task-specific, others require a more sustained and comprehensive effort if democracy is to become a meaningful conceptual referent among the Zairian masses.

Casting a ballot makes no sense where people do not know what the stakes are, what the candidates stand for, and how their electoral choices might affect their destinies. Nor is political involvement in national elections all that meaningful in the absence of a prior experience of political participation at the grass-roots. On both counts civic education has a major role to play in preparing the Zairian masses for democracy. Only if the meaning of democracy is explicated in comprehensible terms, and if there are significant opportunities for local-level participation, can electoral choices become more than a

ritualized ethnic reflex.

Seen in these terms civic education is major undertaking, well beyond the capacities of USAID. Support for a civic education program needs serious consideration, however, as a multilateral undertaking, and with major inputs from Zairian and other NGOs. One set of priorities should be on activities aimed at explicating the meaning of democracy. Although this requires attention to curriculum development as a long-term objective, a more immediate goal would involve the diffusion of educational materials and radio programs designed to drive home to the masses the meaning of terms like "participation", "accountability", "equality", and so forth. That most African languages have no equivalents for these concepts does not mean that they are beyond the comprehension of rural Africans.

Several institutional vectors come to mind. The Bible Society could provide invaluable assistance in helping organize such programs, especially with regard to the work of translation involved in broadcast and print media. NDI resources could also be tapped for training "formateurs". As for Belgian NGOs, the Centre National de Cooperation au Developpement (CNCD), along with its Flemish counterpart (NCOS), should also be solicited to provide guidance and operational skills. Here again, however, primary reliance should be placed on Zairian NGOs. Especially impressive is the work done by the LZE to sensitive public opinion to the meaning of the electoral process. In a series of seminars held in Bandundu the following themes were discussed: "Causes endogenes et exogenes de la liberalisation, accords politiques, operations pre-electorales, processus electoral, passation de pouvoir, l'Etat de Droit" -- in that order. Alternative formats could be envisaged. What needs to be stressed is that LZE is by no means the only NGO capable of providing a point of entry for civic education programs. If appropriately funded and encouraged NGOs could become significant actors in the transition, and eventually act as the vehicles through which grass-roots participatory structures might come into being.

Although some NGOs claim greater credibility than others (this is true of LZE, Azadho, VSV and Toges Noires), they all form the seedbed of the civil society that is in the process of being born. It is at this level that USAID has a role to play: in funding human rights seminars, in organizing voter and civic education programs, in promoting worker training activities in collaboration with NDI and other PVOs, and in working cooperative agreements with Zairian NGOs on a broad range of issues pertaining to governance and democratization.

### **3. Crisis management: a civilian rapid deployment force**

Although the issue is clearly beyond our SOW, in conclusion reference must be made to the applicability to the Zairian

situation of rapid response mechanisms of the kind currently contemplated by the projected Office of Crisis and Transition Management (OCTM). Given the likelihood of widespread social disorders in the course of the electoral campaign, possibly bringing electoral processes to a halt on a national or regional level, the relevance of such mechanisms cannot be overemphasized. What remains unclear is how they can best be implemented in a context as fluid and conflict-ridden as that of Zaire.

The following suggestions are offered tentatively, in full awareness of the large element of uncertainty involved in any kind of contingency planning in Zaire; furthermore, to the extent that they are based on experience gained in Shaba and North Kivu, their relevance to other potential crisis areas may be called into question.

If the cases of Shaba and North Kivu are any index, crisis-management in Zaire must take into account three major imperatives: (a) respond to the emergency needs of refugee populations, (b) restore security and infrastructures, and (c) create alternative social spaces for the emergence of strong local leadership.

There are approximately 150,000 Kasalian refugees from Shaba now living in Kasai Oriental, and perhaps as many as 120,000 displaced Banyarwanda in North Kivu living outside their homelands. According to a recent OFDA report, "by all accounts we are looking at a large-scale emergency situation that will continue for at least a year or more". Coping with this situation is made all the more difficult by "the complete collapse of GOZ public service delivery". Furthermore, "the inability of the rural populations to harvest, sell and/or replant traditional crops for the last two seasons does not bode well for the future... The risk of real famine looms ahead for the next three to six months".

Another risk looming ahead is that unless appropriate measures are taken to prevent a recurrence of anti-Kasalian and anti-Banyarwanda pogroms, the security situation in both provinces will get worse. Restoring a modicum of security presupposes a political solution (along the lines suggested in section 2 above) acceptable to all parties involved. But it also implies that new forms of empowerment can be found at the local level, and new structures of participation developed around activities that people can relate to.

There are humanitarian, economic and political dimensions to both the Shaba and the North Kivu situations. These are very much inter-related. No attempt to cope effectively with such crises can overlook the need to put together field teams incorporating a variety of skills, whose members are reasonably familiar with the socio-political "givens" of the situation, whose mandate gives

them enough flexibility to innovate when the circumstances require, and who have the will and the ability to reach out to the disaster relief community outside AID.

There is no magic formula for assembling such a team. Much depends on what talent happens to be available at a given time at a given place. By and large, however, AID personnel, OFDA and NGOs/PVOs should form the key ingredients of any such rapid deployment force. Because of its impressive track record in reacting swiftly and efficiently to emergency situations, in operating under flexible procurement procedures, and because of the quality of its staff expertise, OFDA should rank at the top of the list of potential participants. USAID likewise, if not necessarily for the same reasons. What is most urgently needed in meeting emergency situations is money, motor vehicles and medical supplies, and on each of these counts USAID is ideally situated to help generate such badly needed resources.

What NGOs/PVOs should be brought into the picture, for what specific purpose, and on what terms are clearly very important questions -- but for which there are no obvious answers. In the case of Zaire the ICRC, Medecins sans Frontieres, Catholic Relief Services, and possibly Oxfam, could provide valuable logistical, financial and "outreach" assistance. There is no reason why some of these PVOs could not be induced to collaborate with OFDA and USAID on a short-term, ad hoc basis. The same holds for Zairian NGOs, of which Muungano in Goma is one of the most active in seeking a peaceful solution to the crisis.

Establishing viable partnerships with local NGOs is always a delicate task. Some suffer from the stigma of partisan bias; others are self-serving; others still lack the requisite skills to do a half-way decent job. Nonetheless, an NGO component is absolutely essential to reach out to the rural communities and help create alternative social spaces for the growth of strong local leadership. For one thing, NGOs can make valuable suggestions as to the kinds of start-up activities that people can identify with, whether these relate to rural cooperatives, revolving loan schemes for the purchase of cattle, or protecting the basic rights of local peasant communities against the abuses of immigrant landlords (a major issue in North Kivu). NGOs can also help identify those social injustices that often lie at the root of local conflicts, and make recommendations as to how these can best be remedied. Whether these involve abuses against "natives" by immigrant communities (as in North Kivu), or the other way around (as in Shaba), no attempt to restore a modicum of social peace can succeed unless solutions are found. Finally, and most importantly, NGOs can help identify potential allies at the village level for building grassroots organizations. It is at this stage that an imaginative use of resources can make the whole difference between a successful crisis management exercise and one that flounders in the midst of ceaseless squabbles and

turf battles.

The chances of success also depend on whether local crises can be effectively insulated from the vectors of destabilization emanating from neighbouring states. There will be no lasting solution to the crisis in North Kivu as long as the conflict in Rwanda threatens to spill-over into neighbouring areas in and around Goma; again, the continuing civil war in Angola poses the greatest threat to the stability of the border regions in Shaba and Kasai Oriental. Such phenomena are not unique to Zaire. How to minimize the risks of "external contamination" must be seen as a key priority in any attempt to come to terms with local crises.

### CONCLUSION

The foregoing argues for a continuing USAID presence in Kinshasa, albeit on a modest scale. The situation in Zaire remains extremely fluid, and may in time present opportunities for intervention that may not be readily apparent at this particular juncture. Whatever the case may be, Tshisekedi's plea to the Congressional Black Caucus, on September 17, is entirely convincing: "USAID mission to Zaire should be reinforced instead of being closed down. It should be increased in order to increase humanitarian assistance to the displaced populations victims of atrocities organized by Mobutu. This AID mission can assist the National Commission in preparing the referendum and the national elections. In addition, instead of being whittled down, the mission can help fund the elaboration of a reconstruction plan". How much of a USAID presence in Zaire is required is debatable; the case for resisting pressures to pull up stakes is reasonably well established, however. Sawing off one of our most serviceable links with Zairian society is not the best way to keep us informed of what is going on; nor is it the most reassuring signal to send to those Zairois who, critical though they may be of our past policies, still hope that the US can help them chart a new course.

**APPENDIX I: LIST OF ACRONYMS**

ABAKO (Alliance des Bakongo)  
 ADELI (Alliance des Democratres pour des Elections Libres)  
 AJMI (Association des Jeunes Mobutistes Incontestes)  
 AZADHO (Association Zairoise de Defense des Droits de l'Homme)  
 CONDOR (Convention Democratre pour un Ordre Nouveau)  
 CNCD (Centre National de Cooperation au Developpement)  
 CNS (Conference National Souveraine)  
 FCN (Front Commun des Nationalistes)  
 FDD (Front pour la Democratie et le Developpement)  
 FENADEC (Federation Nationale des Democratres Chretiens)  
 HCR (Haut Conseil de la Republique)  
 JUFERI (Jeunesses UFERI)  
 LDHS (Ligue des Droits de l'Homme du Shaba)  
 LDHZ (Ligue des Droits de l'Homme du Zaire)  
 LZE (Ligue Zairoise des Electeurs)  
 MP (Mouvance Presidentielle)  
 MPR (Mouvement Populaire pour la Revolution)  
 MAGREVI (Mutualite des Agriculteurs et Eleveurs des Virunga)  
 OCS (Office des Chemins de Fer du Sud [ex-BCK])  
 ORTZ (Office de Radio et de Television du Zaire)  
 PDSC (Parti Democratre Social Chretien)  
 PRI (Parti des Republicains Independents)  
 SARM (Service d'Action et de Renseignement Militaire)  
 SNIP (Service Nationale d'Intelligence et de Protection)  
 UCD (Union Chretienne pour la Democratie)  
 UDI (Union des Democratres Independants)  
 UDPS (Union Democratique pour le Progres Social)  
 UFERI (Union des Federalistes et Republicains Independents)  
 UNILU (Universite de Lubumbashi)  
 UNTZ (Union Nationale des Travailleurs Zairois)  
 US (Union Sacree)  
 USOR (Union Sacree de l'Opposition Radicale)  
 VSV (La Voix des Sans Voix)

## APPENDIX II: SELECTIVE LISTING OF PERSONS INTERVIEWED

### 1. Kinshasa

Banza, Mukalay Nsungu, President of MPR's Comite Directeur  
 Banza, Sabin, Vice-President of LZE  
 Baramoto, Kpama, Commander in Chief of Garde Civile  
 Boboliko, Lokonga, President of PDSC  
 Bofassa, Djema, National Vice-President of MPR (Youth)  
 Bosunga, Mathieu, Vice-President of PDSC (Affaires Sociales)  
 Chebeya, Floribert, President of VSV  
 Etambe, Paul, Vice President of PDSC (Equateur)  
 Fayulu, Martin, President of FDD  
 Ileo, Joseph, Vice President of HCR  
 Kabaidi, Paul, President of CONDOR  
 Kabuya, Lumuna Sendo, Special Advisor to Mobutu  
 Kengo wa Dondo, former Prime Minister, key member of UDI  
 Kitata, Nguima, Vice-President of MPR (Ideology)  
 Kwete, Jean-Rene, Nyimi (King) of the Bakuba  
 Lukamba Muganza, member of the National Bureau of AZADHO  
 Luturdula, Christophe, 2nd Vice-President of HCR  
 Lwambwa Milambu, Crispin, President of UCD  
 Mandungu, Bula, President of the FCN, former Minister and Shaba  
 Governor; served as Chair of Mobutu's "Conclave"  
 Mboso, Simon, Secretaire du Conseil d'Administration de  
 l'Universite du Bas-Zaïre and key PDSC personality  
 Monsengwo, Laurent, Msgr., President of HCR  
 Nendaka, Victor, key UDI personality and former Minister  
 Nkema, Liloo, served as Mobutu's Conseiller Special for Security  
 Nkubito, Y.R., Lawyer  
 Nsapu, R.P., President of LZE  
 Tabiana, Denis, Vice-President of PDSC (Bandundu)  
 Tshisekedi, Etienne, President of UDPS  
 Tshombe, Maurice, Mwata Yaamv (King) of the Lunda  
 Tubaya, Leula, Secretary General of PDSC

### 2. Lubumbashi

Kabaka, Moise, Shaba Governor's Conseiller Diplomatique  
 Kabwe Longo, Isidore, Federal President of UDPS/Shaba  
 Kalala Kabamba, John, Professor at UNILU and key member of LDHS  
 Kapapa, Mukanda, Vice-Governor of Shaba, key MPR personality  
 Kibangala Ndanya Em-Bully, Director of Social Communications and  
 PR at UNIL  
 Kyuntu wa Kumwanza, Governor of Shaba  
 Mbuyu, Lawyer and President of LDHS  
 Njokolo Ilunga Augustin, Director of Social Services at OCS

Tshala Kazad Evariste, President of the Shaba Federation of LDHZ  
Tshilembe Kote Jacques, National Secretary of UDPS/Shaba

**3. Goma**

Muhima, Eugene, Vice President of RLP  
Muriri Muhumutsa Edouard, Vice President of BUSHENGE  
Nzaraba, Francois-Xavier, Provincial Secretary of UNTZ  
Talangaye, Fernand, President of RLP