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Zaire
Joint Pre-Election
Assessment Mission
September/October 1996

by

Consortium for Elections and Political Process Strengthening (CEPPS)

International Foundation for Election Systems, Washington, DC 20005
International Republican Institute, Washington, DC 20005
National Democratic Institute for International Affairs, Washington, DC 20036

Zaire

**Joint Pre-Election
Assessment Mission**
September/October 1996

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CEPPS Members

The International Foundation for Election Systems

The International Foundation for Election Systems (IFES) is a private, non-profit, and non-partisan organization providing consultative assistance and technical support to electoral and democratic institutions worldwide. Since 1987, IFES has worked in more than 90 countries in Africa, The Americas, Asia, Europe, and the Near East. By placing significant emphasis on the unique social, cultural, and political characteristics of each country, IFES offers individualized, country-based solutions in its work. The Foundation's services include assistance in election administration; professional development and information services; voter and civic education; political party development; legislative strengthening; civil society strengthening; and opinion research.

International Republican Institute

The International Republican Institute (IRI) is a nonprofit organization dedicated to advancing democracy worldwide. IRI was established as one of four institutes of the National Endowment for Democracy (NED) when NED was authorized by Congress in 1984. The IRI mission is to initiate and support a wide range of programs to promote and strengthen democratic ideals and institutions abroad. IRI programs are nonpartisan but clearly adhere to fundamental Republican principles such as individual freedom, equality of opportunity, and the entrepreneurial spirit that fosters economic development.

National Democratic Institute

The National Democratic Institute for International Affairs (NDI) was established in 1983 as a nonprofit, nongovernmental organization to conduct nonpartisan, democratic development programs throughout the world. NDI's programs are concentrated in new democracies, societies in conflict, and non-democratic countries with strong democratic movements. In total, NDI has supported the development of democratic institutions in more than 60 countries. Programs focus on six major areas: Political Party Training, Election Processes, Strengthening Legislatures, Local Government, Civic Organization, Civil-Military Relations. By working in these areas, NDI seeks to consolidate existing democratic institutions and nurture peaceful transitions to democracy. The Institute is headquartered in Washington, D.C. and maintains field offices in Africa, Asia, Eastern Europe, Latin America and the Caribbean, the Middle East and the former Soviet Union.

Foreword

Given the rapidly evolving situation in Zaire, it is important to view this report in its proper context. Zaire has long suffered from a crisis of legitimacy regarding its governing institutions, a crisis which can only be resolved through elections. Elections that lack credibility, however, are likely to contribute to heightened civil strife, with potentially tragic consequences. As of early December 1996, however, it is unclear whether a legitimate electoral process can proceed in the near-to-medium term future, given the strife in the eastern part of the country. Despite this uncertainty, election preparations continue.

This report is designed to highlight needed areas of focus. Although the team that prepared the report visited Zaire immediately prior to the October 1996 outbreak of hostilities in eastern Zaire, its conclusions remain valid. The report assesses progress in elections preparations and highlights issues that need to be addressed. Should the electoral calendar be prolonged, this report will nonetheless serve as an important reference point. By learning from the challenges, as well as the progress, that has characterized the process until the present, the chances of legitimate elections taking place in Zaire can be considerably increased.

I. Executive Summary

A. Introduction

With funding from the United States Agency for International Development, the International Foundation for Election Systems (IFES), the International Republican Institute (IRI) and the National Democratic Institute for International Affairs (NDI) sent a six-member team to Zaire from September 14 through October 9, 1996. The team's mission was to assess the state of preparations for elections currently scheduled for May 1997 and to report its findings and recommendations to the United States Government and the international community. The team met with government officials, political leaders and representatives of civil society in Kinshasa and in eight of Zaire's other 10 provinces.

This report puts Zaire's transition to democracy into perspective by noting its historical, social and political context. It describes the organizations, governmental and non-governmental, involved in election preparations. These include governmental institutions, political parties and civil society. The report discusses the technical, financial and logistical requirements for elections and assesses the need for political will to meet these challenges. It offers recommendations on how the U.S. government and the international community might assist Zaire in preparing for elections, although there are limits to the ability of the international community to influence positively this process.

B. Findings

It is obvious that Zaire's political crisis is the result of deep-rooted and complex factors. These do not lend themselves to quick or easy solutions, especially those imposed from outside. For example, seven years of transition have produced neither effective governance nor viable democratic institutions. Zaire's economy is in shambles. Its vast mineral wealth remains largely untapped. The country's industrial sector is virtually non-existent; there is little agricultural activity beyond subsistence farming. The country's infrastructure is in an advanced state of decay. Inflation is rampant, the gross domestic product continues to decline. Civil service, military and other government workers are often unpaid for months.

Moreover, within days of the team's departure from Zaire, the simmering crisis in the eastern regions of North and South Kivu erupted into open warfare, resulting in the Zairian government's loss of control of large parts of those regions. The situation in eastern Zaire has at least temporarily affected the political landscape, and further complicated the prospect of meaningful elections taking place in the near-term future. The ongoing health problems of President Mobutu add another complicating factor.

There are a number of more directly election-related concerns. At the most basic level, there are obvious logistical challenges inherent to conducting elections in present day Zaire. Additional issues include assuring adequate financing for a process that could cost over \$260 million; conducting a census or combined census/voter registration throughout Zaire's vast territory; adopting an electoral code; and resolving thorny nationality issues such as deciding which Zairian residents are eligible to vote.

In addition to financial and technical problems there are fundamental questions of political will—whether the different participants in the process demonstrate a commitment to ensuring legitimate elections. More specifically, issues needing focus include the ability of the government, political parties and civil society to interact constructively and the extent to which opposition parties engage in the process.

There is also a serious lack of public confidence in the security forces and in the regional and local authorities. A pervasive fear is that these will intimidate voters and otherwise affect the legitimacy of elections. Another problem is access to media. Mechanisms have yet to be established to guarantee equal access to national and local media for political parties and appropriate civil society organizations.

Despite these seemingly daunting problems, some of the elements necessary for the conduct of legitimate elections exist. There is a strong belief throughout Zairian society that elections offer the only non-violent way out of the current political and economic impasse. The government and transitional parliament have established an Election Commission charged with organizing elections. The Commission has set up a national office in Kinshasa and has sent members to all of the provinces to explain how it will function nationally and locally. In early October of this year, the transitional parliament adopted a constitution by consensus that is to be presented to the voters in a constitutional referendum. The government has also established a timetable – which appears increasingly unrealistic – for elections leading to the inauguration of an elected president and parliament in July 1997.

Among the most positive signs that democratic culture is taking root in Zaire is the existence of a large, energetic civil society. Nongovernmental organizations have flourished during the transition. The end of one-party rule has seen a proliferation of political parties, significant press freedom and a growing consensus on the part of political actors and civil society to participate in the election process.

C. Goals and Recommendations

The challenges Zaire faces can only be overcome through greater political will on the part of Zaire's transitional institutions, and more coordinated, effective support from the international community.

The United States should carefully target electoral assistance towards realistic and achievable goals. It should provide other types of development assistance only after legitimate elections have been held and the internal situation in Zaire has stabilized. Ultimately, the aim is to help Zaire establish a constitutional order through national elections that are recognized as legitimate by the Zairian people.

With these goals in mind, the team offers the following recommendations:

- The United States should encourage a coordinated approach among potential donors to ensure concerted action in assisting Zaire's electoral process. One such example could be to send, at the appropriate time, a high-level multi-national delegation to Zaire to highlight for Zairian and international attention key election-related issues that need to be addressed.
- The United States and the international community should establish regular coordination meetings among donors and Zairian authorities.
- The international community should establish conditions for the disbursement of assistance funding. These should include adequate and timely financial contributions by the Government of Zaire; an effective voter registration drive; replacement of regional and local officials; serious logistical planning for elections; timely delimitation of parliamentary constituencies; creation of an independent media commission; and the development of a protocol of understanding between the Election Commission and appropriate nongovernmental groups.
- The international community should promote methods to increase confidence in the role of security forces during periods leading up to, during and following elections.
- The international community should encourage the Government of Zaire and the Election Commission to streamline and simplify the election process to become more cost effective, without, however, sacrificing transparency, inclusiveness and fairness.
- The international community should underscore the importance of local and regional elections in dealing with Zairian authorities.
- The United States should focus on assisting Zairian nongovernmental organizations in democratic development activities.
- The United States should also monitor election preparations with a view to some possible assistance for election authorities, such as training of election officials.

II. Introduction

In 1995 the International Foundation for Electoral Systems (IFES), the International Republican Institute (IRI), and the National Democratic Institute for International Affairs (NDI) formed a consortium related to a three-year cooperative agreement with the United States Agency for International Development (AID). Funding through this Consortium for Elections and Political Process Strengthening (CEPPS) has enabled these groups to undertake programming in support of democratization in a number of different regions and thematic areas. One of the first activities initiated by the CEPPS consortium was a pre-election assessment mission to Zaire.

The three participating organizations have followed closely the political transition in Zaire since the resumption of multi-party activity in 1990. However, the length and indeterminate nature of the transition to formal democratic institutions impeded the ability of these groups to undertake in-country programming. In 1996 a number of key events led to the submission of a proposal to USAID for a pre-election assessment mission. Most notably, these included the creation and operation of the National Election Commission (CNE) and the establishment of a timetable for elections leading to the inauguration of an elected president and parliament in July 1997.

A joint CEPPS assessment team visited Zaire September 19-October 9, 1996. Its mandate was to analyze the technical and political state of preparations for elections, and to make recommendations to the U.S. government (USG) and the international community regarding ways to strengthen the democratization process, especially regarding the conduct of elections.

Within days after the team's return to the United States, the simmering crisis in North and South Kivu provinces erupted into open warfare, resulting in the loss of the Zairian government's control over large portions of those regions. These events have obviously disrupted election preparations. They have affected adversely not only material and financial resources, but also the attention and political will that is required to move ahead with preparations for the country's first multi-party elections in more than a generation. Additionally, the crisis has raised the question of the basic ability of Zairian authorities to conduct elections in North and South Kivu, which is home to perhaps 10 per cent of Zaire's voting population.

In light of these events all three organizations believe that it is all the more important to understand what progress has been made in election preparations, and to identify future challenges. These include the technical and logistical hurdles inherent in organizing elections in Zaire. More important, however, is the political will necessary to carry out a transparent and legitimate process. IFES, IRI and NDI have prepared this report in the hope that it may serve as a guide for future steps that need to be taken to promote and conduct democratic elections.

This report does not suggest that there are any easy solutions regarding the question of how to establish political legitimacy in Zaire. The challenges that Zaire faces in this regard are complex and multi-faceted. The international community can supply external impetus in the form of both positive and negative incentives, a number of which are suggested in this document. Most of the political will required, however, must come from Zaire itself. This is especially true given the crisis in eastern Zaire and its traumatizing effect upon the nation's political leaders, both in government and opposition.

Zaire requires the rule of law and democratic institutions to create the conditions for stability and economic growth. Events in Zaire, as have been so graphically demonstrated in recent weeks, affect countries far beyond its borders. The creation of a stable and democratic state in the heart of Africa should be a high priority not only for the Zairians themselves, but also for the international community.

A. Team Members

The pre-election assessment team was comprised of six individuals from the United States, Switzerland and Niger, each of whom has considerable experience in democratic development and/or regional issues. Team members included Edward McMahon, director for East and Central African programs for NDI; Denise Dauphinais, IFES program officer for Africa and the Near East; James D. Phillips, consultant for IRI and former American ambassador to Burundi and Congo; Adamou Kombo, former vice president of the Transitional National Assembly of Niger, former president of the Supervisory Electoral Commission and consultant for IRI; Katharina R. Vogeli, consultant for IFES and specialist in Central African affairs and transitional politics; and Kimberly Pease, NDI program assistant. All team members participated in the drafting and editing of this report.

B. Methodology and Itinerary

Although the delegation had a broad general mandate to gather information on the state of Zaire's democratic transition, it focused primarily on election-related issues. These issues included:

- the structure, responsibilities and functioning of the electoral commission;
- the role of civil society organizations in the electoral process;
- the state of preparations for elections, including the prospects for successful voter registration;
- security issues;
- the adequacy of anticipated resources for the election process;
- the role of political parties and government agencies in election preparations;
- the status of the draft constitution and electoral code; and
- the extent of and need for voter education programs.

The Zaire assessment mission began on September 14, 1996 with the advance deployment to Kinshasa of Kimberly Pease to finalize logistical arrangements for the mission. On September 19, Edward McMahon, J. Daniel Phillips, Denise Dauphinais, and Katharina R. Vogeli traveled to Brussels, Belgium, where they were joined by Adamou Kombo for meetings with Belgian government, European Union and Belgian non-governmental organization representatives concerned with Zaire. On September 20, the team departed Brussels, arriving in Kinshasa the next day.

During its first week in-country, the team was briefed by American Embassy officials, including Ambassador Daniel Simpson, and then spent several days conducting an initial round of interviews with key actors such as members of Prime Minister Kengo's government, the CNE, the High Council of the Republic-Transition Parliament (HCR-PT), the Catholic and Protestant churches, non-governmental organizations and other individuals and groups representing a broad spectrum of civil society and the international community. These meetings focused on obtaining national perspectives on the transition and preparations for multiparty elections.

Given its size and diversity, travel within Zaire was necessary to gain a more complete understanding of the political situation throughout the country. The team broke into three two-person teams that traveled to one or more regional capitals in the interior and were thereby able to assess the situation in eight of Zaire's eleven regions. Edward McMahon (NDI) and Katharina Vogeli (IFES) traveled to Kisangani (Haut Zaire), Goma (North Kivu) and Bukavu (South Kivu); Kimberly Pease (NDI) and Adamou Kombo (NDI/IRI) continued to meet with NGOs in Kinshasa and also visited Kikwit (Bandundu); J. Daniel Phillips (IRI) and Denise Dauphinais (IFES) traveled to Mbuji Mayi (East Kasai), Lubumbashi (Shaba), and Kananga (West Kasai). In each city, team members had access to a wide range of political party, governmental, religious, and NGO representatives. (See Appendix I for detailed list of contacts).

Team members re-grouped in Kinshasa on October 6 to work on summary findings and recommendations. Prior to departure from Zaire, the team met with Prime Minister Kengo wa Dondo and provided a briefing for Ambassador Simpson and other American Embassy officials.

III. The Context of Recent Democratization Efforts

A. The Geographic and Historic Context

Zaire is the second largest country on the African continent with a land area of 2,267,600 square kilometers, a total approaching that of the entire United States east of the Mississippi River. With 10,271 kilometers of land border touching eight Central African countries (Angola, Burundi, the Central African Republic, Congo, Rwanda, Sudan, Uganda and Zambia) and a short coastline border shared with a ninth (Tanzania), it is indeed key to the entire region. Its mineral wealth includes diamonds, gold, copper, uranium and petroleum. Zaire, however, has only 5,138 kilometers of railroad track and 2,800 kilometers of paved highways. A population of approximately 45 million Zairians have, at least until recently, been host since 1994 to more than one million refugees from neighboring Rwanda and Burundi.¹

Zaire's president, Mobutu Sese Seko, has dominated politics since seizing power through a military coup in 1965. Even before coming to power, Mobutu wielded considerable power as an army general. He was an interlocutor between the Zairian military and United Nations peacekeeping forces based in Zaire during the early 1960's when a series of post-independence rebellions and a serious secessionist movement in the southern part of the country nearly led to the break-up of the former Belgian Congo.

Shortly after coming to power, Mobutu suspended all political activity and declared a single party state. His Mouvement Populaire de la Revolution (MPR) spearheaded the "party-state" governing structure that became a hallmark of African politics and governance in the late 1960s and 1970s. By tactically allying himself with the West throughout the Cold War and then skillfully playing off the Western powers against each other, Mobutu was able to strengthen his position internationally while garnering sizeable amounts of financial and military assistance.

Within Zaire, a personality cult was fostered by Mobutu and proselytized by the MPR. This fact, coupled with extensive political repression by the undisciplined and often unpaid Zairian security forces, produced an authoritarian, if not totalitarian, rule. Party/state-directed nationalism came to permeate every level of Zairian society and resulted in the indigenization policy known as "authenticity." Originally a national policy advocating cultural pride and autonomy, it soon became a legal means of extending party/state authority into nearly every aspect of daily life. The extension of the authenticity doctrine affected everything from names and dressing habits – which meant all non-African names be dropped and clothing be "authentic" – to the name of the country that was changed from Congo to Zaire. The country's political vocabulary and forms of address were altered and "Mobutuisms," the acts and sayings of the leader, were glorified and published in much the same manner as Chairman Mao's.

Single-party elections took place in Zaire in 1970, 1977 and 1984. In these elections, Mobutu was the sole candidate for president, and his victory was a foregone conclusion. Similarly, Zaire continued to have an elected parliament, but here too, the organization of elections was pro-forma and the results were pre-determined.

B. The Never-Ending Transition

...successive amendments of the constitution by presidential decrees, the mounting arbitrariness, repressiveness and manipulateness of the regime together with the increasingly visible degree of corruption, mismanagement and economic decay, have clearly sapped whatever was left of the legitimacy capital it had been able to amass in the early years of its existence. Pressures of change mounted steadily through the 1980s, and came to a head when it was clear (1989) that the strategic aid and economic considerations which had led Western powers (notably the U.S., Belgium and France) to back the Mobutu regime had lost

¹ FactFile, 03/28/96.

much of their saliency. Regime responses – in the form of allowing the open expression of grievances, then of decreeing the termination of the “party-state” on 24 April 1990– have, if anything, further weakened its legitimacy (not to mention its legal base) while tentatively initiating a new legitimizing process which, however, remains hypothetical and suspicious in the eyes of the Zairian people. Loyalty to Mobutu (rather than to the regime per se) on the part of some of those who have the most visibly benefited from the system, as well as fear of Mobutu’s manipulative skills and capacity to unleash a repressive backlash on the part of opposition leaders and of the general population, however, remain important factors.²

Pressured by internal demands for social and political change, and aware of rising democratic sentiment throughout Eastern Europe and Africa in the late 1980s, Mobutu announced on April 24, 1990 that Zaire was to enter a new era of democracy and multi-party politics. Over the course of the next year, according to President Mobutu’s plan, the constitution would be revised, trade unions would be free to organize and two additional political parties would be permitted to form. A transitional government was quickly put into place, and on May 4, Prime Minister Leon Kengo wa Dondo was replaced by Lunda Bululu as the head of the new government. These actions were initially greeted with enthusiasm by the Zairian public, but the euphoria generated by the prospect of political liberalization quickly dissipated with the continued repression of opposition political activities and the announcement that reforms would not be undertaken for at least two years. Internal dissatisfaction over the scope and pace of the president’s actions resulted in a series of disturbances around the country that climaxed with the killing of some fifty student protesters by Zairian security forces in a bloody confrontation at the University of Lubumbashi on May 11, 1990.

The legislature, emboldened by the wave of popular support for reform, acted in June to both acknowledge Mobutu’s earlier promises and to curb his presidential powers. Later, in November 1990, the legislature acted again to alter the nation’s Basic Law to accommodate full multi-party democracy, thereby opening the field for a proliferation of opposition and Mobutu-loyal parties. The *Union pour la Democratie et le Progres Social* (UDPS), which had existed clandestinely for several years, rapidly established itself as the main opposition to the ruling MPR, with Etienne Tshisekedi, a former minister of the interior, as its leader.

In early 1991, the approximately five dozen political parties that had formed issued a demand that the government call a National Conference that would consider more extensive constitutional reforms. After several delays due to inter-party maneuvering and civil unrest, in July of 1991 the National Conference was convened to debate the direction and degree of change sweeping through the country. Although buffeted by the convocation and actions of the National Conference, Mobutu continued to maintain his power through a divide-and-conquer strategy that significantly weakened the opposition. On July 22, the president announced the appointment of the opposition leader Etienne Tshisekedi as Prime Minister.

In early August 1991 the National Conference met only to be suspended a week later after a walkout by opposition delegates claiming harassment by the security forces. On September 16, Mobutu, in a concession to delegates, agreed to grant the National Conference sovereign powers, thereby transforming the body into the Sovereign National Conference (CNS).

During the summer and early fall of 1991 the interplay of these many forces produced a real political paralysis. However, social and economic conditions did not remain static, on the contrary, they deteriorated at an alarming rate. The purchasing power of Zaire declined precipitously, salaries became valueless and social tensions in the country as a whole, but especially in the capital, escalated. In the end, an army unit mutinied and began to loot some of the commercial establishments. It was rapidly joined by the civilian population and this collapse of public order spread throughout the whole society.³

² *An Assessment of Democratization or Political Change in the Republic of Zaire*, A Report to the United States Agency for International Development by Professors Edouard Bustin, Thomas Turner and Herbert Weiss, July 1991, p.3.

³ *Notes on Zaire’s History Since the Struggle for Independence, Addendum to An Assessment of Democratization or Political Change in the Republic of Zaire*, by Professor Herbert Weiss, AID document, Fall 1991.

Soldiers, angered by low pay and more often than not, no pay, went on a rampage in Kinshasa. The civilian population soon joined in and the looting and violence quickly spread to other major cities; more than 100 people were killed in two days.⁴ Days later, Mobutu agreed to appoint an opposition-dominated cabinet, again with Tshisekedi as prime minister. Almost as soon as he was appointed, Tshisekedi was dismissed by Mobutu and yet another Prime Minister, Bernadin Mungul Diaka, was appointed. Growing public violence led to a Senegalese brokered agreement which provided that the next prime minister would be a mutual choice of the *Forces Politiques de la Conclave* (FPC or presidential family) and the *Union Sacrée de l'Opposition radicale* and its allies (USOR or opposition family), but that the candidate selected would "necessarily come from the ranks of the opposition."⁵

A one-time Mobutu loyalist, Nguza Karl-I-Bond, almost immediately announced his candidacy for the post, thus sparking another dispute within the opposition ranks. While nominally a member of the opposition, Nguza, from the Shaba region, was an opponent of Tshisekedi. His candidacy resulted in the expulsion of his Union of Federalists and Independent Republicans (UFERI) party from the USOR opposition family. Disregarding the action of the opposition, Mobutu appointed Nguza as prime minister.

In early December, Mobutu's term as president of Zaire expired, but he steadfastly refused to step down, vowing instead to remain in office until elections to select a new president could be held. The CNS reconvened a few days later and named the politically independent Catholic Archbishop of Kisangani, Laurent Monsengwo, as its president. On January 14, 1992, Prime Minister Nguza ordered the closure of the CNS citing its cost and alleged provocations to violence of the Zairian public. Another wave of civil unrest resulted and in April, the CNS again reconvened and, in an effort to assert its sovereignty, began discussing the choice of a new prime minister.

Mobutu again ordered the conference suspended, but negotiations proceeded and a new "comprehensive policy on transition" was reached in late July. This compromise allowed Mobutu to remain in office until national elections could be held, and Tshisekedi to resume the post of prime minister. The personal rivalry between the newly ousted Nguza and Tshisekedi was soon manifested on the streets of Kinshasa as members of Nguza's Lunda ethnic group attacked members of Tshisekedi's Luba group and announced their rejection of the Tshisekedi government.

Tshisekedi named a new cabinet that failed to include MPR members or Mobutu loyalists. The President retaliated by announcing that he would not participate in the new government and would present his own draft constitution. In a bid to usurp the powers of the CNS, Mobutu called for the dissolved National Legislative Commission to reconvene. Calls for a boycott by Tshisekedi and the CNS, however, soon resulted in halting of these meetings.

Having lost patience with Tshisekedi and the radical opposition and perceiving his power to be slipping, Mobutu for a second time removed Tshisekedi as head of government and dissolved the CNS on December 1, 1992. Faced both with the refusal of the Prime Minister to leave office and of the CNS to disband, Mobutu ordered the elite Special Presidential Brigade (DSP) troops deployed around Kinshasa. Undeterred, the CNS concluded its session by re-organizing itself into the High Council of the Republic (HCR), a transitional legislature with Archbishop Monsengwo as its president. Violent clashes between pro-democracy demonstrators and Zairian security forces left 50 people dead.

The beginning of 1993 brought a statement from Mobutu that he would ignore an ultimatum from the HCR that he recognize the Tshisekedi government. Soon after, in a move towards reconciliation, Tshisekedi announced the formation of a new cabinet that would include MPR members and a unilateral truce in the ongoing street battles between pro-democracy demonstrators and Zairian security forces. On January 23, DSP troops attacked anti-Mobutu forces in Kinshasa that resulted in the dispatch of troops from France and Belgium to protect and evacuate their citizens in Zaire. Numerous civilians, including the French ambassador, were killed in the fighting the international community publicly blamed on Mobutu. The president's response was to once again fire Tshisekedi.

⁴ *Political Handbook of the World, 1995 - 1996*, p.1075.

⁵ *IBID*

The HCR under the leadership of Archbishop Monsengwo then initiated efforts to enter into a dialogue with the president. These efforts collapsed when the building used by the HCR was surrounded by Mobutu's troops. Diplomatic intervention resolved the siege, but Mobutu again tried to maneuver around the opposition by calling a "conclave of the last chance" which was boycotted by the HCR. This meeting named Faustin Birindwa, a recently expelled member of USOR, as prime minister. The president then once again reconvened the CLN that was to adopt a "harmonized" constitutional text that would be put to a referendum.

A prolonged period of parallel governments ensued during which Mobutu ordered DSP troops to the Shaba, Kasai and Kivu regions to quell growing ethnic violence related to the expulsion of economic migrants from the Kasais. In what most observers characterize as a blatant effort to block moves towards democracy, the Mobutu loyalist governor of Shaba, in collaboration with Nguza, called for all non-Katangese (a throw-back to the successionist movement of the early 1960s) to leave the region. In the violence that ensued, more than 3,000 people were reportedly killed.

In yet another of a seemingly unending series of emergency negotiations, the FPC and the USOR returned to the bargaining table. By the end of September, a draft Transitional Constitutional Act was produced. Efforts to put the document into final form stalled and in early January 1994, Mobutu issued another "ultimatum" to the negotiators to complete their work or implement the September agreement. Just one day before the expiration of the deadline, FPC and USOR agreed to the creation of a national unity government that would include members of both Birindwa and Tshisekedi's governments. Birindwa was dismissed and both the CLN and the HCR were dissolved. A new body, the High Council of the Republic – Transition Parliament (HCR-PT) was created and given the mandate to consider candidates for the post of prime minister. Tshisekedi and his supporters denounced the new arrangement, claiming that the president had no right to dissolve the HCR, and called for a general strike. Archbishop Monsengwo was once again elected president of the new legislature.

A protracted period of infighting between Tshisekedi's UDPS and other more moderate elements in the USOR opposition alliance ensued. Finally, on June 14, 1994, Leon Kengo wa Dondo, former prime minister and former state prosecutor, was elected to a 15-month term as prime minister. Tshisekedi has, for his part, continued to insist that he was and is the legitimate prime minister of Zaire.

C. The Government and Institutional Context

The HCR-PT approved a new Transitional Constitution Act in early April 1994. This document retained the provisions of previous accords for the organization of a constitutional referendum and presidential and legislative elections. It also defined the functions of and relationship between the President of the Republic, the transitional Government and the HCR-PT, during what was supposed to be a 15-month transitional period. The Government, to be accountable to the HCR-PT, was to assume some former powers of the President, including the control of the Central Bank and the security forces and the nomination of candidates for important civil service posts. A new prime minister was to be appointed from opposition candidates.

1. The Presidency

Under the terms of the Transitional Constitution Act, agreed in April 1994 as modified and currently in effect, the role of the powers of the president are greatly reduced from previous constitutional arrangements. Early versions of the transitional act had relegated the president to a figurehead role where he would "reign without governing." Subsequent negotiations between the presidential coalition and the opposition resulted in the return of some of the presidency's most critical powers, including direct control over the security forces.

Even before Mobutu underwent surgery in Switzerland for prostate cancer in August 1996, he rarely visited the capital, preferring instead to remain in his home village of Gbadolite in Equateur province. Since his surgery and in part due to his ongoing treatment, Mobutu has remained in Europe (Switzerland and, more recently, France). During his treatment and convalescence, only vague statements regarding his health have been released. Rumors about the president's health have abounded, creating uncertainty among the Zairian people about the survival of President Mobutu and the possibility of elections. Mobutu's illness has dramatically altered the political landscape in several ways.

First, and perhaps most importantly, it has undermined Mobutu's aura of invincibility, so essential to his longevity in power. His illness has made it clear to his followers as well as his adversaries that the post-Mobutu era is rapidly approaching. The deterioration of the president's health is likely to accelerate the transition to a new regime, perhaps more than even his critics would have hoped.

The political class, as well as civil society, have begun to realize that the outcome of elections might indeed be the beginning of a new post-Mobutu era. Only a few months ago, it was generally expected that Mobutu would – no matter the credibility of planned elections – be the next president of Zaire. Today, it is not clear that the president's political party and supporters have a successor to fill Mobutu's shoes.

Should Mobutu die suddenly, his clan would lose considerable power and access to economic resources. Opinions differ regarding whether and how his Ngbanda clan could hold on to power. The situation in North and South Kivu make a coup d'état by the military (dominated by officers from Mobutu's home region of Equateur) a distinct possibility.

2. High Council of the Republic-Transition Parliament (HCR-PT)

Archbishop Laurent Monsengwo, who headed the transitional legislature almost from its inception in the early 1990s, retreated from active politics a few months ago when he resigned as president of the HCR-PT. In the period time since Monsengwo's resignation, the HCR-PT has been led by two vice-presidents, one representing each of the political families: Bo-Boliko Lokonga, member of the *Parti Démocrate et Social Chrétien* (PDSC), who represents the opposition; while Anzuluni Bembe represents the president's political family. The lack of clear leadership and direction within the transitional parliament has contributed to a deadlock over a variety of issues including the draft constitution, which was only adopted after the Prime Minister threatened to dissolve parliament. It was also been suggested by various sources that members of the HCR-PT are well aware that they lack popular legitimacy and are not likely to be elected to office in the upcoming elections. This knowledge might therefore have acted as a disincentive for them to push forward vigorously with their needed input to the electoral process.

The HCR-PT did succeed in approving two important pieces of election-related legislation in October 1996; the draft constitution and a companion law mandating a referendum to vote on the constitution. This action only came after considerable pressure was placed on the HCR-PT. Nonetheless these laws are the results of considerable dialogue and compromise, elements of a democratic political culture which even long-established parliaments sometimes find hard to muster.

3. The Prime Minister and Transitional Government

Many members of the opposition political family believed that Mobutu's appointment of Leon Kengo wa Dondo was simply another effort to manipulate, divide and destabilize the opposition. This view is still widespread, as one prominent member of civil society put it, "*Si Kengo est au pouvoir, Mobutu est vraiment à l'aise*" ("While Kengo is in power, Mobutu is truly at ease"). In discussions with various political party representatives and leadership of the HCR-PT, it became clear that many do not consider Kengo as the leader of the opposition family.

Kengo's status within Zaire's political structure is further complicated by his parentage. With a Polish father and a half Rwandan Tutsi mother, the question of the Prime Minister's nationality is contested. The present crisis in the Kivus has considerably exacerbated this issue, with violent demonstrations in the streets of Kinshasa demanding the Prime Minister's ouster and arrest. While Kengo's popularity and bona fides as a member of Zaire's opposition are questionable, his support from Mobutu has for the most part appeared strong, at least until the recent successful rebel attacks in the east.

The international community, and most importantly the members of the "troika" (Belgium, France and the United States), initially saw Kengo's appointment as a welcome sign of President Mobutu's willingness to proceed with needed economic reforms and the political transition. Early indications were that Kengo would indeed be the much-hoped-for technocrat reformer and moderating influence on Mobutu's elite. Early in his term in office, a number of programs were undertaken in the areas of economic reform.

More recently, however, the Prime Minister's ability to build on these reforms has become suspect. The continuing refugee crisis in the Kivus, the rebellion of October 1996, increasing pressure from the international community for progress in democratic as well as economic reforms, and the over-riding question of President Mobutu's health have combined to make Kengo's job even more difficult. Despite these setbacks, Kengo's continuation in office and the respect accorded him by the international community remain important to Mobutu as the president has sought to regain his place in world affairs, an effort that has also been aided by Zaire's pivotal role in the refugee crisis in the Great Lakes region.

Other key personalities within the present government include the Deputy Prime Minister and Minister of the Interior, Gerard Kamanda wa Kamanda and the Minister of Mines, Mutombo Bkafwa Nsenda. While Kamanda wa Kamanda, from Bandundu region and a member of the Prime Minister's URD coalition, holds one of the potentially most powerful posts in government and could be a strong candidate for president, he may have lost favor with Mobutu. Nsenda, an MPR member from Western Kasai, on the other hand, appears to be comfortable with his more low-key role that includes overseeing the potentially lucrative mining sector. He may emerge from the current crisis in a more powerful position.

4. The Supreme Court

The role of the Supreme Court throughout the transitional period has been minimal. The thirteen sitting judges of the Supreme Court were appointed by President Mobutu prior to the start of the transition. Decisions regarding the legality of the numerous changes to the Zairian constitution, the appointment and removal of government ministers, and the dissolution of the various legislative bodies have generally not been presented to the Court.

Two recent controversial decisions by the Supreme Court appear to support the assumption that the Court is unwilling to tackle issues that are politically sensitive. First, in 1994 it was asked to decide on the legality of a 1959 colonial decree prohibiting public demonstrations. Although the transitional constitution provided for the right of assembly, and despite Zaire's ratification of the Universal Declaration of Human Rights, the Court was unable to come to a decision. Second, in 1995 Etienne Tshisekedi asked the Supreme Court to decide on the legality of his removal from the office of Prime Minister and the installation of Kengo wa Dondo. It was again unable to reach a decision and instead decided it had no jurisdiction. Had the Court rendered a decision in this matter, it could have had far reaching implications for the overall legality of the CNS and many of the other transitional institutions.

5. Regional Administrations (Territoriales)

Traditionally, leadership in provincial administrations, known in Zaire as *Les Territoriales*, has been an extension of President Mobutu's control over the party-state. These regional structures have served more to extend the president's control over local resources than to provide government services to the local population. Since the collapse of the national government in the early 1990s, the arbitrary and selective exercise of power by territorial administrators has become even more evident. In collaboration with local military commanders, the regional administrations, through regional governors and vice-governors, have been consistently used by President Mobutu to restrain, often violently, local calls for greater democracy and governmental accountability.

During a meeting with the team, the Minister of the Interior announced that regional administrators—including governors, vice-governors and sub-regional governors—would be replaced in the near future, although this has yet to happen. In a later meeting with Prime Minister Kengo, the team was told that this apparently imminent move would provide for the “bi-polarization” of these posts so that both political families would be equitably represented. The Prime Minister also said that the list of appointments had already been drawn up and apparently agreed upon by the political families.

6. The Security Forces

The Zairian military consists of four distinct forces: the 20,000-strong Special Presidential Division (DSP) considered the elite force of the country, under the leadership of General Etienne Nzimbi Ngable (President Mobutu's nephew); the Civil Guard, the regular Zairian Armed Forces (FAZ); and the paramilitary Gendarmerie. The heads of all the forces are either from or related to Mobutu's Ngbandi ethnic group.

Until recently the FAZ chief of staff was General Eluki Monga. In mid-November 1996, however, Prime Minister Kengo relieved him of his duties. The stated reason for this was Eluki's publicly expressed belief that a multi-national military force was not needed to intervene in eastern Zaire, a position at variance with the government's official position of support for the concept. Eluki was replaced by General Baramoto Kpama Kpata, President Mobutu's brother-in-law and former commander of the Civil Guard.

Although the DSP is the most disciplined element of the armed forces, this must be viewed in relative terms. Poor pay, lack of discipline and serious infrastructure problems have combined to create a dysfunctional sector of society whose primary purpose is to assure its own survival. The dramatic defeat of supposedly elite Zairian military forces in the Kivus by a relatively unknown rebel faction has pointed up the extent of this problem and could seriously undermine the president's hold on power both in the center and the periphery.

7. National Election Commission (CNE)

The National Election Commission (CNE) was created by the HCR-PT in May 1995 as an independent commission and was given a broad mandate to organize and conduct elections. The Commission's 44 seats are equally divided between the two political families. While several of the members were selected by the opposing political groupings from the ranks of the NGO community, no provision was made to accommodate participation by “non-political” representatives of civil society.

Early problems with the selection of members by the political parties delayed the start of the Commission's activities until 1996. Even then, differences between the presidential movement and the opposition coalition over the composition of the CNE's leadership caused additional delays. Eventually, CNE members themselves produced a solution by selecting their own leadership and moving independently to develop rules for internal operations.

The Commission's lack of funds has proven to be a most serious barrier to effective operations. As of early October 1996, only approximately 8% of this year's \$51 million earmarked for the elections by the Government of Zaire had been released to the CNE. Although this is a small portion of the Commission's overall needs for the elections, the estimated \$3.5 million released to the CNE through October was not in itself insubstantial.

CNE members have visited most of Zaire's large cities to talk with local government officials, NGOs and other community leaders regarding the role of the Commission in the electoral process. In addition, the CNE, with funding from the European Union, conducted a workshop with local NGOs to discuss possibilities for their involvement in the elections.

More recently, the Commission, with assistance from the United Nations, completed a budget document for the entire electoral process. This budget, with a total cost of \$253 million, was submitted to and accepted by the Prime Minister in October 1996.

8. Inter-Ministerial Commission (CIM)

The CIM was created by the Kengo government with the stated intent to provide logistical and administrative support to the CNE, which will lack the resources to undertake all of these tasks by itself. The CIM, under the leadership of the Minister of the Interior, is composed of representatives from the key ministries of government, including Finance, National Defense and others. The CIM is also designed to serve as the focal point for all international financial and technical assistance to the electoral process.

Contradictory statements from high-level numbers of the CIM have contributed to confusion regarding the apparently overlapping mandates of the CIM and the CNE, on policy as well as the planning and implementation of pre-electoral and electoral events.

D. The Regional/Ethnic Context

Comprehension of the inter-twined issues of ethnicity, regionalism and nationalism and their roles in Zairian society, particularly in light of recent events in eastern Zaire, is crucial to understanding the interaction of social forces within the political process.

Keeping in mind that every Zairian is the carrier of several – often concentric, but sometimes conflicting – identities, it should be noted that a sense of 'national' identity unquestionably exists in Zaire, and that all major parties have been taking pains to develop supra- or cross-ethnic leadership structures. Whether this represents tokenism or a tactical cooperation between regional power brokers (of the sort common in US national politics) is less important than the fact that all major parties think in 'national' terms.⁶

Although Zaire has witnessed isolated and sporadic violence between ethnic groups, most of its Mobutu-era history has been remarkable for the absence of widespread inter-ethnic violence. The 1993 expulsion from Shaba province of more than a million economic migrants from East and West Kasai is a case in point. This conflict had its roots less in ethno-nationalism than in a quest by the governor of Shaba – backed by President Mobutu – to gain exclusive control over the economy of this mineral-rich province. The violence that accompanied the expulsions was also connected to the earlier appointment of Etienne Tshisekedi as Prime Minister. The inter-regional tensions ignited by the appointment of a Kasaian to head the Transitional Government enraged Shaba's governor, Kyungu wa Kumwanza, and former prime minister and native Shaban, Nguza Karl-I-Bond. These figures, allegedly with backing from the President, propagated a campaign to incite Shaba's population against the approximately 1.5 million

⁶ *An Assessment of Democratization or Political Change in the Republic of Zaire*, A Report to the United States Agency for International Development, by Professors Edouard Bustin, Thomas Turner and Herbert Weiss. July 1991, pp. 4-5.

Kasaïans who had migrated to Shaba to work in the once-lucrative mining industry. This “regional cleansing” was accomplished in 1995 and today few Kasaïans remain in Shaba.

The related question of separatism, especially in the context of ethnic nationalism in Shaba— formerly Katanga — province, appears not to be of primary concern at this time. While independence movements may still be alive in Shaba, and possibly also in the Kasais, these regions already enjoy significant de facto autonomy from the central government. Indeed, when team members visited Shaba and the Kasais, most individuals with whom they spoke expressed a desire to remain within a federal Zaire.

1. The Nationality Issue

Aside from the presence of more than one million Hutu refugees, the issue underlying the current violence in North and South Kivu is the question of who is – or is not – a Zairian. The Constitution of 1964 recognized the Zairian nationality of the Banyarwanda living in Zaire at that time.⁷ In 1965, the Banyarwanda were given the right to vote. A new nationality law was instituted by presidential decree in 1972, which limited Zairian citizenship to those who had resided in Zaire at the time of independence.

This action was superseded by yet another Nationality Act passed by parliament in 1981. This Act, which remains in force, limits the right to Zairian nationality to those ethnic groups that have resided on Zairian territory since the time of the Berlin Conference in 1885. This change in the definition of who is a Zairian has left hundreds of thousands of Banyarwanda – and undoubtedly members of other ethnic groups – effectively stateless. Until the arrival of Rwandan Hutu refugees in 1994, this much narrower definition of the right to citizenship had only been enforced once before, during the 1982 national elections.

Since the massive influx of refugees and the associated social and economic dislocations visited upon the local Zairian population, emotions over the nationality issue have run high in both North and South Kivu. As one human rights activist was quoted: “In order to succeed in politics you have to be anti-Rwandese.”⁸ Several leading Zairian politicians, including Anzuluni Bembe, First Vice-President of the HCR-PT, had publicly called for the expulsion of all Banyamulenge along with the Rwandan Hutu refugees. This sentiment was publicly supported by the HCR-PT on 28 April 1995 through a resolution that advocated an unconditional and immediate return of all refugees and immigrants of Rwandese and Burundese origin, and the settlement of displaced Zairians on their lands. The recent crisis has served to further heighten these attitudes.

There are three distinct, though closely related aspects, of the crisis in the Kivus: the Rwandan refugees; the inter-ethnic conflict in North Kivu; and the situation in South Kivu.

2. The Refugees

Providing a safe-haven for more than a million refugees since 1994 in a densely populated area added numerous problems to an already troubled area. Not only did such a large additional population cause serious environmental damage, the presence of the refugees seriously upset a fragile ethnic and economic balance among the different ethnic groups in the Kivus. The presence of the leadership and military forces of the former government of Rwanda and the Rwandese Hutu Interahamwe militia, both implicated as perpetrators of the Rwandan genocide, in the camps near Goma and Bukavu encouraged increased aggression against the Zairian Tutsi population resulting in the creation of a Zairian Tutsi refugee population inside Rwanda.

Human Rights Watch claims that arms have been delivered to the Rwandan Hutu leadership in the refugee camps. According to Human Rights Watch, these arms shipments were flown in to Goma airport

⁷ Banyarwanda are “people from Rwanda” and include both Hutu and Tutsi. The Banyarwanda in North Kivu had migrated from Rwanda for economic reasons and at the invitation of the Belgian colonial power in the 1930s and 40s.

⁸ *Human Rights Situation Report for the United Nations Commission on Human Rights*, E/CN.4/1996/66

and given to the Hutu leaders with the full knowledge and cooperation of the Zairian authorities. Human Rights Watch has estimated that about 50,000 heavily armed Hutu militia and former Rwandese military had been living and training in the camps⁹. This information has been supported by documents discovered in recently deserted refugee camps.

3. North Kivu

Repression in North Kivu was first directed against the Banyarwanda as a whole. But with the arrival of the Hutu refugee population, Tutsi became the primary target of armed bands called *Autochtones*.¹⁰ Thousands of Banyarwanda Tutsi long established in the Masisi and Rutshuru areas were killed. Those able to escape fled to refugee camps inside Rwanda. The role of the *Forces Armées du Zaïre* (FAZ), assigned to guard the nearby refugee camps, in this violence is far from clear, although it is certain that they were at the very least complicit in their indifference. Indeed, both the Zairian authorities and the international community's lack of attention to the violence in North Kivu intensified and to an extent legitimized the dispossession and use of force against these "foreigners."

4. South Kivu

In 1797, a group of Rwandese Tutsi emigrated to the fertile Ruzizi plateau and the Mulenge highlands that had an ideal climate for cattle herding. Today these Zairian Tutsi of Rwandese origin, the Banyamulenge (people of Mulenge), still speak an archaic version of Kinyarwanda, the national language of Rwanda. The association of the Zairian Banyamulenge with refugees and more recent economic migrants from Rwanda and Burundi began in 1959, during the Hutu Rebellion in Rwanda. The overthrow of the Tutsi monarchy created the first massive influx of Rwandese fleeing violence at home, which resulted in tens of thousands dead, and led to a large Tutsi diaspora establishing itself in Uganda, Burundi, Zaire and Tanzania. The Banyamulenge's association with Rwandese Tutsi was strengthened in 1970 when another wave of massacres in Rwanda led thousands of Tutsi to flee to neighboring countries.

With an estimated population of 400,000, the Banyamulenge have succeeded economically despite years of discrimination, marginalization, and outright aggression. During Zaire's 1982 national elections, the 1981 Nationality Act was applied to the Banyamulenge in the same way as it was to more recent immigrants who clearly could not trace their ancestry to Zairian territory prior to 1885, and they were denied the right to vote. This led to the first of several outbreaks of violence between the Banyamulenge and the Zairian authorities in the Uvira region of South Kivu approximately fifteen years ago.

In both North and South Kivu, the presence of hundreds of thousands of Hutu refugees from Rwanda served to exacerbate an already tense situation. The ongoing political transition and the start of preparations for national elections have further intensified long-standing animosities. According to the UN Special Rapporteur, radio stations in Uvira have been inciting ethnic hatred against the Banyamulenge in Zaire and encouraging Burundian Hutus to take up arms against the Tutsi-dominated government. These radio broadcasts are said to resemble the infamous broadcasts by Radio Mille Collines that were used by the extremist groups within the former Rwandan government to instruct Rwandese Hutus to carry out the genocide in 1994.¹¹

In a meeting with members of the CEPPS team, the vice-governor of South Kivu commented that heavily armed Zairian troops were already in position to move against the Banyamulenge. Team members were also told by various sources in Bukavu that several thousand Hutu *Interahamwe* militia members and ex-*Forces Armées Rwandaises* (the former Rwandan Hutu government army) had been moved to the area by the Zairian armed forces as support for their action against the Banyamulenge. It was these events that triggered the Banyamulenge offensive a week later.

⁹ Human Rights Watch, "Rearming with Impunity," 1995.

¹⁰ Tribes that are considered to be indigenous to the Kivus are referred to as *Autochtones*.

¹¹ *Human Rights Situation Report*, op cit.

Ethnic tensions resulted in the rebellion by Zairian Tutsi in October 1996, who forced out Zairian authorities and military forces from much of North and South Kivu. One immediate result was the return to Rwanda of hundreds of thousands of refugees. The situation within eastern Zaire remains far from clear, however. Key questions remain about the future status of the two provinces within the Zairian state. Rebel leaders have stated that they reject the electoral process as long as President Mobutu retains power. It is thus unclear whether and when it will be possible for authorities to organize elections there.

E. The Economic Context

In the mid-to-late 1960s, Zaire enjoyed a relatively strong economy based on a profitable copper mining sector and other mineral extraction industries. In those years, the exchange rate between the Zairian currency and U.S. and other "hard currencies," which at times reached a level of \$2 U.S. for one Zaire, reflected this strength. Zaire's economy began its steep decline in the 1970s when world commodity prices collapsed and the extraction of resources from the mining sector by the political elite to maintain a system of personal patronage grew precipitously. The downward spiral accelerated due to the lack of capital investment in new equipment and infrastructure. This, in turn, lessened the sector's productive capacity, a negative trend that largely continued throughout the 1980s and 1990s. While few if any reliable statistics on production are available for recent years, the mining sector, once the country's prime source of export revenue, some estimates suggest it has been reduced to about ten percent of 1990s already meager output.

Regional governors, personal appointees of President Mobutu, are generally responsible for the collection of revenues on behalf of the president. Particularly in mining regions such as Shaba, the Kasais and Haut Zaire this position provides them with a considerable power base. Rampant corruption, the disintegration of the road system, lack of investment in the industrial sector, and the flight of foreign capital have all contributed to the Zaire's economic decline.

Diamond mining throughout much of the central and eastern part of the country continues to function, and Zaire is a significant producer of industrial diamonds. Many observers speculate, however, that significant proceeds are misappropriated by the ruling elite rather than winding up in state coffers. Revenues from the modest oil production activity located in Bas-Zaire and operated by the U.S.-based company Chevron, on the other hand, are said to provide a stable input of funds to the national government.

Despite some measures aimed at economic reform, Prime Minister Kengo has not been able to effectively deal with the skyrocketing inflation. He has experienced limited success in cutting some government expenditures, but has done little to raise state revenues. Undoubtedly, the recent Kivu crisis has exacerbated this problem. Throughout Zaire the U.S. dollar is used instead of the local currency. In human terms, runaway inflation means that a university graduate, when paid, probably earns around 120,000 Zaires per month. In early October 1996, this was the equivalent of about two U.S. dollars and would have bought two bottles of local beer. In order to ensure the survival of their families many Zairians, including the well educated, have turned to the informal sector to survive.

IV. Civil Society and Political Parties

A. The Churches

There are three main confessions represented in Zaire: the Catholic Church, various Protestant denominations organized under the umbrella of the Eglise du Christ au Zaire (ECZ), and the Kimbanguist Church, a syncretistic faith. There is also a small, but growing Muslim minority. As in many developing countries where the state does not fulfill its role in the social contract, the religious communities step in to fill this void.

The replacement by church structures and resources of state activities is most clearly seen in the provision of education and health services, but can also be discerned in terms of moral leadership and the ability to cope with crushing poverty. An anthropologist who spent years studying the changing urban Zairian society observed, "Churches and collective actions reframe the depressing hardship of present urban life within a cultural or moral complex of empathy. The courage to cope with suffering and deprivation also bears witness to a person's dignity and social stature, and no longer only to political power and material success."

With this more prominent role in Zairian society, the churches have become a focal point for the democracy movement. The decline of state institutions has also meant that the churches have become key societal mobilizing centers. Church administrative structures continue to function efficiently. The contrast between church and state in terms of infrastructure and energy is often striking. In Kisangani, for example, the regional government buildings are decrepit and semi-deserted, whereas the Catholic Church headquarters is clean and bustling. There is a fleet of modern four-wheel drive vehicles to provide basic logistical services, and the Church also serves as a local banking agent. Sunday masses are well attended and provide opportunity for the dissemination of a wide range of messages. Perhaps most importantly, the Church has an extensive two-way radio communications network extending throughout the country, and a local FM broadcast station. Officials suggested to team members that they are prepared to utilize both communications resources for voter education and election monitoring purposes.

The leader of the Catholic Church in Zaire, Archbishop Laurent Monsengwo, served as president of the CNS and the transitional parliament. Although he currently eschews active participation in politics, and is subject to Vatican injunctions on this issue, anecdotal evidence and nascent Zairian public opinion research suggests that he would enjoy considerable support should he opt for a return to national politics.

Recognizing the utility of a coordinated approach, the three leading religions have created a joint forum, the National Commission for Elections Now (CONEMA), comprised of The Justice and Peace Commissions (human rights and democracy advocacy groups of the Catholic Church), the ECZ, and the Kimbanguists. CONEMA is designed to act both as an interest group, expressing positions on specific questions, and as a program development body. As with most Zairian civil society groups, resource constraints limit the scope of activities that such a body can realistically hope to achieve. Yet unlike many secular NGOs, CONEMA is prepared to cooperate with the CNE and has already implemented several training programs in Kinshasa.

B. The Human Rights and Democracy Organizations

A vibrant civil society exists, due at least in part to the failure of the Zairian state to provide for its citizens' needs, in both material and political terms. In addition, the length of the transition has enabled civil society groups to learn from other such experiences on the continent. NGOs and other groups have obviously been influenced by democratization movements elsewhere in Africa, and by political development programs implemented in other African countries by internationally based NGOs. For example, a large number of Zairian human rights, democracy and voter education groups have emerged since the transition began in 1990. Key among the democracy and voter education groups is the League

of Zairian Voters (LZE), which experienced a scission in 1994 resulting in the creation of a number of organizations including the League of Voters (LE), and the National League for Free and Transparent Elections (LINELIT).

As in other parts of the world, some local NGOs have developed primarily as income generating activities designed to attract resources from international donors. Personal ambition on the part of individual leaders, and the corrosive effects of Mobutu's approach to co-opting potential rivals has complicated the Zairian NGO landscape. Many groups, however, have developed solid track records of accomplishments despite few financial or other resources.

As a result of civil society being formally excluded from CNE membership, a number of key civic groups working on human rights and democracy have joined with trade unions to organize the Independent Electoral Commission (CEI) that can act as a common oversight body for the electoral process. The CEI has created internal structures, including subcommittees on management, supervision, voter education and communications, and has begun the process of establishing regional offices. With limited financial resources, the ability of the CEI to influence the electoral process is limited.

Both the CNE and the government have reacted negatively to the CEI initiative, believing, at least initially, that it was an effort to usurp the CNE's role. The CEI's name is perhaps inappropriate. It appears to be developing into a watchdog monitoring organization, however, perhaps similar to the Supervisory Electoral Commission in Niger that functioned for that country's 1993 national elections. The chances for legitimate elections will be increased if, in coming months, the various actors in the electoral process come to understand and accept the positive roles that each can play.

C. The Economic Development NGOs

Many economic development NGOs also have made the clear connection between democracy, good governance, and the creation of conditions under which economic development can take place. They are thus involved in democracy education efforts. This being Zaire, however, nothing is ever simple. Many economic development NGOs remain wary of human rights/democracy civic groups, a problem which has been exacerbated by personality conflicts, internal rivalries, struggles for resources, and perceived attempts at institutional dominance. As a result, few of the more traditional development NGOs have decided to join the CEI. Instead, they tend to operate more under the umbrella of the National Council of Development NGOs (CNONGD). Some CNONGD members may be prepared to conduct voter education programs on a contractor basis to the CNE, should the CNE be able to provide funds for such an effort. This could be a potential area of conflict with the CEI, which is not prepared to work with the CNE in a subsidiary fashion.

Another set of institutions that can be loosely categorized as economic development NGOs are ethnically based self-help organizations called *Mutuelles*. These bodies have been created by particular ethnic groups to solicit funding, and identify and implement projects designed to benefit their constituencies. *Mutuelles* have been active in the civil society movement, and their representatives have sat in the HCR-PT. Many *mutuelles* have a benign or positive approach to their work, although others, especially in the Kivus, have fanned the flames of ethnic tension by verbally or even physically attacking individuals or communities of differing ethnicity. *Mutuelles* are potentially important actors in voter education and mobilization efforts.

D. The Political Parties

There are three general types of political parties in contemporary Zaire. The first is the former ruling party and its satellites grouped together in the Presidential Movement or Political Forces of the Conclave (FPC). The second are the post-independence parties, which were active in the period before single party rule, and which have been resurrected in the new democratic period. They tend to be led by historical

figures from the past and champion themselves as being the true democratic parties as demonstrated by their travails during their years in the political wilderness. Finally, there are the parties created either clandestinely under Mobutu's dictatorship or since the restoration of multiparty activities. They may differentiate themselves by being more technocratic or opposed to the old way of doing things, or they may represent regions or ethnicities that have been traditionally under-represented in their nation's political life.

While these different types of parties are likely to have differing institutional cultures and organizational/developmental priorities, a number of common realities can be stressed. Many of these are quite common in political cultures emerging from years of authoritarianism. Parties, for example, tend to be personality-oriented, and organized around one or a small group of leaders who often finance party operations and control decision-making. Most parties are also weak on policy prescriptions and strong on using regionalism or ethnic affiliations as their main motivating force. Coalition building, both within parties and in a wider sense, thus tends to be built on shaky foundations. Parties often have difficulty articulating their vision to potential voters, and party leaders are thus often perceived as motivated primarily out of self-interest. The distinction between government and opposition is often poorly understood.

Notions inherent to a democratic political culture such as compromise and conciliation are also often viewed skeptically or as signs of weakness. In addition, parties face considerable challenges in attempting to operate on a national basis. Finally, a lack of resources for parties inhibits democratic development, and provides an excessive advantage to those parties which either have wealthy benefactors or which have benefited from access to government resources.

Political liberalization in Zaire has led to the creation of scores of parties. At present over 400 parties exist, although many of them are insignificant. In the absence of polling or previous election results with which to gauge the level or popularity of support for parties, it is difficult to state with certainty which are the most important, and which may emerge from an electoral process as the leading parties. It is very likely, for example, that some regional parties that have attracted relatively little national attention may gain some prominence at their level, and may even send some representatives to the national parliament. One possible scenario is that of a legislature in which no party gains an overall majority, and which will require considerable compromise and coalition building. In that case the importance of regional actors will be increased.

1. The Presidential Family

The Popular Movement for Renewal (MPR): The MPR (formerly Popular Movement of the Revolution) is the party of President Mobutu. It spearheads a coalition of parties known by their French acronym as the FPC, more generally referred to as the Presidential Movement. The MPR no longer enjoys the official attributes of being the party-state, and Mobutu's declining health presents a challenge for such a personality-oriented organization. Few Zairians seemed to be aware of or able to articulate the MPR's officially stated ideology of "communitarian humanism." Nonetheless, the MPR enjoys wide name recognition and support within the bureaucracy and security forces. Probably a significant number of Zairians will vote for the MPR simply because they are not aware of or cannot envisage any real alternative. The extent of the MPR's financial resources is unclear. It is almost certainly better financed than the opposition parties, although perhaps less so than many critics presume.

No one potential leader of the MPR has emerged during Mobutu's illness, probably as a result of deleterious past experiences of would-be pretenders to the throne. The MPR is likely to be strong in Mobutu's home province of Equateur. It may also reflect something of a national constituency in that it will probably garner respectable levels of support in other parts of the country, with the likely exceptions of North and South Kivu and East and West Kasai (four of the country's current 11 provinces).

The *Union of Federalists and Independent Republicans* (UFERI): A key party affiliated with the presidential movement is UFERI, headed by ailing former Prime Minister Nguza Karl-I-Bond. It has a strong regional orientation, with considerable support in Shaba province.

2. The Opposition Family

“The two broad political movements that emerged after 1990, the *Mouvance Presidentielle* (associated with Mobutu) and the *Union Sacrée* opposition, have become polarized. At the same time, the opposition has splintered internally. Some members asserted that they have grown disenchanted with Tshisekedi’s perceived intransigence, autocratic leadership, and exclusion of key opposition parties in the 1992 government. Popular sentiment has moved from high hopes at the time of the 1992 National Conference to heightened alienation and generalized disaffection with the political elite.”¹²

Thus, the Zairian opposition, with divisions over leadership and direction, is not in a particularly strong position to exploit the issue of Mobutu’s ill health. Over the course of the transition, Mobutu’s ability to co-opt key figures and groupings within the opposition has taken its toll. No readily identifiable, common opposition candidate to stand against Mobutu has emerged, although Tshisekedi perhaps comes closest to fitting this bill.

As noted above, the once powerful Shaba-based opposition party, the UFERI, led by former Prime Minister Nguza Karl-I-Bond, is now allied with the FPC. Nguza himself, having reportedly suffered a severe stroke two years ago, is still too ill to play an active role in political life.

Re-grouping parties under the general rubric of “the opposition” is complicated. There are at least three sub-groupings: the “moderate” opposition, which is firmly committed to the current transitional process and whose independence from President Mobutu is questioned by others; and the “radical opposition” which in principle rejects the process, and a number of parties which are firmly committed to opposing President Mobutu but which are prepared to participate in the transition process.

The Union of Independent Democrats (UDI): The party of Prime Minister Kengo characterizes itself as being in the opposition. It has a moderate technocratic image, and probably draws most of its support from upper class, urban-based and well-educated voters. Its main appeal is on economic management grounds. A number of other small parties, mainly formed around figures currently in a position of political responsibility, gravitate in this constellation known as the “moderate opposition.”

Other Opposition Parties: Between the “moderate” opposition and the “radical” opposition are a number of parties, a few of which are likely to garner noticeable support. Probably the most important of these is the PDSC, the Christian Socialist party headed for many years by the late Joseph Ileo. It too is divided into different factions, one of which is headed by Bo-Boliko Lokonga, a former trade unionist and currently one of two vice presidents of the transitional parliament.

The UDPS – Radical Opposition: At the other end of the political spectrum is the “radical opposition,” headed by one-time Mobutu cabinet member turned long-time dissident, Etienne Tshisekedi. Tshisekedi broke with Mobutu in 1980 and was sent into internal exile. Tshisekedi’s party, the Union for Democracy and Social Progress (UDPS), was at the forefront of popular unrest that was a key factor in Mobutu’s decision to legalize political parties in 1990. He served briefly as Mobutu’s prime minister in the early stages of the transition, but differences between himself and Mobutu proved too great for long-term cohabitation. He was dismissed as prime minister under circumstances that he considers illegal, and continues to lay claim to the prime minister’s office. In fact, Tshisekedi’s primary conditions for participation in the political process include “a return to legality,” of which the first two components are his reinstatement as PM and the creation of a “Government of National Unity.”

¹² Zaire: *Looming Disaster After Preventative Diplomacy*, J. Stephen Morrison, in SAIS Review, Summer-Fall 1995, pp. 43-44.

Tshisekedi's party, while rejecting the ongoing process, has nonetheless participated in it to varying extents. For example, its deputies have taken part in parliamentary deliberations, and sympathizers have sat in the CNE. Likewise, Tshisekedi's lieutenants read a statement expressing his rejection of the recently negotiated draft constitution at a press conference on October 9, 1996, but during the question and answer period demonstrated much greater flexibility and willingness to engage in the process.

Tshisekedi enjoys considerable support in his native region of the Kasais and to a lesser extent in other parts of the country. The UDPS itself serves as something of a microcosm of the larger opposition political family: since Tshisekedi's dismissal, the UDPS has internally fractured into at least three different factions which often refuse to communicate with each other. He no doubt sees himself as the Mandela of Zaire, although another possible analogy might be that of Buthelezi, an important regional leader with ambivalent attitudes about the electoral process.

To complicate matters, Tshisekedi met with Mobutu in late November in Europe, fueling speculation that he and Mobutu have discussed the possibility of cutting a deal that would bring the former prime minister back into the process. While this may not happen, perhaps due in part to Mobutu's illness, a division has resulted within the UDPS over Tshisekedi's rejectionist stance. His former deputy, Frederic Kibassa-Maliba, has taken a more accommodating position regarding participation in the process, and is widely rumored to be prepared to join Kengo's government as a Deputy Prime Minister. In addition, there are other splits within the UDPS on regional levels.

V. The Framework for Elections

The organization of any electoral process is a complex interaction of competing interests represented by agents of the state, political groupings and the multitude of formal and informal relationships and intermediary organizations of civil society. While the ultimate success of the process depends on the ability of these forces to communicate and cooperate with each other, it is ultimately the responsibility of the state to provide the overall framework within which these interactions are conducted, and the resources with which to conduct them.

In any transition from a single-party authoritarian system to multi-party democracy, these interactions are often conducted in an atmosphere of heightened suspicion and animosity. Such transitions in developing countries carry the added burden of severe resource constraints that frequently result in heavy reliance on international donors. The disintegration of the Zairian state apparatus over the past several years has created significant additional concerns to an already troublesome transition. These include the lack of :

- a national infrastructure including roads, public transport and telecommunications;
- a functioning local government structure;
- a functioning financial and banking system;
- a functioning nationwide judicial system; and
- an effective system of command and control of the various security forces.

The government of Zaire is faced with enormous challenges as it moves the country towards elections. Not the least of these challenges is the question of political will. In discussion of the current status of technical preparations for planned elections, the issue of political will must be viewed as the single most important factor in the overall success of the transition process.

The clearest demonstration of the government's will to conduct a credible multi-party electoral process comes first in the preparations it makes for that process and then in the implementation of those plans. "The choices made by the State are thus applied so that they are effective, that is, oriented to the objective of a free and fair election; and in such a way as to take account of other obligations in the field of human rights."¹³

Given the legacy of authoritarianism in Zaire, the government and electoral authorities bear special responsibility to ensure that the election process is not only administratively correct, but also free of the perception of partisanship. Confidence in an electoral system and the perception of fairness will become as important as the letter of the law. In the Zairian context, as is the case in other transitional situations, when serious doubts are raised about the fairness of the process, additional safeguards – an added measure of transparency – must be introduced even if the electoral law and administrative provisions meet an otherwise acceptable standard.

A. Election Law and System

If a constitution sets forth the dimensions of the nation-state and the definition of the state's obligations to its citizens, it is the electoral code that provides the basic legal description of the rules of the electoral game. In the case of the current situation in Zaire, neither of these documents is available for review and therefore any discussion of either the structure or the rules of the political game is to a certain degree speculative. However, limited information regarding the outlines of these essential documents was available from a variety of informed sources in Kinshasa. The following discussion of Zaire's election law and system is based on information from these sources, including the Prime Minister, leadership of the HCR-PT, members of the CNE, and others.

¹³ *Free and Fair Elections: International Law and Practice*, Guy S. Goodwin-Gill, Inter-Parliamentary Union, 1994, p. 83-84.

In early October 1996, the stalemate in the HCR-PT over the proposed constitution for the Third Republic of Zaire was apparently resolved and a draft was agreed by consensus. This agreement ended years of discord over the fundamental design of the post-transition Zairian government. A draft constitution written in the early 1990s by the CNS had been widely accepted by members of the opposition family. This draft described a federalist parliamentary system with a nationally elected, but mostly ceremonial president.

A competing draft constitution written by supporters of President Mobutu within the Kengo government emerged in 1995. This competing draft described a unitary government with a strong presidency elected in one round of voting. Given the obvious differences between the two drafts, a process of "harmonization" was undertaken. The result of this process is not entirely clear, however. A period of "toiletage" (i.e. clean-up) then ensued in the HCR-PT and immediately ran into a "blockage" of inter-family bickering. With international pressure for movement on elections mounting and faced with conditions for the release of international financial aid that included quick and decisive action on the draft constitution, Prime Minister Kengo publicly threatened to dissolve the HCR-PT if immediate action on the draft was not forthcoming. In a move that many Zairians saw as a means for HCR-PT members to retain their per diem and other financial perks, it was announced in early October that the "toiletage" was complete and consensus on the draft constitution had been reached.

The general terms of the agreed draft constitution were discussed with the team by Prime Minister Kengo and others in the HCR-PT and the CNE. These individuals indicated that the general provisions of the new constitution provide for the following:

- changing the name of the country to "The Federal Republic of Zaire;"
- changing the national flag back to a modified version of the pre-Mobutu flag;
- increasing the number of administrative regions from 11 to 26;
- introducing a semi-presidential system with a prime minister and a bi-cameral parliament (Senate and National Assembly);
- basing elections on the universal suffrage of citizens over the age 18 or older;
- requiring that to win the presidency a candidate must receive more than 50 percent of the votes cast in the first round; or if no candidate wins 50 per cent in the first round, the plurality of votes in a second round contest between the top two first round candidates;
- providing that the election of members of the National Assembly be on the basis of single-member constituencies consisting of approximately 100,000 citizens each;
- providing that election to the Assembly will be by simple majority (i.e., the candidate with the most votes wins the election); and
- providing that the right to Zairian citizenship – and therefore the right to vote – are consistent with that set forth in the Nationality Act of 1981 which severely limits the right to citizenship to those who can trace their ethnic group's residence in Zaire back to 1885.

As of early November, the government had not yet published the draft constitution, in an apparent contravention of the terms of the Transitional Act that requires the government to publish all items passed by the HCR-PT within 15 days. According to observers in Kinshasa, it is unclear why the government has not yet published the draft. The ongoing crisis in the east may account for this delay to some extent.

According to Prime Minister Kengo, legislative action on the legal framework for elections will begin in earnest after the conduct of a constitutional referendum. This will allow members of the HCR-PT to know if the electoral law is in keeping with the newly approved constitution or with the provisions of the existing Transitional Act.

It is the team's understanding, however, that a draft Electoral Code has been prepared and was apparently used as a planning guide for the CNE during its recently completed budgeting exercise. The nearly 60-page *Budget Estimatif* produced by the CNE and submitted to the Kengo government describes the difficulties engendered by this situation:

At the time of development of this budget, the draft Electoral Law was still being studied by the Parliament (HCR-PT). Certain methodologies to be used for the various electoral operations have been assumed by the electoral authorities. It was necessary to formulate

hypotheses which permitted the establishment of a structural framework for the census and the vote processes. We foresee that the details of these processes and the operational methods may turn out to be different in actual practice.¹⁴

The contradictions between the provisions of the draft constitution and the plans set forth by the CNE in its *Budget Estimatif* have clear consequences for the development of a rational electoral program and budget. For example, while there are clear indications from the highest levels of the Zairian government that single-member districts will be the basis of representation for the National Assembly, the CNE's *Budget Estimatif* hypothesizes that Deputies of the National Assembly will either be selected in single-member constituencies by simple majority or by the use of a "list," which although not clearly specified, implies either a system of proportional representation or the use of a multi-member constituency winner-take-all system.

The difference between these possible systems and the budgetary and operational differences in planning and implementing them are highly divergent and have wide-ranging implications for nearly all aspects of election management. Concrete steps toward finalizing and publicizing an electoral law should not be left for a distant future date. Planning for a calendar of electoral events such as the one envisaged for Zaire, under the conditions which currently exist in Zaire, requires that decisions on the electoral system and framework be taken as early in the process as possible.

B. Constituency Delimitation

The difficulties presented to the CNE by the lack of an electoral law, and the international community's interest in assisting with the electoral process, is clearly illustrated in the potential issue of setting constituency boundaries. According to the Prime Minister, the draft constitution calls for a National Assembly elected from single member districts based on one representative per 100,000 citizens. If this arrangement is to be used in the upcoming elections, the conduct of a thorough and scientific population census becomes of paramount importance.

Given that States are obligated in practice to ensure the equality of the vote, then knowledge of the number and geographic location of the population is essential in determining the exact geographical limits of the 400 to 450 (using an estimate of 40 to 45 million Zairians) individual constituencies. Under the best of conditions, the delimitation of constituency boundaries (called redistricting or re-apportionment in the U.S.) is tedious, time consuming and politically charged. How such an issue would be dealt with in the context of the HCR-PT, if indeed that is where such decisions would be made, and where all decisions are reached by consensus, is difficult to predict. It is important to point out, moreover, that the *Budget Estimatif* does not provide for the delimitation of constituencies.

C. Election Management

Real preparations for multi-party elections in Zaire began in May 1995 with the passage of the law creating an "independent" electoral commission with a mandate to organize and implement the electoral process. The "*Protocol d'Accord*" between the presidential and opposition political "families," which required that all legislative and other "political" decisions be taken by consensus, was equally applied to all facets of CNE internal decision-making and operations. Political stalemate quickly settled in and only after several months of political haggling did the two "families" agree to the members of the Commission. Finally, on January 1, 1996 the members of the independent *Commission Nationale Electorale* (CNE), were appointed by the two political families. Members of the group represent a range of backgrounds from members of the HCR-PT and the CNS, to the leadership of NGOs and political parties.

¹⁴ *Budget Estimatif des Elections au Zaire 1997*, Commission Nationale Electorale, p. 4. Translation by the authors.

The 44-member CNE was given a formidable mandate to operate essentially independently from the government to organize and manage the conduct of the electoral process. The creation of a politically balanced commission, however, saddled with a requirement for consensus in all decision-making and few if any financial or technical resources, has meant ongoing delays and little real progress towards elections. After nearly a year of operations, the ability of the Commission to address effectively its responsibilities in a transparent and accountable manner is still in doubt.

The early signs of difficulty within the CNE were, to some degree, born out by the resignation this summer of the highly regarded vice-president of the CNE, Professor Georges Nzongola. Nzongola, a well-known academic from Howard University in Washington, DC, had been an outspoken opposition voice on the Commission. His trip to the United States in the spring of 1996 lent considerable credibility to early efforts by the CNE to organize and begin planning for the electoral process. Indeed, these efforts to establish the Commission as an independent body proved somewhat successful.

Nzongola's resignation later in the summer of 1996, and his allegations that the CNE lacked competence and was not interested in a "credible" election process, led to concerns outside Zaire that the Commission might be in danger of a serious factional split. The CEPPS team's discussions with the various political stakeholders in Kinshasa and elsewhere in Zaire, however, did not show a similar concern. Indeed, it appeared that Professor Nzongola's departure had little or no effect on the operations of the CNE. When asked, members of the Commission termed his resignation as "regrettable" and noted that the CNE's work must continue.

In order for the CNE to carry out its mandate, it plans to create some 990 Electoral Commissions (CLEs), with 4,478 members at the regional and local levels. An administrative staff of 306 assigned to CNE headquarters in Kinshasa and 6,690 working at CLE offices around the country must also be hired. Here again, team members received a variety of answers to questions regarding how many CLEs had been officially installed and how many administrative personnel hired.

While it was clear that delegations of CNE members had visited most of Zaire's largest cities in order to brief local officials and political party, NGO and other community representatives about its duties, it was equally clear that almost nothing beyond these familiarization visits had been done. Many of the local government officials interviewed by team members demonstrated little or no understanding of the CNE's role and responsibility.

Aside from the administrative structure of the CNE, it is essential to note that, under the legislation creating it, the CNE was placed under the "administrative supervision" of the government. In practical terms, this means that the Government of Zaire, through its Inter-Ministerial Commission of which the Minister of Finance is a member, has direct control over the budget, financial operations and other key administrative functions of the CNE. How this will affect the independence of the CNE is yet to be seen; however, it is clear that special attention by the international community to ensure a high degree of transparency and accountability in the financial operations of the CNE will be required.

1. Planning for the Electoral Process

The *Budget Estimatif des Elections au Zaire 1997*, prepared in October by the CNE with assistance from the United Nations Electoral Assistance Division, provides perhaps the most complete description yet of the CNE's plans for the electoral process. The complex list of election events includes:

- a constitutional referendum;
- elections for:
 - president of the Republic by vote of the majority of those voting in two rounds;
 - national deputies (members of the National Assembly) by either majority vote in single member constituencies or by use of party lists in a single round;
 - provincial deputies (Regional Assemblies) by use of proportional representation on a strict party list system using the highest average denominator for the distribution of remainders;

- municipal counselors by use of proportional representations on a strict party list system using the highest average denominator for the distribution of remainders; and
- communal counselors by use of proportional representations on a strict party list system using the highest average denominator for the distribution of remainders.

In order to simplify its operations and cut costs, the CNE grouped these activities into four electoral events:

1. the constitutional referendum;
2. the first round of the presidential election and the elections for national and provincial assemblies;
3. the second round of the presidential election, if necessary; and
4. regional elections for municipal and communal counselors.

Although the list of annexes to the *Budget Estimatif* lists a "calendar of operations," these pages were not included in the copy received by the CEPPS team. Interestingly, perhaps the most costly of the pre-electoral events – voter registration – is not listed as a primary activity of the Commission.

Despite the lack of detail, the general outlines and financial implications of the CNE's ambitious electoral program can be seen in the summary budget shown below:

Summary Budget Estimates For the Zaire Elections 1997¹⁵

1.	Census Pilot Study	777,410
2.	Population Estimates	74,475
3.	Material & Equipment	19,238,050
4.	Supplies	6,594,525
5.	Election Materials	71,840,000
6.	Training	14,123,752
7.	Civic Education	11,558,670
8.	Personnel	29,465,485
9.	Transportation	37,031,250
10.	Travel	1,735,000
11.	CNE Operations	30,794,200
SUB-TOTAL		US\$ 223,232,817
12.	Coordination	2,793,000
13.	Technical Assistance & Observation	27,691,000
TOTAL		US\$ 253,716,817

The *Budget Estimatif* contains the first official confirmation that the Government of Zaire will place at least part of its financial contribution for the elections into a United Nations Trust Fund mechanism. The Trust Fund is to be used as a centralized coordinator/clearing house for direct contributions to the elections process. According to UN officials, current plans are for all donor contributions to the elections in Zaire to be placed in this UN managed fund. The UN has planned for financial management personnel as part of their election assistance package. It was not clear, however, what specific actions by the UN and the CNE, if any had been taken as of November 1996 to ensure appropriate standards of accountability and transparency in financial operations.

In discussions with various officials in Kinshasa, the team was told that census and voter registration activities were to begin immediately and that the constitutional referendum had been planned for sometime in February, followed by the first round of the presidential and national assembly elections in May. The second round of the presidential election was tentatively planned for June with the transfer of power to the new government and chief of state in early July just before the expiration of the extended mandate of the HCR-PT.

¹⁵ *Budget Estimatif*, page 5. N.B.: All costs are shown in U.S. dollars.

While the *Budget Estimatif* provides the most comprehensive look to date at the CNE's plans for the electoral program, it is hardly a detailed description of the operations and methodologies to be employed. Part of this lack of clarity is perhaps due to the lack of an Electoral Code. It is of considerable concern that at this late date in the CNE's own electoral calendar there is still no clear narrative plan describing such key activities as the census and voter registration.

Unfortunately, careful review of the *Budget Estimatif* itself fails to reveal sufficient details to fill in for the dearth of other information regarding the CNE's plans. For example, the budget calls for the purchase of 9,700 "census kits" at a unit cost of \$700 for a total cost of \$6,790,000. Nowhere in the document, however, is there a description of the contents of a "census kit." Similarly, the plan calls for the purchase of 42,000 "referendum kits" at a cost of \$450 each and a total cost of \$18,900,000 with again no explanation of the contents.

D. Voter Registration

One of the first activities on the electoral calendar is voter registration. Prior to the conduct of the constitutional referendum, the CNE plans to conduct both a "census pilot project study" and an "estimation of the electoral population" in addition to an "identification and enrollment" of voters. The methodologies to be used for each of these activities are, unfortunately, not described in the *Budget Estimatif*, nor were complete narrative descriptions available in Kinshasa.

Based on discussions with members of both the CNE and the UN assistance team, it appears that the census pilot project was to have begun in the early fall. Interestingly, the initial tests of the project were scheduled for North and South Kivu. When questioned about the questionable choice of these test locations, the team was told that the difficult conditions in the areas around the refugee camps would serve as a "real test" of their methodology. No concerns were raised related to the controversy over the basic definition of who is a Zairian citizen.

Details presented in the CNE budget show that the pilot study is designed to take place in 88 sample areas around the country. The data collected will then be used by demographic experts to update population totals from the 1984 national census and thereby produce a more accurate picture of the Zairian population (see Annex II for summary of population estimates from the 1984 census through the year 2000).

Actual voter registration, or as the CNE calls it, "voter identification and enrollment," will apparently take place at a later date and will entail the use of 9,200 registration centers located throughout the country. Voters will present themselves for registration at these centers during a thirty-day "open registration" period. It is clear neither from the budget nor from discussions with officials in Kinshasa how individuals would prove their age or national origin or what sort, if any, of documentary evidence in the form of national identification cards, birth certificates, drivers' licenses, etc., will be required for registration. Once the individual is identified by registration officials as an eligible citizen, he/she will be "enrolled" as a voter and will be issued with a photo ID card. It is not clear whether the issuance of the card will take place immediately, thereby necessitating a hand-written card, or whether the citizen will be required to return to collect his/her voter card at a later date.

The CNE's plan to limit the number of registration centers to one for every 2,500 eligible voters, or a total of only 9,200 centers nationwide, is necessitated by its plan to issue each voter with a laminated photo ID card. While the CNE plans to use relatively simple "instant" photo technology to produce the cards, the requirement for photos adds an approximate per center cost of \$400 to \$500 for photographic equipment and film.¹⁶ Cost considerations, however, severely limit the number of possible registration centers. This can be clearly seen in a comparison between voter registration and the CNE's plans for the actual election events that foresee the use of 42,000 polling stations around the country.

¹⁶ Based on currently available prices on the international market.

By foregoing photo IDs, the CNE would be able to greatly increase the number of registration centers. As a result, more Zairians would have an opportunity to access their right to vote that necessitates their being registered. While the Commission's concerns about vote fraud through impersonation are understandable, a more reasonable balance between these concerns and the obligation of the CNE to ensure access to the ballot to all eligible Zairians should be sought.

In discussions with other government officials, it was clear that there is a degree of confusion regarding the issuance of photo ID cards. According to at least one government minister, cards would be issued not only to Zairian citizens as a voter ID card, but would also provide a form of national identification for refugees and other non-citizens. At one meeting, team members were shown examples of the different color cards to be used for citizens and non-citizens. The team believes that while voter registration is indeed necessary in order to conduct credible elections in Zaire, a national identification system using photo ID cards is not. Provision of access to voter registration to all citizens resident in the country on a reasonably equitable basis and appropriate election day security provisions designed to eliminate fraud through impersonation, such as the use of indelible ink to mark voters who have already cast their ballots, should permit a more reasonable balance.

An additional benefit of increasing the number of registration centers is that these same locations can also be used as polling stations on election day. In societies with a large percentage of illiterate citizens, the double use of registration center locations as polling centers has proven effective in simplifying voter education messages and in reducing election day confusion regarding who votes at which polling station.

After the collection of registration data, the compilation of that data into a list of voters that is then exhibited widely for public comment is essential to building overall public confidence in the electoral process. The development of a comprehensive plan for the adjudication of claims, objections and corrections to the list must also be undertaken. In addition, voter registration should be observed both by political party agents and non-partisan observers sponsored by recognized NGOs, church or other civic groups. The CNE should work with these groups to provide adequate training for all observers as well as registration workers.

In the absence of an electoral law or a more detailed budget it is difficult to ascertain what plans the authorities may have for ensuring transparency and accountability at different stages of the electoral process. For example, plans for civic education and voter information need to be prepared, including civic education campaigns by Zairian NGOs focused on human rights and the draft constitution including civil and human rights. There has apparently also been little public debate or discussion about campaign finance issues, including at least the possibility of public funding to insure the parties are able to reach the widest range of the electorate.

While it is rare for the events of election day to determine the overall credibility of any election, they do provide a singular focus for both the electorate and the international community. Here again, there is little detailed information regarding the CNE's plans, and what information is available is at times contradictory or unclear.

There is also a paucity of information on provisions to deal with the issue of complaints and disputes. Differences may arise at all phases of the electoral process. A major factor in the resolution of such disputes is the element of timeliness of the response. With a poorly functioning judicial system, any dispute resolution system will have to be developed using local structures and resources. In other countries, local tribunals or local election commissions have been created specifically to deal with complaints.

Other innovative institutional mechanisms can be developed. For example, the decentralized structure envisaged by the CNE for its regional and local offices (CLEs) could provide a basic structure for a complaint resolution mechanism. Given the controversy surrounding the politically balanced nature of the CNE, and the fact that the CLEs are based on the same bi-partisan formula to the exclusion of other elements of Zairian society, serious consideration should be given to the development of structures for the

resolution of electoral disputes. In other countries, conflict avoidance mechanisms have been established, such as all party advisory committees created during the campaign period. In South Africa a non-partisan arbitration panel was set-up to expeditiously resolve post-election disputes. In various elections in Africa and around the world similar bodies have been created to deal with media-related complaints.

VI. Key Elements Affecting the Public Confidence

As the year 1997 approaches, Zaire is truly at a crossroads. Events in the year to come are likely to determine whether this vast nation continues its downward spiral or if the political transition can provide a basis for growth and stability. The excruciatingly slow pace of change and movement towards elections and the establishment of a new political order since 1990 have been characterized by seemingly endless infighting and jockeying for position. During the team's visit to Zaire, the adoption of a draft constitution by the transitional parliament and overall fatigue with the transition period seemed to point towards elections in 1997. However, recent events – particularly the severe setback suffered by the Zairian security forces in the Kivus – have substantially diverted government and international attention and resources away from the election process.

Optimism regarding the possibility of elections as a step towards establishing a stable, legal and credible government may evaporate completely should the revolt in eastern Zaire spread. Mobutu has kept power in Zaire through the oppressive presence of the security forces and the willingness of these poorly paid troops to use coercive force arbitrarily against the civilian population. Now that the Banyamulenge have demonstrated the weakness of the Zairian military, the possibility exists that armed resistance may emerge in other regions. Such a scenario could reflect either a genuine quest for regional independence or, more likely, the simple desire to be rid of the oppressive authority of the state, especially as represented by the security forces. A worst-case scenario would be a "Liberianization" of Zaire, in which the country is divided into territories controlled by the various armed factions. Another possibility includes the spread of rebel movements that would effectively dismantle the Zairian military and therefore President Mobutu's control over territory and resources and ultimately topple the president and government without moves towards regional secession.

Another possibility is the staging of a *coup d'état* by senior military officers (largely from Mobutu's Ngbanda clan). The president's long absence from Zaire and his continued ill health make such an action, which he designed to maintain control of the country and its resources effectively within the Mobutu "family," even more likely. A military take-over, particularly if rationalized in terms of a pre-emptive move to prevent further civil unrest, would provide a clear excuse for suppression of political liberties and a halt to the democratization process.

Another scenario posits the conduct of the elections within the current time frame even if the basic organizational pre-requisites for legitimate elections are not met. This possibility becomes more real as the date draws closer without meaningful progress on election preparations while the government continues to state that the timetable will hold. The most likely events in this scenario would include boycotts of the elections by key opposition parties and resignations from opposition members of the CNE. The independence of the process as a whole and the CNE in particular would be compromised by this turn of events, and the election would almost certainly be viewed as lacking legitimacy by many, both inside and outside of Zaire. Elections of this type have been held recently in Africa, including those in 1996 in Zambia and Niger.

Another, more hopeful, scenario involves a resolution to the current crisis in the east sufficient to re-focus attention on preparations for national elections. This would include elections in North and South Kivu. Such a scenario could, at least hypothetically, be based in one instance on successful Zairian military operations against the Tutsi rebels without direct involvement by Rwandese armed forces, leading to a reassertion of Zairian authority over the area. A negotiated accord between the Zairian authorities and the rebel groups is perhaps more realistic. This kind of a compromise, or even the start of a dialogue between the government of Zaire and the rebels, could make it possible for election preparations to move ahead.

The massive human dislocation – affecting thousands of Zairians as well as Rwandese and Burundian refugees – that has occurred in the eastern regions greatly complicates an already difficult voter identification and registration problem. Resolution of these questions in the Kivus could take additional time. Preparations for and the conduct of elections in the rest of the country can and should proceed, even

if such activities are not feasible at the same time in North and South Kivu. While this is hardly the optimal solution for Zaire, electoral arrangements that provide for split or two-tier schedule for certain geographic areas due to specific security or other problems, are not unknown. Sierra Leone and local elections in South Africa provide examples of recent relatively successful two-tier elections.

A. Political Will

Clearly the key element in any political transition is the concerted will of national and international leadership to resolve the myriad of ongoing political issues. It is not obvious that such will exists today on the part of the Zairian "political class." It is clear that the general public does desire a peaceful way out of their country's long-standing political, social, and economic tragedy, and that elections are viewed as perhaps the only way to begin to accomplish this monumental task.

Opportunities for the international community to build momentum for a process of dialogue between the Zairian political leadership and the Zairian people that will eventually lead to elections do exist and should be acted upon. The history of Zaire's transition to democratic rule has consistently been one of rising hopes and false alerts. Each time progress towards the electoral process seemed possible, yet another crisis arose to divert attention from necessary steps towards a long-term solution in Zaire.

Given the shaky state of political will, it is important for the international community to remain pro-active in order to keep the focus – and, if necessary, the blame for delay – exactly where it belongs: on the Zairian government, the HCR-PT and the CNE. This will require strong leadership and coordination between the various international stakeholders. For example, arrangements and agreements for the financial management (the proposed UN Trust Fund) of the elections should be put in place immediately even though the actual use of the mechanism may be months off. Such actions would place the burden of proof of political will squarely on the CNE, the government and the HCR-PT.

The question of how much political will can be expected given the current situation in Zaire is another matter. The high levels of uncertainty over Mobutu's health will likely continue to cause delays. Although senior level representatives within Mobutu's party claimed in interviews with the team that they were ready for elections at any time, the motives and true willingness of the party's leadership for quick elections should be questioned.

The recent developments in the Kivus have seriously impeded efforts to press forward expeditiously with the electoral process in the near term. Especially if claims are proven correct that forces from other regions have joined with the Banyamulenge rebels against the Zairian military, then what enthusiasm had been demonstrated by the political class to promote elections, especially within the presidential movement, is likely to evaporate.

B. Relations Between Key Actors

To any long-time Zaire watcher who has not visited the country recently, changes in the degree of political freedom are striking. Opposition parties are active. The press, which is avidly read at least in the capital of Kinshasa, enjoys a large degree of freedom and presents a wide range of opinions. Civil society groups are both plentiful and active. President Mobutu is no longer seen as the omni-present "big brother." His failing health no doubt has much to do with this, and contributes to something of a *afin de regime* atmosphere in the capital.

This picture of political liberalization, however, should not be over-stated. The belief that the government apparatus remains to a significant extent the preserve of the presidential movement permeated the team's conversations with opposition and civic leaders.

Many in Zaire lack faith in the government's assurances of its interest in having free and transparent elections. Representatives of the Ministry of the Interior on both the national and regional levels appear to anticipate a high level of involvement by their institutions in the electoral process. Yet the more involved the government is, the less credibility the process is likely to have. A clear division of labor with the placing of government resources under the authority of the CNE is advisable. Yet actions taken by the Inter-Ministerial Commission suggest that the government may seek the opposite – to retain as much authority as possible and to reduce the CNE's powers.

This problem could be reduced if the CNE were able to demonstrate effective leadership in the management of the electoral process independent of government. This is especially important regarding the role of existing regional administrative structures in the electoral process. A planned change of key personnel within the *Territoriales* to provide for representation from parties representing both political families may help build the trust of the population. It is essential that new regional administrators be clearly briefed on their role in relation to the role of the CNE in the electoral process.

Another important issue deserving greater attention is that of relations between the different key actors in the electoral process. The government, CNE, political parties and NGOs have at times demonstrated varying levels of apprehension or even misunderstanding about the roles that each needs to play in order for legitimate elections to take place. It is not surprising that each is likely to have different perspectives about parts of the process. There needs, however, to be a minimum of consensus about the tasks that each must fulfill in this regard.

Some institutional arrangements to foster communication and participation could include the creation of inter-party advisory committees that could meet on a regular basis with election authorities to share perspectives on the state of election preparations. This has been the case in other transitional elections, such as those in Haiti and South Africa. Open meetings of the CNE could also contribute to the transparency of the process. The provision of official status to civil society groups interested in monitoring elections, and providing them the opportunity to observe CNE operations could also be a positive step.

C. The Security Forces

The Zairian security forces remain a wild card in the democratization process. As is true with so many elements of the Zairian jigsaw puzzle, it is overly simplistic to view the military in homogeneous terms. Although ubiquitous throughout Zaire, their organization, discipline, competence and specific roles vary widely.

Whatever differences exist between the various military units, civil society and opposition figures were unanimous in emphasizing that "something must be done" regarding possible intimidation by the security forces during the electoral process. These fears are based, in large part, on memories of several "pillages" undertaken by the military in 1991 and 1993. These events, in which elements of the military ran amuck, looting and killing ostensibly in protest against the government's failure to pay them, occurred in most major cities in the country. These actions remain vivid in the memories of many Zairians and are often cited as examples of President Mobutu's deliberate manipulation of the military to prevent the transition from moving forward.

The team did not find unanimity, however, about what exactly should be done to control the military. Some civil society representatives called for international control of the military. Prime Minister Kengo on the other hand told the team that an *Etats Généraux* (a series of meetings between officers and the government), called to take place by the end of the year, which would lead to a streamlining of the army and an overall improvement of discipline within the security forces. Clearly recent events in North and South Kivu highlight concerns about the military. Repercussions from the serious setbacks in the east are likely to be considerable.

D. Informing the Electorate: Communication Networks and Infrastructure

Zaire has a dynamic civil society that has consolidated and asserted itself vis-à-vis the government during the long transition. Local non-governmental organizations have already become active in civic education programs that appear to penetrate large areas of the country.

There remain major obstacles to preparing a well-informed electorate and ensuring communications during the elections. Kinshasa television and radio are not received outside the capital because the government has not paid outstanding satellite access fees. Local and regional television and radio do exist, yet the missing link with the capital creates a serious information vacuum. Moreover, television and radio are mostly state-owned and opposition parties often claim discrimination in getting their messages to the air. Private radio stations, mostly FM, are located throughout the country. The Catholic Church, for example, has an extensive network of FM stations throughout the country. With a largely illiterate population, radio could prove to be the most cost-effective tool for civic education in Zaire.

The government has promised to create an Independent Media Commission to oversee and assure fair play and access to the media. Establishing and funding such a commission and the restoration of radio and television links between Kinshasa and the rest of the country are essential to building the necessary momentum for elections and to assuring a credible electoral process.

Given the deteriorated state of Zaire's infrastructure, logistical planning and implementation for the electoral process will be time-consuming and costly. With almost no passable roads, and huge distances between major population centers, air transport, currently the only way to move between cities in Zaire, will likely be a key to an overall plan for election management. Such a plan would necessarily begin well before an election and would include intensive civic and voter education programs and the promotion of dialogue on local levels between and among political parties, civil society, the CNE and the government. While some Zairians called for the wholesale reconstruction of transport and communications infrastructure prior to elections, most presented a reasoned and thoughtful approach to this problem that relied on the mobilization of local efforts and planning. As one man in Mbuji-Mayi commented, "Somehow we manage to get to these small villages and distant towns now without roads. When the elections come we can do the same."

VII. Findings

1. Importance of Elections

There are no simple solutions that can cure Zaire's ills, which are the result of multi-faceted and deeply complex factors. There is a widely held view, however, within Zaire that elections are the only viable alternative to that country's current political impasse. Only through credible elections can a national consensus be developed regarding the institutions and individuals who are to govern the country.

Members of the National Electoral Commission (CNE) have demonstrated interest and willingness to move ahead with election preparations. However, questions regarding the technical capacity of the CNE suggest that its operations will need to be carefully monitored.

2. Openness of the Political Debate

The CEPPS team was impressed with the openness of the political debate conducted in most areas visited. There was considerable freedom of press displayed in print and on privately owned radio stations. A large and vibrant civil society is already engaged in spreading the "democratic message" to urban and rural populations around the country. This sector also has the potential to effectively monitor the conduct of election preparations.

3. Some Steps Have Been Taken

A number of important steps have been taken towards elections, although many of them must be qualified. In addition to the establishment of a timetable and the installation of the CNE, a draft constitution has been approved by the transitional parliament, although it has not yet been published for public review. The first regional branch of the CNE has been established in Kinshasa, but this process has not yet been completed elsewhere. The CNE, with the assistance of the UNDP, has prepared an elections budget, although this document appears to require further development.

4. Technical and Environmental Issues

Additional steps are needed to move the electoral process forward. These include both confidence-building measures and technical preparations. Among the issues identified by the team are the following:

- reforms in the security forces;
- better communication and understanding between the CNE, political parties and intermediary organizations of civil society;
- needed personnel changes in government administration at the regional, provincial and local levels;
- development of a realistic voter registration plan;
- subsequent material preparations; and
- the approval and widespread dissemination of the electoral code.

One important issue that the international community should stress in its dialogue with the Zairian government is the expeditious replacement of regional and local officials, who are often closely identified with the former one-party state. That step has been agreed to by both the opposition and the presidential movement as a prerequisite for legitimate elections.

In addition, considerable suspicion and mistrust exists between different actors in the electoral process. This tension is notable, for example, in relations between the CNE and the CEI. This conflict is due in large measure to the widespread exclusion of civil society groups in the composition of the CNE. In much the same vein, questions have been raised concerning the relationship to the CNE of the governmental

Inter-Ministerial Commission that was established to provide logistical and administrative support to the process, and the CNE. Finally, on the political level, the apparent rejection of the current electoral framework by at least one prominent party in the radical opposition also raises grounds for concern.

5. Slippage of Electoral Timetable

Even prior to the crisis in North and South Kivu, the current electoral timetable was rapidly becoming untenable. Questions about President Mobutu's health continue to cast uncertainty about the process. They serve to create a void of national leadership and raise doubts within his political movement about its own future. Delays in the provision of funding by the government have also hampered the work of the CNE.

While the official date for the transition's end remains July of 1997, a reasonable extension of this date will likely be necessary. It is important, however, that such a delay not be open-ended. Rather, it should contain measurable goals and achievable benchmarks.

6. The Role of the Security Forces

The team encountered considerable apprehension on the part of Zairians from all walks of life concerning the role of the military during elections. Many interlocutors cited concerns that security forces will be undisciplined, violent, and intimidating to politicians and voters. This prospect is obviously nurtured by the poor command and control structure, lack of pay and the predatory nature of much of the Zairian security forces.

7. The Nationality Issue

The nationality issue is critical to the overall legitimacy of the electoral process. *Prior* to voter registration, the Government of Zaire must resolve the question of which nationality law is to be applied and how it is to be interpreted. Of particular concern is the disenfranchisement of large numbers of ethnic Tutsi whose families have resided in Zaire since the 18th century, as well as the Banyarwanda economic migrants of the early 20th century.

8. The Kivu Crisis and the Rise of Ethnic Nationalism

The crisis in North and South Kivu, which appears to be spreading to Upper Zaire, has posed a serious challenge to the government of Zaire. It has resulted in a serious drain on human, financial and technical/logistical resources. Its effectiveness and ability to carry out its commitments for material and financial support of the elections is very likely affected adversely by the Kivu crisis. The recent return of many refugees to Rwanda may alleviate aspects of the problem, but will certainly not resolve it. The reality remains that a rebel force, supported by Rwanda, now occupies much of the two provinces, and it is unlikely to relinquish control in the near future. Additionally, a significant number of refugees probably remain in the area, as do armed Hutu militias. Difficult decisions will have to be made on how to integrate these new factors into election planning. One possibility might be to simply move ahead while agreeing to organize elections in the Kivus at a later date, when conditions permit.

The current crisis has fueled nationalist sentiment in other parts of Zaire. There is also an increasingly polarized political atmosphere, which complicates efforts to hold nation-wide elections.

VIII. Policy Goals

With a country as large, important and developmentally stunted as Zaire, the desire and need to provide assistance is great. However, the risk of unrealistic expectations regarding the impact of election-related assistance is real. Therefore, the U.S. government's support for Zaire's electoral process must be carefully targeted and closely monitored. Care should be taken when setting the overall policy agenda for election assistance to ensure that realistic, achievable goals will be pursued for short and long-term success in Zaire.

Only after legitimate elections have been held and the internal situation in Zaire has stabilized should the U.S. government consider other types of non-humanitarian development assistance. The team believes that the following two election-related goals are appropriate for U.S. assistance and support:

1. Establish a constitutional order that sets forth governmental institutions and authority, and ensures a line of succession for top government positions.
2. Conduct national elections that are recognized as legitimate by the Zairian people.

IX. Recommendations

1. Concerted Action and Financial Commitment

It is clear that the Zairian authorities cannot organize a credible election process without outside financial and technical assistance. Taking into account that there are many in Zaire who either have ambivalent or negative attitudes towards a legitimate electoral process, it is essential that the international community not provide a pretext for Zairians to point the finger of blame elsewhere. The international community must act in as sustained and coordinated a fashion as possible.

Given the understanding that the Government of Zaire has pledged \$102 million for the electoral process as well as the CNE's budget estimate of approximately \$253 million, the international community should identify expeditiously – perhaps through a pledging conference – sources of funding to make up the difference.

It is understood that not all donors share exactly the same perspectives about the democratization process. The U.S. government should take a lead, however, in encouraging the development of a consensus regarding areas in which it is possible to act in a concerted fashion. Donor coordination sends a strong signal that attempts to play donors off against each other will not work. This should include regular meetings in Washington and Europe, as well as in Kinshasa, to further develop and implement coordinated approaches on key issues, including the use of conditions such as those cited below. The Zairian government should be made fully aware of these contacts.

It is important to promote consensus among the donor community and to highlight in Zaire the political and technical issues that must be addressed by the government and election authorities. This could be accomplished by organizing the visit of a high-level international delegation that would meet with the various electoral actors and issue a report on steps necessary to undertake genuine elections and to promote confidence and participation in the process. The delegation could include political leaders and election experts, and could be sponsored by one of the CEPPS partners. Civic and political groups could utilize the report in their democracy education campaigns, and it would focus attention on concrete actions needed by the election authorities. This visit could thus serve to move the process forward.

The need for a coordinated approach is apparent on many different levels: the overall financial commitment to the process; the definition of complementary programmatic areas of technical support; coordinated positions on political and policy issues during the transition; and the concerted efforts of international actors in Kinshasa.

An example of donor coordination would be the appointment of a Special Representative of the U.N. Secretary General (SRSG) to oversee elections preparations. Such an appointment has been under consideration for some time, and could serve as a useful mechanism for maintaining attention and momentum towards meaningful elections.

The elections will not happen without significant financial involvement on the part of the international community. Zaire's international partners must be prepared to accept the fact that an investment in the country's democratic institutions, which can provide the opportunity for a stable and legitimate government, will carry a price tag.

2. Establishment of Appropriate Mechanisms for the Disbursement of Funds

The international community should agree upon and put in place appropriate mechanisms for the disbursement of funds, such as the establishment of a UN Trust Fund. Qualified personnel, including an Inspector General and independent auditor, should be identified and assigned to manage disbursements from such a fund as soon as possible. By placing special emphasis on the financial management aspects

of the electoral process, transparency and accountability could be enhanced and thereby provide additional reassurance to both the Zairian people and the international donor community.

3. Conditions

Conditions for disbursement of assistance linked to progress on the ground and to the levels of actual financial contributions by the Zairian government should be developed by the international community. A logical approach would be to key these conditions to different stages of electoral preparations. For example, funds could be disbursed contingent on the following types of events taking place:

- transfer from the GOZ to election authorities (UN Trust Fund) of \$26 million committed for October 1996;
- successful undertaking of pilot voter registration project;
- transfer by the GOZ of \$26 million committed for December 1996;
- replacement of regional and local officials;
- successful completion of national voter registration;
- transfer by GOZ of first segment of 1997 funding;
- passage of constitutional referendum;
- completion of parliamentary constituency delimitation (if required); and
- completion of logistical planning for national elections.

In addition to these benchmarks based largely on election administration issues, conditions should also reflect the importance of broader participation of the Zairian public in the process. Suggestions in this regard could include:

- development of explicit understandings regarding the role and involvement of the security forces in election preparations;
- creation of an independent media commission; and
- establishment of a protocol of understanding between the CNE and non-governmental groups.

Obviously the incorporation of conditions and the timing of provision of funding should be designed to fit as smoothly as possible into election planning. The guiding principle for activation of the fund transfers, however, should be that additional monies are provided as previous steps have been completed.

4. Coordination between Zairian Authorities and Donors

By establishing regular coordination meetings between the different international actors and the Zairian institutions involved in the electoral process, duplication of efforts could be avoided and confidence in the process enhanced.

The principle of coordination also needs to be more fully implemented not only in contacts between donors and the Zairian government, but also at the level of donor-CNE relations. The CNE should understand the conditional approach undertaken by the donors. It must also have as clear a picture as possible about the programmatic areas into which donors are directing their resources.

5. Increase Confidence in Security Forces

The international community should consider methods by which it could help increase confidence in the role of security forces during the periods leading up to, during and after the elections. One such method could be the provision of specific civic education training to the security forces related to their roles and responsibilities on election day, and their broader role in a democratic society.

A meeting (*Etats Généraux*) with senior military officials, the government and others to discuss ways to improve the professionalism of the military had been scheduled to take place by the end of 1996. This

initiative has been sidetracked by the crisis in the Kivus, but the GOZ should be encouraged to organize this meeting as soon as possible. Included in the agenda for the meeting should be discussion of the proper role of the military in the electoral process.

It is not realistic or even advisable to expect that sizeable international military contingents would be available to assure security during Zaire's elections. Steps could be taken or supported by the international community, however, which are short of full-scale engagement. These could include the following:

- the identification of specific military units that would have election-related responsibilities;
- provision of funding for these units;
- placing units under the control of the CNE or international military officers;
- the provision of international observers to monitor the military; and
- the creation of a Zairian monitoring component made up of NGO and/or political party representatives.

6. Creation of a Media Commission

The international community should encourage the government of Zaire to create a media commission that would establish guidelines for equal access for all political parties to the media, ensure balanced news coverage of the electoral process, and help foster an information environment in which political parties would be able to disseminate their message throughout the country. Another priority of the commission would be to encourage coverage of the activities of the CNE and NGOs involved in election-related activities.

Despite greater political freedoms, access to state-owned media has so far remained largely biased in favor of the presidential movement. The creation of a media commission had been considered during the work of the transitional parliament, but its establishment does not appear to be currently under serious consideration. This initiative should be assigned greater urgency and importance.

Similar media commissions were created during other democratic transitions in the region. Lessons from how these commissions have functioned should be taken into account in the establishment of a Zairian commission, especially regarding the method of identifying commission personnel, the powers that such commissions will have, and provision of adequate funding for their operations.

7. Streamline the Electoral Process

The international community should encourage the CNE and the GOZ to identify ways by which the electoral process could be streamlined and simplified. The process should be cost-effective, while still ensuring transparency. CNE and GOZ officials, for example, never convincingly explained the need for a census to accompany the voter registration process. Serious consideration should be given to limiting or even eliminating a census as a pre-condition for elections.

If a majoritarian system is to be used for the national assembly elections, planning has to begin as soon as possible for constituency delimitation. An October 1996 CNE budget document suggests that a majoritarian list system may be under consideration. While such a system, which presumably refers to plurality winner-take-all multi-member constituencies, may be less complicated in terms of constituency delimitation, it risks creating a serious imbalance in favor of the larger parties.

The general conditions in the country and the strain on the resources of both government and the international community should encourage the adoption of a simplified electoral system and calendar. To the extent that it remains an open question, the system to be used for national assembly elections should be reviewed. Given the length of the transition, the political difficulties inherent in mapping out new boundaries for a single-member constituency majoritarian system risk greatly complicating the electoral time frame. There are also problems involved in a list majoritarian method, as noted above. In light of

these problems, consideration should be given to the possibility of using a mixed or proportional representation system for national assembly elections. This could be a simpler and more cost-effective system.

8. Local and Regional Elections

In many ways the local and regional elections will be most relevant for the average Zairian citizen, since it is at that level that they have the most contact with government authorities. Much remains to be done, however, in the preparation of regional elections. At the most basic level, for example, the boundaries of the new provinces have yet to be determined. Some Zairians argue that such issues must await the constitutional referendum. This legalistic approach results in unnecessary delays, and will create a situation in which the authorities will have to deal more or less simultaneously and under considerable time pressure with a number of highly sensitive and difficult issues.

The recent CNE budget document states that elections for senators and governors will be indirect. While this presumably means that senators will be elected by provincial assemblies, it is not clear which institutions would be electing the governors. This should be clarified.

9. Direct United States assistance

In light of conditions on the ground as well as existing legal restrictions on providing assistance to Zaire, the team strongly recommends that the United States government identify as its primary activity assisting Zairian non-governmental organizations in their democratic development activities. Other donors such as the U.N. and the European Union are likely to target significant assistance to the election authorities. More fundamentally, the role of Zairian NGOs has been marginalized in the official election administration structure, and yet it is their participation in the process that can ensure the transparency necessary to a successful electoral outcome. Non-governmental organizations will play a crucial educational and oversight function as this process moves ahead.

This assistance could be provided in three main areas. First, although Zairian civic groups are actively supporting the electoral process, they lack training and resources. Several NGOs in Zaire have worked hard to increase their organizational capacity, and to undertake voter education and participation activities. These NGOs could greatly benefit from additional training and expertise as they further develop their voter education campaigns and materials prior to the elections. Also, in the coming months, a constitutional referendum is scheduled to be held, and a new electoral code is supposed to be issued. Domestic groups will therefore need to familiarize themselves and their members with this new code, which has yet to be made public, in order to be better able to disseminate this and other election-related information to the electorate.

USG assistance could help facilitate such tasks. For example, technical assistance could be provided to selected NGOs regarding the production and dissemination of voter education materials, and the organization of voter education campaigns. Limited financial assistance could also be given to ensure that these NGOs have adequate resources to undertake key programming initiatives.

A second important area is assistance to Zairian umbrella NGO groups planning to organize domestic election monitoring efforts. It is likely, for example, that the CEI will develop a coordinated plan for election monitoring. It would greatly benefit from advice and experience developed in many other transitional elections throughout the world. A modest amount of financial assistance could also be provided in support of this effort. By collaborating with each other and with international NGOs in these efforts, Zairian NGOs could reinforce organizational and informational links with each other that would help them participate actively in the important post-election democratization process.

Efforts in the domain of domestic election monitoring could be complemented by the deployment of periodic international assessment missions during the election preparation period. These missions would provide information to Zaire and the international community on the state of progress towards elections. They could also recommend solutions to problems that develop along this path, and serve to deter attempts to undermine adversely affect the fairness of the process.

Additionally, there is a clear need for the various participants in the electoral process such as the CNE, the CEI, political parties and the government to have a deeper understanding for, and appreciation of, the roles that each can play in support of legitimate elections. Considerable suspicion and mistrust exists between these different groups. This mistrust stems to a large degree from lack of understanding of the appropriate functions that others can fulfill. Assistance can be provided which would help determine ways in which mutual confidence could be reinforced. Some examples of how this include:

- the organization of joint training sessions;
- visits by international experts which could emphasize successful cross-sectoral communication in other elections;
- joint study missions to other elections;
- the creation of a clearinghouse on election-related information; and
- establishment of NGO and/or political party advisory committees to the CNE.

The process would also be strengthened by providing technical assistance to political parties. Some of this assistance would be appropriate in a pre-electoral context; much of it needs to take place over a longer time frame. There are a number of areas in which political parties can be encouraged to operate more effectively while reflecting democratic values. These include:

- more effective two-way internal party communication through party caucuses, special ad hoc commissions, and democratic leadership selection;
- more grass roots activities such as local organizing, voter registration drives, and regional congresses outside of urban centers;
- technical assistance on different methods of soliciting public opinion;
- party platform and message development;
- campaign techniques;
- linkages with the political Internationals which would create a greater sense of participation in the mainstream of democratic political thought;
- greater dissemination of information relating to methods of resource generation, party funding laws or campaign finance issues; and
- provision of information on constitutional/institutional reform issues.

As a final point, the United States government should also continue to carefully monitor election preparations and be prepared to consider limited, but targeted assistance to election authorities. As preparations for elections continue, issues may arise in which there is a comparative advantage for direct U.S. assistance, as opposed to other donor nations. These may include, for example, training of election officials, development of efficient vote tallying systems or methods or advice on ballot design. Other issues related to the long-term development of democratic political culture in Zaire also warrant United States support. These may include civil-military relations, disarmament, demobilization and reintegration of security forces.

Appendix 1: Partial Listing of Zaire Contacts for CEPPS Team

Brussels

Belgian Foreign Ministry

Rue des Quatre Bras #2

Tel: (32-2) 501-8375

Contact: Christian Monnoyer, Desk Officer for Zaire

Centre d'Etude et de Documentation Africaines (CEDAF)

65, rue Belliard, 1040 Bruxelles

Tel: (32-2) 230-75-62 / Fax: (32-2) 230-76-05

Contact: Dr. Gauthier de Villiers, Director

European Union DG VIII

Rue de Genève No. 12

Tel: (32-2) 99-0677

Contact: Christian Manhal, Zaire and Great Lakes Region

Réseau Européen Zaïre (REZ)

c/o N.C.O.S., Vlasfabriekstraat 11 (Rue de la Linière)

(near Porte de Hal, between Porte Louise and Gare du Midi) 1060 Bruxelles, Belgium

Tel: (32-2) 539-26-20 / Fax: (32-2) 539-13-43

Contact: Jules Devos, Secrétaire REZ

Michèle Lefevre, Membre et chef du CNCD

Paul Van Goethem

Freelance Journalist

"BRTN Radio & Televisie" and "De Financieel-Economische Tijd"

Millegmweg, 57, B-2531 Boechoet, Belgium

Tel: (32-3) 455-68-12 / Fax: (32-3) 454-31-94 / Télécél: (32-1) 799-23-30 / In Zaire: (243-88) 49-258

Kinshasa

Aide à l'Enfance Défavorisée (AED)

B.P. 1680, Kinshasa I

Tel: (243-12) 59-808

Contact: M. Mafolo Monia Salay, Secrétaire Général de l'AED

M. Mabonzo Nzau, Président du Conseil d'Administration de l'AED

Ministre des Affaires Etrangères

M. Kitiwa (Vice-President: M. Lokondo)

Organisations Internationales: Mindia

Local 514, 5e niveau

Telcel: (243-88) 42-090

Contact: M. Besele, Dir. du Cabinet (Telcel: (243-88) 42-323)

Association de Développement Communautaire

70, rue Ndemo N. 70, Quartier 13, Zone de N'Djili, Kinshasa

Tel: (243-12) 70-429

Contact: M. Bazeye Mbela, Secrétaire Général

Association des Professionnelles Africaines de la Communication (APAC/Zaire)

(NGO promoting women in the media, population, and development)

Ratelesco, Kinshasa, Zone de la Gombe, B.P. 69, Kinshasa

Contact: Mme. Mikaba Kinunga, Présidente

Association pour le Développement de la Zone Rurale de Bambesa (ADEBA)

(NGO promoting rural community health and community education)

B.P. 1479, Kinshasa I

Contact: M. Benoît Loma-Bikobi, Conseiller de la République (HCR-PT)
et Directeur Exécutif de l'ADEBA

Association Zairoise de Lutte Contre l'Exode Rural (AZER)

(NGO promoting rural health and community action)

Quartier Lokele No. 11/D, Kinshasa-Matete, B.P. 2570, Kinshasa I

Tel: (243-12) 70-739

AZADHO

(Human Rights NGO)

Ave de la Paix, 12, Immeuble Katalayi #8, B.P. 16737, Kinshasa I

Tel./Fax: (243-12) 62-552

Contact: M. Guillaume Ngefa, Président

Belgian Embassy

Contact: Political Officer Adrien Theatre

Télécel: (243-88) 45-374

Bureau d'Actions et d'Eveil Culturels à l'Education Nationale (BAC)

Rue Lutshatsha, No. 114, Lemba/Foire, B.P. 6010, Kinshasa VI

Contact: Honorable Jean-Marie Ntantu-Mey, Conseiller de la République
et Président de l'OFIS, et de BAC

Bureau d'Etudes, de Recherche et de Consulting International (BERCI)

(public opinion and research institute)

480 Avenue Kasai, Zone de la Gombe, B.P. 1162, Kinshasa I

Télécel: (243-88) 00-661

Contacts: Mme. Francesca Bomboko Bombelenga, Associée Gérant
M. Olivier Kamitatu O. Estu

Bureau de Formation et de Recherche du Zaire (BUFOREZA)

Direction Centrale, B.P. 10034, Kinshasa I

Tel: (243-12) 24-975

Centre d'Information et de Documentation des ONGD (CIDONGD)

(an umbrella group with over 200 NGO members, teaching NGO ethics, NGO training and methods of approach, putting NGOs in contact with funding sources, etc.)

c/o AED, Croisement des Avenues Lt. Col. Lukusa et Mbuji Mayi

Zone de la Gombe, B.P. 1680, Kinshasa I

Contact: M. Yamfu Inana Alain Sévèrin

Club Nous Démocrates

B.P. 9472, Kinshasa I

Contact: M. Nguelshe Lupanza, Président

Collectif de diffusion, d'information et appui aux femmes (CODIAF)

6300 Avenue Fiat (Entrée IVECO/Rte. Poids lourds) Kingabwa, Zone de Limete, B.P. 14.473, Kinshasa
Fax: (243-88) 40-98

Comité pour la Démocratie et les Droits de l'Homme (CDDH)

Immeuble Ile République (Ex-Royal), Entrée D Bel Etage, Zone de la Gombe, B.P. 7915, Kinshasa I
Tel: (243-88) 33-782 / Fax: (243-12) 34-441
Contact: M. Mpinga Emmanuel Kabengele, Secrétaire Général
Télécel: (243-88) 48-225 / Comcell: (243-88) 53-013

Commission Nationale des Elections (CNE)

Télécel: (243-88) 42-095
Contact: Prof. Bayona-ba-Meya, Président de la CNE
Prof. Mbafumoja Paluku, Président de la Commission Spéciale de l'éducation civique

Campagnons de Scheut

Immeuble Mebeza, 1^e étage, local 2, Croisement des Avenues du Commerce et Kasa-Vubu
Zone de la Gombe, B.P. 1800, Kinshasa I
Tel: (243-12) 26-252
Contact: Muanza Mbiya Tshipepela, Président

Congrès Lokole

c/o Mme. Akerele, Avenue Mpeti, No. 4, Quartier Socimat
Contact: Mme. Monique Akerele Botumbe Iloyembe, Presidential Candidate

Conseil International de Coopération (CIC)

Ave. Okito No. 28/C, Binza/Pigeon, Zone de Ngaliema, B.P. 10873, Kinshasa I
Tel: (243-12) 83-080
Contact: Jules Sylvain Muamba Kabala-Ndanda, Président du CIC
Gaston Tilimbini Nsaba, Secrétaire Général

Conseil Nationale des Organisations Non-Gouvernementales de Développement (CNONGD)

Ave. Shaba, 2/A3, Zone de la Gombe
Tel: (243-12) 26-707 / Fax: (243-12) 34-411 or 20-743
Télécel: (243-88) 46-625 / Email: Kinshasa@dtsdata.intnet.bj
Contact: Mme. Jeanne Mujing, Secrétaire Administratif
M. Pierrs Kanika, Responsable des Projets
M. Baudouin Hamuli Kabarhuza, Secrétaire Exécutif (out of town during team's visit)
Subdivision at same address: Commission Femme et Développement

Concertation Nationale des Syndicats des Enseignants du Zaire (CNSEZ)

Ave. E. 6 Général Ikuku, Righini Zone Lemba, B.P. 5756, Kinshasa/Gombe
Contact: Mutombo Djongo Djongo, Président du SYNAPÉA et Président en exercice du CNSEZ
Sébastien Bachi Yekula, Président du SLEM et Vice Président en exercice du CNSEZ
Célestin Matulu, Secrétaire Général du SYCOR et Secrétaire Général en exercice du CNSEZ

Corps des Volontaires Observateurs d Zaire (CVOZ)

(Organisation des volontaires pour la promotion de la culture électorale et l'assistance humanitaire)
6242 Ave. Itimbiri, Kinshasa/Lemba, B.P. 20270, Kinshasa 21
Contact: Dr. Joachim Mubiala Utila B.M., National Coordinator

Eglise du Christ au Zaire (ECZ)

B.P. 4938, Zone de la Gombe, Kinshasa
Contact: Rév. Dr. Marini Bodho, Vice-Président National de l'ECZ
Papa Evêque Bokeleale, Président National de l'ECZ

ECIZ 2000

(Collectif des ONG pour l'éducation civique au Zaire)

B.P. 2535, Kinshasa I

Contact: M. Bazeye Mbela, Coordinator

European Union

Avenue des Trois "Z", Zone de la Gombe, Kinshasa

Tel: 41-878

Contact: M. Krebs, Chef de la délégation permanente

M. Holzapfel, Chef adjoint

Freedom Flag Foundation

(Democracy and human rights NGO)

Francophone Africa office, B.P. 20475, Kinshasa/Lembe

Tel: (243-12) 50-611

Contact: Jean-Richard Ilunga Pakutumbila, Président National

Jean-Marie Mbuebue, Secrétaire Général

Group l'Avenir (GA)

Ave. Bas Zaire, RC, Ruziz (derrière BCZ), Zone de la Gombe, Kinshasa

Tel: (243-12) 20-085 / Télécél: (243-88) 00-650

Contact: Puis Muabilu Mbayu Mukala, Président Directeur-Général

Groupe d'études et de recherches socio-économiques pour la défense des valeurs démocratiques (GERVAR)

B.P. 245, Kinshasa XI

Contact: Marcel Mumba M. Shabane, Président du GERVAR

Groupement pour le Développement Communautaire de Mpassa I

2 bis, Ave. de la Cimitière, Zone Nsele, Kinshasa

Contact: M. Mafolo Léonard

Haut Conseil de la République - Parlement de Transition (HCR-PT)

Grand Cordon de l'Ordre National du Léopard, Palais de la Nation, Ave. des Trois "Z"

B.P. 3955, Kinshasa, Gombe

Tel: (243-12) 33-108

Contact: M. Anzuluni Bembe Isilonyonyi, Premier Vice-Président du HCR-PT

Télécél: (243-88) 42-873

Jeunesse et Avenir

(project for civic education, human rights and democracy by Kengo's Human Rights Director)

c/o Tudieshe Kabutakapua Salomon, Chargé de Mission aux droits de l'homme

Hotel du Gouvernement, Ave. des Trois "Z", Zone de la Gombe, B.P. 5467, Kinshasa

Tel: (243-12) 33-266

Contact: M. Tudieshe Kabutakapua Salomon, Président

Ligue de Conscientisation des Electeurs (LICE)

Ave. de la Justice, No. 5448, Gombe, B.P. 451, Kinshasa I

Tel: (243-12) 33-007

Contact: Albert Kawumbu, Président

Ligue des Droits de l'Homme (Zaire)

(human rights NGO)

Résidence Bandundu, Ave. de l'Ouganda 128, Zone de la Gombe, B.P. 5316, Kinshasa X

Tel: (243-12) 34-420

Ligue des Electeurs (L.E.)

2, Ave, Shaba (derrière le Ministre du Travail), Quartier Golf, Zone de la Gomba

Fax: (243-88) 41-277

Contact: Rév. Paul Nsapu, Président National

Ligue Zairoise des Electeurs (L.Z.E.)

Galeries du 24 novembre, 1^e étage, local No. 5

Croisement des Avenues du Commerce et du Plateau, Gombe, B.P. 345, Kinshasa 23

Tel: (243-12) 22-114

Contact: M. Ferdinande Kapanga Mutombo, Président

Pasteur Mutombo Kayikamba, Vice Président et Coorinateur

Minister of the Interior

M. Gerard Kamanda wa Kamanda

Télécel: (243-88) 34-026

Protocol: *Télécel* (243-88) 33-274

Directeur du Cabinet: Amb. Matungulu Nkuman Tavun

Télécel: (243-88) 42-323 / *Tel:* (243-12) 33-280

Mouvement Populaire de la Révolution (MPR/Kinshasa)

Contact: M. Bolenge, 4th V.P. chargé de l'ideologie du parti

Télécel: (243-88) 44-282

Observatoire Economique et Social pour le Développement (OESD)

Ave. Mahenge, No. 116, Zone de Kinshasa, Croisement des Avenues Mahenge et Kasu-Vubu

B.P. 20013, Kinshasa 21, Lemba

Contact: M. Musenena Bin Selemani, Président National

M. Endubu Waisika Norbert, Secrétaire Executif

Organisation des Forces Indépendantes de la Société Civile (OFIS)

114 rue Lutshatsha, Lemba/Foire, B.P. 6010, Kinshasa VI

Contact: Honorable Jean-Marie Ntantu-Mey, Conseiller de la République et Président de l'OFIS, et de BAC

Parti des Nationalistes pour le Développement Intégral (PANADI)

Rue Paka No. 1405, Zone de Lemba, B.P. 15.358, Kinshasa I

Contact: Rugenera Mucyo Balthasar, Président National et Mandataire des Descendants des Transplantés

Parti Lumumbiste Unifié (PALU)

Résidence et Siège Provisoire du Parti, Ave. des Gerberas, No. 611/11, 12^eme Rue, Quartier Résidentiel

Contact: M. Antoine Gizenga, Secrétaire Général et Chef du Parti

Programme Régionale de Formation et d'Echanges pour le Développement (PREFED)

(umbrella group, partners with CNONGD, ECIZ, IRED...)

4746 Ave. de Gombe, B.P. 61, Kinshasa I

Tel: (243-12) 21-186 / *Télécel:* (243-88) 43-527

Société Civile de Zaire (SOCIZA)

Kinshasa

Télécel: (243-88) 43-373

Contacts: M. Bosaga-Samaili, Conseiller de la République et Secrétaire Général de la Société Civile

M. Ngueshe Lupanza, Président du Club Nous Démocrates et membre de la Société Civile

Toges Noires

(human rights and international law group)

3759 Ave. du 24 novembre (near Lycée Molière), B.P. 5260, Kinshasa X, Zone de la Gombe

Tel./Fax: (243-12) 62-565

Contact: Maitre Marie-André Mwila, Director

United Nations

M. Driss

Télécel: (243-88) 45-325 or 45-573 / *Tel. in NY:* (212) 963-5413

Union Nationale des Travailleurs du Zaire (UNTZA)

Cabinet du Président, B.P. 8814, Kinshasa

Union pour la Démocratie et le Progrès Social (UDPS/Kinshasa)

12ème Rue, Zone Limete, Kinshasa

Tel: (243-12) 70-227 / *Télécel:* (243-88) 41-026

Contact: M. Kibassa Maliba (Sec. Pulcherie)

Voix des Sans Voix pour les droits de l'homme (VSV)

(human rights NGO)

Galérie Pumbu (ex-Albert), 6ème étage, Local No. 3, Boulevard 30 Juin, Zone de la Gombe, Kinshasa I

Tel: (243-12) 27-040 / *Télécel:* 40-394

Contacts: M. Chebeya Bahizire, Président

M. Bruno Lokuta Lyengo, Vice Président

M. Haroun Mbongo Ngudja, Coordinateur

M. Mukemdi wa Mulumba

Conseiller politique pour M. Tshisekedi

Immeuble Le Royal, 3e niveau, 58, Ave. Nguma, Kinshasa

Télécel: (243-88) 48-225 / *Tel. (Bur.):* (243-12) 33-782 / *Tel. (dom.):* (243-12) 82-473

Cabinet du Président de la République

B.P. 15404, Zone de la Gombe, Kinshasa

Tel: (243-12) 50-456 / *Télécel:* (243-88) 42-466

Contact: J.-M. Mashagirot Haba, Conseiller Principal et Chargé du Collège Economique et Technique

Team #1

Mubji-Mayi

ACAT/Mwene-Ditu, Diocese de Luiza, Kasai Oriental

c/o CARITAS

Contact: M. Kaspnga Musasa Floribert

Commission Justice et Paix Catholique

c/o Maison de Scheut Bonzola

Contact: Soeur Albertine Mbuyi Kalolo

Groupeement des BENA KAPUYA et BENA MUEMBIA

(refugee and population displacement NGO)

Mbuji Mayi

Contact for BENA KAPUYA: Jena Ilunga Badingayi

Contact for BENA MUEMBIA: Justin Mpoyi Dilegi

Orphelinat Maman Muika Lukusa

c/o MIBA, B.P. 377, Mbuji-Mayi, Kasai Oriental

or c/o MIBA Bruxelles, Boulevard Regent 58, 1000 Bruxelles, Belgium

Tel.: (32-2) 551-08-10

Contact: Maman Muika Lukusa Marie, Directrice-Fondatrice

Rassemblement des jeunes pour le modération de l'an 2000 (RAJEMO 2000)

(philanthropic organization)

Contact: Roger Pamru, Président et Administrateur délégué

Société Civile du Kasai Oriental

(voir: CRONG Mbuji Mayi)

8 ave. Hironnelle, face à l'aéroport Mbuji Mayi

Contact: Ngandu Kongolo, Président (Télécel: (243-88) 48-540)

SRPID

(development NGO)

11, Ave. Tshibwabwa, Zone de Bipemba, B.P. 4110 Mbuji Mayi

Contact: M. Luboya Kaladi, promoteur et gestionnaire de SRPID

University of Mbuji Mayi

B.P. 225, Mbuji Mayi

Tel.: 2830-608

Contact: Prof. Mbuyi Musongela, Recteur

M.J. Tshibangu Mutamba, Secrétaire Général

Voice of Zaire

(radio station at Mbuyi Mayi)

Contact: M. Eric

UDPS/Mbuji Mayi

Contact: M. Kabine Mwehu Longo, Président Provençal de l'UDPS à Katanga

Lubumbashi

Acting Governor

M. Ngoy Mulume

Télécel: (243-88) 47-050**Association Oecuménique des Théologiens du Tiers Monde**

MED/DIR/SSP/GCM/Lubumbashi, 30-32 Boulevard du Souverain, 1170 Brussels, Belgium

Tel.: (32-2) 260-231-3511 ext. 42356

or Soeurs Ursulines, 535 Ave. Kasavubu, B.P. 765 Lubumbashi, Shaba

Centre des droits de l'homme - CDH

209 Blvd. Kamanyola

Tel.: (243) 22-4300*Contacts:* M. Been Masudi Kingombe, Sec. Gen. and M. Benoît Mba Kashala, Dir. a. i.**Centre d'Education des Programmes Communitaires (CEPC)**

208, Ave. Kasavubu, B.P. 1873, Lubumbashi

Tel.: (243) 41-252 / 404*Contact:* M. Marcel Kapambwe Nyombo, Admistrateur et Directeur Général**Cercle des Indépendants du Katanga (CIK)**

Comité Executif National, B.P. 826 Lubumbashi

Tel.: (243) 42-595*Contact (in Kinshasa):* M. Yav Ndala David (161, Lunionzo Kintambo, Babylon)**Conférence Episcopale de la Province Ecclésiastique de Lubumbashi**

B.P. 2774, Lubumbashi

Tel.: (243) 41-645*Contact:* Eugène Kabanga Songa Songa, Archevêque de Lubumbashi
et Président de la Conférence Episcopale de la Province Ecclésiastique de Lubumbashi**Conseil Régional des ONG à Lubumbashi (CRONGD/Lubumbashi)***Contact:* M. Kapawbwe, Président de CRONGD/Lubumbashi**Maitre Gabriel Mununga Shabani**

Avocat à la Cour d'Appel

Immeuble mulongo MK, Avenue Mwepu, B.P. 800, Lubumbashi

Tel.: (243) 22-5278**Maitre Jean-Claude Muyambo Kyassa**

Avocat à la Cour

Directeur Adjoint du CDH, 174, Tabora coin Mama Yemo, B.P. 1583

Tel.: (243) 22-4300 / Fax: 0032-2-676-8340**M. Tshiyombo Kasonga**

Directeur de Sabuni (fabricant de savon) et ancien banquier

(main contact for car rental and hotels)

Télécel: (243-88) 47-403**Service d'Appui au Développement Régional Intégré (SADRI)**

ECZ/Shaba

Contact: M. Kayombo Mukanza, Directeur

M. Zunino, Consul Honoraire d'Italie

M. Ngoy Mulume, acting Gouverneur du Shaba (*Télécel:* (243-88) 47-050)

Union pour la Démocratie et le Progrès Social à Lubumbashi (UDPS/Lubumbashi)

Contacts: Bruno Tshibangu Kabaji, Porte-Parole et Secrétaire Rapporteur
François Kizabi Mwanto, Cofondateur et Membre du Comité National
M. Leyka Moussa Nyembo, Président Fédéral de l'UDPS/Lubumbashi
et Professeur à l'Université de Lubumbashi en Anthropologie

Kananga

Action Zairoise de Développement (AZD)

B.P. 808, Kananga

Adventist Development and Relief Agency-Zaire

2, Ave. du Poisson, B.P. 1359, Kananga
Contact: Jos. Abraham Kumwimba, Directeur

Forum des Démocrates pour le Renouveau (FDR) Kananga

B.P. 1895, Kananga

Front Commun des Nationalistes (FCN) Kananga

Contact: Camarade Kapulary-Katende, Président Départemental/Kasai Occidental

Front Démocratique pour le Progrès (FDP) Kananga

Contact: Emery Dilu Kawila, Président Fédéral and Muzodi Dilembe, Président National

Hunger Project Foundation-Zaire

B.P. 2017, Kananga

Mouvement Populaire de la Révolution (MPR) Kananga

Comité de la Fédération Kasai Oriental
Contacts: Abbé Lutumba Francois and Abbé Grégoire Tshimanyika

PDSC/Kananga

Contact: M. Kendi Tshipadi Ilunga, Président Fédéral du PDSC à Kananga

Parti des Nationalistes Fédéralistes (PNF-USORAL)

Contact: Emery Tshitashi-Dina, Président Régional/Kasai Occidental Kananga

Union pour la Démocratie et le Progrès Social à Kananga (UDPS/Kananga)

Contact: Pascal Tshitaka Ngalamulume, Président, M. Blandard Tshimbombo, Président Fédéral
M.E. Kangoma Bumba Kalengula, 2e V.P. Fédéral
M. André Musube wa Mulumba, 3e V.P. Fédéral

USORAL/ Kananga

Contact: Maitre J.A. Ntumba Mukendji, Président du Directoire National
M. Muteba wa Kambala, Vice-Gouverneur de Région Kasai Occidental Batiment
Administratif Kananga (does not have a phone or a télécél. May be contacted through
Min. of Interior or the Min. des Mines, both of whom are located in Kinshasa)

UNADEF-Fédération du Kasai Occidental à Kananga

Team #2**Kisangani**

Les Amis de Nelson Mandela pour la Défense des Droits de l'Homme

Paroisse Christ-Roi, B.P. 505, Kisangani

Tel: (871-68) 313-2897 / Fax: (871-68) 313-2898

Contacts: Robert Ilunga Numbi, Président

Louis Botimbili Kalome, Secrétaire Executif

Bukavu

Governor of Bukavu, M. Kyembwa

Assistant Governor, M. Lwabanji

Groupe d'éducation d'actions politiques-GEAPO**Heritiers de la Justice**

211 Ave. Pdt. Mobutu

Tel.: (871-6820) 40-337

Contact: M. Lubala Emmanuel, President

MPR à Bukavu

Contact: M. Lubala

His assistant: M. Kubiha

Monseigneur Christophe Munzihirwa

Church representative

PDSC/Bukavu

Contact: M. Chimanuka

Radio Maendeleo

(NGO-run radio)

UDPS/Bukavu

Contact: M. Karhebwa

Haut Commission des Réfugiées de l'Afrique Centrale

Contact: M. Hubert Edongo, Délégué

Voix des Sans Voix/Bukavu

Ave. Maniema No. 9, Zone d'Ibanda

Contact: M. Joyeux Bahidika Mirindi, Coordinateur

Goma

Association Muungano Diocese de Goma

Quartier Murara, No. 43

Contact: M. Venant Minamo, Asst. Social

Association Nationale des Entrepreneurs-ANEZA

Contact: M. Mkuba

Centre d'Animation pour la Culture et le Développement à Kirumba (CACUDEKI)

B.P. 34 Kayna-Kirumba, Zone de Lubero

Contact: Mme. Stella Lwimbwa Vakaniaka,

Membre et animatrice de la promotion féminine de CACUDEKI

Diocèse de Goma Commission Diocésaire de Justice et Paix

B.P. 50

Contact: Abbé Désiré Seruhungo, Responsable de la Commission

M. Kahanya Tasi, Directeur de la Région

M. Moto Mupenda, Gouverneur du Nord-Kivu

Télécel: (243) 0-49-010 / 008

Groupe des Volontaires pour la Paix-GVP

Ave. des Acacias

Télécel: (243) 64-49-435

Contact: M. Jean-Patrice Mulungula, Président

International Human Rights Law Group

Ave. des Acacias

Télécel: (243) 64-49-435

Contacts: Scott Campbell, Coordinator and Chris Mburu, Coordinator

Mouvement pour la Révolution Populaire (MPR/Goma)

Contact: M. Bwanandeke, Président

Promotion de la Démocratie et Protection des Droits de l'Homme

Contacts: Maître Dunia Ruyenzi and Père Celedonio Allende

Radio Star

Independently owned radio station

Team #3**Kikwit**

M. Gatha

Commissaire Urbain
Hotel de Ville, Kikwit

Monseigneur Monounou**Réseau Femme et Développement Bandundu (ASBC)**

Ave. Zanga, No. 8 Plateau, Zone Lukolela
Contact: Mme. Martine Goravu, Présidente

Appendix 2: CEPPS Team Schedule while in Kinshasa (September 23-October 8, 1996)

Monday, September 23

- 09h30 James Strudwick, Economic Officer, US Embassy
11h00 Commission Electorale Indépendante (CEI) at Voix des Sans Voix

Tuesday, September 24

- 10h00 Mme. Jeanette, CNONG, Ave Shaba, No. 2
11h15 Eglise de Christ au Zaire, Vice-President Rev. Dr. Marini Bodho
14h00 M. Bolenge, 4th V.P. of the MPR and in charge of Ideology at M. Banza's office, 183 Jacaranda, Gombe (near the emetery)
16h00 Conseil International de Cooperation (Ave. Okito No. 28/C Binza/Pigeon, Zone Ngaliema, B.P. 10873, Kinshasa I, *Tel:* 83-080) meeting in Memling hotel lobby, Mssrs. Sylvain et Gaston
17h00 M. Joseph Goole Kayembe, President et M. Marcel Kabeya de la Ligue Zairiose pour la defense des droits des Etudiants et des Eleves (LIZADEEL), Galerie Albert, App. 3, 6e Etage, Blvd. Du 30 Juin, Kinshasa Gombe, and M. Simplicite Lukebany, Droits de l'Homme en Afrique Centrale et Australe, B.P. 16.434, Kinshasa I, 243 Luisa Lingwala, meeting at Memling poolside.

Wednesday, September 25

- 09h00 Aliou Diallo, UNDP Res. Rep. at Building "Le Royal," Gombe
10h00 Team A: M. Simbi, Sec. Gen. de la PDSC, Avenue Bas Zaire, No. 113, behind the Grande Poste
10h00 Team B: M. Bayona, President de la CNE at the NEC (Pres de la Palais de la Nation)
11h30 M. Anzuluni, V.P. HCR-PT, at Palais de la Nation
12h30 Mr. Boboliko, Premier V.P. de la HCR-PT, at Palais du Peuple (has requested to meet the entire team)
13h30 ECIZ 2000 (telcel: 88-00470 / office: 27-851) M. Franc Citende, M. Pascal Rukengwa. They will meet us in the Memling lobby and escort us to their offices
15h00 M. Mwewa, Acting President of UFERI at the home of Nguz Karl-I-Bond, Ave. Tshiatshi, No. 50, Gombe
20h00 Dinner chez M. l'Ambassadeur Simpson des Etats-Unis

Thursday, September 26

- 09h00 Maitre Marie-André Mwila, Director of TOGES-Noires (human rights and international law NGO) at his office, Ave. du 24 novembre, No. 3759, Lingwala
11h00 Minister of the Interior, M. Kamanda wa Kamanda
12h00 Team A: M. Antoine Gizenga, Sec. Gen. of PALU, at his home, Ave. Gerbasse No. 661-11, Limete
13h00 Team B: LINELIT, Building Touring, #12 Ave de la Paix, Zone Gombe
15h00 M. Etienne Tshisekedi wa Malumba, Ave des Petunias, Zone Limete
16h30 Team A: M. Krebs, Chef de la délégation en permanence, Union Européene, Ave. des Trois Z, Gombe (next to the Parliament Building)
16h45 Team B: Organisation des Forces Indépendantes de la Société Civile (OFIS) at the Memling Hotel
18h00 Bureau d'Etudes, de Recherche et de Consulting International (BERCI) at the Memling Hotel

Friday, September 27

- 07h00 Kombo and Pease go to airport for Kikwit flight
- 09h00 M. Adrien Théâtre, Political Officer, Belgian Embassy (meeting at the Belgian Embassy)
- 10h30 Dauphinais and Phillips go to airport for Mbuji Mayi flight
- 10h30 Ligue des Electeurs (LE), 2 Ave. Shaba, Zone Gombe
- 13h00 Ligue de Conscientisation des Electeurs (LICE), Ave. de la Justice, No. 5448, Zone Gombe
- 14h00 Comité pour la Démocratie et les Droits de l'Homme (CDDH), Immeuble 2è République, Entrée D, Bel Etage Royal, Zone Gombe
- 16h00 Ligue Zairoise des Electeurs, 36 Ave. Lufimi, Quartier 5, N'Djili

Thursday, October 3 (Kombo and Pease only)

- 10h00 Freedom Flag Foundation at Hotel Memling
- 13h00 Compagnons de Scheut at Hotel Memling
- 15h00 Mme. Monique Akileli, presidential candidate from the Congrès Lokole political party, Ave. Mpeti, No. 4, Quartier Socimat

Friday, October 4 (Kombo and Pease only)

- 13h00 PANU political party at Hotel Memling

Saturday, October 5 (Kombo and Pease only)

- 09h00 LIZADEEL (civic education NGO) at Hotel Memling
- 15h00 USDI political party at Memling Hotel
- 16h00 Groupe d'Etudes et de Recherches Socio-Economiques pour la défense des Valeurs (GERVAR) at Hotel Memling
- 17h00 Union Nationale des Travailleurs du Zaire (UNTZa) at Hotel Memling

Sunday, October 6 (Kombo and Pease only)

- 11h00 Ligue Zairoise des Electeurs (M. Symphonien Masanka) at Hotel Memling
- 16h00 Syndicat des Enseignants at Hotel Memling

Monday, October 7

- 10h30 Prime Minister Kengo wa Dondo at Hotel du Gouvernement
- 14h30 Ambassador Simpson at US Embassy

Tuesday, October 8

- 10h00 Société Civile de Zaire at Hotel Memling

Appendix 3: Recensement scientifique de la population

République de Zaire: Ministère du plan et aménagement, Institut National de la Statistique, July 1994

Structure par sexe et par âge Projection de la population du Zaire de 1985 à 2000 (en milliers)

AGE	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Masculin										
0-4	2962	3070	3195	3334	3489	3659	3787	3912	4047	4185
5-9	2299	2399	2496	2592	2692	2791	2941	3079	3210	3339
10-14	2008	2049	2091	2136	2195	2260	2328	2408	2500	2613
15-19	1692	1735	1802	1881	1946	1972	2020	2068	2112	2164
20-24	1470	1509	1542	1570	1603	1646	1688	1751	1826	1896
25-29	1141	1210	1272	1329	1378	1421	1461	1494	1523	1553
30-34	784	830	891	958	1028	1102	1167	1227	1282	1331
35-39	672	690	701	710	725	753	799	854	918	988
40-44	478	500	533	571	609	638	654	665	674	692
45-49	507	489	467	451	444	448	467	500	536	570
50-54	460	475	482	482	478	465	449	430	414	409
55-59	328	334	350	369	391	412	423	430	431	427
60-64	325	322	308	294	283	278	285	299	316	332
65-69	185	200	220	238	252	260	254	245	234	224
70-74	132	130	126	125	125	133	144	159	172	183
75+	98	99	101	112	114	113	119	123	131	125
TOTAL	15541	16041	16577	17152	17752	18351	18982	19644	20326	21031
Feminin										
0-4	2953	3062	3183	3318	3470	3633	3758	3891	4022	4159
5-9	2313	2406	2499	2591	2686	2784	2921	3053	3182	3310
10-14	2001	2049	2095	2146	2205	2270	2340	2417	2509	2614
15-19	1686	1720	1780	1854	1922	1961	2015	2067	2114	2170
20-24	1538	1570	1586	1601	1617	1644	1673	1732	1804	1874
25-29	1187	1255	1323	1392	1447	1488	1521	1541	1553	1567
30-34	888	924	967	1021	1081	1145	1211	1280	1343	1396
35-39	760	782	795	810	828	852	886	930	983	1040
40-44	589	608	634	667	699	726	746	761	776	792
45-49	605	588	573	560	555	561	577	603	636	664
50-54	555	575	584	585	579	567	552	535	525	520
55-59	367	383	408	443	479	507	524	535	536	531
60-64	379	376	361	343	327	322	336	362	392	423
65-69	170	200	237	273	300	314	311	300	285	272
70-74	106	105	103	107	115	129	152	181	208	229
75+	78	81	96	89	89	101	114	112	114	121
TOTAL	16175	16684	17224	17800	18399	19004	19637	20300	20982	21682
Deux Sexes										
Total	31716	32725	33801	34952	36151	37355	38619	39944	41308	42713
Grands Groupes d'Âges (%)										
0-14	45.8	45.9	46.0	46.1	46.3	46.6	46.8	47.0	47.2	47.4
15-64	51.8	51.6	51.4	51.2	50.9	50.6	50.4	50.2	50.0	49.9
65+	2.4	2.5	2.6	2.7	2.8	2.8	2.8	2.8	2.8	2.7
Rapport de Dependance										
	93.3	93.9	94.7	95.4	96.3	97.6	98.5	99.1	99.6	100.2

Projection de la population du Zaire de 1985 à 2000 (en milliers)

AGE	1995	1996	1997	1998	1999	2000
Masculin						
0-4	4329	4441	4567	4713	4879	5068
5-9	3463	3635	3785	3914	4020	4109
10-14	2748	2856	2975	3102	3249	3411
15-19	2221	2299	2381	2474	2581	2701
20-24	1921	1968	2012	2059	2110	2166
25-29	1595	1635	1698	1773	1838	1863
30-34	1371	1409	1441	1469	1500	1543
35-39	1057	1120	1178	1231	1278	1317
40-44	715	758	812	875	940	1008
45-49	598	615	626	634	649	673
50-54	412	432	459	495	527	553
55-59	416	400	385	371	364	370
60-64	350	361	368	369	366	357
65-69	224	229	241	253	268	281
70-74	187	184	176	169	163	162
75+	122	126	133	141	153	163
TOTAL	21729	22468	23237	24042	24885	25745
Feminin						
0-4	4292	4408	4537	4680	4840	5019
5-9	3440	3601	3745	3873	3983	4078
10-14	2736	2842	2958	3086	3226	3383
15-19	2227	2303	2386	2476	2575	2686
20-24	1913	1964	2011	2063	2115	2175
25-29	1595	1625	1681	1753	1819	1856
30-34	1438	1469	1490	1502	1517	1543
35-39	1102	1167	1231	1293	1345	1387
40-44	815	850	891	941	998	1055
45-49	689	709	724	738	754	777
50-54	525	541	567	595	625	649
55-59	521	507	494	484	479	483
60-64	448	465	474	476	470	463
65-69	269	282	304	327	355	376
70-74	239	236	227	216	209	209
75+	132	141	152	162	189	215
TOTAL	22381	23110	23872	24665	25499	26354
Deux Sexes						
Total	44110	45578	47109	48707	50384	52099
Grands Groupes d'Âges (%)						
0-14	47.6	47.8	47.9	48.0	48.0	48.1
15-64	49.7	49.6	49.5	49.4	49.3	49.2
65+	2.7	2.6	2.6	2.6	2.7	2.7
Rapport de Dependance						
	101.1	101.7	102.1	102.3	102.8	103.3

Population de 18 ans et plus de 1985 à 2000 (en milliers)

AGE	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Masculin										
0-17	8313	8597	8909	9245	9601	9929	10271	10649	11075	11505
18+	7228	7444	7668	7907	8151	8422	8711	8995	9251	9526
Total	15541	16041	16577	17152	17752	18351	18982	19644	20326	21031
Feminin										
0-17	8300	8582	8889	9221	9570	9903	10244	10617	11029	11446
18+	7875	8102	8335	8579	8829	9101	9393	9683	9953	10236
Total	16175	16684	17224	17800	18399	19004	19637	20300	20982	21682
Deux Sexes										
0-17	16613	17179	17798	18466	19171	19832	20515	21266	22104	22951
18+	15013	15546	16003	16486	16980	17523	18104	18678	19204	19762
Total	31716	32725	33801	34952	36151	37355	38619	39944	41308	42713

Age	1995	1996	1997	1998	1999	2000
Masculin						
0-17	11911	12335	12788	13296	13799	14287
18+	9818	10133	10449	10746	11086	11458
Total	21729	22468	23237	24042	24885	25745
Feminin						
0-17	11851	12268	12712	13197	13689	14169
18+	10530	10843	11160	11468	11810	12185
Total	22381	23110	23872	24665	25499	26354
Deux Sexes						
0-17	23762	24602	25500	26493	27488	28456
18+	20348	20976	21609	22214	22896	23643
Total	44110	45578	47109	48707	50384	52099

