

**PRESIDENT MOBUTU'S LEADERSHIP IN CRISIS FACED WITH THE INSTITUTIONAL ISSUES OF TRANSITION TO CONGO-ZAIRE**

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**ABSTRACT**

Trapped in the sedimentation of the authoritarian order to be demolished, the institutional stakes of the transition, under the vortex of the logic of the zero-sum political game of the antagonistic actors, offered the founding president, Marshal Mobutu, political resources to survive his leadership in crisis. His strategies for political survival have had as their sites the rush moments of institutional overhaul arrangements in failed attempts to implement a transitional regime between his camp and that or those of his political opponents.

**KEYWORDS:** Democratic Transition, Congo-Zaire, Leadership Survival in Crisis, Issues, Institutional Cacophony, Leadership Reproduction

**1. INTRODUCTION**

President-Marshall Mobutu's Zaire belatedly followed, in the early 1990s, like most autocratic regimes in sub-Saharan Africa, the third wave of democratization, in the words of Samuel Huntington. In this context of a political transition in which institutional foreshadowing linked to the liberal democratic paradigm model are emerging as political expressions for the quest for a revalidation of his leadership, the autocrat Mobutu was first able to, ensure the survival of its power in crisis in the face of institutional issues.

This article aims to report on the paradox of the mystification of a democratization regime at the heart of the survival of leadership in crisis through the key players in the process in the face of the mobility packages of institutional issues and multi-sector mobilizations; the specific crises associated with it thus serve as moments of demonstration of this paradox. It revolves around two axes that put leadership in crisis in the face of the initial issues of decompression at the political, and those of the "sovereign institutions" of transition, on the other.

**1. Mobutu faces initial issues of authoritarian decompression**

1. De the opening of an authoritarian order to control the first anti-Mobutu upheavals

In staging the process of opening up the Zairean authoritarian order, Marshal Mobutu, by chameleon

effect<sup>2</sup>, seeks to preserve the appearances of his leadership by carefully adapting to the peculiarities of the terrain. Well informed of the prevailing state of mind, he anticipates what he believes to be the content of the majority consensus. Therefore, he strives to be the first to formulate it and propose the resulting decision. It is all the easier for him in that he has an institutional function that allows him to choose the time of his intervention.

This is the "People's Consultations" strategy that is initially implemented by the President. It implies, if not the cunning of history, at least, a work of symbolization consisting of distancing from structures of the MPR and to give the impression of subordinating itself to the popular will in the rejection of the authoritarian order in favour, it seems, of the type of democratic leadership.<sup>3</sup> Appearing to be legitimised by the popular consultations, the speech of "granting" democratization delivered on 24 April 1990 by Marshal Mobutu before the MPR activists, gathered in N'Sele, however, provokes situations of protest reflecting the notion of negative power that will characterize the nature of Mobutu authority in this context of liberalisation of the political space. No longer enjoying decisive discretion, his rhetoric thus illustrates the absence of the illocutory force of a speech.<sup>4</sup>

Not only has it caused the implosion of the nomenklatura, particularly in the Central Committee<sup>5</sup>, but also its main pillars of major reforms to democracy,<sup>6</sup> have thus inspired their antitheses:

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<sup>2</sup>Ph Braud Political Sociology, General Bookstore of Law and Jurisprudence, Paris, 2006, p.28.

<sup>3</sup>**The latter undertook**, throughout the national territory, to restore the right to speak to the Zaireans to express their opinions on the functioning of the country's institutions. And Mabi Mulumba, as an economist, points out that "these were for Mobutu, a painful session of accountability for the 25 years of his regime [...] Wherever he went, the reproaches overlapped: the stigmatization of the proliferation of intimidation and repression services, which were particularly illustrated by the daily abuses on the population such as the National Documentation Agency (AND), the Military Action and Intelligence Service (MRSA), see the gendarmerie and the Armed Forces, etc.; denunciation of inequality and corruption; the wage of misery, the scandal of large fortunes perceived as a permanent insult. But in the overwhelming majority, the Popular Movement of the Revolution (MPR-Party-State is made responsible for the "Zairian Mal" characterized by the country's multifaceted crisis. MabiI Mulumba, *Congo-Zaire: Behind the scenes of power under Mobutu. Testimony of a former prime minister*, LesEditions de l'Université de Liège, Belgium, 2011, p.307.

<sup>4</sup>"The illocutory force of a speech is the authority that emerges from it on the basis of the social or political status of the speaker and not because of a mythical intrinsic value of the words used. "P. Bourdieu, *What to Talk Means*, Fayard Paris, 1987, p.111.

<sup>5</sup> This is the result of a strategy of isolation of the President-Marshal. He kept his close associates away from the secrecy of his reflections and his approach, the latter were thus his by a deep feeling of frustration and humiliation, which quickly turned into hatred and revenge among most. Indeed, those in power believed that Mobutu was preparing his general report to the Extraordinary Congress on the State of the Nation in light of the conclusions inspired by the popular consultations. See H. N'Gbanda Nzambo atumba. *The transition to Zaire. The Longtunnel*, NORAF Editions, Kinshasa, 1995, p.83.; F. Vunduawe

the possible vacancy of the state's head and the nature of the state's power during the transition, the convening of a national conference in place of the constitutional conference, the full multiparty against the multiparty of three. These represent the major stakes of this stage of the search for decompression of the power of the despot in question and will structure the battles as well as the complex mobilizations that will be added to it during the ongoing process.

But the president's status in this transitional context should not be minimized by surprisingly idealizing his popular legitimacy: "... the Zairean people have clearly spoken out about me and have asked that I continue to preside over the destiny of our country... In the new Zairean political landscape, he points out, the head of state is below the political parties. He will be the referee, the better the last resort. With the constitutional revision, the chief ceases to be the head of the executive. As a result, it could not be subject to criticism or the control of the Legislative Council.<sup>7</sup>

This quotation reveals the security features of the chief's image that must be assured throughout the murky transition period, which he is already sensing of the jolts and convulsions. He thus lays down the institutional shield of his political artifices or tactics without escaping the demythologizing movements of the ancient order on symbolic and practical levels.

finally, the drafting of a bill to govern political parties and organize their funding. Zaire-Africa, No.244-245, April-May, 1990, pp.202-203. By taking a solemn leave of absence from the MPR, the president offered the opposition the central axis of attack on his leadership: since he had taken leave of the MPR, it was because, according to the requirements of the current Constitution, he had ceased to

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te Pemako, In the shadow of the *leopard. Truths about the Regimiede Mobutu sese Seko*, FreeZaire Editions, Brussels, p. 288.

<sup>6</sup>These reforms can be summarized in five points: the introduction of three-party rule, the abolition of the People's Movement of the Revolution, the revision of the constitution with a view to adopting it in the transition period that is taking place, the establishment of a commission to draft the constitution which will be sanctioned by popular reference,

be head of state. Even if he is taken at his word, the setting for the fundamental enigma is planted: how to politically dissociate Mobutu, president of the second republic and Mobutu, "president" of the democratic transition? This axis of political struggle is thus part of a controversy that underlies the impossible assumption of democratization of the Mobutu regime.

<sup>7</sup>It is in the same speech that he stresses that he remains the guarantor of national independence, territorial integrity and is the last bulwark of the nation. Thus, all sons and daughters of the country, members or not of a party, must recognize themselves in it. And whatever happens, as leader, iting itselfabove the fray, he pledges to remain the common denominator that is, the unifier, the peacemaker and the unifier. Having thus defined his role as arbiter over the parties, he announced that he was taking leave of the People's Movement of the Revolution to allow the party to choose a new leader to lead the change of the material and human structures of that party. Ibid.pp. .200-201.

These movements did not, however, prevent the marshal from sticking to the logic of his democratization plan. The readjustment speech of 3 May 1990<sup>8</sup> to the Legislative Council met with a chain reaction in student circles, particularly against the members of the MPR, the party-state, for having applauded in a frenzy the watchwords, in a way, of the leader sufficiently discredited in this new political landscape. Despite this, he translated his discretion into action by appointing a Prime Minister of his choice to Lunda Bululu on May 4, 1990.<sup>9</sup>

However, following the tug-of-war with the opposition, Mobutu refused to make two strategic withdrawals: by enacting the law of 18 September 1990, he renounced his formula of three-party multipartism in favour of full multiparty; he accepted by the ordinance of 11 April 1991 that his constitutional conference would turn into a national term.<sup>10</sup> The president thus trains what Ilia Ehrenbourg likened to a thaw of the iceberg. By liberating little or no political space, it floods the barrages of power.<sup>11th</sup>

This thawing causes the emerging effect of the full multiparty system so demanded by the opposition was also not positive. By mid-91 more than 100 political parties had been approved. There will be about 320 of them a year later.<sup>12</sup>

But generally, they are referred to as "food parties" to emphasize that their logic leads him to sell himself to the president or to be bought by him. S.Kirongozi B. Limbaya even points out that

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<sup>8</sup>This speech, however, was in response to some criticisms which pointed to the lack of a precise pattern in the previous speech of 24 April. Here, the Head of State indicates that the transition will take place in two phases: the first, from 24 April 1990 to 30 April 1991, will be devoted to the establishment of the new political and administrative organisation of the State; from 1 May to December 1992, elections at all levels should be devoted. In the meantime, he states that "the authority will not allow the organization of marches, demonstrations or meetings... ». It turns out that the marshal leads alone from his political headquarters based in N'sele. So, the war can begin. H.N'Gbanda Nzamboko-Ko-Atumba., *op.cit.*, p.75.

<sup>9</sup>And it is this Lunda Bululu government that will face the major political and diplomatic consequences of the student movement at the Lubumbash campus. The Zaire of Mobutu, despite the current transformation, was put in Index. The international community renounced all cooperation with him; at the same time as he was under embargo for arms purchases. The ideological process of demonizing it reaches a high degree of visibility. For detail, Ibid, pp.85-113. After the departure of Lunda Bululu, the President continues his approach, He creates, by ordinance, a constitutional conference on March 7, 1991, and appoints Mulumba Lukoji as Prime Minister, on March 15, 1991.

<sup>10</sup>The much-claimed and granted conference is not a genuine transitional parliament because it did not have the general political competence the opposition wanted. Moreover, then the same order "emphasized the need to ensure that the national conference does not unnecessarily become a people's court or a settling of accounts court. G. De Villers, and J. Omasombo Tshonda, J. Zaire, *The Missed Transition, 1990-1997*, African Papers No. 27-29, October 1997, read notammet pp.18,19 and 21..

<sup>11</sup> Ilia Ehrenbourg quoted by G.Hermet, *The Transition to Democracy*, Presses of the National Foundation of Political Science, Paris, p.71.

"understanding the benefit, he could derive from it, President Mobutu is expanding the system to an integral pluralism.<sup>13</sup>

It is in this context that Tshisekedia rejected the offer of the President to the post of Prime Minister, stating that he is ready to accede to the primacy, but only after the departure of the head of state and being invested in this function by the National Conference. However, on the evening of the 22nd, many UDPS activists felt it necessary to demonstrate in front of their leader's home to dissuade him from accepting.<sup>14</sup>

Etienne Tshisekedi sets the conditions for a real transition to democracy: the departure of the head of state Mobutu and his investment in this post by the National Conference. As a major obstacle to democratization, Mobutu is keen to take on the role of Promethean leadership of recomposition, in a framework artificially instituted for the advent of a hypothetical democracy. And it remains to be seen whether he himself was convinced of this formula of the National Conference?<sup>15</sup> These failed decisions of the prime minister's discretion by the president as in the time of the party-state clearly illustrate the bygone state of a monolithic and heritages political practice. If the institutional composition of President Marshal evoked so on it predisposed him to benefit from this cunning of history by wanting to play the role of founding father of Zairean democracy, it can be assumed that it was mainly conditioned in its initiality by the conjunction, according to Daniel Bourmaud, of the two phenomena at the base of the democratization movement in Africa, one cyclical linked to the end of the bipolar world, the other structural linked to the depletion of the resources of authoritarianism.<sup>16</sup>

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<sup>12</sup>This proliferation demonstrates the importance of the phenomenon of "political entrepreneurship". Individuals create almost ex nihilo, that is, without rooting in the political history of the country, without a proper programme, without a social basis - parties (often in the form of dissents from a formation to which they belonged) which are the springboards of personal ambitions. It's in the same direction as J-C. Willame believes that these parties are often the instruments given by the young politicians of the "new generation" to assert themselves in the face of the "dinosaurs" found in the presidential camp as at the head of the main formations of the Sacred Union. J- C. Willame, "Democracy" granted "CEDAF Papers, Brussels, No.5-6,1991,pp.:212-214.

<sup>13</sup>S.Kirongozi B. Limbaya, The misunderstandings of democratization in Sub-Saharan Africa. The Congolese Paradox, Sirius Edition, Kinshasa, 2010, p.35.

<sup>14</sup>On 22 July 1991, two days after the 15th order for (re-) convening the National Conference, President Mobutu, was made public, announcing the appointment of Etienne Tshisekedi as Prime Minister. Faced with this position of leader Etienne Tshisekedi, Mobutu did not hesitate to reappoint Mulumba Lukoji. Uncertainties remain that in the circumstances before the episode, but all indications are that under pressure from the United States and France, but without the knowledge of a sacred Union that has just been formed, negotiations have indeed taken place between the President and E.Tshisekedi. It therefore seems that the two men have sought to speed up the Conference by concluding directly between them an agreement on the passage of power. G.De Villers and J. Omasombo. Tshonda, Op.cit., p.25.

It turned out, therefore, even for the Marshal, that the political context of the transition requires a cohabitation government to allow for a kind of paced liberalisation of the institutional political space. Mobutu opens up or pretends to open up to radical opposition. But in what context? Not in that of the sovereign national conference, but in that of negotiations with the opposition in addition to this framework. The problem of the founding act of transition is thus raised.

## **1. 2. Misère of the sacred cartel of the opposition and impossible cohabitation**

Political cohabitation is a formula for exiting the crisis. The political class, still under the influence of Mobutu's central institutional role, is trying, following a situation of chaos and disarray created by the riots of 23 September 1991, to expose itself to this exercise.

In the face of power, a sacred union of the opposition formed in a cyclical way and made up of parties led by major political figures with divergent ambitions, notably, E. Tshisekedi of the UDPS (Union for Democracy and Social Progress), leader, Nguz a Karl Bond of UFERI (Union of Federalists and Independent Republicans), Mungul Diaka of the RDR (Democratic Rally for the Republic).<sup>17</sup>

The time for the discretion or unilateral power of the Head of State, in terms of appointing the Prime Minister, seems to be over in order to give way to agreements between the protagonists of the transition. It is in this context that are the so-called meetings of the Palace of Marble I and II between the presidential camp and the opposition.<sup>18</sup> All these political negotiations enshrine the president's institutional centrality in managing the crisis.

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<sup>15</sup>T.Lukusa Mende as quoted by J-C. Willame insinuated in *Le Soft de Finance* of 01 July 1991 that there was a "panic fear in Kinshasa for a forum that has been repeatedly announced", adding: "It is high time to definitively repudiate the mistaken idea that the National Conference would only frighten Mobutu." Everything, according to Kin-Kiey Mulumba, happens as if everyone wanted to thwart a real national debate. But it now represents for Tshisekedi a strategic institutional shelter secure not only for the debunking of Mobutu but also for the conquest of power. This is how the principal issue that will structure the political battle line of the hard wing of the opposition during the transition period is already taking shape. Moreover, one observer reveals Tshisekedi's ambiguity through his position on the National Conference formula. He argued that Mobutu must agree to relinquish power or be forced to, and stressed then that the first task is the establishment of a transitional government "that will judge whether to organize a national conference or find one. Id.

<sup>16</sup> For with the fall of the Berlin Wall, African powers had to undergo a double delegitimassions. Faced with the former powers, they lost their position as an order factor, where they had guaranteed protection; in the face of civil societies, they saw an element at the centre of their domination collapse: the belief in their invincibility. Bourmaud, D., *The State in Africa*, Montchrestien Editions, Paris, 1997, pp.131- 132.

The formal and symbolic satisfaction of both parties with the Memorandum of Understanding signed on<sup>1</sup> October following these negotiations at the Marble Palace illustrates a situation of a market of dupes: The President has obtained the power to appoint the Prime Minister, in accordance with the constitution he is preventing; the Prime Minister has obtained not to have to take the constitutional oath. However, he and his ministers will still have to sign a minute containing the text of the Oath.<sup>19</sup> But Tshisekedi's government will be removed almost as soon as formed.

(...) Before signing the minutes, the Prime Minister had passed his pen twice" blocking the words "guarantor of the nation" and « Constitution »!<sup>20</sup>

If the reason for his resignation appears to be staggering and has an emotional foundation, it is obvious that the appointed Prime Minister quickly realized the trap in which he was caught. Tshisekedi decided not only to recognize not only the honorary title of "guarantor of the nation" attributed to Marshal Mobutu by the constitution of the second republic, but also the legitimacy of the second republic, although managed, in the episode of a democratization of the stigmatized regime of the party-state. Did Tshisekedi have enough resources to emerge victorious from this tussle?

Certainly not, because Mobutu used the same constitution to revoke it and "debauchery" among these "remarkable" personalities two others by making them his prime ministers: Mungul Diaka, first<sup>21</sup> . Nguz has Karl i Bond second in negotiations with the opposition because there is still the need for a "government of broad national consensus" under the leadership of an opposition-appointed prime minister.

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<sup>17</sup>The creation of the Sacred Union took place on 18 July 1991 at the end of the "foundation of true opposition" held from 16 to 18 July.

<sup>18</sup>28-29 September 1991, meetings of the "Marble Palace I"; Marble Palis Agreements II, On November 22 of the same year. The so-called Marble Palace I ones involve representatives of the United Democratic Forces (FDU), a cartel of political parties allied to power, on the one hand, of the sacred union of the opposition, on the other. They took place under the presidency of the head of state in Kinshasa on 28 and 29.

<sup>19</sup>G. DeVillers., and J. Omasombo Tshonda, Op.cit., p.44. "Before the President of the Republic, guarantor of the nation, I swear to observe the constitution and laws of the Republic of Zaire and to faithfully and faithfully perform the functions entrusted to me, I undertake no obligation to undertake any activity contrary to the history and dignity of my functions."

<sup>20</sup>Zaire-Africa, No. 260, December 1991, p.586.

<sup>21</sup>. On 18 October, a joint statement by the presidential spokesman, Kissimba Ngoy, noted that the Prime Minister, through this action, had put himself "in the legal impossibility of carrying out his duties", and on 21st a presidential order dismissed Tshisekedi and his government. By removing Tshisekedi, President Mobutu does not procrastinate, he regains his discretion appoints 48 hours plus yourrd, Bernardin Mungul Diaka prime minister and, signed on October 29, the order of inauguration of his government. It was an ephemeral government whose lifespan of about a month, ranging from 23/10/91 to 25/11/91.G. From Villers J. and Omasombo Tshonda ., Op.cit., p.44.

New negotiations are being undertaken between protagonists and culminating on 22 November with the conclusion of the Marble Palace II Agreements signed for the FDU by Vunduawe and Ileo Amba for the Sacred Union, presence of the mediators and the unavoidable head of state. Nguz a Karl Bond is thus appointed prime minister to replace Mungul Diaka.

These political haggling around the primacy clearly highlights the issues of survival opportunity of the Marshal's hegemony in crisis, the foundations of which are due in particular to the political and ethnic weight of the opponent of the regime, the absence of consensus around the formed governments and the sense of social movements that accompany the erosion situations of the opposition.

Indeed, Mungul Diaka, president of one of many formations affiliated with the sacred RDR Union, belongs to the first generation of the country's politicians, that of independence. He is a native of Kwilu and enjoys a certain popularity among Bandundu natives but also in some circles.<sup>22</sup>

With the appointment of Nguz, Mobutu scored a better point than with Mungul Diaka in that he is a larger political figure and who in geopolitics weighs much more than the thanked Prime Minister. Nguz not only belonged to the opposition but had helped to organize and bring it together. He is originally from Katanga and the illustrious Prime Minister Tshombe. (ethnicity strategy) By choosing them, Mobutu not only introduces a divisive factor within the Sacred Union, but can hope to weaken the position of the UDPS, empty the sacred union of these influential cadres and deprive it of a large portion of popular, especially ethnic support.<sup>23</sup>

Moreover, the governments set up by these opposition leaders respectively were unable to create a consensus of the political class.<sup>24</sup>

The government formed or set up by Tshisekedi, apart from the case of the representative of civil society, is strictly bipolarized, i.e., that it includes only representatives of the parties belonging to the Sacred Union, on the one hand, the FDU, on the other hand, the latter, which also hold only three portfolios out of 22. The UDPS, with the primacy and 7 ministers, is the lion's share.

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<sup>22</sup> Mungul was, under the first republic, notably collaborator of Lumumba and then of the Giza government settled in Kisangani. Under the Second Republic, in 1979 he was Minister of Higher Education appreciated by students for trying to improve their material condition, an appreciation that his dismissal on the charge of "incompetence" and "corruption" probably failed to erase. Ibid, p.46.

<sup>23</sup> Ibid., p.52.

<sup>24</sup> Ibid,pp. 42.-55.



The main formations of the Sacred Union have remained away from the fighting government of Mungul Diaka. But several other ministers belong to the MPR "new fact."

The composition of the Nguz government marks an important step in the process, which will continue, of crumbling the Sacred Union. No representative of the UDPS and PDSC was seduced, but the break-up of the Sacred Union with the Nguz UFERI and with the Nyamwisi wing of the DCF is consecrated.

Against the removal of Prime Minister Tshisekeki Wa Mulumba or the announcement of Nguz's appointment, there were various protests. The president, categorically, these demonstrations did neither bring Tshisekeki back to the primacy nor prevent Mobutu from not naming Nguz.

The question of street law is thus asked. What places and how to occupy these places?<sup>25</sup> In any case, these protests, fundamentally urban and social, could not, in a decisive way, undermine an authoritarian logic in action in a battle of occupation of institutional positions between antagonists more enemies than political opponents.

The negotiations that resulted in the appointments of Etienne Tshisekeki and Nguz Karl-i-Bond enshrined the hegemony of the president, and all the improvised nature of this opposition which is reflected in the implosion of his ephemeral coalition, thus the very illustration of the functioning of the "quasi-parties"<sup>26</sup>. Hence the need to create the founding act of true cohabitation within the framework of the sovereign national conference. But without forget that the sovereignty of the national conference is an illusion for Mobutu because he could never accept that a Conference convened by himself was above him. He was determined, as we have already stressed above, to continue to be the sole master of the game in the new era of state management with the advent of the democratic process.

## **Mobutu faces the challenges of the "sovereign institutions" of transition**

### **2. 1. Government of the Sovereign National Conference loses to the Government of the Conclave**

After the resumption in plenary of the National Sovereign Conference on 20 July 1992, the Presidency and opposition representatives adopted the Comprehensive Political Compromise on 31 July 1992 to enable a peaceful transition. However, three days later, on August 4, 1992, the NSC passed the

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<sup>25</sup> J.Copans, *The Long March of African Modernity*. Knowledge, intellectuals, democracy. Karthala Editions, Paris, 1990, p.262.

<sup>26</sup> Read about it P.Quantin, *Between disconnection and reduction: the study of elections and parties in Mamadou Gazibo and C.Thiriot (s/dir.) Politics in Africa. State of the Place and Research Trails*, Editions Karthala, 2009, Paris, pp.165-183.

## **Transitional Period Constitutional Provisions Act.**

### **The two acts meet with the Transitional Government**

"from" the NSC.<sup>27</sup> But the Act in question, not referring to the Global Political Compromise of the N'Sele, tends to enshrine more the sovereign of the conference expressed through a significant incise: "the first elected by the SNC and invested by the Order of the President of the Republic within forty-eight hours of his election. After that time, the Prime Minister takes office.

Thus, the President, having been deprived of his grip on the Prime Minister, considered himself bound only by the content of the Comprehensive Political Compromise.<sup>28</sup> By refusing to sign this act, the President voluntarily escapes the condition of his involvement in the amal dyn of the sovereign national conference.

However, playing loyalty to the Compromise, the head of state strips Nguz of primacy to appoint him Minister of State and head of mission under the president and lets the NSC continue its work and tackle the task of appointing a prime minister.<sup>29</sup>

The NSC registers 19 nominations, but only three of them will be subject to voting on 15 August, as the other contenders have been rejected or withdrawn. The remaining candidates are: E. Tshisekedi, TH. Kanza and a certain Bopenda, Secretary General of Health, who will collect only 4 voix. The secret ballot gives Tshisekedi the winner with almost 71% of the vote (1,878 votes out of 2,651); Kanza received 734 votes (28%).

The election of Tshisekedi by the SNC generally provoked two types of contradictory reactions: one from support for the elected prime minister, and the other from protesting against this electoral success; but both sweating, a relative degree of visibility of the ethnic germ.<sup>30</sup>

In this Tshisekedi government, composed at will, the predominance of the Sacred Union is overwhelming: 14 portfolios (11 according to Le Soft) out of the 16 attributed to "policies". The MPR, the UFERI of Nguz, the various parties of the presidential movement are not represented. Only Nkanga B. comes from the party

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<sup>27</sup>. Compromise's point 4.D. points out that "As far as the Transitional Government is concerned, all parties agree that it comes from the SNC; Article 71 of the Act postulates that "the Prime Minister is the head of government He is elected by the NSC.

<sup>28</sup>For him, "he will only sign the Transition Act if it is redeveloped; the current constitution remains in force until a new constitution is adopted by referendum." In this context, the Departments of National Defence and Foreign Affairs remain its reserved domains. Ibid., 125.

He chose to be a minister despite pressure from the MPR.<sup>31</sup>

The head of state, finding that this government does not rest on a broad coalition because excluding the presidential movement, he dismisses the prime minister on 1 December, but to immediately appoint him as the trainer of a government of "National Union". In the meantime, he imposed the management interlude of the College of Secretaries General, which ensured the current affairs pending the hypothetical reshuffle.

Since Tshisekedi refused to comply with these decisions, Mobutu took a new step by announcing on 4 February 1993 the removal of the elected Prime Minister.<sup>33</sup> He convenes a political conclave that takes place, from 9 to 18 March, at the Palace of the Nation. Neither the UNHCR office, nor the Sacred Union, nor the Tshisekedi government are participating in this meeting.

Convened on 29 March in a special session, the National Assembly chaired by Anzuluni Bembe adopts on 1 April a bill to bring the Transitional Transition Period to a Harmonized Constitutional Act. The Act is promulgated the next day by order. As recommended by the Conclave, this text restores to the President

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<sup>29</sup>But since the Nguz government has Karl Bond does not present this character, it is a matter of replacing it. On 6 August, he even ordered the resumption of broadcasts of the plenary sessions on radio and television, broadcasts which the Nguz government ordered to have interrupted. Ibid p. 105. See the same source for data on the conduct, results and reactions related to these elections. Id.

<sup>30</sup>On the margins of the demonstrations of popular jubilation, following this election, there were deadly clashes in Shaba between "originals" and "Kasai", UFERI supporters and supporters of the UDPS. From there the hunt and exodus to Kasai of the nationals of this region, under the instigation of the governor of Katanga, were triggered, Kyungu Wa Kumwanza, though a former companion of Tshisekedi, who became his opponent. Setting political-ethnic clashes stem from the overly provocative celebration of Tshisekedi's victory by UDPS activists, regardless of the fact that she had just terminated the executive of Nguz, a Katangais. During this election, Nguz was on a mission. The president is said to have entrusted him with a mission of pacification, but his words aimed at bringing the Shabians together in a fierce position to his successor seem rather intended to throw oil on the fire. See in particular: The Soft Finance of 25/08/92. NDaywel è Nziem, I. New history of Congo. From origins to the Democratic Republic, Africa Editions, Kinshasa, 2008. p.595.

<sup>31</sup>In addition, the new government, is approved by acclamation on 31 August by the NSC, without formalizing itself either the fact that the normal procedure has not been followed or the fact that the order appointing the transitional government refers only to the "Mobutian" constitution and the Comprehensive Political Compromise. Mobutu, completely ignoring the Act in his approach. DeVillers., and Omasombo Tshonda, J., Id.

<sup>32</sup>Mays Tshisekedi continued in parallel, to organize his councils of ministers. I.Ndaywel è Nziem, Ibid., p.596.

<sup>33</sup> The government "from the NSC" did not receive the sanction of the Marshal-President who demanded that the areas of collaboration (Foreign Affairs, National Defence) be consulted with its services, but it did not get the reaction to have this government overhauled. Id.

the prerogatives of a genuine

state and gives the parliament from the former regime a leading role over UNHCR. Under the new Transitional Act, there are five "transitional institutions": the President of the Republic, parliament, UNHCR, government, courts and tribunals<sup>35</sup>

On the other hand, the order appointing F.Birindwa<sup>36</sup> in place of Tshisekedi was promulgated on 29 March and his government was sworn in on 4 April by the National Assembly. But Etienne Tshisekedi considers that his government remains in office and is the only legal. With the Conclave of the Palace of the Nation and the formation of the Birindwa government, the period of duplication of institutions opened up. There are not only two governments, but also two political regimes and two legalities: on the side of the Presidential Movement, we refer to the decisions of the Conclave; on the side of UNHCR and opposition we intend to stick to the framework put in place by the SNC.

The president has decidedly the art of promoting candidates for primacy that give him good assets in the game of "geopolitics": after the Kasai Mulumba Lukoji, Mungul Diaka who is originally from Bandundu

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<sup>34</sup>In his opening speech, the Head of State set three objectives at the meeting: the formation of a "government of public salvation" which would be a "platform for collaboration between all the political forces in attendance" and the "crucible" of cohabitation between the regions of the country; the harmonisation of the texts governing the transition by the adoption of a "single constitutional act"; setting the major political deadlines: referendum constitutional and elections at all levels. The philosophy of geopolitics presides over the composition of the Assembly. Three-quarters of the delegates, 196 out of 258, represent or are expected to represent the eleven regions of the country, theoretically taking into account the demographic weight of each. The Office of the Conclave, called "College of Wise Men," includes one member per region. See The Final Report of Conclave and The Soft of Finance of 08/03/93; G.de Villers and J.Omasombo qtqshonda, Op.cit. , pp.152-153.

<sup>35</sup> This Act was the subject of a special April 1996 issue of the Official Journal of the Republic of Zaire, document AI, III-3244. Ibid, 154.

<sup>36</sup>Birindwa is a nice "take" for President Mobutu. He is one of a small group of those who founded the UDPS in 1982, defying the one-party system. He will be arrested several times and subjected to relegation. After 24 April, he will hold high positions at the UDPS, first in the Political Directorate, and then as secretary of the organization and spokesperson, finally as a member of the technical secretariat of the opposition (STOP).

<sup>37</sup>Kivu is a sensitive region, partly because it is where civil society has gained the most strength, on the other hand because it is the region that, along with Shaba, is experiencing the greatest development of inter-ethnic tensions and violence. Since mid-March, in the Walikale and Masisi areas of North Kivu, populations that call themselves "origin" -Nyanga and Hunde-are the hotbeds of an ethnic cleansing movement targeted the Banyarwanda, Hutu and Tutsi alike. Despite Nguz's presence in this government, few former ministers of the executive that he had formed at the end of 1991 retr ourour in the Birindwa team. The pool in which the head draws that the state is still well populated. Id. The system of "government tontine" thus of a turnover to positions of responsibility to satisfy numerous appetites, theineue to function. L.Monnier, 1993.

and enjoys a certain popularity in the capital, Shabien Nguz a Karl I Bond, here is brindwa's tour a mushi from South Kivu.<sup>37</sup>

The Birindwagovernment, dominated by the MPR and the other components of the Presidential Movement, nevertheless includes a dozen defectors from the Sacred Union. These will all be excluded (the UDPS expelled Faustin Birindwa from its ranks on 1 March, on the grounds of "political vagrancy").

The phenomenon of exclusions and dissent is not unique to the Sacred Union. It is all political formations and "platforms" (cartels) that are affected by the tendency to scissiparity. Thus, the parties excluded from the Sacred Union, such as UFERI and the DCF, divide themselves. As for the MPR, it has been undermined since the beginning of the transition by clashes at the top for the leadership of the "renovated" party and by dissension. According to journalists Lukusa and Tshimanga, the problems of money and the thirst for power are the basis of these phenomena.

It was the Birindwa government, the government of the Conclave, which exercised de facto power throughout this period. The "NSC" government, that of Tshisekedi, is cut off from presidential power and therefore from the control of the police, has no access to ministries, has no authority over the Bank of Zaire.<sup>38</sup>

But the situation involving split institutions can only exacerbate the crisis. It imposes the search for a third way in a situation where the political field is, at the moment, marked by divisions and rivalries that affect each side, but above all a sacred Union in need, if not a leadership, at least leadership.<sup>39</sup>

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<sup>38</sup>he continues to hold his weekly meetings and strives to promote the support he enjoys on the international scene But on this stage his competitor will score points. At the OAU, the United Nations, who, the Government Delegation biridwa will be approved. In the name of the principle of international law that recognition goes to states and not to governments, the criterion of the effectiveness of power is preferred in relation to that of legality. G. De Villers and J.Omasombo Tshonda, Op.cit., P.167.

<sup>39</sup> The Sacred Union, as we have seen, has already experienced numerous major defections (nguz, Mungul Diaka, Nyamwisi, Birindwa...) most soured by the lure of primacy or ministerial function. But this time, in an environment where the head of state is making a point while a third seeks to assert itself, the opposition building presents cracks that are becoming deeper and gradually dismantled. The very heart of the building is reached, this core of the USOR already reduced to two formations, the UDPS and the PDSC since the UFERI joined the presidential camp. It is not only in the ranks of the IDU and in those of the allies, but also in the PDSC and the UDPS that the challenge to Tshisekedi is growing, and that compete to the maximo leader. Ibid.P.19 3-194.

A presidential order of 14 January 1994 to dismiss the Birindwa government, but it will nevertheless remain in office until the establishment on 6 July of the same year of an executive led by Kengo Wa Dondo,<sup>40</sup> another leader of the opposition, representing a third way to emerge from the crisis of political cohabitation during the transition. But this has not failed to create some incredible situations in the High Council of the Republic-Transitional Parliament, such as that of the ouster of the prelate president.

## 2. 2 Do the need for a third way to ousting the prelate president

The logic of a third way is necessary for the prelate, carles two governments, that of Birindwa and that of Tshisekedi which is being reshuffled, are unfit to "reconcile the political class and the country."<sup>41</sup>

The people's palace talks begin as planned on 10 September, after a pre-competition phase. The negotiations lead to the adoption of three documents: a Memorandum of Understanding, a Special Arrangement and a Final Report.<sup>42</sup>

The UNHCR-PT office will receive 14 candidate files, 7 of which can be considered to be from USORAL. These are the following files: that of Tshisekedi presented by the dominant formation of the Sacred Union, allies and Civil Society, fraction which considers itself sole custodian of the

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<sup>40</sup> Id.

<sup>41</sup>The note that the prelate's chief of staff, Mr. Idzumbuir, prepared during discreet political talks in Brussels on 3 and 5 May speaks volumes. This note does not spare criticism, against a Tshisekedi government that "did little" with its few months of effective power and "violated the Transit Act "in the same way as the president. Acknowledging the fact that, on the one hand, the discouraged and apaful population can no longer be mobilised as in February 1992, that, on the other hand, the "foreigner" refuses to "abducting or neutralizing Mobutu", the only one left, is only in negotiations between the different political families that would benefit from the West's guarantee. Ibid.p.174.

<sup>42</sup>The fundamental points of the Memorandum of Understanding: the enlargement of UNHCR-PT achieved by merging it with parliament; co-optation of the negotiators of the People's Palace "who are neither councillors of the Republic nor deputies"; reaffirmation of the principles of "neutrality" and "non-conflictual" transition, principles laid down by compromise; the consecration and institutionalization of the bipolarization of the transition regime by calling for the UNHCR-PT office and the government to be constituted on a parity basis. The Soft of Finance,05/10/93; The Special Arrangement states two of these articles: the first, under which "the formation of the transitional government, at the end of these political consultations, must be "national reconciliation"; the fourth, which, invoking the "principle of equitable and balanced division of power," decrees that "the Head of Government must belong, during the transition, to the political family "USOR and allies". Thus, this text suggests that there has been agreement that the primacy is vacant., Id.,06/12/93; Final report identifies the remaining points of divergence. One of these relates to the source of legitimacy that the Head of State can avail himself of: for the USORAL, these are the texts promulgated by the CNS; for the FPC, it is universal suffrage, that is to say the score of 99% obtained by Mobutu in the last presidential elections, those of December 1984. But the most important discrepancy, because the most concrete is the Prime Minister, claiming that this position-occupied by Tshisekedi is not vacant; the FPC want the question put on the table, while admitting that the position is not vacant, being occupied by Birindwa. ,Id.,18/10/93;quoted in G.DE Villers and J.Omasombo Tshonda,Ibid,p.180.

Beyeye Djema, presented by new formations formed to support this candidacy: the collective (shortly)." L.Mende, president of the radical progressive collective, will not disavow the candidacy of Beyeye, a personality so close to the head of state that he is considered his "adopted son" USORAL/USORAS; those of Kengo Wa Dondo, Malumba Mbangula and Kamamda, each presented by a component of UURD; that of Lunda Bululu, presented by the allies grouped in the CROP; that of Mulumba Lukoji presented by the allies who recognize themselves in the RFCD; that of On 14 June, the High Council will elect a candidate. As a result of the boycott of USORAS, there will be only 465 councillors present (out of 780), 332 vote for Kengo's candidacy. The radical opposition rejects the legality of this election, with a good legal argument but which its opaque and undemocratic political behavior makes unconvincing.<sup>44</sup> And on 16 June, an investiture order endorsed the election of Kengo by UNHCR-PT<sup>45</sup>.

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43(Apart from the radical wing of the Sacred Union, we don't want to hear from USORAS...). The Office will split on the review of these files. In particular, Kinkela and Mubake, representatives of the radical opposition oppose Anzuluni and Vangu. USORAS suspends its participation in UNHCR-PT when the final of Article 78 decides to take up the question of the choice of candidate. Thus amputated, the Assembly constitutes on 13 May a commission of 33 members, chaired by Justin-Marie Bomboko, old figure of the Binza group. After weeks of political charivari, interspersed by a new day "dead city" on 27 May, the commission delivers its report on 5 May. The latter rejects Tshisekedi's candidacy, arguing that the Maximo leader refused to appear before her. Ibid., p. 201-202.

<sup>44</sup> The Constitutional Transition Act does not provide for the election of a Prime Minister by the UNHCR-PT. It is therefore necessary to article 69, paragraph 2 which states that "decisions issues of national importance (...) are taken by consensus." This notion of consensus is not defined in the Act, but it can be admitted, with the USOR parliamentary group and Allies, that the concept necessarily implies the realization of an agreement between the political components of the assembly, thus between majorities within each parliamentary group. Such a condition was not met where the USORAL/USORAS component (chaired by Birindwa) was absent. This analysis is all the less refutable since, with the establishment of UNHCR-PT and the adoption of Article 78 of the Act, the principle of the bipolarization of the political class (Sacred Union versus FPC) has been instituted. Of course, the opposition has fractured, but structures such as the URD or the RFCD cannot in any case claim (and do not do so) alone represent the Sacred Union. Ibid. P.202-203.

<sup>45</sup> The appointment of Kengo Wa Dondo as head of government was the result of a sovereign decision of the Head of State. This time, it is the culmination of political maneuvers that demonstrate clashes of interests and ambitions in the opposition 'family'. Ibid. p.205.

<sup>46</sup> From 9 to 11, the Prime Minister will present his team and his programme to UNHCR-PT for a "compliance role" in relation to the principles and guidelines agreed at the People's Palace Conclave, which culminates in a vote of nomination. Curious as this is the procedure (inauguration by parliament after appointment by the head of state), it complies with Article 78 of the Constitutional Act of Transition. Ibid., pp.208-209.

<sup>47</sup> It will be noted that Kengo has reserved three positions at UDPS. They will only be provided during a reshuffle on November 15. In fact, four members or ex-members of the UDPS - disowned by their party then entered the government: Mbumb Mussong, J. Ruhana M., W. Mishiki and O. Ntumba. <sup>47</sup> The Presidential Movement/FPC holds half of the positions as it has, but has appointed few strong representatives. However, Admiral Mavua's presence in defence and the head of the Ministry of Agriculture of Ms. Nlandu, Nguz's wife a Karl i Bond, will be noted. <sup>47</sup>

Washington, Brussels, in particular recognize the Kengo government or at least do not deny it<sup>48</sup>- as they did with Birindwa- legitimacy, and maintain political relations with it. normal diplomatics. Their alignment with Monsengwo will lead the troika countries to distance themselves from the radical opposition.

USORAS President Kibassa Maliba begins the process of political dismantling of the prelate by addressing the Episcopal Conference "a very strong protest (...) against the disturbing and unusual behaviour of the representative of the Catholic Church of Zaire at UNHCR-PT." In his letter, he denounces The presidential order for the appointment of members of the government was made on 6 July. Forced to pursue skillful dosages, Kengo has set up a heavy team of 47 members. This team includes a few ministers from the governments of Birindwa (Mutombo B.N.) and Tshisekedi (P. Lumbi, Kamanda wa Kamanda, Mwando Nsimba, Malumba Mbangula). The "opposition" is essentially represented by the URD and the Allied Cartel. However, the team includes a Deputy Prime Minister and a Minister who claim to be from the SDP. But this participation divides the christian social party and will cause it to break into two wings.<sup>47</sup>

the prelate-president's "sordid" political maneuvers.<sup>49</sup> And on 15 February 1995, he spoke directly to Monsengwo to inform him that USORAS was withdrawing his trust as a mediator and as president of UNHCR-PT.

But Bishop Monsengwo declared on 4 July that he would not relinquish his duties until the UNHCR-PT had declared its disavowal (which for him implies a plenary debate) on the basis of a qualified majority and had chosen his successor "by consensus of the entire political class". But the prelate is in an untenable position. With only the support of the Kengo movement, he is unable to continue in office, as Parliament's access is said to be in the sights of security.

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<sup>48</sup> Since in international law, as Belgian foreign affairs will recall, the recognition relates to states not governments. But none of the three countries renews public cooperation with Zaire. However, France will announce in April 1996 the resumption of this cooperation in health and education.

<sup>49</sup> The Lighthouse of July 12, 1994.

<sup>50</sup> On 31 March, a march was held in Kinshasa to demand the prelate's resignation. Tshisekedi is not showing up, but many radical opposition leaders have led the demonstration: for example, Mr Kinkela and Mubake, members of the HCR-PT Board, Lambert Mende, Dr. J.B. Sondji, R.Gisanga and Olenga Nkoi who, leader of a component of the radical opposition, the FONUS (Innovative Forces for Unity and Solidarity), seems to be at the initiative of the March Show Super Soft Weekend of April 1, 1995. Zaire-Africa, No. 294, April 1995.



After clinging to his post for another six months, Bishop Monsengwo, on 27 January 1996, will finally throw in the towel. He then declares: " (...) since I am prevented from exercising my constitutional prerogatives in accordance with the mission received from the NSC, I have decided, from this day on, to put an end to the events which are still my own within UNHCR-PT"<sup>51</sup>

Meanwhile, Tshisekedi not only spares the head of state but is more incisive about the role of Zaire's Western partners. Indeed, he reaffirms that his nomination file is on the president's desk and pretends that the order renewing Kengo was merely an incident of course, as if the process of "restoration of legality" was not definitively compromised; he asks the troika to cease its interference.

On 24 April, Belgium, France and the United States, which have just taken joint steps with the Zairian authorities, issued a joint statement which reads: "Instead of seeking a general agreement to promote recovery, certain forces create situations of conflict and obstacles that hinder the smooth transition to Zaire."

So, the real struggle around process control of the transition between Mobutu and the "sovereign institutions" cannot mask the peculiarity of the national conference<sup>54</sup> which lies in the extraordinary work of dramatizing the democratic idea. Having played itself in a place closed to itself, that is to say closed to the reality of the world, for having staged characters who are both actors and spectators, the national conference managed to focus attention on its allure because neutral, its playful dimension. For this reason, its richness and complexity go beyond the previously fixed issue, namely the question of mere entry into democracy.

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<sup>51</sup> As long as the political life was focused on the face of Mobutu-Tshisekedi, Bishop Monsengwo was able to impose himself in the role of mediator. Not having the means or not taking the means to exclude their opponent, the two protagonists needed him. But the new situation created by the election of Kengo puts the prelate off the game. The Head of State can consider himself in a position of strength; he has obtained the promotion of a man who, weak and politically fragile but with external support, cannot really compete with him while being well-liked to make him benefit from the international credit he enjoys. The radical opposition, on the other hand, can no longer accept the good offices of someone who, it believes, has disqualified by betting on Kengo. And it will ally with the presidential movement to get the prelate erased. G.de Villers and J.Omasombo Tshonda, *Op.cit.*, p.220

<sup>52</sup> New demonstrations are announced at the meeting, in particular a sit-in in front of the Western chancelleries. The Finance Soft of August 7, 1995.

<sup>53</sup> *Ibid.* P.223.

<sup>54</sup> Aminata Diaw, *Democratization and identity logics in action. The invention of politics in Africa*, series of monographs 2/94, CODESRIA, Dakar, P. 51.

And in the complex situations of the Zaire national conference, The President of Marshal Mobutu saves and reproduces his leadership in crisis.

## CONCLUSION

In staging the process of converting his authoritarian order into a democratic order, Marshal Mobutu, seeks mordicus to make his leadership survive. He succeeds in mounting his strategies and tactics on his institutional resources. To the extent that it is placed from the outset in a central position from the point of view of access to useful information, and the power it can exercise over its protagonists by legal injunction or de facto or by influence, it is always present in the distribution of roles both in the initial issues of decompression of its power and in those of so-called sovereign institutions of transition. Thus, by its stalemate, the episode of the but was the longest in the history of the third wave of democratization in sub-Saharan Africa; marked by failed attempts at the political game and the performances of clashes between radical actors.

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