



EUROPEAN PARLIAMENT

DELEGATION TO OBSERVE THE PRESIDENTIAL AND LEGISLATIVE ELECTIONS IN THE DEMOCRATIC REPUBLIC OF CONGO

(27 July - 3 August 2006)

**Report* by
Mr Jürgen SCHRÖDER,
Chairman of the delegation
23 August 2006**

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* The Members of the Joint Parliamentary Assembly ACP-EU Members associated to the delegation of the European Parliament associated themselves to this report.

Introduction

Following the receipt of an invitation addressed to the European Union on 17 May 2006 by the Revd. Apollinaire Muholongu Malumalu, President of the Independent Election Commission of the Democratic Republic of Congo (DRC), the Conference of Presidents on 14 June 2006 authorised "the sending of a delegation (exceptionally and given the importance of these elections for the country's transition to stability and democracy and the considerable interest shown by several political groups), to consist of 12 MEPs to be appointed by the political groups using the d'Hondt method, to observe the parliamentary and presidential elections in the Democratic Republic of Congo scheduled for 30 July 2006", and "if necessary, the second round of the presidential election". The list of delegation Members is attached in Annex A.

The decision to send this large delegation was thus taken in the light of the political momentum in the DRC, these being the first democratic elections to be held in the country in more than 40 years.

At the invitation of the Congolese authorities, the European Union set up an Election Observation Mission to observe these elections. As was the case for the EU EOM for the observation of the constitutional referendum in December 2005, this EOM was led by MEP General Philippe Morillon. The EU thus deployed about 250 long term and short term observers over the whole territory of the DRC. In accordance with regular practice in these situations, the European Parliament delegation and the EU EOM worked in close cooperation.

The delegation met two times before leaving for the DRC. At its first meeting on 29 June, the delegation elected Mr Jürgen SCHRÖDER as its Chair. The delegation also established the general lines of the programme and the deployment.

At its meeting on 5 July, the delegation held an exchange of views on the political situation in the DRC with General Morillon. The EU EOM's Chief Observer briefed the members of the delegation on the security situation in the country and the activities of the EU EOM mission. The delegation further discussed the programme and the deployment.

At its meeting of 19 June 2006 in Vienna, the Bureau of the ACP-EU Joint Parliamentary Assembly decided that "two ACP Members would join the European Parliament delegation that would be sent to the Democratic Republic of Congo to observe the elections in that country". The delegation agreed that the designated ACP JPA Members (Mr Eustache Akpovi [Benin], Member of the JPA Bureau, and Mr Benjamin Bounkoulou [Republic of the Congo]) should be associated to its mission and could take part in all delegation activities.

Context: the peace and transition process in the DR Congo

With its 2,345,410 km², the DRC has the size of a sub-continent, slightly bigger than the 'old' EU 15, located right in the middle of the African continent. The population is estimated to number 62 million, but the country hardly has any roads or other functioning communication or social infrastructure. The predatory nature of the Mobutu regime, which lasted for 35 years, resulted in the almost complete absence of government structures and services. The mineral wealth of its Katanga province ("the most mined place in the world") makes that the country is endowed with vast potential wealth, which has attracted continued interest by a variety of States and world powers (Belgium, the USA, Russia, China, a number of the DRC's neighbours and the EU).

The presidential and legislative elections in the DR Congo are the first steps in the final phase of a long process of political transition, which follows six years of armed internal and external conflict.

The 1994 Rwandan genocide and the related violence in neighbouring Burundi led to a crisis in the east of Zaire - as the country was called under Mobutu -, as hundreds of thousands of Hutus fled into that part of the country. The refugee camps became dominated by the Interahamwe Hutu militias (the main authors of the genocide), who were supported by the former Rwanda military.

The first Congo War started in late 1996. In May 1997, the Alliance of Democratic Forces for the Liberation of Congo-Zaire, led by Laurent-Désiré Kabila and supported by Burundi, Uganda and mainly Rwanda, overthrew the dictatorial regime of Mobutu Sese Seko. Laurent-Désiré Kabila became President of the Democratic Republic of Congo.

The second Congo War erupted in 1998, when Kabila ordered his former Rwandan and Ugandan allies to leave the territory of the DRC. It was the widest interstate war in modern African history, directly involving nine African nations, as well as about twenty armed groups, which made it "Africa's World War". In it, an estimated 3.8 million people died, mostly from starvation and disease brought about by the conflict (the deadliest since World War II). Millions more were displaced internally or fled to neighbouring countries.

A ceasefire agreement was signed in Lusaka in 1999, but it failed to end the war. In January 2001, Laurent-Désiré Kabila was assassinated and his son Joseph Kabila took over as President of the DRC. In April 2002, in Sun City (South Africa), the warring parties reached an agreement on the DRC's future state structure. The agreed framework would provide the DRC with a unified, multipartite government and democratic elections. The implementation of the ceasefire is monitored by a UN peacekeeping force (MONUC), which - with presently some 17,000 troops deployed - is the largest and most expensive UN peacekeeping operation anywhere.

An Intercongolaise Dialogue was started. This was the mechanism that brought together the main political groups in the DRC, namely the *Rassemblement congolais pour la démocratie* (RCD, led by Azarias Ruberwa), the *Mouvement pour la libération du Congo* (Jean-Pierre Bemba's MLC), two splinter groups from the RCD, the Mayi-Mayi militias (a variety of armed militias scattered in the Kivu provinces and in Katanga), the forces controlled by President Joseph Kabila, as well as the internal (unarmed) political opposition and representatives of the civil society. On 17 December 2002, these groups signed the Global and All-Inclusive Agreement, providing for a new government to preside over a transition scheduled to last two years (but extended three times and now ending on 30 July 2006).

The foreign armies withdrew from the country and the new transitional government (formed according to the "1+4" formula - one President and four Vice-presidents, one from each the government, MLC, RCD and the political opposition - in the DRC's political slang this group is called the *espace présidentielle*), took office in July 2003. Following the establishment of an Independent Electoral Commission (CEI), voter registration took place. Over 25 million Congolese registered for the referendum on the new Constitution of May 2005. In December 2005, this draft constitution was supported by almost 85 percent of registered voters, with a 62 percent voter turnout.

The European Community's cooperation with the DRC was resumed in 2002 under the Cotonou Agreement. The Commission's indicative programme 2003-2007 aims to fight poverty and provide support for institution building. Since 2002, these priorities have been funded with some

750 million euro. The Commission has indicated that for the next indicative programme for the period 2008-2013, it will aim to build on the election process with support for governance, judicial reform and security sector reform.

The European Union has contributed significantly to the election process by funding much of the electoral budget, training several thousand policemen and by agreeing to make available a contingent of some 1500 European troops (EUFOR) to support the UN mission during the elections. European Community support for the election process in the DRC stands at 149 million euro, making it the largest Community contribution ever to an election process. Together with 100 million euro of bilateral support provided by Member States, this amounts to 250 million euro (\$320 million) or nearly 80% of the overall costs for the elections.

The election observation mission¹

Wednesday 26 July

Meeting with General Morillon, Chief Observer of the EU Election Observation Mission

General Morillon welcomed the European Parliament Delegation and described the activities of the EU EOM. This includes a core team, long term observers and short term observers. On Election Day, more than 300 EU observers will be deployed across the country, making the EU EOM the single largest observer mission in the DRC (out of an estimated 1700 international election observers). Particular attention will be paid to the tabulation and the compilation of the results, with EOM long term observers present in each of the country's 62 *Bureaux de Liaison* (Liaison offices). While maintaining its independence, the EU EOM will liaise closely with other international observer missions, in particular those from the African Union, the Southern African Development Community and the Carter Center.

The members of the delegation also exchanged views with General Morillon on the political situation in DR Congo. They were also briefed on the security conditions surrounding the election process.

Visit to Bas-Congo and meeting with medium term observers

The delegation visited the town of Kisantu, in the Bas-Congo province at 120 km from Kinshasa. In Kisantu, they were met by the EU EOM long term and medium term observers, who briefed them on the preparations for the elections. They learned that the Bas-Congo province does not have any particular security problems in the run-up to the elections. One of the major difficulties is the inaccessibility of one of the electoral constituencies, that of Kimvula (to be noted that the Bas-Congo province, where the country's only sea port of Matadi is located, is the province with best access from and to Kinshasa, thanks to the rehabilitation of the Kinshasa-Matadi road - with EDF funding - and the existence of a railroad between these two cities). In spite of these logistical difficulties, registration for the elections was high, and the CEI and polling centre staff's motivation had greatly contributed to solve the difficulties encountered: training of polling station staff had taken place and voting materials were in place. Most of the training had concentrated on the different forms to be used during the voting and tabulation processes.

¹ Full programme in Annex B

Thursday 27 July

Briefing by the EU EOM on practical and logistical aspects of the election

At this briefing, organised by the EU EOM for the election observers from the foreign diplomatic missions present in Kinshasa, Members of the delegation received explanations on the technical guidelines concerning the observation and received detailed information with regard to the forms that each team would have to use for their observations on Election Day.

Meeting with long term observers

In the afternoon, the delegation met the long term observers in Kinshasa, who briefed the Members on the administration of the elections in the city. Together with the long term observers, each team for the city of Kinshasa established a possible itinerary for their deployment on Election Day.

Friday 28 July

Kinshasa

Briefing by members of the core team of the EU EOM on different aspects of the election observation

At a special briefing for the EP delegation, General Morillon and the members of the EU EOM core team gave a comprehensive briefing, covering the following aspects:

- Analysis of the political situation
- Analysis of the electoral situation
- Logistical aspects
- Deployment of EP observer teams in Kinshasa
- Security
- Media and election campaign.

The logistical challenge of staging the elections, in which 33 candidates compete for the presidency and 9600 candidates for 500 National Assembly seats, is immense. The distribution of election materials and personnel across the country has been greatly complicated by the near-total absence of passable roads and the absence of a functioning civic administration in most areas. Responding to the challenge, international donors have given hundreds of millions of euros to finance the process, and South Africa has provided considerable technical support, including printing and supplying the ballot papers.

The complicated electoral system for the legislative elections (a mixture of uninominal 'first past the post' constituencies and plurinominal constituencies with proportional representation on the basis of open lists) has aggravated the logistical problems (in Kinshasa, this has led to a poster-size six page ballot, containing the names, logos and photographs of close to 900 candidates per electoral constituency), but was - according to the EOM experts - the only possible political compromise acceptable to all parties.

At the political level, the process was further complicated by the reluctance of some of the main figures of the transition process to relinquish through the ballot box the positions they obtained by force of arms. The arrangements for the transition, worked out mainly to prevent a resumption of the armed conflict and therefore felt to favour the former belligerents, are not

easily accepted by the political representatives of the 1/3 of the country which was not directly affected by the war. Considerable pressure by the international community has therefore been necessary to bring the transition process to its final phase. This pressure is resented by part of the Congolese public as undue interference by the international community in the RDC's internal affairs. This state of affairs makes that international election observers have a very delicate position and will have to be extremely careful to preserve the image of neutrality and impartiality which is required for fulfilling their mission.

In terms of security, the election campaign has been relatively calm, with the notable exception of the disturbances which occurred on 27 July at the return to Kinshasa and the end of the election campaign of Vice-President Jean-Pierre Bemba, and which later turned out to be the most serious incident of the whole campaign period.

Meeting with Ambassador Carlo De FILIPPI, Head of the Delegation of the European Commission, and with the Heads of Mission of the EU Member States

The delegation held an exchange of views on the different aspects of the electoral process with the following Heads of Mission:

- H.E. Carlo de Filippi, Ambassador, Head of Delegation, European Commission;
- H.E. Boguslaw Nowakowski, Ambassador of Poland;
- H.E. Magnus Wernstedt, Ambassador of Sweden;
- H.E. Alfredo Duarte Costa, Ambassador of Portugal;
- H.E. Ioannis Christofilis, Ambassador of Greece;
- H.E. José Pascual Marco Martínez, Ambassador of Spain;
- H.E. Jan Filipensky, Chargé d'Affaires a.i., Head of Mission, Czech Republic;
- Mr Adrian Seufert, first secretary, Embassy of Germany;

and with:

- Superintendent Adílio Custódio, Head of Mission, EUPOL Kinshasa;
- Major General Christian Damay, EU Force Commander;
- Admiral Henning Bess, Deputy EU Force Commander;
- General Pierre-Michel Joana, Head of Mission, EUSEC Congo;
- General Philippe Morillon, MEP, Chief Observer, EU EOM.

Superintendent Custódio briefed the delegation on the violent incidents occurred the previous day at the occasion of the arrival in Kinshasa of presidential candidate Jean-Pierre Bemba and the closing rally of his election campaign. The incidents included the kidnapping and killing of four Congolese police officers, the setting on fire of a church, the destruction and pillage of the headquarters of the official media monitoring body *Haute Autorité des Médias* (HAM) and the *Observatoire national des Droits de l'Homme* (ONDH), a fire and explosion of ammunition at the barracks housing Mr Bemba's bodyguards inside his compound in the city centre (resulting in the death of an undisclosed number of bodyguards). The EUPOL Head of Mission stressed, however, that the restraint shown by the members of the Integrated Police Unit, who were responsible for assuring the security of the manifestation, in their dealings with Mr Bemba's bodyguards, had prevented a very volatile situation from running completely out of hand, and should be seen as a tangible and positive result of EUPOL's efforts to create a professional new national police force.

The delegation also requested information on the perception by the Congolese public and political class of the remarks attributed to European Commissioner Michel in support of one of

the presidential candidates, the incumbent President Joseph Kabila¹. The alleged remarks, which went virtually unnoticed in Europe, led to accusations by a number of presidential candidates and political figures in the DRC of partiality of the international community in favour of the incumbent president and seem to have affected the image of impartiality of the European Union and its election observers.

Meeting with the Revd. Apollinaire Malumalu, President of the Independent Electoral Commission (CEI)

The President of the Independent Electoral Commission welcomed the presence of international observers at the elections as a sign of the renewed interest of the international community for the democratisation process in the DRC.

During the exchange of views with the Members of the delegation, questions and explanations centred around the role of the international, and – even more importantly – national election observers in reporting irregularities in the voting and tabulation process and in preventing fraud; the crucial role of the polling station staff and their training (using a cascade system, whereby in a first phase a limited number of national trainers were trained, who – in turn – formed provincial and local trainers; they, in turn, then trained the more than 248,000 staff members of the polling stations); the logistical, technical and administrative problems confronting the CEI; and the security arrangements for ensuring the safety of the election process.

The President of the CEI also clarified the legal arrangements for the end of the transition process and the installation of a new government, representative of the people's will as expressed through the elections. The Constitution of the Transition explicitly provides for the continuation of the transitional government until the formation of a new democratic government (Article 222: "The political institutions of the transition remain in function until the effective installation of the corresponding institutions provided for by this Constitution and they shall perform their functions in accordance with the Constitution of the Transition"). If no presidential candidate obtains more than 50% of the vote, there will be a run-off ballot on 29 October. On that date, voters will also elect members of the 25 new provincial parliaments (and for the city of Kinshasa); in turn, these will then elect provincial Governors and 120 senators to the national Senate. The Constitution stipulates that the new government, which will be appointed by the elected president, will only become functional once the Parliament (Senate and National Assembly) is in place, which is thought unlikely to be before December 2006. This means that there may be a period of up to six months (or even longer) between the legislative elections of 30 July and the establishment of a new government. This long period of "*la petite transition*" may lead to political instability. The President of the CEI indicated that it may be necessary to find a solution acceptable to all stakeholders to avoid extending the transition period for too long.

Lubumbashi

Mrs Fiona Hall and Mr Richard Howitt arrived in Lubumbashi on a MONUC flight on Friday afternoon.

They met Mrs Elodie Hermant, long term observer in Lubumbashi, who briefed the team on the specific election situation in the Lubumbashi area.

¹ During a talk show on the Belgian RTL-TVI television chain (the "Controverse" programme of 18 June 2006, where Commissioner Michel was questioned by journalist Pascal Vrebos)

Saturday 29 July

Kinshasa

Visit to the EUFOR RD Congo headquarters and meeting with representatives of the different national units

At Camp Ndolo, the operational headquarters of EUFOR Congo, the Members were received by Major General Damay, EU Force Commander, Admiral Henning Bess, Deputy EU Force Commander, and Lieutenant Colonel Thierry Fusalba, the EUFOR RD Congo spokesman. They received a comprehensive briefing on the mandate, the composition and the activities of EUFOR RD Congo, which had reached on that same day its full operational capacity (according to its mandate, EUFOR will be deployed in the DRC for a period of four months starting on Election Day).

EUFOR RD Congo includes three echelons: an 1100-strong rapid response echelon based at Ndolo airport in Kinshasa, an echelon of 1000 reserved in Gabon, and a strategic reserve force of 1500 in Europe.

The operating force of EUFOR RD Congo mainly consists of ad hoc units. One Polish company and one Spanish company are deployed in Kinshasa, with three German helicopters and two Belgian planes for tactical transport, as well as four drones. There is also a fully equipped German medical unit. In the Gabonese capital Libreville, three airborne battalions, two French and one German, are on permanent alert with more than 10 helicopters and one C-130 plane for transport. As visibility and credibility of EUFOR's role are an important element of the mission, EUFOR RD Congo, comprising troops from 20 Member States and from Turkey, has marked its presence by reconnaissance flights over the city, the rehabilitation of the installations of Camp Ndolo and assistance to local NGOs in distributing food. The budget for the mission is about 17 million euro.

In accordance with the mandate received from the UN Security Council at the request of the Congolese authorities, EUFOR RD Congo is to monitor and ensure the security of the electoral process in support of MONUC. Therefore, EUFOR RD Congo should be seen as the last element in a chain of institutions responsible for ensuring the security of the election process; the first and most important components of this chain are obviously the institutions belonging to the sovereignty of the DRC (the country's police forces, followed by the country's army FARDC), followed by MONUC. Any actions which will be undertaken by EUFOR during the electoral period will be so at the request of MONUC. As a consequence, all EUFOR forces will be in full standby but remaining in their barracks on Election Day.

The delegation received a guided tour of the EUFOR operational headquarters, after which Members had the opportunity to have private contacts with its different national constituent units.

Meeting with national observers

The delegation met representatives from the following national organisations, involved in the monitoring and observation of the election process:

- PREFED (*Programme régional de formation et d'échanges pour le développement*)
- RODHECIC (*Réseau d'organisations de défense des droits humains et d'éducation civique d'inspiration chrétienne en RDC*)

- SDV/ADDE (*Système de veille - Association pour la Défense des droits de l'enfant*)
- CONAFED (*Comité National Femme et Développement*)
- REFED Kinshasa (*Réseau Femmes et Développement*)
- GAT/OCAP (*Groupe d'Actions de citoyen pour la surveillance de la transition / Observatoire citoyen de l'action publique*)

All these organisations, together with some 20 other NGOs and civic organisations, have united in the CDCE (*Cadre de concertation de la société civile pour l'observation des élections*).

The CDCE is coordinating the different civil society platforms observing the elections. Through its actions, it hopes to contribute to ensuring that the elections are free, transparent and democratic. Special attention is therefore paid to the respect of the rights of the voters and the candidates, and to the organisation of the electoral operations. This will help strengthen the public's confidence in the electoral process. By reporting irregularities and denouncing cases of fraud, the CDCE hopes to contribute the acceptance of the results by the candidates.

The CDCE is convinced of the important role civil society should play in these elections. Election observation by organised groups of civil society is the best way of ensuring the integrity and the transparency of the electoral process.

The CDCE also welcomed the presence of international observers, but stressed the essential role of the presence of national observers, who are often better placed than their international colleagues to observe the electoral process.

Well organised and prepared local observers have important advantages over their international colleagues: they can more easily set up large networks of observers, they know the political sensitivities, the local culture and language, the geography of the country, etc. Their experience as election observers can also be used for the improvement of the democratic practice in the DRC once the new structures are in place.

The CDCE has set up a common strategy for deploying observers in all 9,000 polling centres with their 50,000 polling stations. They will therefore be present in all 169 electoral constituencies and in the 64 *bureaux de liaison*. Such massive deployment and consequent reporting should guarantee the credibility and the transparency of the electoral process, and strengthen the confidence of the voters, of the political parties and of the candidates in the process, so that the DRC of tomorrow is managed by fully legitimated institutions.

The CDCE's observations of the period preceding the elections, and in particular the election campaign, correspond to the observations made by other observer teams, in particular the EU EOM (see preliminary statement in annex D): with the exception of Kinshasa and some other urban centres, there has hardly been any electoral campaign (there was e.g. virtually no campaigning in Kisangani, and hardly any in Bukavu); in the campaign itself, a number of shortcomings were observed, in particular in relation to the candidates' access to the media, the respect of the freedom of movement of the candidates throughout the national territory and their freedom of expression. On the other hand, the campaign was relatively peaceful and only a limited number of occurrences of violence have been observed. There was, however, an absolute lack of transparency in the means used by the different candidates for their election campaigns; the candidates with access to state resources seemed to dispose of a disproportionate advantage in their campaign in relation to those who did not have these facilities.

Meeting with Mr Ross Mountain (MONUC: Deputy Special Representative of the UN Secretary-General, Resident Coordinator and Humanitarian Coordinator for the DRC)

The exchange of views with Mr Mountain concentrated on the humanitarian situation in the DRC, and on the organisation of the election process.

Humanitarian situation: the conflict in the Congo is probably the world's worst and certainly the world's deadliest ongoing humanitarian crisis. Credible mortality studies estimate that some 3.8 million people died since 1998, and that about 1,200 people continue to die each day (about 37,000 each month) from conflict related causes, mostly disease and malnutrition (and to a lesser degree from ongoing violence). Congo's monthly mortality rate is 40 percent higher than the average for sub-Saharan Africa, and in the eastern provinces, which have been most affected by the war, death rates are 93 percent higher than the average for sub-Saharan Africa. War has cut off or reduced access to health services for millions of people, and as a consequence, most deaths are due to preventable and easily treatable diseases such as malaria, diarrhoea, respiratory infections and malnutrition. Major fighting ended in 2002 but the situation remains precarious (particularly in the East of the DRC) because of continued insecurity, poor access to health care and inadequate international aid.

Many aspects of governance and all parts of the country have suffered from decades of neglect. Poor governance and mismanagement of resources have all contributed to the chronically poor state of services and have created reticence by the international community in fully addressing the DRC's needs. Previous appeals have been modest in relation to the scale of need and even so funding requests have only been partially met. Compared to other humanitarian crises, the DRC has been among the lowest per capita recipients of assistance. While donors are rightly investing over \$450 million in support of the electoral process, they must do more to counter the humanitarian crisis: so far, they have provided only \$236 million in humanitarian aid, just over a third of the \$668 million requested by the United Nations when it launched its appeal in February. As a result, food aid has been cut in half and entire families are dying from preventable diseases. At the current rate, just 40 percent of the funds needed to look after more than 10 million Congolese will be received by the end of the year.

Organisation of the election process: In his briefing of the delegation, Mr Mountain concentrated on the logistics of the election process, stating that all in all the process had been extremely successful. This was already visible in the first phase of the process: the registration of potential voters, which - with almost 26 million registered voters - exceeded even the boldest provisions of the election authorities (privately, the UN considered that 20 million people registering should be considered a success). He also explained that, because some CD-ROMs containing the registration details of about 1.3 million registered voters had been damaged or lost (or in some cases withheld by registration staff claiming their pay), it had been necessary to establish a "list of omitted voters" (*liste des omis*) for certain polling stations. Voters in the possession of a registration card with a registration number corresponding to a certain polling station but not figuring on the voters' list of that polling station, would be registered on the "*liste des omis*" for the polling station.

To ensure transparency, 347,000 witnesses for the election candidates would monitor the election process in almost all polling stations. In total, some 1,700 international observers had travelled to the DRC for the elections. UNDP is responsible for paying, on behalf of the CEI, the 260,000 electoral workers, the 12,000 polling station supervisors and the 73,000 policemen responsible for guaranteeing security throughout the electoral process.

Mr Mountain also warned that the elections are a necessary, but not a sufficient requirement for the installation of a democratic government in the DRC. In his opinion, the election process – and in the margin of it involvement and training of hundreds of thousands of people (security forces – both police and army -, electoral workers, polling station staff, national observers, ...)

in democratic practices constituted an enormous capital for the democratic future of the DRC. It would be a pity not to consolidate and deepen this potential. Therefore, the international community should continue its efforts for the development of the DRC also – and mainly – after the elections and the installation of the new government issued from this process. The development of democracy and democratic institutions is a long term project requiring sustained assistance from the international community. He warned that the new Parliament would need considerable help in its activities in order to fulfil its democratic role, and expressed the hope that the European Parliament could play a role in supporting the new Congolese Parliament.

Meeting with the presidential candidates

At the request of the delegation, general Morillon, Chief Observer of the EU EOM, invited all presidential candidates, as well as the Heads of the different international observation missions, for a meeting with the delegation.

The following presidential candidates participated in the meeting:

- Mr Norbert Likulia Bolongo (independent candidate);
- Mr Guy Patrice Lumumba (independent candidate);
- Mr Alafuele Mbuyi Kalala (*Rassemblement pour une nouvelle société*);
- Mr François Joseph Mobutu Nzanga Ngbangawe (*Union des démocrates mobutistes*);
- Mr Florentin Mokonda Bonza (*Convention des démocrates chrétiens*);
- Mr Thimothée Moleka Nzulama (*Union du peuple pour la paix et l'Agape*);
- Mrs Justine Mpoyo Kasavubu (*Mouvement des démocrates*);
- Mrs Marie-Thérèse Nlandu Mpolo Nene (*Parti pour la paix au Congo*);
- Mr Pierre Pay-Pay wa Syakassighe (*Coalition des démocrates congolais*);

and a representative of each of the following candidates:

- Mr Joseph Kabila Kabange (independent candidate);
- Mr Vincent de Paul Lunda Bululu (*Rassemblement des forces sociales et fédéralistes*);
- Mr Paul Joseph Mukungubila Mutombo (independent candidate).

Also present were members of the diplomatic corps accredited in the DRC and representatives of a number of international observation missions (notably the Economic Community of Central African States (ECCAS), the Carter Centre, the Francophonie, the South African observer mission and the Japanese observer team). The meeting was jointly chaired by General Morillon and Mr Théophile Nata, Deputy Speaker of the Pan-African Parliament and Head of the African Union's international observer mission.

With the exception of the representative of presidential candidate Kabila (who declared that the candidate he represented did not have any special observations regarding the organisation of the electoral process) and the representative of presidential candidate Mukungubila (who did not take the floor), all other presidential candidates complained about the lack of impartiality and equity in the way the election campaign was conducted. Some candidates reported that they had been victims of bureaucratic and administrative measures by State officials, with the explicit aim of preventing them from campaigning throughout the national territory (one candidate reported that the authorities had refused to refuel the private plane he was using for his campaign in the provinces, another candidate reported that her private car had been illegally impounded by the police); most candidates reported that they had the distinct impression that everything had been done in order to massively favour one particular candidate against all others. According to them, there had been a massive and abusive utilisation of State resources in order to favour the incumbent President, Joseph Kabila. All these candidates complained about the total lack of transparency of the finances and other resources used for the election campaign. The candidates who had access to the levers of power misused their authority and access to

public resources during the campaign. One candidate warned that "an inequitable process cannot possibly lead to credible election results".

Some candidates also accused the CEI of irregularities (although without giving concrete examples). One candidate accused the international community (and in particular Belgium) and the international observers of bias in favour of the candidacy of the incumbent President of the Republic. These remarks prompted a reply by the former President of Burundi, Pierre Buyoya, who chaired the ECCAS observer delegation and who clarified the role of the international observers in the election process and appealed to the candidates to make use of the structures provided by the Constitution and the Election Law to lodge their complaints and to report any irregularities verified during the election process.

Lubumbashi

Meeting with Mrs Betty Mzeza, Coordinator of the Provincial Network for observing the electoral meetings and manifestations

Mrs Betty Mzeza has followed the entire campaign process and presented the conclusions of her observation to the Members. She mentioned that the financial aspect was very important during the campaign. No pressure or intimidation upon the population was noticed during the pre-election period. Mrs Mzeza expressed her belief that the Congolese population is mature enough to decide for itself for whom they will vote. This maturity has its roots, she explained, in the difficult experiences that they had to pass through during the past years.

Visit of the Lubumbashi *Bureau de liaison* and meeting with Mr Eddy Mutombi, Responsible for the Civic and Electoral Education within the Bureau

The delegation visited the Liaison Office in Lubumbashi and observed the specific preparation that was underway. Mr Mutombi explained his responsibilities related with the activities of popularization of the voting procedures among both the voters and the polling centres' staff.

Visit to the Prison where Simon Kimbangu was incarcerated

Mr Katshiyi Tinauta, national observer described to the members the history of Simon Kimbangu, prophet of the Congolese Kimbanguiste church.

Meetings with different candidates from Katanga province to the legislative elections (continued on Monday 31 July)

The delegation met candidates from the following political parties and movements participating in the legislative elections:

- Movement for the Liberation of Congo (MLC - *Mouvement de libération du Congo*);
- Coalition of Congolese Democrats (CODECO - *Coalition des démocrates congolais*);
- People's Party for Reconstruction and Democracy (PPRD - *Parti du peuple pour la reconstruction et la démocratie*).

All candidates underlined the importance of the international community's support, particularly the EU support, for the organization of these elections. The candidates agreed that without the financial resources and the know-how training provided by the international community, these elections could not have been organized effectively.

Nevertheless, the delegation members also noticed that the perception of neutrality of the EU in the election process has been significantly questioned, due to several factors which intervened during the pre-election period.

Some of the candidates made reference to the imbalance in spending by the different political parties; this has had undue influence on the campaign, and consequently on the results. It was also emphasized that the election campaign was not a debate between the different candidates on their political platforms, long term objectives or ideology, but that it was more a list of promises related to the immediate needs of the population.

All candidates indicated their support and appreciation for the fact that the campaign has been generally peaceful and non-violent; they emphasized that this had been their constant appeal during the pre-election period and they expressed their hopes and expectations for a calm election day. They also warned that the Congolese people would react and contest the results if the elections were not transparent and if there was any suspicion of fraud.

Sunday 30 July, Election Day

The following observations were made by the observation teams in Kinshasa and Lubumbashi. These teams comprised MEPs, JPA Members and EP staff members (see Annex C).

The four teams deployed in Kinshasa visited about 25 polling centres in different neighbourhoods of the capital, representing over 120 polling stations (it should be noted that not all polling stations in all polling centres were observed in detail by the teams). The Lubumbashi team visited 5 polling centres (representing about 25 polling stations, of which 11 were observed in detail) in Lubumbashi and in Kipushi, a mining town close to Lubumbashi on the Zambian border.

Our teams' general assessment was that Election Day was calm, generally peaceful (with the exception of the towns of Mbuji-Mayi and Mweka in the Kasai provinces, where due to the destruction of election material and the arson of some polling centres, voting was reported to have taken place on Monday 31 July in 172 polling stations in Mbuji-Mayi and 54 in Mweka) and that voting took place in a disciplined way.

On the morning of Election Day, each team observed the opening procedures in a selected polling station. In all cases observed, the polling station staff followed carefully the opening procedures and opened the polling station more or less in time, as stipulated in the law (between 6 and 6.30 am). By 7 am, most polling stations observed were fully operational and functioning.

The polling stations were not overcrowded; the voters were waiting orderly in queues outside the polling stations. The teams were well received in almost all places. Polling station staff seemed to be aware of the role and rights of the international observer teams under the Election Law and always received the observer teams correctly in their polling stations. In Kinshasa, some teams were met in some polling centres (but outside the polling stations) with verbal hostility by youngsters waiting to cast their votes, who accused the European Union of favouring the candidacy of President Kabila and of trying to prevent Vice-President Bemba from being elected as President.

Polling station staff appeared to be well trained and to be aware of their tasks, which they performed in a dedicated and responsible way. The voters received an explanation on the voting procedures, and - complementary to that - in Lubumbashi posters were displayed outside the

polling stations presenting the steps to be followed inside the polling stations. This was not the case in Kinshasa. The teams noticed that in Lubumbashi the voters' lists were not posted outside the polling stations, as required by law. In most places observed, both in Kinshasa and in Lubumbashi, the posters containing information on the candidates (published by CEI) were also missing.

In Kinshasa, the size of the ballot papers for the legislative elections caused practical problems (too small polling booths, difficulties in folding the ballot paper and inserting it into the ballot box), which were in some cases solved by the polling station staff in creative - but technically incorrect - ways (in one polling station, one of our teams observed that the polling station secretary would ask voters which page of the six page ballot paper they wanted; ballot papers were disassembled and the voter would only receive the specific page s/he requested). In general, polling stations (often in a school classroom) were poorly lit, resulting in some cases in polling booths being placed in a way which allowed more light to fall in but which at the same time compromised the secrecy of the voting. The many national observers and political party witnesses, however, did not seem to object to these 'creative' solutions to the practical problems encountered.

Our teams noticed the permanent presence of witnesses from different parties and national observers representing different local NGOs. Only in one case (in Lubumbashi) did one of our teams notice an unbalanced presence of witnesses (where one party had more than one witness in the polling station). No campaign signs or posters were found in the polling centres or in their proximity.

More serious were some late changes by the CEI to established procedures. Thus, a decision was taken (apparently the evening before Election Day), to reduce the number of polling stations in some polling centres, particularly in Kinshasa. This decision necessitated the issuing of new voters' lists, which were distributed in some cases during the morning of Election Day. Since these new lists were organized alphabetically, whereas the old lists were ordered according to the voters' registration numbers, it became practically impossible to verify the correspondence between the two lists. Where no new lists were issued, the decision to reduce the number of polling stations had as a consequence that voters with very similar registration numbers (the only difference being the two digit number of the registration station - and in this phase of the process: polling station) were placed on the same voters' list, prompting accusations of falsification of the lists by the electoral authorities. These decisions caused considerable confusion and tensions in a number of polling stations - certainly because they were not properly communicated by the CEI to polling centre officials and the general public, prompting some polling centre secretaries to order the establishment of open ended '*listes des omis*', where virtually any voter presenting her/himself with a valid registration card could register themselves. This may have undermined the safeguards built into the system for ensuring its transparency and integrity. The delegation is not in a position to assess the possible impact of these last minute changes on the integrity of the voting and tabulation process.

No deliberate fraud, which could cast doubt on the credibility of the voting and the counting procedures, was observed by the EP teams. The delegation takes the opportunity to recommend the practice of an established procedure for assisting the illiterate or people with disabilities when voting (thus further clarifying Article 58 of the Electoral Law). Informal soundings by delegation Members of voters who had just cast their ballots with the assistance of somebody else, clearly indicated that no influence was exercised upon them. The delegation therefore concludes that no pattern of fraud or ill intentions could be noticed in this regard.

Closing and tabulation procedures were also observed by our teams. The procedures for allowing voters in the queue at closing time to cast their ballot were followed correctly. Polling stations were swiftly transformed into tabulation centres ("*centre de dépouillement*"). Tabulation centre staff (the same people as the polling station staff) showed a relatively good command of the procedures and made the count fully transparent to the observers present. Our teams were impressed by the dedication of the tabulation centre staff during the tabulation procedures, given the difficult conditions in which they often had to perform their duties (lack of electricity, length of the process - sometimes 17 hours for the counting, lack of food or water, lack of sleep during 24 hours or more).

In and around all polling and tabulation centres visited, police were present and visible throughout polling and tabulation. All teams reported the courteous and correct behaviour of the police in relation to the public and their absence of any attempt to influence the voting of the voters. In some cases, however, the police detachment guarding the polling centre was armed, although nobody seemed to feel this armed presence as threatening.

The delegation wishes to congratulate and recommend the Congolese people for the civic spirit of the voters and their eagerness to cast their vote. The Members also salute the democratic commitment from the side of the people responsible for organising and executing the election and tabulation process.

Monday 31 July

Kinshasa

In the afternoon, the Kinshasa observers held a debriefing, the results of which have been resumed in the previous section. They took into account the initial conclusions of their Lubumbashi colleagues, which were transmitted to Kinshasa by e-mail.

Lubumbashi

Debriefing with the Short Term Observers from Lubumbashi

Delegation Members exchanged views with other short term observers deployed in Lubumbashi. The results of their findings are reflected in this report.

Meeting with Colonel Seguin, Chief Police Officer for Lubumbashi

The meeting was organized following the student protest which took place in Lubumbashi during Election Day. Students registered to vote in their hometowns, had demanded to be allowed to cast their votes in Lubumbashi.

Colonel Seguin presented his view on this manifestation and described the strategy undertaken by the police to prevent any violent consequences of this protest. Colonel Seguin reported that there were no victims, six people had been arrested, but the manifestation did not disrupt voting procedures in Lubumbashi.

Tuesday 1 August

After the return of the Lubumbashi team, the delegation hosted a dinner for the following guests:

- H.E. Carlo de Filippi, Ambassador, Head of Delegation, European Commission;
- H.E. Reinhard Buchholz, Ambassador of Germany, representing the EU Presidency;
- Mr Ross Mountain, MONUC: Deputy Special Representative of the UN Secretary-General, Resident Coordinator and Humanitarian Coordinator for the DRC;
- General Philippe Morillon, MEP, EU EOM Chief Observer;
- Mrs Aissata De, Election expert - UNDP;
- Mr Jean-Michel Dumont, election expert, EU EOM;
- Mr Walter Torres, European Commission, AIDCO/04;
- Ms Teresa Polara, European Commission Delegation in the RDC.

Wednesday 2 August

The delegation visited the Kinshasa *Bureau de Liaison*, where the four Kinshasa Compilation Centres (*CLCR - Centre Local de Compilation des Résultats*) were located. They observed the compilation procedures. The delegation noted a considerable amount of technical and organisational disorder in the four CLCRs. The transfer of electoral materials had not taken place in an orderly way, and delivery to the CLCRs had taken place in a chaotic fashion. The *Bureau de Liaison* was adequately protected by the Congolese police, MONUC and EUPOL. Staff were trying to organise the CLCRs and to start compilation of the results.

In the afternoon, the delegation assisted to a joint press conference given by EU EOM Chief Observer General Morillon, the Head of the EP election observer delegation, Mr Jürgen Schröder, and members of the EU EOM core team. At the press conference, which was well attended by the Congolese and the international press and by members of the diplomatic corps, the preliminary declaration of the EU EOM was presented. The EP election observation delegation presented its own preliminary assessment, based on the delegation's debriefing earlier in the week (this assessment is reproduced underneath as the conclusions of the present report).

According to the preliminary declaration of the EU EOM, which was established in close cooperation between General Morillon's team and the EP delegation, there have been many shortcomings in the preparatory phase for the elections. These concern especially the access to the media, the respect of the freedom of expression and the use of governmental structures and resources. There has also been some violence including the killing of a number of people in connection with the final electoral rally by Vice-President Bemba. On Election Day, the situation was, with the exception of two towns in the Kasai region, relatively calm. Although the atmosphere was feverish (mainly in Kinshasa), the EU's observation teams did not witness direct violence. There have been a number of irregularities, shortcomings and minor fraud attempts. These were not focused and could be described as mainly organisational problems and rather clumsy attempts to rig the vote. The participation seemed to be relatively high. Out of an estimated 28 million who would be allowed to vote, almost 26 million had registered. Voters cast their ballot in almost 50,000 polling stations. They had the choice between 33 candidates for the Presidential election and almost ten thousand candidates for the 500 member National Assembly. In Kinshasa this led to six page voting bulletins in A1 format. All international observers were impressed by the commitment shown by the Congolese people. Polling station staff (probably mainly women) had a very tough job, working sometimes for more than 24 hours without interruption, not being fed and not being paid and sometimes in extremely difficult conditions (candlelight counting, open air polling stations). Despite these conditions, almost all the teams insisted on finishing the job during the night following Election Day, demonstrating their determination to take ownership of these elections and the democratisation process in their

country. The more than 250 thousand electoral officers represent a formidable democratic potential for the country. The full text of the preliminary EU EOM declaration is attached as Annex E.

Thursday 3 August

The delegation returned to the Kinshasa *Bureau de Liaison*, where they verified that enormous progress in assembling and classifying the election materials had been made, and that compilation had started in all four CLCRs in a slow but orderly way. This was confirmed by the national and international observers present, and by the witnesses of the political parties and candidates.

In the afternoon, the delegation visited a development project subsidised by the European Union (European Development Fund): the collection of drinking water for the city of Kinshasa in the Congo River at Kinsuka (project in the framework of the 80 million euro programme to support the rehabilitation of the infrastructure of the city of Kinshasa).

Conclusions

The European Parliament delegation concluded that:

- By its enthusiasm and discipline, the Congolese people proved that the electoral process and the setting up of the democratic structures, which are the result of the peace agreements negotiated with the assistance of the international community, correspond to the people's genuine aspiration to take ownership of its own destiny. We appeal to the government and to all those responsible for the transition process to respect the will of the people and to take all necessary measures to ensure that the process can continue in a fully transparent way and according to the established procedures, with a view to establishing democratic and legitimised structures.
- We salute the determination of the people to express its political will, which was proven by the high turn out and the disciplined way the voters casted their ballot.
- We also salute the commitment and the conscientiousness of the polling station staff, who performed their tasks under often very difficult material and logistical conditions. They demonstrated an admirable civic spirit and motivation, which made it possible to conclude the voting and tabulation process.

This observation also concerns the witnesses of the presidential candidates and the political parties and the more than 50,000 national observers.

- In this respect, we request the IEC to take into account the necessity for timely payment of the electoral workers and to provide for their essential needs during the performance of their duties (supply of food and water).
- We salute the behaviour of the State security services (especially the national police), who performed in an efficient and non-intrusive manner their duties to ensure that election procedures could take place in a smooth manner.

- In general, our international observer teams were well received in the polling centres.
- We noted a number of problems, mainly at technical and logistical level (the disproportion between the size of the ballot paper for the legislative elections and the dimensions of the voting booths and ballot boxes), which were overcome by the determination and the creativity of the polling station staff.
- We regret that a number of last minute changes were not timely communicated to the electoral workers and to the voters; in the prevailing political climate, this led to incomprehension and tension by a part of the population, which could and should have been avoided by the electoral authorities. The most blatant example was the confusion around voters' registration codes and the changes of some voters' lists.

In conclusion, the European Parliament delegation stresses that the impartial assistance provided by the European Union to the electoral process is part of the Union's sustained commitment with the DRC. We reiterate that the European Union is determined to continue to support the establishment and the strengthening of the democratic State structures - in particular the Parliament resulting from these elections - in their task of bringing peace, prosperity and wellbeing to the people of the Democratic Republic of Congo.

EUROPEAN PARLIAMENT

PRESIDENTIAL AND LEGISLATIVE ELECTIONS IN THE DEMOCRATIC REPUBLIC OF CONGO

ELECTION OBSERVATION DELEGATION

27 July - 3 August 2006

List of participants

Members

Mr. Jürgen SCHRÖDER, EPP-ED, Germany (*Chairman*)
Mr. José Javier POMÉS RUIZ, EPP-ED, Spain
Mr. Zbigniew ZALESKI, EPP-ED Poland
Mr. Péter OLAJOS, EPP-ED, Hungary
Mr. Richard HOWITT, PES, United Kingdom
Mrs. Ana GOMES, PES, Portugal
Mr. Robert EVANS, PES, United Kingdom
Mr. Ulrich STOCKMANN, PES, Germany
Mr. Johan VAN HECKE, ALDE, Belgium
Mrs. Fiona HALL, ALDE, United Kingdom
Mrs. Margrete AUKEN, Verts/ALE, Denmark
Mr. Francesco SPERONI, NI, Italy

Political groups

Mr. Jesper HAGLUND, EPP-ED
Mrs Ruth DE CESARE, PES

Secretariat

Mr. Dietmar NICKEL, Director General
Mr. Pietro DUCCI, Administrator
Mr. Guido VAN HECKEN, Administrator
Mrs Adriana BUCHIU, Administrator
Mrs Petra UHRMEISTER, Secretary
Mrs Claudine STAUB, Secretary

Interpreters

Mrs Patricia WARD (team coordinator)
Mr. Benoît CLIQUET
Mrs Claudine PIERSON-VISCOVI

Press

Mrs Marjory VAN DEN BROEKE

EUROPEAN PARLIAMENT

PRESIDENTIAL AND LEGISLATIVE ELECTIONS IN THE DEMOCRATIC REPUBLIC OF CONGO

ELECTION OBSERVATION DELEGATION

27 July - 3 August 2006

Programme

Members of the delegation

Mr Jürgen SCHRÖDER, EPP-ED, Germany, President
Mr José Javier POMÉS RUIZ, EPP-ED, Spain
Mr Zbigniew ZALESKI, EPP-ED, Poland
Mr Péter OLAJOS, EPP-ED, Hungary
Mr Richard HOWITT, PES, United Kingdom
Mrs Ana GOMES, PES, Portugal
Mr Robert EVANS, PES, United Kingdom
Mr Ulrich STOCKMANN, PES, Germany
Mr Johan VAN HECKE, ALDE, Belgium
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Mrs Patricia WARD (coordinator)
Mr Benoit CLIQUET
Mrs Claudine PIERSON-VISCOVI

Press

Mrs Marjory VAN DEN BROEKE (+243 (0) 812 032 747)

** **

Hôtel MEMLING
5 av. du Tchad, Kinshasa

Tuesday, 25 - Thursday, 27 July

Arrival of the Members and transfer to the hotel:

Hotel MEMLING

5 av. du Tchad

Kinshasa

Tel. +243.81.70.111

Fax. +243.81.301.3333

Wednesday, 26 July

- 8h45 Departure from Memling Hotel to the EU Election Observation Mission (EU EOM)
- 9h00 Meeting with General Morillon, Chief Observer of the EU EOM
- 9h45 Departure for a visit to Bas-Congo region, meeting with medium term observers, organised by the EU EOM
- 17h30 Return to Kinshasa

Thursday, 27 July

- 10h00 Briefing by the EU EOM on practical and logistical aspects of the election
Venue: Grand Hotel of Kinshasa
- 14h00 Meeting with long terms observers
Venue: Grand Hotel of Kinshasa
- Evening:* Cocktail at the Belgian Embassy (for the Belgian members of the delegation)

Friday, 28 July

Kinshasa

- 8h30 Departure from the hotel
- 9h00 EU EOM Core Team briefing
- Analysis of the political situation
- Analysis of the electoral situation
- Logistic
- Security
- Media
Venue : ELAEIS Restaurant (Room: Ciboulette)
- 11 h-12h Meeting with Ambassador Carlo De FILIPPI, Head of the Delegation of the European Commission and with the Heads of Mission of the EU Member States
Venue: Meeting-room in the Commission delegation building (18 floor, building BCDC)
- 12h30 Lunch at Cercle KIN

- 15h00 Meeting with the Revd. Apollinaire Malumalu, President of the Independent Electoral Commission (IEC)
Venue: IEC Headquarters
- 17h00 Press point in Memling Hotel
- 18h-20h Reception hosted by Ambassador Carlo De FILIPPI, Head of the Delegation of the European Commission
Venue: Head of the delegation's residence

Lubumbashi

- 5h30 Departure from the hotel of the Lubumbashi team
Mrs Fiona HALL, MEP
Mr Richard HOWITT, MEP
Mrs Adriana BUCHIU, EP secretariat
Mr Benoît CLIQUET, interpreter
- 8h00 MONUC flight to Lubumbashi
- Hotel in Lubumbashi
Hotel TSHOMBE
Tel. 081 080 40 56
- Evening* Meeting with Mrs Elodie Hermant, long term observer

Saturday, 29 July

Kinshasa

- 7h45 Departure from the hotel
- 8h30 Visit to the EUFOR RD Congo headquarters and meeting with representatives of the different national units
Venue: Camp Ndolo
- 10h30 Departure to EU EOM Headquarters
- 11h00 Meeting with national observers
Venue: EU EOM headquarters
- 12h00 Arrival at the hotel
- 13h30 Meeting with Mr Ross MOUNTAIN, (MONUC: Deputy Special Representative of the UN Secretary-General, Resident Coordinator and Humanitarian Coordinator for DRC)
Venue: MONUC offices
- 15h-17h Meeting with the presidential candidates
Venue : EU EOM headquarters

17h00 Internal preparatory meeting for Election Day
Venue: EU EOM headquarters

Lubumbashi

11h00 Meeting with Mrs Betty Mzeza, Coordinator of the Provincial Network for observing electoral meetings and manifestations

12h00 Visit of the Lubumbashi *Bureau de liaison* and meeting with Mr Eddy Mutomb, Responsible for the Civic and Electoral Education within the Bureau

13h00 Visit to the Prison where Simon Kimbangu, prophet of the Congolese Kimbanguiste Church, was incarcerated

16h-20h Meetings with candidates from Katanga province to the legislative elections

Sunday, 30 July, Election Day

Election observation in Kinshasa and Lubumbashi

Monday, 31 July

Kinshasa

14h30 First debriefing of the delegation
Venue: Memling Hotel, room Virunga I

Lubumbashi

12h-14h Meetings with candidates from Katanga province to the legislative elections

15h00 Debriefing with short term observers from Lubumbashi

17h00 Meeting with Colonel Seguin, Chief Police Officer for Lubumbashi

Tuesday, 1 August

10h-15h Departure from the hotel: visit of the Bonobo nursery (conservation programme of this species of primates)

20h Dinner hosted by the European Parliament delegation
Venue: Memling Hotel, room Virunga II

Wednesday, 2 August

10h00 Visit to the Kinshasa *Bureau de Liaison*.

Midi Lunch at "La Paillotte" restaurant

14h00 Joint press conference
Venue: Meeting room - Restaurant "La Ciboulette"

Thursday, 3 August

10h00 Visit to the Kinshasa *Bureau de Liaison*

13h30 Visit of a development project subsidised by the European Union (European Development Fund): the collection of drinking water for the city of Kinshasa in the Congo River at Kinsuka

17h30 Departure to the airport

End of programme

EUROPEAN PARLIAMENT
DELEGATION TO OBSERVE THE ELECTIONS IN DRC
27 July - 3 August 2006

Deployment Plan

| |
|---|
| Team 1 (Kinshasa) |
| Mr. Jürgen SCHRÖDER, EPP-ED |
| Mr. Guido VAN HECKEN, staff |
| Mr. Jesper HAGLUND, EPP-ED political group |
| Mr. Felix DANE, Assistant to Mr. Schröder |
| Team 2 (Kinshasa) |
| Mr. José Javier POMES RUIZ, EPP-ED |
| Mr. Robert EVANS, PES |
| Mr. Francesco SPERONI, NI |
| Mrs. Petra UHRMEISTER, staff |
| Mrs. Claudine STAUB, staff |
| Mrs. Marjory VAN DEN BROECKE, press |
| Team 3 (Kinshasa) |
| Mrs. Ana GOMES, PES |
| Mr. Zbigniew ZALESKI, EPP-ED |
| Mrs. Margrete AUKEN, Verts/ALE |
| Mr. Benjamin BOUNKOULOU, ACP JPA, Republic of the Congo |
| Mr. Dietmar NICKEL, Director general |
| Mrs Patricia WARD, interpreter |
| Team 4 (Kinshasa) |
| Mr. Johan VAN HECKE, ALDE |
| Mr. Péter OLAJOS, EPP-ED |
| Mr. Ulrich STOCKMANN, PES |
| Mr. Eustache AKPOVI, ACP JPA, Benin |
| Mrs. Ruth DE CESARE, PES political group |
| Mr. Alioune SENHOR, ACP Secretariat |
| Mrs Claudine PIERSON-VISCOVI, interpreter |
| Team 5 (Lubumbashi) |
| Mr. Richard HOWITT, PES |
| Mrs. Fiona HALL, ALDE |
| Mrs. Adriana BUCHIU, staff |
| Mr. Benoît CLIQUET, interpreter |

Press release, 27 July 2006

MEPs hopeful that Congolese elections will be a success

In spite of the difficult logistics in a country as vast as Western Europe and where democratic elections have not taken place for four decades, preparations for Sunday's presidential and parliamentary ballots in Congo appear to be going well. "We are impressed with the huge efforts the Congolese are making to ensure that all registered voters can cast their ballots next Sunday," Jürgen Schröder, who heads the European Parliament delegation monitoring the elections, said on Friday in Kinshasa.

Jürgen Schröder (EPP-ED, DE) said that the 12-member delegation from Parliament shares the concerns expressed by the EU Election Observation Mission over the uneven access by candidates to the media and over the uneven possibilities to wage campaigns. Nevertheless, Mr Schröder said, the EP delegation is hopeful that the Congolese people will make the elections a success. Out of some 28 million possible voters, a little under 26 million people have registered to vote. "We have spent the last few days going out into the field and meeting with long-term observers from the EU and we have seen that people are determined to make these elections a success."

Mr Schröder stressed that the EU observers are in Congo only to observe and support the electoral and democratic process and not to favour any of the candidates or try and influence the proceedings. For that reason, the MEPs distanced themselves from remarks attributed to European development commissioner Louis Michel, which could be seen as expressing support for a particular presidential candidate. "These remarks do not reflect in any way our commitment, or the commitment of the European Union as a whole, to impartiality and to our wish that the Congolese people after forty years may finally express their political will freely and openly", they said.

The EU has deployed some 300 long-term and short-term observers throughout Congo and has contributed €149 million towards the cost of the elections. The presidential elections are contested by 33 candidates, of whom incumbent president Joseph Kabila, vice-presidents Jean-Pierre Bemba, Azarias Ruberwa and Arthur Ngoma, as well as physician Oscar Kashala probably are the best known. Should no candidate obtain an absolute majority in the first round, then a run-off between the two candidates with the most votes will be held probably in October.

Preliminary findings on 2 August

Some 10,000 candidates will contest the 500 seats in parliament, distributed over 169 constituencies. The election results are not expected until mid-September. The Parliament delegation and the EU chief observer, French general and MEP Philippe Morillon (ALDE, FR), will hold a joint press conference to present their preliminary findings on 2 August.

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MEPs ready to cooperate actively with newly elected Congolese parliament

MEPs expressed admiration for the Congolese people when they presented their preliminary findings of the way presidential and parliamentary elections were held in Congo on 30 July. They announced they will seek ways for the European Parliament to cooperate actively with the newly elected parliament of the Democratic Republic of Congo.

At a press conference in the Congolese capital Kinshasa on Wednesday, Jürgen Schröder, who led the 12-strong election observation delegation of the European Parliament in Congo, said he was “deeply moved by the enthusiasm, the determination and the orderliness” with which the Congolese had thronged to the polling stations in order to vote in multi-party, democratic elections for the first time in four decades. He said that the European Parliament, with its wide diversity of nationalities and languages, would be most happy to share its experience with the new parliament of Congo and to learn from the Congolese experience.

MEPs did, however, note a number of unnecessary problems during the elections. They mentioned some last-minute changes to voters’ registration lists and to polling centres which were not communicated in good time, as well as the similarity between some voters’ registration numbers, which caused confusion. In a political climate as sensitive as the Congo’s, these problems should have been avoided.

But MEPs were impressed by the dedication of the people staffing the polling stations. “There were a number of difficulties,” Schröder said, “such as ballot papers which were far too voluminous, voting booths which were too cramped and a lack of adequate lighting, and these were solved only thanks to the dedication and inventiveness of the staff manning the polling stations.” The EP delegation called on the Congolese authorities to improve physical conditions in the polling stations in time for the next round of elections, scheduled for 29 October. MEPs were particularly concerned by the fact that electoral officials had gone without food and drink for periods as long as 24 hours.

The final results of the elections are expected within around three weeks. A run-off in the presidential elections, which may be necessary if none of the 33 candidates has won an absolute majority, is scheduled for 29 October.

The EU deployed some 300 long-term and short-term observers throughout Congo and contributed €149 million towards the cost of the elections. In all, there were some 1,200 international and over 50,000 national observers in the field.

The other members of the EP delegation are: Margrete Auken (Greens/EFA, DK), Robert Evans (PES, UK), Ana Gomes (PES, PT), Fiona Hall (ALDE, UK), Richard Howitt (PES, UK), Peter Olajos (EPP-ED, HU), José Pomés (EPP-ED, ES), Francesco Speroni (NI, IT), Ulrich Stockmann (PES, DE), Johan Van Hecke (ALDE, BE) and Zbigniew Zaleski (EPP-ED, PL).

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1. European Union

Electoral Observation Mission

in the Democratic Republic of Congo

2006 presidential, parliamentary and provincial elections

PRELIMINARY STATEMENT

Conducted efficiently by the IEC, the elections on 30 July 2006 allowed the people of Congo to cast their votes in large numbers in a generally calm atmosphere, despite the tensions and imbalances witnessed during the campaign

1.1. Kinshasa, 2 August 2006

At the invitation of the Independent Electoral Commission (Commission électorale indépendante, IEC) and in acknowledgement of the importance of these elections for a successful transition process in the Democratic Republic of Congo (DRC) and the stabilisation of the Great Lakes region, the European Commission, in consultation with the Member States of the European Union, decided to send an electoral observation mission (EU EOM) to observe the 2006 presidential, parliamentary and provincial elections. The EU EOM, which has been in the DRC since 9 June 2006, is led by General Phillipe Morillon MEP, and operates in accordance with the Declaration of Principles for International Election Observation of 27 October 2005. With a total of 300 observers from the European Union Member States as well as Norway, Switzerland and Canada, the mission is the largest election observation team ever deployed by the European Union. A delegation of 12 MEPs led by Jürgen Schröder MEP is working alongside the EU EOM and supports this statement. Observers were sent to all 11 provinces of the DRC in order to carry out a comprehensive and informed evaluation of the electoral process. On the day of the elections the EU EOM observers visited around 1 200 polling stations. The EU EOM is currently monitoring the compilation of results in most of the Liaison Offices and will remain in the country to continue observing the election process until it is completed. It will then publish its detailed conclusions and recommendations in a final report.

1.2. Summary

- **The presidential and parliamentary elections held on 30 July 2006 have to date been conducted efficiently by the Independent Electoral Commission (IEC). There has been a high turnout of voters in a generally calm atmosphere. Through their enthusiasm and dignity the Congolese people have shown their support for the democratic process, which should put an end to a decade of deadly conflict.**
- **The first multi-party elections to be held in the Democratic Republic of Congo (DRC) for over forty years mark the culmination of a lengthy political transition towards the establishment of new democratically elected institutions and the stabilisation of the country.**
- **The legal and regulatory framework for these elections complies with the main international standards for democratic elections despite certain shortcomings,**

particularly concerning the way in which political parties are funded. The IEC adopted certain rules only in the last few days before the ballot, leading in some cases to uneven application.

- The IEC has succeeded in meeting the huge challenge of organising these elections in a country that is the size of a continent and has little infrastructure. Drawing lessons from the referendum, it has made significant organisational improvements, with greater decentralisation and stronger local structures. Nevertheless, it must do more to overcome people's lack of understanding and fear, resulting mainly from the exceptional complexity of the process and the scale of the technical problems encountered.
- Although there were a huge number of candidates, this first multi-party election campaign was nevertheless marked by the disproportionate amount of funding that went only to figures in the president's camp, and by restrictions on the other candidates' campaigning. The tense political climate was reflected in the focus on issues of exclusion, although this did not lead to any large-scale security problems. Many attacks on press freedom and incidences of intimidation were recorded throughout the country.
- The media enjoy plurality and remarkable freedom of tone in the DRC. However, a handful of candidates monopolised television coverage during the campaign. Despite some brave decisions in response to the most flagrant breaches, the Media High Authority (Haute autorité des médias, MHA) does not have the resources or institutional support it needs to carry out its mandate.
- Many civil society organisations worked to make the public aware of what was at stake and the procedures involved first in the referendum and then in the elections. This concerted effort involving the APEC/UNDP project, which provides support for the electoral process in the DRC, and local organisations was not enough in a number of regions, particularly in the west and centre of the country, where people were never given adequate information about the elections.
- On the day of the elections, with vital logistical support from MONUC, the IEC was able to open the vast majority of the polling stations in good time. The voting and vote-counting operations were conducted in an efficient and orderly fashion by the IEC's agents. Their exemplary commitment, the involvement of large numbers of national observers and monitors and the generally non-intrusive presence of the police contributed to the successful conduct of the elections as a whole.
- The EU EOM observers noted that some procedures were unevenly applied, particularly checks that were essential for the transparency and integrity of the elections. The last-minute adjustments made by the IEC may also have affected these vital guarantees. Evaluating the impact of these changes will involve a detailed and rigorous examination, to which the EU EOM is devoting particular attention.
- EU EOM observers have been sent to most of the Local Results Compilation Centres (Centres locaux de compilation des résultats, LRCC) and are continuing their careful evaluation of the compilation of results until the very end. This decisive stage of the electoral process needs to be carried out with the greatest

possible clarity and at a fully decentralised level. Publishing results that are broken down for each polling station is both essential for ensuring transparency and the only way to prove the integrity of the results nationally and for each constituency.

1.2.1. Preliminary conclusions

1.2.1.1. Political background

Following the constitutional referendum on 18 and 19 December 2005 the DRC entered the final phase of a lengthy post-conflict transition process. The presidential, parliamentary and provincial elections, the first multi-party elections for four decades, are intended to establish democratically elected institutions for the Third Republic. Under the Global and All-Inclusive Agreement of 17 December 2002 and the Transition Constitution of April 2003 the elections were to be held by 30 June 2006 at the latest. Despite the importance of what was at stake – with defeat expected to mean loss of the privileges conferred by the transition regime – and the persistence of post-war divisions, the main political figures were not tempted to use unconstitutional methods, and their militias, not yet ‘mixed’ (combined with soldiers from other factions), did not get involved in the discussions.

At the end of a long series of delays and prevarications, the promulgation of the Elections Act on 9 March 2006 launched a pre-campaign phase fraught with tension as a result of the extension of the transition beyond 30 June 2006. In early June the demand for ‘consultations’ initially made by the UDPS as a condition for its belated inclusion in the election process was taken up by a growing number of players calling for security guarantees to be put in place for the election campaign, a code of conduct and the statutory reclassification of the extended transition. The ‘inter-institutional’ talks of 21 June were supposed to be a response to this demand and, in laying the foundations for dialogue, succeeded in ensuring that the night of 30 June passed without major clashes. However, the non-negotiable nature of the new election timetable fixing the first ballot for 30 July and differences over the agenda undermined this initiative, so that the campaign began in an atmosphere of mutual mistrust between the candidates.

1.2.1.2. Legal and institutional framework

The first multi-party elections in the DRC for forty years are governed by the Constitution of the Third Republic, which came into force on 9 March 2006. This defines the new division of powers to be given to those mandated by the electorate. Under its transitional provisions the transitional political institutions remain in operation until new institutions are set up.

The framework of electoral laws and regulations is designed to ensure that elections are democratic, and complies with the main international standards for elections. The Constitution enshrines civil and political rights that are vital for the democratic running of the election process, particularly the right of assembly and the right to hold political demonstrations. It also guarantees women the right to fair representation in the national, provincial and local institutions. However, the inclusion of a similar provision in the Elections Act was rejected by MPs when it was drafted. According to the provisions of the Nationality Act and the Amnesty Act, the elections should help to promote a spirit of national reconciliation. The lack of adequate legislation on the funding of political parties has undermined fair competition, however.

The Elections Act establishes a particularly complex electoral system for the parliamentary elections, combining single-round proportional representation with majority voting. Given the large number of candidates, the type of ballot chosen and the size of the constituencies – the territories of the DRC – meant that candidates could be elected with such a small number of votes that they risked being unrepresentative of their constituencies. The low number of seats per constituency is also a factor in the exclusion of minorities.

The legal framework gives the Supreme Court of Justice the role of judging disputes in the presidential and parliamentary elections. The high courts have taken an active part in a training programme for electoral disputes which has done much to make up for the limited case-law and the few legal provisions in this field. The very short time-period allowed for dealing with disputes in the presidential elections suggests, however, that the Supreme Court of Justice, which has neither the human nor the material resources to perform this task, may be forced to carry out only formal checks on the results of the elections to the senior judiciary.

1.2.1.3. Electoral administration

The Independent Electoral Commission (IEC), a complex institution established as a result of the Sun City Agreement, was not actually set up until June 2004, with the promulgation of a law concerning its organisation, powers and operation. It successfully dealt with the huge challenge of organising the constitutional referendum, the first free referendum for 40 years, and then the parliamentary elections and the first round of the presidential election, in a country the size of a sub-continent with little transport and communications infrastructure.

Despite the cumbersomeness of having to include the various *components* and *entities* of the transition among its members, the IEC has managed to improve the effectiveness of both its structures and its operating methods. It receives considerable support from the international community. Even though the APEC operating structures have gradually become integrated with those of MONUC's Electoral Division, certain disagreements with donors have sometimes affected choices and slowed down decision-making.

Following the recommendations made by the EU EOM after the referendum, and drawing lessons from the experience gained, the IEC decentralised its structures and strengthened the capacity of its 64 Liaison Offices, coordinated by the National Operations Bureau (Bureau National des Opérations). It set up Local Results Compilation Centres (Centres Locaux de Compilation des Résultats, LRCCs) which are responsible for compiling results for the Liaison Offices. The rules governing their procedures were made public only belatedly. They provide for the National Results Compilation Centre (Centre national de compilation des resultants, NRCC) to carry out unspecified checks on the results drawn up by the LRCCs. This happens at a stage when all the procedural documents are with the Liaison Offices and delays the posting of results by the LRCCs once they have finished compiling them, thus potentially undermining the decentralised determination of results at local level.

The IEC's local structures lack equipment and have also been hit by staff recruitment problems. Tandem training for election officers at all levels was planned in advance by the IEC and its partners but logistical problems and delays in paying wages, together with the premature replacement of certain officers, sometimes on their own initiative, for their earlier performance, meant that this training did not go smoothly. The inadequacy of the UNDP's administrative procedures in coping with problems arising from the situation on the ground did not exactly help

the IEC to establish an efficient system for paying electoral officers and the police, and this is still one of the biggest problems it will have to face in the weeks to come.

Despite recent efforts, the IEC's inadequate communication undermined the confidence of some of the candidates and the general public. It was particularly damaging in the confusion caused by especially complex problems, which increased the perception that decisions were being taken late and generated a number of criticisms about the lack of transparency in the process.

The exact number of polling stations for the two ballots, which was published one month before the elections, underwent last-minute changes. Special polling stations should have been set up in prisons and hospitals, but were not. These changes, blamed on bad planning, are hard to understand. A new detailed list of polling stations was only made available a few days before the election.

Election equipment was transported to the 169 main towns of the territories partly by MONUC vehicles. The IEC then forwarded it to the 11 000 or so official polling stations, despite logistical difficulties.

Because of the particularly high number of candidates in the parliamentary elections and the open lists of names in the ballot, the design and printing of the ballot papers presented a real technical challenge, causing further delays in the election timetable. The ballot papers for urban polling stations with a high population density ran to up to six pages, making the voting even more complicated for voters who knew very little about it.

The printing of a 'reserve' of five million extra ballot papers monopolised political discussions at the start of the election campaign. The IEC explained, belatedly, that the ballot papers had been ordered on the basis of the provisional number of voters in April. However, it failed to assuage all the doubts expressed by the candidates and the press, despite measures such as the public destruction of ballot papers with printing errors and the publication of the number of ballot papers ordered.

1.2.1.4. Electoral registers

Putting together reliable electoral registers was a huge logistical challenge in a country with poor basic infrastructure. The IEC and MONUC managed to issue a provisional 25.7 million polling cards, with registration over the period from June to the day before the referendum. In the provinces of Equateur and Bandundu registration began in January and February. Overall, the registration process may be regarded as successful given the huge number of voters registered, defying most of the predictions at the start of operations.

In an effort to make the operation inclusive, the IEC took special measures to ensure that displaced people and refugees were registered, a proportion of whom were able to obtain polling cards. Opening special registration centres and giving displaced people access to polling stations near their camps ensured that they could be registered. Despite the IEC's efforts no similar measures could be taken to ensure that all displaced people could vote, and only those who had not left the place where they were enrolled were therefore able to cast their ballot.

The data collection phase, with only the totals forwarded to Kinshasa on an almost daily basis, was only partly successful, with a considerable amount of data being lost. The correction of what were already incomplete lists by identifying duplications and crossing off people registered irregularly produced unsatisfactory results. The identification of multiple registrations by

comparing fingerprints was completed only belatedly. The IEC crossed off duplicated names on the basis of good faith and what it felt was clear-cut evidence. In the absence of certain data the IEC had to draw up lists of those omitted by mistake and special lists for a particular group of voting centres in a decision published a few days before the election. The lists of those omitted were intended to be in addition to the partial electoral registers for 1 029 registration centres, and the special lists replaced electoral registers for 142 centres where there were no data at all. In both cases the numbers on the polling cards had to correspond to the registration centre/polling station. Such an arrangement requires the election officers to be particularly careful, and it is still a less than perfect solution which the IEC had intended to use only in cases where there was a major discrepancy between the estimated number of cards delivered and the amount of data received in Kinshasa.

1.2.1.5. Registration of candidates

Drawing up the lists of candidates for the presidential and parliamentary elections was a difficult process which the IEC succeeded in carrying out by strengthening its local structures considerably. The registration of candidatures, which began immediately after the Elections Act came into force, took three weeks in March because the offices for receiving and processing candidatures were ill prepared, as were the political parties and all those intending to stand. Drawing up provisional lists of candidates was a lengthy procedure because they had to be validated centrally. Disputes were dealt with by the Supreme Court of Justice, the competent court, within the statutory time limits. In particular it validated the principle of a deposit, which had been fiercely debated by potential candidates and the general public. The delays that built up during this phase led to the elections being postponed until 30 July 2006.

1.2.1.6. Raising awareness

Making the population aware of the procedures and implications of the ballot is a vital phase in any democratic election. In the DRC, which has a high level of illiteracy and an extremely complicated electoral system, awareness-raising had to be a priority. With an active presence throughout the country, including in rural areas, civil society and the churches played a vital role in getting people involved in the democratic process and encouraging them to vote, though their work was restricted by their limited funding. A number of awareness-raising projects were planned by the IEC in collaboration with the APEC to make up for the lack of awareness observed at the referendum. The number of projects had to be cut because of budget restrictions resulting from the extended election period and the technical complexity of the process. The public call made by the chairman of the IEC for the total amount of the deposits paid by candidates to be given to the awareness-raising campaign and the Media High Authority unfortunately fell on deaf ears. Support from international donors enabled national and international non-governmental organisations to organise various civic education projects, but a map of the projects in each province shows major geographical discrepancies, with very little or no awareness-raising in the west and centre of the country. In provinces where there was the greatest coverage projects were concentrated in the major urban centres because of the problems of accessing rural areas.

1.2.1.7. Election campaign

The election campaign, which was preceded by the opening of the 'consultations' long demanded by the political opposition, began with the focus on dialogue between the various

presidential candidates. Hopes of solving issues relating to a security framework and code of conduct for the campaign, and of finding a formula for extending the transition beyond 30 June 2006, were in sharp contrast to the heightening tensions observed from mid-May onwards. It was fortunate for the campaign, with its high numbers of candidates (33 for the presidency and 9 707 for the parliament) and wide range of profiles and proposals represented, that the night of 30 June passed without major clashes, except in Matadi in Bas-Congo. Although the failure of the 'consultations' meant that the candidates' security and equal access to the electorate could not be guaranteed, the election campaign was notable for the few instances of violence and the relative restraint shown by the armed militias still active in the country.

When the 'consultations' were suddenly broken off and the Head of State left to campaign in the east of the country 24 hours before the official start of the statutory period, those who supported negotiations were faced with a dilemma: whether to enter the campaign while still maintaining their demands, or to call for a 'freeze' on campaigning until the main disagreements were resolved. The presidential candidates who were in favour of holding 'consultations' then stepped up their demands on 30 June: 19 of them, supported by the three vice-presidents who were candidates (Bemba, Ruberwa and Z'ahidi Ngoma), challenged the whole process, making their involvement in the campaign conditional on clarification by the IEC of technical issues that they considered to be in dispute: the existence of 5 million surplus ballot papers, the alleged registration of a considerable number of foreign nationals, the supposed relocation of the IEC's 'central server' to a European country, and the allegation that the electoral registers had not been published. The election campaign was challenged on two grounds, that it was unfair in the absence of any agreement and that the election administration was not transparent, and for some people it was an opportunity to pave the way for a premeditated rejection of the election process and results.

The start of the campaign, based on abortive consultations, was accompanied by a sharp deterioration in the political climate, as illustrated by the expulsion, for no official reason, of the Radio France Internationale (RFI) correspondent on 3 July, then the murder of a journalist close to the opposition on 7 July, and finally the illegal prohibition of a demonstration in Kinshasa on 11 July, handled brutally by the police.

The campaign was notable for the glaring imbalance in the funding available to candidates. In financial terms, the absence of legislation on the funding of the political parties and serious shortcomings in how spending was monitored made it a deeply unequal contest. Election posters, access to the media and visits by plane to the provinces showed that a completely disproportionate amount of funding went to three candidates in the president's camp: President Kabila, Vice-President Bemba and, to a lesser extent, Vice-President Ruberwa. The inequalities in funding were exacerbated by the embezzlement of public funds by certain candidates in the president's camp and by the harassment of Joseph Kabila's opponents by the public authorities and the police. As a result of these measures candidates had limited scope to move around, organise rallies and deploy their campaign material throughout the country. This unequal access to the public, which was particularly severe in areas accessible only to candidates with considerable logistical resources, resulted in a two-speed campaign: one which reached most rural voters and was dominated by the AMP and MLC machinery, and the other reaching a limited group of voters, in the main towns only. Lastly, inequalities with regard to security completed this imbalance. Candidates from the president's camp, particularly Joseph Kabila and Jean-Pierre Bemba, had the support of their 'unmixed' units, while opposition candidates had to rely on private security companies or light protection from the Integrated Police Unit (Unité de police intégrée, IPU). The limited reform of the security sector and the government's refusal to confine the DRC armed forces (FARDC) to barracks temporarily helped to maintain a general atmosphere of insecurity and intimidation, particularly in the areas controlled by President

Kabila (Kinshasa, Katanga, Maniema and Province Orientale) and Vice-President Jean-Pierre Bemba (Nord de l'Equateur).

In the absence of any ideological structure to the debate and any genuine social project, the campaign gradually became focused around exclusion-based arguments: one said that Joseph Kabila was a foreigner supported by a western plot, and others, locally, attacked 'non-natives' (Katanga, Bas-Congo), who were presented as an enemy fifth column. These words of hate were behind many incidents, the most violent of which occurred in areas not controlled by the president's camp: in Rutshuru (Nord-Kivu) four people murdered by unknown assailants at a meeting organised by an independent candidate on 17 July were the first fatalities of the campaign. The first serious incident of the campaign in Kinshasa on 27 July resulted in the death of six people on the fringes of a demonstration by Jean-Pierre Bemba, during fighting between soldiers and police. Lastly, on 28 July one of Vice-President Ruberwa's security men was killed in as yet unexplained circumstances. In the Kasaï, Bandundu and Equateur the local population's rejection of candidates from the president's camp led to repeated clashes and many incidents where they were denied the right to campaign. The destruction of equipment for over 170 polling stations at Mbuji Mayi on 29 July and the arson attacks on 40 polling stations at Mweka (Kasaï Occidental) on the day of the elections, with the deaths of two people, were the most serious breaches of the right to vote throughout the period.

1.2.1.8. Media

There is considerable media plurality and freedom of tone in the DRC. However, a handful of candidates monopolised access to the media during the campaign.

Most of the newspapers observed, both public and private, clearly favoured certain candidates regardless of the campaign rules and the decisions of the Media High Authority. Despite the latter's efforts to guarantee that candidates had fair access to the media, the imbalance between the candidates from the president's camp and the others was glaring, with the former enjoying funding way beyond that of their rivals. The RTNC did not fulfil its role as a public service broadcaster, giving 76% of its airtime to Joseph Kabila's candidature in its radio news bulletins. Members of the president's camp had the benefit of much more funding than their rivals.

Overall the written press coverage of the campaign was relatively well-balanced, except for one of the five newspapers observed, which dedicated 73% of its space just to Joseph Kabila. Radio stations around the country generally made no secret of their partisan preferences. The private radio stations RTGA and Top Congo threw themselves behind the outgoing president, giving him 95% of coverage out of a total of seven candidates and 27% out of a total of fifteen candidates respectively. In our sample group only Okapi provided balanced coverage of the campaign.

Television was the medium most used by candidates for the presidency, with the private stations giving much more airtime to the wealthiest candidates. Candidates who owned television stations, such as Joseph Kabila (Digital Congo) and Jean-Pierre Bemba (CCTV and CKTV), had endless advertisements on their stations. However, these candidates dodged basic democratic rules by not taking part in televised debates organised by the Media High Authority.

In order to ensure fair access to the media, the Media High Authority applied, unsuccessfully, for 4 million dollars in funding corresponding to the non-refundable deposits paid by the candidates when they registered. Its lack of funding and operational weakness meant that it was not able to achieve the sort of objectives envisaged by its statutory remit, particularly in

provinces where its representation was patchy, newly arrived and generally underfunded. Despite its weakness at the start of the campaign the Media High Authority suspended six television stations on 17 July, demonstrating its determination to enforce the law. Only three observed the suspension.

Many attacks on press freedom were recorded during the campaign, the most serious being the murder of the independent journalist Bapuwa Mwamba and the expulsion of the RFI correspondent Ghislaine Dupont. The EU EOM deplores the attitude of elements of the media belonging to certain politicians, which respected neither the Media High Authority's regulations nor its sanctions. The Mission also condemns the looting of the Media High Authority's premises on 27 July, a serious attack on the democratic process and the media plurality which the Authority defends.

1.2.1.9. Security of the elections

In a country where many militias are still active and the army is not yet completely integrated, and in view of the violence and tension in the run-up to the elections, the question of how to make the election process secure was vitally important. A training programme for the Congolese national police force, developed as part of the implementation of the Decree of 6 May 2005 laying down an operational plan for ensuring the security of all phases of the election process, involved over 55 000 police officers. The authorities' decision to involve forces other than the Integrated Police Unit at the demonstration on 11 July meant that the IPU could be assessed in comparison with the restraint shown by the sections trained by the international partners. The IPU's conduct during the violent incidents of 27 July in Kinshasa received high praise from the observers.

However, a few weeks before the elections, the shortage of police compared with the plans to have five police officers at each polling station led to the inclusion of paramilitary and military groups not trained for the specific task of providing security. These forces were responsible for a considerable number of incidents, particularly intimidation, so that their involvement in the conduct of the elections was opposed on principle and generated serious concern in the EU EOM.

1.2.1.10. Conduct of the elections

The elections of 30 July 2006 took place in a generally peaceful atmosphere, in contrast to the tensions observed during the final days of the election campaign. The relative calm in which people voted and the votes were counted, together with the high turnout throughout the country, show how very civic-minded the Congolese people are. There were a large number of women among the election personnel, and there was a particularly high turnout among women in the elections.

The serious disturbances that broke out on 29 and 30 July in both Kasaï's led to the destruction of election equipment at 170 polling stations in Mbuji Mayi and at 60 polling stations in and around Mweka. Reacting immediately, the IEC took the necessary steps to ensure that these polling stations were able to open within the next few days.

Overall the assessment of the conduct of voting and vote counting was positive. The vast majority of polling stations were able to open at a reasonable time and had the equipment they needed. Although the electoral registers were rarely posted at the polling stations, the presence

of officials from the Voting Centres meant that voters did not have too many problems in identifying their polling station (the number of polling stations changed right up to the day of the elections). Voting was organised efficiently by the staff of the polling stations, who showed exemplary commitment and a greater understanding of procedures than at the referendum. At most polling stations the election officers started counting the votes immediately after the polls closed, despite being very tired, and worked until the results were known. National observers and monitors from the political parties had made a huge effort and were found in fairly large numbers in most of the polling stations visited.

Voters were clearly able to vote entirely freely in the presence of police who were regarded as reassuring and neutral. However, the arrangements made to guarantee secrecy did not always work, particularly because the polling booths were very narrow and voters frequently asked for help from other people in polling stations, in full view of everyone. Moreover, the fact that the monitors from the political parties wore barely visible identification and played a very active role with people when they made their choice, sometimes going into the booths with them, may have undermined the neutrality of the help provided.

In addition to these general comments, irregularities were observed which give cause for concern, in particular the uneven application of certain key procedures and of the last-minute adjustments by the IEC, which may also have affected the essential controls guaranteeing the transparency and integrity of the ballot. Some of the IEC's belated decisions to change or add detail to the voting and vote-counting operations were not always communicated throughout the country and thus made the training given to the election officers less effective. The late distribution of this information resulted in numerous misinterpretations and sometimes meant that procedures were applied unevenly.

The observers noted that in a significant number of cases lists of those omitted and special lists were used by polling stations that were not on the IEC's list of polling stations authorised to use them. In addition, at two out of every three polling stations, the lists were not correctly used or filled in. That being the case, some of the votes cast were not subject to the necessary checks. The voters concerned were allowed to vote merely after verification that they held a polling card and that they were marked, not always correctly, with indelible ink.

The election process has now entered the crucial phase of the compilation of results, during which a close watch must be kept on how the envelopes are handled, from when they are received to when they are filed. For the process to be lawful it is absolutely essential that reports are accurate, that procedures for correcting clerical errors are strictly applied, and that the integrity of the votes is observed when they are validated. The results must be established with the greatest possible clarity and at a completely decentralised level. Any corrections must immediately be recorded for the public's inspection. A breakdown of the provisional and final results must be published, showing the precise tally of results and any corrections made for each polling station. This breakdown must be made available to the public at every stage of the aggregation process (LRCC and NRCC) and published on the IEC's website. Breaking down the results as far as the individual polling stations are concerned is vital for transparency and is the only way of guaranteeing the integrity of the national results and the results for each constituency. The outcome of deliberations on complaints and challenges must also be recorded in a report and made public at the same time as the results of the elections are published by the IEC, and should also be published on its website.