

Supporting
Democracy

A Citizen
Organisations
Programme

Democratic Republic of the Congo:

**SUCCESSFUL EUROPEAN SUPPORT
TO STRENGTHEN
THE ROLE OF CIVIL SOCIETY
IN THE ELECTORAL PROCESS**

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STUDY CASE



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ABBREVIATIONS AND ACRONYMS

AU	African Union
CAFECO	Cadre permanent de concertation de la femme congolaise (Consultation platform for Congolese women)
CEI	Commission électorale indépendante (Independent Electoral Commission)
CENCO	Conférence épiscopale nationale du Congo (Congolese episcopal conference)
CENI	Commission électorale nationale indépendante (National Independent Electoral Commission)
CSAC	Conseil supérieur de l'audiovisuel et de la communication (Audiovisual and communication high council)
DRC	Democratic Republic of the Congo
EISA	Electoral Institute for Sustainable Democracy in Africa
EOM	Election Observation Mission
EU	European Union
ICSP	Instrument contributing to Stability and Peace
JPC	Justice et Paix Congo
LRCC	Local result compilation centre
MONUSCO	United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo
PACE	Projet d'appui au cycle électoral (Electoral cycle support programme)
PACEC	Projet d'appui au cycle électoral au Congo (Congo electoral cycle support programme)
UN	United Nations
UNDP	United Nations Development Programme
RENOSEC	Réseau nationale d'observation et surveillance des élections au Congo (National election observation and monitoring network in Congo)
ROC	Réseau d'observation des confessions religieuses (Observation network of religious groups)



SADC	Southern African Development Community
SYMOCEL	Synergie des missions d'observation citoyenne des élections (Network of citizen election observation missions)
\$	American dollar
€	Euro

INTRODUCTION

The European Union and support for citizen election observation

Democratisation, the promotion of human rights and good governance are central to the identity of the European Union (EU) and are major objectives of its foreign and security policy¹. By supporting electoral processes throughout the world, the EU can also promote respect for fundamental freedoms and democratic values, in accordance with its founding treaties². This is why the EU has now become a leading actor in the field of electoral assistance and observation throughout the world³. For more than two decades, the EU has played a major role in the definition and implementation of long-term support to electoral processes. Above all, and beyond the immediate electoral event, these support strategies now involve multi-dimensional interventions throughout the electoral cycle, in the form of the capacity development of election management organisations (technical, logistical, strategic, etc.) or of various civil society activities (awareness-raising and electoral education, observation, advocacy, etc.).

1 The Cotonou Agreement (2000), signed by the EU and the associated countries of Africa, the Caribbean and the Pacific, places special emphasis on democracy, good governance and respect for human rights. These objectives were reinforced in 2009 in the Council conclusions on support for democracy in the framework of the EU's external relations, and in the Communication on the Neighbourhood Policy of May 2011.

2 The EU's support focuses on projects to promote citizens' participation in public dialogue, elections and politics, to increase parliaments' capacities to exercise their legislative and control functions, to consolidate the main independent institutions to ensure the protection of citizens' fundamental freedoms, or to promote freedom of association and the creation of independent, professional media.

3 Refer to the communication of the Commission of the European Communities of 11 April 2000 on EU election assistance and observation missions, named COM(2000)191 final.

In this framework, the EU has particularly encouraged the development of citizen election observation in numerous countries. This strategy is based on recognition of the fact that citizen observation significantly strengthens the transparency of the electoral process and public confidence in its integrity. Indeed, on election day, citizen observers ensure an independent control of the voting and of the ballot count. Furthermore, activities such as parallel vote tabulation and results sampling, which enable observers to check the accuracy of the results announced by the election management organisation based on a sample of polling stations, can have a dissuasive effect on fraud or any other irregularities. Finally, citizen election observers also have a role to play in analysing the legal and media frameworks, monitoring the enrolment of voters, the electoral campaign and the dispute period, or during advocacy for electoral reforms. The EU thus offers, through several hundred electoral support projects throughout the world, significant assistance for the development of credible, non-partisan, national observers' groups, placing the focus on these groups' use of an exhaustive, long-term methodology and of international standards in their evaluations and reports⁴.

4 Refer to the Declaration of global principles for non-partisan election observation and monitoring by citizen organisations adopted in 2012 and approved by more than 190 organisations. This document provides an important set of standards intended to promote a common awareness and the accountability of non-partisan election observation organisations. Together, the signatory organisations now form the Global Network of Domestic Election Monitors (GNDEM), which aims to promote

In the Democratic Republic of the Congo (DRC), citizen election observation has always been characterised by a multitude of actors, lack of resources and methodological weaknesses. The involvement of impartial, quality, citizen election observation for the 2018 elections was therefore an important challenge for both the people of DRC but also for the international community.

the credibility and accountability of citizen observation through knowledge-sharing and communication among its members.

PART 1

ELECTIONS AND ELECTORAL SUPPORT IN THE DEMOCRATIC REPUBLIC OF THE CONGO, A UNIQUE CONTEXT

The Democratic Republic of the Congo, significant European electoral support

Since the beginning of 'Africa's democratic transitions' in the 1990s, which mainly started in the francophone States, sub-Saharan Africa has experienced a whole series of elections – more or less peaceful and credible, at national and local levels. And even if almost 30 years later these elections do not necessarily meet international standards for democratic elections, they are a key stage in the ongoing process of the continent's democratisation. They represent a real window of opportunity in terms of strengthening citizens' participation in the electoral cycle and political pluralism. Elections also have a significant impact on conflict regulation mechanisms, the rule of law and respect for fundamental freedoms, as their success depends on the legitimacy of the institutional frameworks (electoral administration, involvement of the judiciary, etc.) and on how transparent the process is¹. This has been the context for substantial European electoral support to Africa for almost 20 years.

1 Firstly, article 25 of the International Covenant on Civil and Political Rights (ICCPR), to which DR Congo is a party, stipulates that citizens have the right to take part in the governance of their country by voting or being elected through periodic, genuine elections. The right to participate in elections cannot be considered in isolation; elections can only proceed in a genuine, democratic manner where all persons, without discrimination, enjoy their fundamental freedoms and political rights.

Among the EU's partner countries on the African continent, DRC certainly holds a special place. Indeed, the international community, and more particularly the EU, has played a key role in the stabilisation of this major Central African country, with the establishment of legitimate authorities in 2006 and the hope of lasting stabilisation after more than a decade of devastating wars in the 1990s/2000s. In synergy with the United Nations (UN)², the EU has strongly supported the national authorities, stakeholders and civil society as much through technical and financial support programmes for the organisation of the 2006 and 2011 electoral cycles, as through capacity building projects for the citizen monitoring/control of elections (2006, 2011 and 2018). The EU's unmatched investment in DRC compared to the other countries in the continent (both at diplomatic and financial levels and through technical- and security support, etc.), is an indication of its deep commitment to the promotion of democratic governance while the country is still characterised by the organisation of electoral cycles whose credibility is disputed, the non-systematic respect of fundamental liberties, and the persistence of several serious conflicts in the East.

2 Particularly in partnership with MONUC (United Nations Organisation Mission in the Democratic Republic of the Congo), which then became MONUSCO (United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo), and the United Nations Development Programme (UNDP).

2006-2016, the decade of unfinished electoral cycles

DR Congo's recent entry into a cycle of democratic transition is the result of a long process of negotiations and compromise launched following the Sun City Agreement in 2003, which had opened the way to peace and stability¹. This Agreement enabled the establishment of a period of transition between 2003 and 2006² and the adoption of a new Constitution by referendum. The first democratic elections took place in 2006 with significant support from the international community, and its results were considered acceptable by international observers³. Yet despite this success, the electoral cycle remains incomplete. While the Commission électorale indépendante (CEI, Independent Electoral Commission⁴) organised presidential, legislative and provincial elections, then indirect elections (senators and governors) in the following weeks, the local elections were postponed indefinitely.

1 DR Congo has experienced two wars in its recent history (in 1996/1997 and in 1998/2002), involving different armed groups and several countries of the region. After several negotiation phases, a global and inclusive agreement on the transition in DR Congo was signed in Pretoria on 17 December 2002 then adopted in Sun City on 1 April 2003.

2 Transitional arrangements had been established with sharing of power between President Joseph Kabila, the armed groups and the non-armed political opposition.

3 See the final report of the European Union Election Observation Mission (EU EOM) of 2006.

4 The CIE was renamed the Independent National Electoral Commission (*Commission électorale nationale indépendante*, CENI) in March 2011.



In 2011, in the context of a second electoral cycle marked by a constitutional revision (notably reducing election to the supreme position from two tours to one) and rising political tensions, only the presidential and legislative elections were held. Inequalities between political players, shortcomings in the elections' organisation, and a lack of transparency in the establishment of the results, seriously marred these elections whose outcome was strongly opposed⁵. The substantial logistical support from the UN and technical support from the EU were not enough to remedy all the weaknesses of the electoral system⁶. In this context the second electoral cycle was interrupted⁷, the consensus among stakeholders on the organisation of the elections having disappeared.

5 Refer to the different national and international election observation mission reports (Carter Centre, European Union, etc.).

6 While the 2006 elections were largely financed and organised by international partners, those of 2011 were under the Congolese authorities' responsibility. The funding agencies provided important but limited support.

7 The provincial, indirect, then provincial elections were supposed to take place over several months starting from 2012. It should be noted that in the absence of elections, the senators, governors and provincial members of parliament continued to sit despite the expiry of their terms of office.

The electoral process of 2018, marked by uncertainty and a lack of transparency

Since the interruption of the last electoral cycle in 2012, the Congolese political context has been characterised both by uncertainty as to the intentions of the outgoing President Kabila to remain in power (despite the ban on third terms), and by the authorities' actual capacity to organise combined presidential, legislative and provincial elections. These elections, initially planned in 2016, were deferred several times¹. Thus, and despite two political dialogues being held at the end of 2016² as well as President Kabila's withdrawal from the presidential race in August 2018, confidence between Congolese political actors, civil society and national authorities remained fragile throughout the electoral cycle³. Almost all attempts to contest were

1 The electoral deadlock plunged the country into a major political crisis marked by several cycles of popular protests followed by violent repressions from the authorities, particularly between 2015 and 2016, leading to a restriction of political space and of individual freedoms.

2 An initial dialogue (known as 'inclusive national dialogue', facilitated by the African Union), enabled a compromise between a part of the political class and of civil society through the political agreement of 18 October 2016. However, recognising that a significant section of political actors and of civil society were missing from this first dialogue, direct negotiations were held between both the signatories and non-signatories of the agreement of 18 October, with a view to a broader compromise. Organised under the auspices of the *Conférence épiscopale nationale du Congo* (CENCO, Congo National Episcopal Conference), these negotiations culminated in the Global and Inclusive Agreement of the Interdiocesan Centre of Kinshasa, also known as the *Accord de la Saint-Sylvestre* (New Year's Eve Agreement).

3 The fact that the Congolese Head of State appointed Emmanuel Ramazani Shadary as 'dauphin' on 8 August 2018, did not finally lead to a freeing-up the political space. Several leaders of the opposition were not authorised to run in the presidential elections and demonstrations were mainly banned or repressed.

repressed. In parallel, armed violence spread beyond the traditional conflict area of the east of the country, and since mid-2018, the region of Kivu has been experiencing a major Ebola epidemic. In this context, the organisation of elections at the end of December 2018 was above all seen as an opportunity to resolve the acute institutional and confidence crisis that DR Congo was experiencing, but also as a vast challenge.

This electoral process was all the more difficult as it was taking place amid tensions between the Congolese authorities and its traditional partners. Indeed, further to criticisms regarding the 2011 process and the lack of progress in improving the electoral framework (reform of the Electoral Commission, establishment of a realistic timetable, budget formalisation), all of the funding agencies supporting the electoral process unanimously interrupted their assistance in April 2013⁴. Electoral technical cooperation resumed upon the voting of a new organic law on the CENI, materialising in 2015 as the Programme d'appui au cycle électoral au Congo (PACEC, Congo electoral cycle support programme)⁵, but never regained the level of collaboration that had characterised the previous cycles. Worse still, in 2017 the Congolese government opposed the establishment of an international

4 Technical electoral cooperation was mainly grouped under the electoral cycle support project (PACE I then II), which was then managed by UNDP.

5 The PACEC, implemented by UNDP, began in July 2015 for a budget of approximately \$123 million.

group of electoral experts, then systematically refused the international community's logistical assistance for the organisation of elections. Yet the organisation of elections in DR Congo has always been a logistical and financial challenge due to its weak infrastructures and the size of the country. The Congolese government's decision therefore weighed heavily on the organisation of the elections, which were postponed again in/to December 2018. The electoral administration then suffered significant logistical and technical delays throughout the electoral cycle, affecting the organisation of credible, transparent and inclusive elections. In this context, and despite the election of an opposition leader, Félix Tshisekedi, to the supreme position – establishing, a priori, the first peaceful political transition in DR Congo since independence, the lack of transparency surrounding the procedure of establishing the results and the overwhelming official victory of the outgoing presidential majority at the parliamentary and provincial elections (in contradiction with the trends resulting from the presidential election), left a lasting stain on the credibility of the electoral process in the country, and more broadly, that of CENI.

2018, European electoral technical assistance concentrated de facto on civil society

International election support was far more modest in 2018 than in 2006 and 2011. Indeed, the context changed in 2017 with the Congolese authorities choosing to no longer collaborate with its historical partners of support to the electoral cycle, notably the UN and the EU. In the name of affirming national sovereignty, the Congolese authorities did not respond to requests or proposals of election support from the EU and its Member States, or from the technical and financial partners and international organisations (MONUSCO, UNDP, etc.). Several election support programmes, including the end of PACEC and its extension PACEC II¹, were thus compromised. From 2018, international cooperation was limited to a number of ad hoc bilateral cooperation projects, and at the same time, MONUSCO's logistical support was reduced to the strict minimum at the Congolese government's request, despite the electoral administration's obvious limitations and the different resolutions of the United Nations².

In this context, and in view of the sporadic but recurrent diplomatic tensions between the EU and DRC³, European support to the 2018 elections mainly focused on strengthening civil society's role in the democratic process. Using budgetary resources from the European Development Fund (EDF), the European Instrument for Democracy and Human Rights (EIDHR), the Instrument contributing to Stability and Peace (ICSP), and the civil society organisation-local authority budget line, the EU developed three main actions for civil society in a long-term perspective:

Support for national election observation via the project to strengthen

1 The EU's contribution should have reached approximately €21 million for PACEC II.

2 Refer to resolutions 2277 and 2348 of the United Nations Security Council, which tasks MONUSCO with providing logistical support for the electoral process in DRC. It should be noted that the UN's support to the electoral cycle was provided through several components, including, in particular, MONUSCO's electoral division, which was then made up of several hundred experts.

3 As a reminder, the day before the elections at the end of December 2018, Kinshasa obliged the EU to call back its representative in DRC. This was an official retaliatory measure after the upholding of European sanctions targeting 14 Congolese personalities (sanctions adopted in December 2016 and May 2017 for 'hindering the electoral process and violation of human rights'), including the presidential candidate of the ruling party, E. R. Shadary.

citizens' observation of elections in Congo implemented in two phases (PROCEC I and II)⁴. This programme included a component for the deployment of an election observation mission with 11 civil society organisations grouped under Synergie des missions d'observation citoyenne des élections (SYMOCEL, Network of citizen election observation missions), and a training component from which SYMOCEL and Justice et Paix Congo (JPC, Justice and Peace Congo) benefited. In parallel with this considerable support to SYMOCEL, the EU also coordinated JPC-CENCO's project to support national election observation⁵. Without funding this project, the EU provided support both on budget issues and technical aspects of observation⁶ through its election process monitoring team at the Delegation of the EU⁷.

Civic and electoral education via the project to promote civic and electoral education for the active engagement of women and young people in DRC. This programme was organised into 11 different projects implemented by the same number of civil society organisations in 21 of DRC's 26 provinces. Its main targets were women and young people⁸.

The prevention of electoral violence through a programme to support the prevention of election-related violence in DRC⁹. This programme mainly focused on: i) monitoring demonstrations and public meetings; ii) aware-

4 This project, which began in June 2015, is to be completed by the end of 2019. The implementing partners are the Electoral Institute for Sustainable Democracy in Africa (EISA) and Democracy Reporting International (DRI), for an amount of approximately €8 million.

5 Election observation mission by the Catholic Church in DRC, which has taken part in election observation for the last three electoral cycles.

6 This citizen election observation project, with a total budget of approximately \$9 million, included the United States, Switzerland, Canada and various EU Member States among its funding agencies. Furthermore, JPC-CENCO was also supported by the Carter Centre for the implementation of its observation activities.

7 During a considerable part of the electoral cycle, the Delegation of the EU in DRC took on an expert in charge of monitoring the political and electoral process, as well as coordination between the EU's different electoral support projects.

8 This €2.5 million project, which began in June 2015, was implemented by the *Institut africain pour le développement économique et social* (INADES), African institute for economic and social development and the 11 partner civil society organisations.

9 This action, which began in March 2017 for a total duration of 18 months, was implemented by JPC for a total budget of €4 million.

ness-raising on peaceful, legal ways to hold demonstrations and public meetings; iii) awareness-raising on the proportionate use of force ; iv) monitoring the implementation of the New Year's eve agreement; v) advocacy at national, regional and international levels.

In addition to the main activities led with civil society, the EU implemented three election support projects as the elections approached¹⁰: i) media regulation and freedom of expression via the project to build the capacities of the Conseil supérieur de l'audiovisuel et de la communication (CSAC, Audiovisual and communication high council) in monitoring the media. The objective was to ensure that CSAC had all the resources needed to play its part in monitoring traditional and electronic media and social networks throughout the electoral process¹¹; ii) election transparency (political actors) via the programme to train election monitoring witnesses. The main objectives were to promote transparent, credible, peaceful elections in DRC through the training of political party witnesses, to increase the population's confidence in the electoral process, and to contribute to the acceptance of election results¹²; iii) a technical support programme focusing on electoral disputes. The main goals involved building magistrates' capacities in terms of the legal framework for elections and the contestation of results, logistical support, and building the Official Journal's capacities for the systematic publication of new legislation, including in electronic format¹³.

While all of these projects could be implemented without too much difficulty, despite the sometimes complicated relations between the EU and the Congolese authorities, some of the implementing partners were occasionally

limited in their actions due to the fact that the EU was the funding agency. In the end, and excluding PACEC, the European Union committed a total of approximately €17.5 million to the above-mentioned actions to support the election process.



¹⁰ These three projects were financed through the ICSP. They were identified and formulated in April/May 2018, and finally started during the month of September for a total budget of approximately €3 million.

¹¹ This project, which started in September 2018, was extended until the end of May 2019. The implementing partner was the *Osservatorio di Pavia* for a budget of a little more than €0.5 million.

¹² This project, which began in September 2018, was extended until the end of May 2019. The implementing partners were *Konrad-Adenauer-Stiftung* (KAS) and *Westminster Foundation for Democracy* (WFD) for a budget of a little under €2 million.

¹³ This project, which began in September 2018, ended in March 2019. The implementing partner was the *Organisation internationale de la Francophonie* (OIF, International organisation of la francophonie) for a budget of a little more than €0.5 million.

PART 2

THE AFFIRMATION OF CONGOLESE CIVIL SOCIETY AS A CREDIBLE ELECTION OBSERVER

Citizen election observation of 2006 and 2011: significant mobilisation and organisational weaknesses

Congolese civil society became involved in citizen election observation very early, from the constitutional referendum of 2005 then the first general elections of 2006. On this occasion, more than one hundred thousand volunteers from various structures mobilised to follow voting operations throughout the country¹. National observation was equally enthusiastic for the following elections of 2011 (presidential and legislative), with the CENI accrediting almost 200 000 observers representing several dozen civil society organisations for the observation of the elections². Some of these organisations had already grouped into platforms and were receiving support from various international partners, including the EU³.

Despite these dynamics, citizen election observation encountered a number of methodological and organisational hurdles in the first two post-Sun City electoral cycles, affecting the credibility of its analyses. With regard to the observation methodology, an excessive focus on monitoring elections to the detriment of genuine, long-term observation of the main stages of the electoral cycle, and weaknesses in the analyses produced by observers, revealed a lack of adherence to the main universal and regional standards for democratic elections. Furthermore, due to the multitude of actors involved, civil society's efforts also suffered from being highly dispersed in the absence of coordination mechanisms. There were even rivalries between organisations leading to disagreements and contradictions in the content of their final reports and recommendations.

In this context, citizen observation generally did not manage to reach the audience it deserved considering its investment, especially since Congolese civil society has had to face significant difficulties that have sometimes constrained its action. It has been characterised by limited technical and financial means in the face of the 'continent country' that is DRC. Furthermore, civil society had to deal with media 'competition' from different international election observation missions (in particular the EU, the Carter Centre, and the African Union) that were better organised and had significant visibility.

1 According to the IEC, more than 111 000 accreditations were issued for the elections of 29 October 2005. Gathering 24 observation networks, the *Cadre de concertation de la société civile pour l'observation des élections* (civil society consultation framework for election observation) provided the most manpower, with almost 57 000 national observers throughout the country.

2 According to the figures provided by CENI, 187 238 accreditations were issued for the elections of 28 November 2011. CENCO, relying on the *Commission épiscopale justice et paix*, provided the most manpower, with almost 32 000 national observers.

3 In particular, the *Mission nationale d'observation des élections présidentielles et législatives* (national presidential and legislative election observation mission) of 28 November 2011, gathering notably the *Réseau d'observation des confessions religieuses* (Observation network of religious groups, ROC), the *Cadre permanent de concertation de la femme congolaise* (Consultation platform for Congolese women, CAFCO) and the *Réseau nationale d'observation et surveillance des élections au Congo* (National election observation and monitoring network in Congo, RENOSSEC), organisations which were then supported by EISA.

The 2018 elections: a turning point for election observation in DRC

The context surrounding the 2018 elections revealed an unprecedented framework for citizen election observation in DRC. Indeed, the Congolese authorities' refusal to rely on strong international cooperation in the electoral field but also the lack of invitations to the main long-term international election observation players (EU and Carter Centre) meant that civil society was the only actor that could perform non-partisan monitoring of electoral operations. The presence of some international election observation missions was certainly facilitated by the election administration, such as those of the African Union (AU), the Southern African Development Community (SADEC), the Economic Community of Central African States (ECCAS), the International Conference on the Great Lakes Region (ICGLR), and the Electoral Commissions Forum (SADC). However, in the absence of long-term observation of the different pre- and post-electoral stages and of enough manpower on election day, none of these missions had enough time or space for a credible evaluation of the electoral process in line with the requirements of the Declaration of Principles for International Election Observation¹.

Bolstered by this important responsibility, Congolese civil society grasped the opportunity, thanks to support from the international community and more particularly the EU, to assert itself as a credible actor in election observation. Furthermore, unlike in the previous cycles, the organisations involved in this election observation carried out a regular, argued communication campaign which received new media exposure, particularly due to the absence of long-term international election observation.

¹ The AU deployed a total of 80 observers for periods of a few days for short-term observers to one month for the others, in 13 of the 26 provinces, covering only 317 polling stations for a total of more than 72 000. Similarly, with 73 observers deployed in 16 provinces, the SADC limited its observation to only a few urban centres and voting operations.

Multi-dimensional European support to civil society for citizen election observation

With its technical support for election administration coming to an end, the European Union progressively concentrated its efforts on strengthening civil society's role in the electoral process, with a special focus on citizen observation. It adopted a more comprehensive approach in its support to Congolese civil society in order to cover a maximum of the stages of the electoral cycle and thus meet the objective of electoral evaluation based on long-term observation. However, recognising the numerous weaknesses continuing to affect the credibility of this latter, the EU firstly considered the need to anchor its support for citizen election observation to the 'values and demands of political neutrality, independence and professionalism promoted by the Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organisations'¹. With the implementation of PROCEC to the benefit of 11 civil society organisations in June 2015², the EU responded to these organisations' capacity building needs for election observation through the development and implementation of a rigorous methodology for the evaluation of the different stages of the electoral cycle. In addition to delivering training, this project also supported the deployment of observers to monitor operations to identify and enrol voters throughout the country³.

Thereafter, almost all of the beneficiary organisations pooled their resources and competences under the SYMOCEL platform in order to have a sustainable impact on the electoral process in DRC⁴, thus ensuring the continuity of PROCEC's achievements. SYMOCEL gradually became established as an inte-

¹ Refer to the Terms of Reference of PROCEC.

² The 11 organisations were: CAFCO, Caritas-Kikwit, *Espoir pour tous* (EPT), *Ligue des électeurs* (LE), the *Programme d'éducation civique de l'université de Uélé* (Programme for civic education of the University of Uélé, PEDUC), *Réseau des associations congolaises des jeunes* (Network of Congolese associations for young people, RACJ), *Réseau gouvernance élections et citoyenneté* (Elections and citizenship governance network, REGEC), *Réseau gouvernance économique et démocratie* (Economic governance and democracy network, REGED), RENOSSEC, ROC and *Commission électorale justice et paix* (Justice and peace electoral commission).

³ Refer to: SYMOCEL, *Rapport final sur l'observation des opérations d'identification et d'enrôlement des électeurs en RDC (31 juillet 2016/8 décembre 2017)* (Final report on the observation of operations to identify and enrol voters in DRC [31 July 2016/8 December 2017]), Kinshasa, 16 December 2017.

⁴ With the exception of *Commission électorale justice et paix*, the 10 beneficiary organisations of PROCEC are stakeholders in SYMOCEL. It should be noted that the observation platform subsequently included a new organisation, the *Institut alternatives et initiatives citoyennes pour la gouvernance démocratique* (Institute of citizen alternatives and initiatives for democratic governance, I-AICGD).

grated national election observation mission, benefiting from the second phase of PROCEC. Indeed, PROCEC II concentrated on substantial technical and financial support to SYMOCEL, particularly by setting up a central operational structure and strengthening regional structures to ensure the deployment of a credible election observation mission with a rigorous methodology for long term election observation⁵.

In addition to its support to SYMOCEL, the EU also provided significant support to JPC-CENCO at the time of the 2018 elections. With the experience of 2006 and 2011 behind it, the Catholic Church requested support from the international community at a very early stage in order to strengthen its structure and methodology for the observation of election activities. The EU first provided substantial support to JPC-CENCO's pre-electoral observation via the programme to support the prevention of violence related to the electoral process in DRC. Supported by regular communication of its analyses and the systematic denunciation of the most serious violations, JPC-CENCO's work to monitor electoral violence carried out under EU funding undeniably contributed to greater restraint by the main actors and a more peaceful environment. Subsequently, and further to JPC-CENCO's decision to form its own election observation mission (outside of SYMOCEL), the European Union played a key role in the mobilisation of funding agencies to cover the significant needs of this election observation mission. The EU also involved itself in the coordination between funding agencies and JPC-CENCO, and even provided, through its electoral process monitoring team at the Delegation of

⁵ The support made it possible to: i) equip the provincial structures with competences and resources enabling them to produce an objective, documented analysis of the different aspects of the electoral process; ii) assist the central structure of SYMOCEL's observation mission to organise itself in a professional, independent and credible manner; iii) strengthen its communication capacities through a strategy for the rapid, targeted publication of its declarations and reports to support advocacy for the improvement of the electoral framework.

the EU, technical support for several activities (definition of the observation methodology, definition of the budget, communication strategy, drafting of reports, etc.). Finally, the EU constantly fostered exchanges and the creation of synergy between JPC-CENCO's mission and SYMOCEL⁶. The complementarities developed in this way largely helped to strengthen the credibility of citizen observation as a whole.



⁶ In addition to its permanent expert at the Delegation of Kinshasa, the EU, via the Supporting Democracy project, placed an expert at the disposal of SYMOCEL and JPC-CENCO on an ad hoc basis, to assist them in both their reporting and the harmonisation of their conclusions.

The central role of citizen observation in a context of major electoral irregularities

Pushed to the forefront due to the lack of long-term international observation, SYMOCEL and JPC-CENCO achieved the feat of performing credible citizen control of the key stages of the electoral process for the last elections. The national observers demonstrated greater professionalism in their observation methodology, reporting and external communication than in 2011¹. This increased capacity made citizen observation more credible, enabling it to play a key role during the electoral process, particularly in relation to stakeholders in the process and international partners. Despite numerous logistical, human and financial challenges, as well as the obstacles that the CENI sometimes placed to its observation (particularly in terms of obtaining accreditations, the deployment of observers, access to sites of electoral activities, etc.), civil society thus played a key role in the control of the regularity of voter registration, the consolidation of the electoral register, the technical and administrative preparation of the elections, the election campaign, the voting and counting operations, the establishment of the results and the settlement of election disputes. In addition to their capacities and resources being strengthened by strong technical assistance and significant financial support, the success of both of these main citizen observation platforms lies in the efficient deployment of observers despite significantly less manpower overall than for the 2011 elections. SYMOCEL, present in the 26 provinces of DRC and all of the territories, thus covered almost 35% of the country's polling stations during the voting operations², and was then present in more than two-thirds of the local result compilation centres (LRCC). On its side, JPC-CENCO was able to deploy observers in all of the voting centres (almost 21 000)³ and to monitor the operations for the establishment of results throughout the country.

¹ Refer to the various reports, communications and declarations made between May 2018 and March 2019 by SYMOCEL and JPC-CENCO.

² SYMOCEL deployed 275 long-term observers and 19 927 short-term observers, thus covering 7 725 polling stations.

³ JPC-CENCO deployed 1 026 long-term observers and 40 000 short-term observers, thus covering all of the polling stations.

Now relying on the reporting of dependable data, national observers' evaluations have become more reliable and relevant, enabling them to extricate themselves from the political context and affirm greater independence in their preliminary declarations and communications⁴. Beyond observation in polling stations, the deployment of observers in LRCCs has enabled SYMOCEL, for example, to report malfunctions and inconsistencies in the result consolidation process. In the same way, and for the first time in DRC, JPC-CENCO was able to make a 'quick count' based on a stratified, representative sample of a little less than 8000 polling stations, enabling it to rapidly denounce violations of the legal framework and the lack of transparency of the elections administration at the time of announcement of the provisional results⁵. Still with a view to enhancing the professionalism of its observation and in order to support its preliminary conclusions, JPC-CENCO also performed a more exhaustive parallel tabulation of the results, gathering almost 70% of the reported results of the country's polling stations⁶. With wide coverage by the international press and in the chancelleries, JPC-CENCO's declaration uncompromisingly rejecting the sincerity of the official preliminary results of the presidential elections as announced by CENI on 10 January 2019⁷, was deemed sufficiently credible to decisively influence public perception and the first reactions of the regional and international partners of DRC⁸. Furthermore, the publication of the final reports of SYMOCEL and JPC-CENCO confirmed that their technical capacities had clearly been strengthened

⁴ In contrast with the rapid *satisfecit* of the main regional election observation missions in their preliminary declarations, SYMOCEL and JPC-CENCO formulated numerous documented criticisms based on a much more extensive observation in terms of time and territory.

⁵ It should be noted that, based on an excessively restrictive reading of the legal provisions regarding the publication of results, CENI had forbidden citizen election observation platforms from performing parallel tabulation or 'quick counts' of election results. JPC-CENCO thus had to collect its data in a confidential manner.

⁶ Refer to JPC-CENCO, *Observation des élections présidentielle, législatives et provinciales du 30 décembre 2018 en République démocratique du Congo – Rapport intermédiaire* (Observation of the presidential, legislative and provincial elections of 30 December 2018 in DR Congo – interim report), Kinshasa, January 2019.

⁷ Noting the results as announced the day before, CENCO's preliminary declaration stated '[...] We note the publication of the provisional results of the presidential election which, for the first time in our country's recent history, opens the way towards political changeover at the head of the State. However, based on the analysis of the elements observed by this mission, we find that the results of the presidential election as published by CENI do not correspond to the data our observation mission collected from the polling stations and through the counting [...].] Furthermore, CENCO recommended that CENI publish detailed results by polling station to enable their traceability.

⁸ Refer in particular to the initial reactions of the western partners or even to the AU's call to suspend the announcement of the final results in order to find a political compromise. It should be noted that the quick return of the final results by the Constitutional Court (19 January 2019) made this reconciliation definitively impossible.

compared to the previous electoral cycles⁹. With a rigorous, objective and documented evaluation of the entire electoral process behind them, the citizen observation platforms became more credible, enabling them to play a role just as important in advocacy to improve the electoral cycle. Refraining from returning to the veracity of the official results of the presidential election, SYMOCEL took advantage of the publication of its final report, last May, to once again regret the lack of transparency surrounding the establishment of the presidential and legislative elections of 2018, to continue to exhort CENI to publish detailed results of the presidential and legislative elections, polling station by polling station, and to recommend an amendment to the law to make this obligatory.

TO TAKE THINGS FURTHER



Congolese experience confirms the need for the EU to provide its support to develop the capacity and credibility of non-partisan national observer groups wherever it can, by more particularly focussing on these groups' use of an exhaustive, long-term methodology, and of international standards in their evaluations and reports. In the case of DRC, it now seems crucial to consolidate the success of citizen observation by continuing to provide long-term support for civil society's investment in the electoral process. Civil society demonstrated its capacity to perform the credible observation of elections and of their environment on the occasion of the December 2018 elections. The Delegation of the EU to Kinshasa's current reflections on supporting organisations that want to continue their tasks of evaluation of the electoral framework between now and the next elections, particularly through activities to monitor the recommendations produced by credible election observation missions, or for advocacy for their implementation, are fully in line with this logic.

⁹ Refer to: SYMOCEL, *Rapport final d'observation des élections directes et indirectes de 2018 et 2019* [Final observation report on the direct and indirect elections of 2018 and 2019], Kinshasa, May 2019; JPC-CENCO, *Élections présidentielle, législatives et provinciales en République démocratique du Congo 2018 et 2019 – Rapport final* (Presidential, legislative and provincial elections in DR Congo, 2018 and 2019 – Final report), Kinshasa, May 2019.