IFES

Democratic Republic of the Congo: Strengthening the Political Process during the Transition Period

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Terms and Abbreviations

ACE Administration and Cost of Elections project, a Web resource developed by IFES, the United Nations and IDEA.

ARCO Association of Community-Based Radio Stations

Boite Image A portable display kit containing cardboard drawings animators use to stimulate interactive dialogue about democratic concepts among audiences of diverse ages and educational levels

CEPPS II Consortium for Elections and Political Process Strengthening, a USAID-Democracy and Governance Award to IRI, NDI, and IFES

CIAT International Support Committee to the Transition, one of the official organs of the transition, composed of US, France, China, Russia, the UK (Permanent Members of UN Security Council), Belgium, S. Africa, Canada, Angola, Gabon, Zambia, MONUC, African Union, European Union, European Commission

CJP Peace and Justice Commission

COP Chief of Party, the IFES director of programs for the DRC

CRD Resource Center for Democracy, jointly operated by IFES and NDI in Kinshasa, Kikwit, and Lubumbashi

CSO Civil Society Organization

DRC Democratic Republic of Congo

DAI Development Alternatives Inc., an international NGO funded in part by USAID

EC European Commission. The executive branch of the European Union

EISA Electoral Institute of South Africa

ESF Economic Support Funds, a kind of funding that comes through the US Department of State

ICD Inter-Congolese Dialogue

IEC Independent Electoral Commission

IFES Formerly International Foundation for Election Systems, IFES an international, nonprofit organization founded in 1987 that supports the building of democratic societies began working in the Democratic Republic of the Congo (DRC) in May 1998. IFES remained continuously engaged in the DRC, even after the outbreak of war in August 1998

IRI International Republican Institute

MONUC United Nations Observer Mission to the DRC

NDI National Democratic Institute

Organic Law The law establishing the Independent Electoral Commission

TNG Transitional National Government of the Democratic Republic of the Congo

UPEC Unité de Production des Programmes d'Education Civique

I. Executive Summary

Following on a USAID-supported IFES program that began in 1998, this phase of CEPPS II DRC originally was scheduled to begin November 1, 2003 and conclude March 31, 2004. In January 2004, previous project elections Technical Expert Micheline Begin was named Chief of Party Micheline Begin (Canada), replacing Ahmad Shariff, and Jean Louis Boutherin (France) joined the project as Administrator.

The $360,000 project focused on providing technical expertise to the DRC's embryonic election administration commission to ensure its political independence and on enabling the effective participation of civil society organizations in the DRC's democratic transition through access to reliable information. During this performance period, with the technical support of USAID partner IFES and its respective partners, the DRC Government of Transition passed the IEC Organic Law on June 5, 2004, bringing into formal existence the Independent Electoral Council, one of the five institutions of transition specified in the Global Accord. After much struggle, the IEC took on a truly independent status and cultivated civil society support in advance of the referendum, national and legislative elections that were scheduled to be completed by 30 June 2005.

The program's funding was scheduled to expire March 31, 2004, but, with the support of USAID, IFES secured three grants of $25,000 each from DAI to permit program continuation until May 31, 2004. USAID then released $120,000 in additional funding to allow program continuation until August 15, 2005. Activities conducted with these 'bridge funds' fell within IFES' scope of supporting DRC's transition and complemented IFES' previous activities. On September 30, retroactive to August 16, $1,873,319 in ESF funds were made available to IFES under a new award to allow program continuation through 30 September 2005.

II. Background and Political Context

International support for a cease-fire and the Congolese peace process known as the Intern-Congolese Dialogue led to agreements in 2002 with Rwanda and Uganda, in Pretoria and Luanda respectively that were followed by the withdrawal of foreign armies from the DRC. This opened new opportunities for improved security, human rights protections, and justice sector development. In the political arena, the ICD led in December 2002 to a power-sharing agreement known as the Global and Inclusive Accords signed by the main domestic belligerents, the unarmed political opposition, and civil society representatives. The Accord provided a legal framework and established the roles and responsibilities of the Transitional National Government, finally launched in August 2003. Its mandate was 24 months, with the possibility of a six-month extension,

renewable one time, depending on the status of the administration of elections that would signal the end the transition period.

The Global Accord mandated five institutions of transition: The Presidency (including the President of the Republic and four Vice-Presidents); the Government, comprising 36 Ministries, the National Assembly; the Senate; and the Courts and Tribunals. In addition, the Accord created five "Democracy Support Institutions" including the Independent Electoral Commission, the National Human Rights Observatory, the High Authority for the Media, the Truth and Reconciliation Commission, and the Ethics and Anti-Corruption Commission. The Transitional National Government and the institutions it comprises were seen as the primary conflict prevention and management tools, their success key to a healthier government.

Before the formal commencement of the peace process and after a 1998 request from Congolese civil society groups for a local civic education campaign, IFES developed the Campaign for Peace, Democracy and Development and supported this civic education program from 1999–2002. The centerpiece of the Campaign was an easily portable picture-box toolkit that used locally-produced images to effectively communicate the concepts of peace, democracy and development to diverse audiences, including those that did not read or write. IFES helped train 850 animators to present these concepts. In turn, these animators reached over 150,000 people in eight of the eleven DRC provinces.

In 2002, IFES began engaging civil society in the design of democratic institutions. IFES supported the participation of key civil society actors during the peace talks at Sun City and Pretoria, South Africa, in 2002 and facilitated their agenda presentation. Following the peace talks, IFES financed two national workshops, both organized by Congolese civil society groups, related to the creation of an Independent Electoral Commission and a High Authority for the Media, both subsequently and successfully established.

Beginning in June 2003, IFES began to provide technical assistance to the new Independent Electoral Commission as it began to take shape. The Commission members were presented to the two chambers of Parliament on 28 August 2003. The law that would describe the Commission's organization, attributes, and functions was expected to be passed in September 2003. That didn't happen, perhaps due to an unrealistic estimate of the time required to put electoral procedures into place, some parliamentary wrangling, and/or an overall lack of political will. Meanwhile, IFES arranged numerous conferences, workshops, seminars, radio broadcasts, and elections-related publications in order to better inform the target populations about electoral processes.

Three Democracy Resource Centers formed the centerpiece of IFES communication efforts and support to Congolese civil society. The Centers, located in Kinshasa, Kikwit, and Lubumbashi, helped more than 100 civil society organizations actively engaged in supporting the DRC transition process. Each Democracy Resource Center had a broad selection of holdings for on-site consultations that focused on elections, good governance, rule of law, politics, political party development, and current events. In February IFES published an elections dictionary and a basic comparative guide to

electoral systems, and distributed them to lawmakers, journalists, and civil society organizations. In addition to providing neutral venues for debates, conferences, or discussions, the Democracy Resource Centers offered several computer terminals with free Internet access and training.

Beginning in February 2004, IFES welcomed as co-sponsor of these Centers the National Democratic Institute, an organization that strengthens democracy through political party development. This cooperation bore witness to the complementary nature of strong political parties and collaborative civil society groups in the development of a democratic society.

As the election calendar gained momentum, IFES continued to engage civil society organizations in support of the DRC's transition to a democratic and inclusive society. The process proceeded in fits and starts. During this project performance period there were frustrating delays in the passage of key pieces of legislation and then sudden unblockings, always amidst a rollercoaster-like security environment.

Early in March 15, the Law on Political Parties was passed by the legislature, quickly followed by the Law on the Media Authorities. On March 28, 2004, in an attempted coup in Kinshasa; four military camps in Kinshasa were attacked simultaneously; the perpetrators were contained by the DRC military the next morning, with four reported fatalities. Serious violence erupted in Bukavu May 26, culminating in the takeover of the town by Laurent Nkunda and Colonel Jules Mutebusi on June 2. This caused violent demonstrations in Kinshasa against perceived UN inactivity and government ineffectiveness. Following negotiations with MONUC, the occupying forces largely vacated Bukavu by June 5, the same day the Organic Law establishing the IEC was passed. On June 11 there was another coup attempt. It was in this context that IFES was carrying out an ambitious program of technical support to the IEC and coordinating support to CSOs committed to a democratic transition.

III. Project Description

A. Summary of Program Activities and Objectives

IFES approached this project with two principal areas for **programmatic activity:**

1. Support to the IEC, enabling this institution to take a lead and active role in DRC's electoral process
2. Provide targeted assistance to Congolese CSOs, to permit public exposure to and engagement in the electoral process and associated institutions.

These activity lines were specifically designed to achieve the following **objectives**:

1. Support to the construction of an effective, credible electoral process

2. Reduction of community isolation through enhanced public participation and government accountability during the transition period

Although receiving funding from three different streams within the time covered by this report, IFES' activities remained consistent with these efforts, taking advantage of the varying funding streams to develop activities that could strengthen the programmatic objectives.

B. Support to the Independent Electoral Commission

1. ***Direct Assistance to IEC, including assistance with initial development of Electoral Framework and Calendar of Electoral Activities***

A central feature of IFES' direct assistance were the regular consultations held between the IEC and IFES' Chief of Party. Often held several times a week, these consultations allowed significant themes to be developed that allowed the advancement of the IEC's prospective mandate.

As early as November 2003, the weekly consultative meetings resulted in the development of a provisional calendar and budget for the IEC's functioning during 2004 and a strategy plan for the establishment of 71 liaison offices at the local and provincial levels. Two slightly different texts of CEI Organic Law legislation were adopted on December 27 by the National Assembly and on 28 January by the Senate. The versions were sent Committee to resolve the differences before being returned to plenary of each Chamber and then being sent to the President, who was obliged to send a law to the Supreme Court for its opinion regarding constitutional conformity before its promulgation. The drafts caused a lively debate because of the possibilities that the independence and efficacy of the IEC might be compromised. Among the provisions was a costly, redundant, and unwieldy staffing in liaison bureaus. Another provision called for internal rules and reports to be approved by the current, unelected Assembly, provisions that could conceivably bankrupt the election process and compromise its independence. IFES held numerous sessions in dialogue with the President of the IEC regarding this text pertaining to the organization, attributes, and functioning of the Electoral Commission. Meanwhile, in an unhelpful move, on 22 February, the League of Electors, a Congolese civil society organization, called for a new structure, a general secretariat of elections, composed of elections experts that would oversee the work of the CEI.

Following intense IFES consultations, the CIAT met with the Presidents of the Senate and the National Assembly on February 12, the three vice-presidents of the Republic on February 18, and President Kabila on February 28 to express the concerns of the international community. This was followed by a CIAT press communiqué. There was eventual settlement on 64 liaison offices and 11 provincial offices, with a significant reduction in staff, reporting lines properly organized, and independence intact.

Meanwhile from January through March, the IEC members, still without official status, lobbied the parliament regarding the Organic Law that would give the IEC official status.

Two new members, a female jurist and the rector of the Protestant University of Kinshasa, gave impetus to the process. Nonetheless, the overall authority of the state continued to evidence weaknesses. For instance, the President of the Senate on February 14 launched a fundamental debate on the options for a constitution that was to continue through summer, but there was little follow-through.

To prepare for Organic Law outreach workshops that would engage local leaders in election-related activities, the CEI second secretary Norbert Basengezi Katintima led a CEI delegation to Bukavu and Goma from 13 to 26 Feburary, 2004, accompanied by Ferdinand Kapanga, IFES expert consultant and president of the Congolese League of Electors. Despite lack of basic office supplies, difficulties in travel arrangements, and delays because of security concerns, the team was eagerly received; numerous planning meetings and several radio interviews were held. Seeing the eager reception, Mr. Basengezi was convinced of the need for IEC outreach.

On February 28 in Kinshasa and March 4 in Lubumbashi, the Resource Centers for Democracy, a collaboration with National Democratic Institute, were inaugurated. In Lubumbashi, the media attended and the Mayor welcomed the Center.

On October 28, 2003, the Technical Committee in Support of the Electoral Process began to hold meetings almost weekly to coordinate assistance to the Independent Electoral Commission. USAID, through IFES, played a major role at these meetings. Counsel was sought and given on a range of topics, including draft budgets, voter registration, media aspects, sensitization of the public, political parties, as well as the Organic law. The meetings were coordinated by the MONUC Electoral Assistance Division.

Also, given the looming deadline, various international actors such as IFES, Ali Diabacte of the United Nations, Jean-Michel Dumont and Alan Sigg of the European Union continued drawing up calendars and budgets in consultation with the IEC. On March 8, the IEC adopted the new calendar. The publication of this calendar helped reveal who was in favour of respecting the electoral deadline and who was ignoring it. Implementation of the calendar by the IEC would be pending the passage of the Organic Law formally establishing the IEC. Although the Organic Law for the IEC was passed on June 5, full implementation of the electoral calendar was still blocked by the governments' deadlock over establishing a nationality law and over approving the $15 million initial IEC funding request (See Annex 4).

From April to June, IFES assisted the IEC in planning for a manageable structure of eleven provincial 'liaison' offices and 64 field offices as well as developing terms of references for logistics assistance. This focus on logistics was needed so that, once the Organic Law was passed, the structures could become operational throughout the nation.

At the request of the IEC, IFES also contracted two local consultants for one month, responsible for developing a strategy for IEC field visits. One of the consultants, Pere Leon de St. Moulin, was the foremost demographer resident in the DRC. In late November, Pere de St. Moulin produced a map of DRC indicating the population

concentrations and recommended the installation of 71 bureaux de liaison. IFES made 20 copies of this map for the IEC. The other consultant made a map showing, in all regions, health centers, schools, transport infrastructure, means of communication and local NGOs. IFES also made copies of this map for the IEC.

To further its logistical support, IFES helped secure financing from USAID for IEC temporary office space until the IEC could occupy its new offices on June 22. IFES also actively supported the national Sub-commission on Voter Registration in developing technical plans for acquisition and distribution of registration materials, including training manuals. In late June, the IEC transmitted a draft Law on Voter Registration to the Ministry of Planning that had been developed following IFES input.

On March 9, the Catholic Bishops' Conference announced a vast plan of civic education, following their February 14 message criticizing what they said was the deliberate slowing of the electoral process. Nonetheless, 10 of the 14 pieces of transition legislation were still pending as of mid-August 2004.

Meanwhile, IFES closely worked with partners to develop a civic educations process. IFES identified local expert Professor Chirume, who, via MONUC, consulted with the IEC on developing a national plan on voter and civic education. IFES' COP also held a training session on March 20th with local expert charged with preparing a national plan on civic education.

As IFES funding flickered and the IEC status remained in limbo, IFES worked closely with Development Alternatives Inc. to develop a series of activities that would keep the CEI process moving forward. With three $25,000 grants from DAI, the IFES Chief of Party and the IEC came up with three work plans for different electoral topics. These work plans laid the groundwork for later IEC conferences in various DRC locations, advancing the dialogue and decentralization processes. The DAI-funded activities are summarized in this table:

Project Title	Dates of Project	Activities	Outcomes
Advancing the Transition through Assistance to the IEC for Voter Registration Workshops	April 1-20	Workshop	Drafted basic plans for voter registration
Assistance to the IEC in Developing Sound Democratic Election Laws	April 21-May 11	Drafting Group	A plan for obtaining civil society input in drafting an electoral law and an activated sense of how to involve the public
Developing Political Party and Civil Society Election Monitoring Guidelines	May 12 – May 31	Consultations with observer and monitoring groups	A CEI project proposal for election process observation and political party monitoring

At the end of March, IFES' COP, along with Mr. Flavien Musitu (CJP) and Mr. Ferdinand Kapanga (Ligue Congolaise des Electeurs) held two training sessions for the IEC's four local experts to prepare draft projects for the joint workshops (voter

registration, electoral law, election observation) to be held in April and May. The sessions were held in response to a request from the IEC's Chief of Cabinet. Their purpose was to identify the type of information to be included in donor requests. Three of the experts concentrated on the production of narrative justifications, while the fourth received training in preparation of budget estimates. Drafts of the three projects were submitted to the IEC president in mid-April, although estimates for the costs of the workshops continued into the beginning of June. The first workshop in the series of four was held in Lubumbashi on June 26 on Voter Registration

Also during this period, beginning in early November and at the request of the IEC, IFES reviewed job descriptions for recruitment of six local experts in the fields of demography, law, communication, finance, and training. As part of this assistance, IFES also assisted the IEC with developing and implementing a recruitment procedure. The IFES COP also worked on the IEC's operational budget for 2004 with experts from MONUC, the IEC and the transitional government's Budget Ministry. The budget stood at $16,403,185 when they started, although all parties felt it over-assessed the IEC's actual needs.

Other IFES assistance to the IEC included the December delivery of surplus office furniture to help equip the IEC in the unfurnished offices provided by the transitional government. In early April, the IFES COP held intensive work sessions with all IEC members to produce a calendar and budget for each department, illustrating a respective strategy, program of activities and needs, according to the various phases of the electoral process. The IEC was preparing these documents at the request of the World Bank, who had indicated its interest in supporting the electoral process.

Finally, from August 11-14, the IFES COP participated in the IEC orientation seminar to discuss assessments of the IEC electoral process to date, the calendar of activities, its present and future mode of functioning, and the registration process. While attending, IFES' COP provided technical expertise on the final drafting of the Internal Rules and Code of Conduct for the IEC.

2. *Facilitation of meetings between IEC and Election Stakeholders*

Throughout this period IFES programming engaged stakeholders, the CEI, and other governing authorities in elections-related dialogue. At the end of February, IFES contributed twice to the preparation of a meeting between experts from the IEC and the Ministry of the Interior on the issues of voter registration and relationships with the IEC.

On March 26 and 27, IFES organised a Voter Registration Workshop in response to a request from the IEC. The workshop, chaired by the second vice president of the IEC, Mr. Norbert Bazengezi Katitima, included representatives from the IEC, the Interior Ministry, the Electoral Institute for Southern Africa, the Institute National de la Statistique, the University of Kinshasa, and MONUC. On the first day of the workshop, the group debated and forged a consensus on issues such as use of a computerized system for photo identification, type of data to be included on a card, the creation of a national sub-commission to oversee the process of voter registration, and the need for training and

civic education. Activities on the second and final day included elaboration of a timetable and $66 million budget for voter registration; however the budget excluded preliminary identification work, cartography, and a civic education campaign. A press conference was held to mark the official close of the workshop, at which the IEC announced that it would pursue the option of voter registration rather than the more costly and time-consuming census favoured by the government. The IEC also announced that voter registration would be conducted in three clear phases by a specific sub-commission.

Two female members of the IEC also attended the woman-focused activity held in the Kinshasa center on March 8, International Women's Day, exchanging views on the electoral process with groups of women.

From April to June, IFES participated in the CIAT's technical support committee, smoothing relations with the IEC and helping with the preparation of a preliminary election budget estimate of $284 million, and status chart for the fourteen transition laws.[1]

On April 27, IFES facilitated a meeting between the IEC and the Quebec Chief Electoral Officer on electoral logistics to complement Canadian direct assistance in helping the IEC develop a logistical plan and presence.

IFES accompanied the IEC to Lubumbashi in June as it embarked on a series of regional workshops on voter registration that had been planned with the earlier DAI grant.

Partly as a result of the IEC 2nd Vice President's participation in the final round of IFES' electoral outreach program (see below), the IEC developed an outreach program in which it publicised electoral information and the role of the IEC through community radio broadcasts on March 22. In response to a request for support, IFES provided the IEC with 80 copies of the *Petit Dictionnaire Pratique de Elections*, ACE project, a draft electoral calendar, and a document stating the legal base for the IEC, which the IEC distributed to the community radio stations.

3. *Impact and areas for development*

Although the election calendar, and budget, logistics, and civic education plans developed with the IEC starting in November 2003 were well-constructed, they were outmoded by delays in passage of necessary implementing legislations. IFES stayed in touch with the IEC on a regular basis so the electoral process could not lose momentum. The attendance of IEC members at various outreach events helped build the bridges between government and society necessary for a successful electoral process. The lack of an electoral law stymied the electoral process. No domestic actor wanted to take any significant step without the law being passed, as the law would define what electoral

[1] The preliminary budget estimate was based on an electorate of 28 million potential voters, served by 9,000 registration centers and 40,000 polling stations. The budget called for the IEC to receive $30 million over two years, $101 million for voter registration, $37 million for a constitutional referendum and $116 million for other election costs. The status chart for the transition laws was published in IFES' news bulletin of June 1 for the benefit of civil society groups.

system would be used and therefore how the election should be organized. IFES, with UN and EU partnership, continued to build the IEC capacity and awareness of electoral issues and how to implement them, so that when the constitution and election law came into place, the IEC could fully implement election preparations. Also, through its outreach work, IFES was able to do two things: one, make people aware of elections, the responsibilities of the electorate, how the voting process works, and voter registration procedures so that when IEC became fully operational, people would be more aware and know what to do; and, second, the logistics plans were developed so that they could become operational once the necessary legislation was in place.

C. Support to Congolese Civil Society

1. *Information Distribution*

With the additional $120,000, IFES created a work plan for examining the feasibility of refocusing its highly successful boîte image program on electoral related themes to inform sectors of the Congolese population who would otherwise be marginalized from the electoral process. It was determined that the 'boîte', an interactive visual toolkit, could be adapted to different election themes and used with a wide variety of audiences, including those not reachable by print or audiovisual media. With the $120,000 IFES also translated, printed and distributed the IEC Organic Law into the four main DRC local languages – Kikongo, Tshiluba, Swahili, and Lingala.

Information distribution centered around the *dépêches,* free weekly news bulletins distributed both electronically and, in Kinshasa, by hard copy at eight drop-off points. Throughout the project, over 85 civil society partners, representing associations in each of DRC's eleven provinces, received electronic copies of the *dépêches*. Consistent with IFES' mandate, the content of the *dépêches* focused on current democracy and governance events in DRC and electoral issues worldwide.

In response to an IEC request, in January and February IFES published 2,000 copies each of two documents. The first document, a 30-page booklet entitled *L'ABC des Systèmes Electoraux*, compared the advantages and disadvantages of various electoral systems, including a synopsis of the types of systems previously used in DRC. The second document, published with the support of USAID-OTI/CARE, was written by Mr. Ferdinand Kapanga Mutombo, president of the Ligue Congolais des Electeurs and a long-time partner of IFES. In March, through UPEC, 2,000 copies were distributed as follows: Institutions of transition, 826; organizations and associations, 514, activities, 650, authors, 10. On April 14, IFES gave 47 copies of the Petit Dictionnaire to Secretariat Generale de la Conference Episcopale Nationale du Congo, who said it would relay the information to its constituents. At the end of May, IFES reprinted 2,000 copies of the *ABC des Systèmes Electoraux* with the support of the European Commission.

The official publication launch for the *Petit Dictionnaire* was held on March 19 in the Kinshasa center, featuring the IEC president, first vice-president, and the second

rapporteur. The event received wide media coverage. The *Petit Dictionnaire* was distributed as follows: all transition institutions, 846; diplomats, 30; international organizations, 135; civil society, 137; radio and TV, 26; the author, 667, and IFES, 160. During the first two weeks of February, IFES distributed the 2,000 copies of the *ABC des Systemes Electoraux* along similar distribution lines.

In early April, IFES accorded *Le Potentiel*, one of DRC's most prominent newspapers, an interview with Micheline Begin in a five-question format, where the COP shared that there is no ideal elections formula and that selections by elections administrators had to be based on local conditions, that the role of technical experts is to help clarify different options, and that civil society and political parties are complementary.

Throughout July IFES worked with Chemonics to develop three projects:

1. Creating awareness of electoral principles via and organization of 73 community-based radio stations in the DRC
2. Re-printing the *Petit Dictionnaire*
3. Designing an election awareness campaign using the Boite Image

2. *Community Outreach*

In October 2003, IFES developed a program on election generalities aimed at publicly diffusing electoral information through major topics to increase public understanding of electoral processes. Each topic followed a similar presentation format: two workshops, the first one in each Democracy Center and a second one in an outlying area, followed by a broadcast of the topic on local audio and televisual media. The first topic, "General Approaches to Elections" was presented in late October and November of 2003.

The second topic, presented at the end of November, centered on the role, composition and functioning of the Independent Electoral Commission. As security and funding allowed, these and related themes continued through August 15, 2004. The activities are summarized in the Table in Annex 1. The third main topic, the IEC Organic Law, focused on the legal basis that would govern IEC actions. Other topics included a day of reflection on why and how to vote, held in January, a March 20 conference/debate at the University of Kinshasa on types of elections systems. Outreach extended to Bukavu and Kisangani. Television, radio and newspapers provided excellent coverage of theses, extending reach well beyond the 600 persons who attended the general thematic sessions.

3. Democracy Resource Centers

The provisions of the Associate Award issued by USAID called for a change in the Resource Centers' use, with efforts focused on key electoral stakeholders rather than general access. IFES distributed written and radio communiqués throughout Kinshasa, Lubumbashi and Kikwit, informing audiences of this change and the renaming of the Resource Centers to Democracy Resource Centers. To ensure access by target groups, IFES closed all three Centers to the public at the start of November and developed a set of criteria for considering applications from target groups. Access cards were issued to

bona fide and qualified civil society organizations. By December, 25 groups had access; by March 78, by July, 110, and by August 15, 120.

During the week ending November 29, a local partner working with IFES received funding from USAID-OTI to host a second round of the electoral awareness campaign. Two information sessions were held in Kinshasa, with over 100 people considered capable of relaying information attending on the role, composition and functioning of the IEC. The Lubumbashi Center hosted an Open House in March aimed at increasing women's participation in the Center. The following week, the number of women visitors increased significantly from 6.3% to 20.3%. The Kinshasa Center also made an effort to target outreach at women's groups by organizing *La Femme et l'Internet*, a documentary created through filming representatives of IFES partner organizations using the internet to follow activities of female poll workers in Rwanda and South Africa. The program was broadcast four times on RTNC, the national television channel, as part of their Festival of the Internet. A book discussion held on April 30 in the Lubumbashi Center on the *Petit Dictionnaire* resulted in numerous requests for the book and suggestions on how to integrate election themes into civic education. IFES also received requests for the *Dictionnaire* from various political authorities. An Open House at the Kinshasa Resource Center was held on April 2, the last in a series. This event exposed target civil society organizations and elicited their suggestions on how to improve services. These were the main suggestions: remain open through lunch, make photocopies of up to 10 available to readers, renew subscriptions to international weeklies such as *Jeune Afrique*, and *Demain l'Afrique,* support news bulletin distribution points as mini-resources centers, plan activities calendars several months in advance; coordinate speakers and moderators with CSOs, increase the number of participants, provide a light meal during all-day seminars, define areas of possible collaboration between IFES and CSOs, include in reports CSO activities and participation, train CSOs on election software.

4. Impact and areas for development

Experience shows that print materials regarding laws and elections information continued to be in great demand. Requests by civic education groups continued to exceed the COP's available time. It was also shown that target outreach improves the participation of women and should be continued in order to bring about inclusive elections and government.

IV. Summary of IFES-Assisted Results Obtained during the Agreement Period 1 November 2003 to 15 August 2004

1. During this period, the Organic Law was produced. This law, which finally allowed for a **truly independent electoral commission** to come into being, was approved by the legislature in June and, after Court review, came into effect in August.

2. IFES gained the trust and developed the confidence in the leadership of the Independent Electoral Commission necessary to develop technical assistance as requested, enabling **The Independent Electoral Commission grew in awareness of tasks and capacity** to fulfil them.

3. Electoral systems options and implications were presented to stakeholders through seminars and a pamphlet outlining various election systems, resulting in **broad awareness of relative advantages and disadvantages of various electoral systems** and the foundations of participatory democracies.

4. Through the Democracy Resource Centers, **civil society was informed and engaged in developing DRC electoral processes and legal frameworks.**

5. Through a Memorandum of Understanding, IFES and National Democratic Institute were able to share space and program compatibility, resulting in a healthy **program synergy and stewardship of resources.**

V. Conclusions and Recommendations

Though this was a lengthy transition (November 2003 to August 2004) and a difficult period (sustained by a stringent main award, a no-cost extension with three sub-awards, and a cost extension) for IFES, in the end IFES was able to maintain continuity of prime activities.

On the IFES side, the project feasibility was greatly enhanced by the addition of professional administration in the person of Jean Louis Boutherin (France) and the elevation to Chief of Party of the recently arrived Elections Expert Micheline Begin (Canada), aided by dedicated local staff members, especially Lyliane Ankwarpen, Dick Mputela, Annie Kalanga, Pamuke Mantana, and Resource Center Coordinators Bernadette Upite, Francine Nyemba, Barthelemy Kabongo, and Madeleine Lofomba. At IFES headquarters, program officer Caroline Vuilliame was replaced by Carole Kraemer, while Alexander Naqvi contina

Amidst sporadic civil unrest in Kinshasa, violent distractions in the eastern part of the country and Transitional Government Senate and National Assembly lulls in the passage of necessary implementing legislation, IFES managed to carry out a continuous program of support to the IEC, though a number of planned civil-society-oriented activities such as debates were curtailed.

Through most of this period the implementation of IEC plans continued to plod along, pending the statutory legitimating of the IEC in the form of the Organic Law. On the positive side, there was serious consideration of matters defining and refining the role of the IEC. As a result and to the benefit of the IEC and the people of the DRC, the IEC was constituted in a manner free of national assembly approval and staffing, a critical and precedent-setting achievement. Additionally, with the help of IFES and USAID, the IEC was able to survive this lengthy period of transition that had begun in May 2003 until they become operational in their own premises in late June 2004. Throughout, the IEC continued its hard work: developing calendars, budgets, logistics and helping shape the election legislative framework.

On the civil society side, IFES continued to prepare the way for elections participation and to encourage the linkages between the IEC as an organ of government and its civil society constituents. The Democracy Resource Centers were consulted and the number of partnering groups continued to increase steadily. Secure funding would have allowed an earlier and more timely arrival of logistical assistance and a honing in on election-related civic education. Under the circumstances of scarce and delayed USAID funds, good results were obtained. Despite occasional alarms, a gradual transition from devastating war to parliamentary means of resolving disputes was evident within this performance period.

Annex 1: CEPPS Democracy Resource Center use, January – August, 2004

	Total	Weekly Average
Use		
Male	5,172	185
Female	571	20
Affiliation		
Religious Organisations	777	28
NGO – Democracy	772	28
NGO – Civic Education	979	35
NGO – Development	1078	39
NGO – Human Rights	1444	52
State representatives	188	7
Other	547	20
Areas of Research		
Elections, Democratization	1160	41
Law	840	30
Development	407	15
Politics, Social Science	930	33
Other	774	28
Internet Access		
Internet use	2466	91
Internet training – men	172	7
Internet training – women	86	4
Accreditation	76	3

Depeche distribution – January – August 16, 2004

Total Hard Copies	7,788
Total Email Copies	12,703
Hard Copy Monthly Average	1,038
Email Copy Monthly Average	1,694
Average Number of Recipients (Hard copy and email)	406

Annex 2 : IFES Outreach Activities conducted under USAID Associate Award 623-A-00-03-00081-00

Kinshasa

Date	Theme	Location	Partner	Participants	Comments
1/20/2004	Dramatic performances on civic education, Rule of Law and peace process	Resource Center	Kamikaze Cultural Group	85	Performances held as part of National Theater day celebrations
2/4/2004 and 2/6/04	Definition of electoral topics and encouragement of CSO participation in electoral process	Kimbanseke Commune and Resource Center	CIOMEP & LCE	118 from Kinshasa CSOs	Distribution of *ABC des Systèmes Electoraux* to participants
2/10/04	Discussion and review of IEC organic law	Resource Center	LCE	74 from Kinshasa CSOs	Emphasis on independence of IEC due to participant scepticism. Distribution of IEC organic law copies to participants
3/11/04	Discussion of women's role in DRC electoral process	Resource Center	FCDD	39: 16 men 23 women	None
3/27/04	Workshop on Place and role of the Congolese theater artist in the DRC's political transition	Resource Center	Kamikaze Cultural Group	Information not provided	None
5/5/04	Television presentation on internet as a learning tool for the DRC election process	Resource Center	APAC	10: 8 men 2 women	Program aired four times on RTNC, national TV channel.
5/7/04 – 5/8/04 5/13 – 5/14/04	Workshop on role of IEC and election generalities	Ngaba Commune Kimbanseke Commune	FCDD, CIOMEP, LCE	100 CVB agenets	Participants agreed to disseminate workshop information during weekly meetings with parishioners
6/18/04	Workshop on necessity for peace and security for holding elections	Resource Center	NPDAC	69: 49 men 20 women	Participants acknowledged the importance of security sector and reform and peace and security in the Great Lakes for holding elections.
7/6/04	Seminar on state of DRC's electoral process	Kalamu Commune	FCDD, LCE	265 church members	Focus on basic electoral concepts due to low level of participants' electoral knowledge.
7/12//04	Seminar on state of DRC's electoral process	Matete Commune	FCDD, CJP/St. Alphonse	50 from St. Alphonse parish CVB	Focus on basic electoral concepts due to low level of participants' electoral knowledge. Participant scepticism on

					holding of elections in June 2004
7/16/04	Workshop on election generalities and state of DRC's electoral process	Kalamu Commune	ORDIEC, RECIC	50 parish household agents	Participants agreed to disseminate information in households, but due to delay in transition process, doubts expressed on independence of IEC
7/17/04	Workshop on election generalities and state of DRC's electoral process	Kasongo Lunda Commune	Cause Rurale	71 animators, teachers.	Emphasis on role of civil society in transition; participants noted inaccessibility of rural voters and civil society.
No activities held in August as per instruction					

Lubumbashi

Date	Theme	Location	Partner	Participants	Comments
1/23/04	Discussion group: How and Why to Vote?	Resource Center	CROS	19 CSOs	Participants agreed to work on developing a school curriculum component for elections
2/12/04	Electoral systems	Resource Center	CJP	77	None
2/12 – 2/13/04	Electoral systems	Resource Center Institute Maria Malkia	None	129 CSOs and teachers	Conference included a practical exercise in ballot analysis. Participants promised to diffuse the information
2/14/04	Discussion on IEC organic law	Resource Center	None	76	Discussion on proposed IEC organic law vs. version adopted by National Assembly.
3/18/04	Role of Congolese women in electoral process	Resource Center	Solidarité des Femmes Juristes	66: 2 men 64 women	Emphasis on women's participation to assist adoption of transition laws
4/13/04	Role, composition and functioning of IEC	Cercle Kamerenge de Kipushi	None	73 from civil society of Upper Katanga	None
4/20 – 4/22/04	Resource Center Open Day	Resource Center	None	Information not provided	Promote awareness of Resource Center activities and access policy
4/30/04	Book discussion on *Petit Dictionnaire*	Resource Center	Four CSO panelists	41 journalists and CSOs	Presentation of document's format, annexes, text and possibilities of its integration into DRC education system
5/14/04	Principal stages in electoral	Resource Center	None	60 teachers	Presentation on importance of voting and

	process			and students	different phases in organizing elections.
5/25/04	Discussion on IEC organic law	Resource Center	2 animators	43 journalists and CSOs	Highlighting of articles relating to IEC's legal role, neutrality and independence of action
6/19/04	Stages of an electoral process and different electoral systems	Kipushi Commune	2 animators	47 from trade unions, CSOs and churches	Presentation included history of elections in DRC and nature of civic and electoral education.
7/10/04	Electoral education and the role of animators	Kampemba Commune	2 animators	71 from area authorities and CSOs	Presentation covered infrastructure and resources to support animation and modalities of animation
7/17/04	DRC's electoral process	Kasumbalesa Mushoshi Commune	None	58 from church, media, women and youth groups	Topics included census, voter registration, electoral systems, IEC role and responsibilities, role of CSOs in supporting electoral process
7/27/04	Referenda and electoral processes in DRC	University of Bandundu	3rd Vice President of IEC	123: 106 men 17 women	Vice President mentioned installation of IEC provincial offices; IFES coordinator offered assistance as needed.
8/11/04	Radio broadcast on Prerequisites for success of DRC's electoral process	Centre Lokole	SFCG, NPDAC	N/A	Program diffused on 45 community radio stations covering each DRC province and one station in Bujumbura, Burundi

Kikwit

Date	Theme	Location	Partner	Participants	Comments
1/31/04	Election generalities and role of the IEC	Muvuma Region	CJP/Muvuma	18: 16 men 2 women	Presentation of IFES, nature of elections and how to vote
2/6 – 2/7/04	The IEC's organic law	University of Bandundu	CJP	227: 171 men 56 women	Participants desired to see a local-level IEC presence
2/10 – 2/11/04	Electoral systems – advantages and disadvantages	Resource Center and University of Bandundu	None	176: 130 men 46 women	Majority of participants preferred majority vote system. Content of debates from 6-11 February broadcast twice on Radio Tomisa
3/10/04	Role of women in promoting a successful transition	Resource Center	REFED/Bandundu	85: 25 men 60 women	Attendees pledged to diffuse workshop information
3/17/04	Electoral systems – advantages and disadvantages	University of Bandundu	LCE	113: 86 men 27 women	After event, animator held two broadcasts on this topic on Radio Tomisa

3/27/04	Resource Center Open Day	Resource Center	None	98	Participants promised to apply for Resource Center accreditation
5/2/04	Electoral systems – advantages and disadvantages	Bulungu parish	LCE	49: 44 men 5 women	Distribution of *ABC* and *Petit Dictionnaire* to participants; requests for information in local language (Kikongo)
5/3/04	The IEC organic law	Bulungu parish	LCE	40: 34 men 6 women	Participants provided feedback on tenure of two-round presidential and proportional legislative elections
5/6/04	The role of the IEC	Masi-Manimba township	UNAF	92: 28 men 64 women	CSO leaders also acted as political party leaders and did not see conflict of interest
5/7/04	Electoral systems – advantages and disadvantages	Masi-Manimba township	UNAF	89: 26 men 63 women	Distribution of *ABC* and *Petit Dictionnaire* to participants; requests for information in local language
5/7/04	Electoral systems – advantages and disadvantages	Misele township	ASSAMIP	89: 49 men 40 women	Distribution of *ABC* and *Petit Dictionnaire* to participants; requests for information in local language
5/7/04	The role of the IEC	Nkara township	PROCODEF	50: 27 men 23 women	Good audience understanding of IEC's role and offer to support its provincial installation
5/8/04	The role of the IEC	Misele township	ASSAMIP	88: 48 men 40 women	Participants expressed doubt on IEC's provincial representation, claiming addition of an extra layer of bureaucracy
5/8/04	The IEC organic law	Nkara township	PROCODEF	72: 55 men 17 women	Good audience understanding of law's provisions and distribution of copies of law
5/8/04	The role of the IEC	Idiofa township	CJP/Kikwit	42: 38 men 4 women	Participants promised to disseminate workshop information in surrounding villages
5/9/04	The IEC organic law	Misele township	ASSAMIP	52: 27 men 25 women	Good audience understanding of law's provisions and distribution of copies of law
5/9/04	Electoral systems – advantages and disadvantages	Misele township	CJP/Kikwit	45: 33 men 12 women	Participants accepted propositions for two-round presidential and proportional legislative elections
7/6/04	Election generalities	Gungu region	ASADHO	133: 105 men 28 women	Participants noted their isolation from transition workshop and wished workshop had been held earlier
7/7/04	The IEC organic law	Gungu region	ASADHO	133: 105	None

				28 women	
7/12/04	Election generalities	Feshi region	LCE	62: 56 men 6 women	Event helped participants develop concept of civil society
7/13/04	Electoral systems – advantages and disadvantages	Feshi region	LCE	55: 48 men 7 women	None
7/11/04	The role of the IEC	Kahemba township	CJP/Kikwit	58 men	Participants questioned actual level of IEC independence and received copies of IEC organic law in French and Kikongo
7/15/04	Electoral systems – advantages and disadvantages	Kahemba township	CJP/Kikwit	58 men	High level of questions on clarifying different electoral systems
7/17/04	The place and role of the media in the DRC's transition	Resource Center	Resource Center	28: 26 men 2 women	Participants, from local press agencies, agreed to integrate electoral themes in their programming; IFES coordinator agreed to provide such material
7/24/04	Election generalities	Kingandu region	LCE	32: 21 men 11 women	Focus on enhancing comprehension of elections as a concept within DRC
7/25/04	Electoral systems – advantages and disadvantages	Kingandu region	LCE	65: 55 men 10 women	Distribution of IEC organic law, *ABC* and *Petit Dictionnaire* to participants
No activities held in August as per instruction					

Annex 3. Organic Law, of the Organization, Attributes, and Functions of the Independent Electoral Commission, Law No. 04-009 of 5 June 2004

République Démocratique du Congo

LOI N° 04/009 DU 05 JUIN 2004 PORTANT ORGANISATION, ATTRIBUTIONS ET FONCTIONNEMENT DE LA COMMISSION ELECTORALE INDEPENDANTE

Kinshasa, mai 2004

EXPOSE DES MOTIFS

Depuis l'indépendance de la République Démocratique du Congo jusqu'à ce jour, hormis la dispensation électorale de 1965, des élections pluralistes réellement libres, transparentes et démocratiques n'ont jamais pu être organisées dans le pays.

Pour résoudre la crise de légitimité du pouvoir qui a persisté en République Démocratique du Congo durant des décennies, l'organisation des élections est toujours retenue à l'ordre du jour par tous les régimes qui se sont succédé au pouvoir, mais sans avoir jamais connu un début d'exécution.

Entre-temps, la République Démocratique du Congo s'est retrouvée dans un conflit politico-militaire pour la conquête ou la conservation du pouvoir avec des déclarations d'engagement renouvelées de tous les protagonistes d'aller rapidement aux élections afin de résoudre la crise de légitimité en sollicitant l'arbitrage du peuple congolais, seul détenteur primaire du pouvoir.

Les négociations politiques qui se sont déroulées laborieusement durant près de quatre ans depuis la signature à Lusaka en Zambie de l'accord dit « Accords de Lusaka », sur le cessez-le-feu en République Démocratique du Congo, jusqu'au dialogue inter-congolais de Sun City en Afrique du Sud, ont abouti à un Accord Global et Inclusif et à une Constitution de la transition pour une gestion consensuelle du pays pendant une période de transition telle que prévue à l'article 196 de la Constitution de la transition.

L'un des objectifs majeurs assignés à cette transition est de conduire le pays vers un Etat de droit par l'organisation des élections libres, transparentes et démocratiques à tous les niveaux.

Les élections sus-visées étant spéciales, consensuelles et fondatrices d'un nouvel ordre politique, la plénière du dialogue inter-congolais a créé, par la résolution n° DIC/CPJ/09 la Commission Electorale Indépendante. Cette dernière est chargée d'assurer la préparation et l'organisation des élections libres, transparentes et démocratiques pendant la transition en République Démocratique du Congo. Elle est aujourd'hui instituée par la Constitution de la Transition en son article 154.

8. *La Commission Electorale Indépendante est constituée d'une manière paritaire par les Composantes et entités au Dialogue inter-congolais en tenant compte de la représentation provinciale et de la représentation d'au moins une femme par Composante et Entité;*

9. *Elle est dotée de trois organes à savoir :*
   - *l'Assemblée Plénière, organe de conception, d'orientation et d'évaluation ;*
   - *le Bureau, organe de décision et de la gestion quotidienne de la Commission Electorale Indépendante ;*
   - *les Commissions Spéciales, organes techniques.*

   Dans la prise des décisions de ces organes, le consensus est la règle, le vote l'exception ;

10. *Dans l'accomplissement de sa mission, la Commission Electorale Indépendante dispose de moyens puissants : elle peut saisir, le cas échéant, les juridictions compétentes. Celles-ci sont obligées de statuer selon la procédure de flagrance ;*

11. *La mission des Membres de la Commission Electorale Indépendante est nationale, ces derniers sont désignés pour toute la durée de la transition ;*

12. *En considération de la délicatesse de leur mission, les membres de la Commission Electorale Indépendante sont couverts par des immunités nécessaires à l'exercice de leurs missions ;*

13. *Dans le cadre de son organisation et de son fonctionnement, la Commission Electorale Indépendante établit des bureaux de représentation provinciale dont les membres sont nommés collégialement par les membres du Bureau sur proposition des Composantes et Entités en tenant compte de la représentation d'au moins deux femmes par bureau.*

    Elle dispose par ailleurs des agents et cadres techniques recrutés par elle ou mis à sa disposition à sa demande par les services publics compétents de l'Etat.

    Elle peut faire appel aux experts nationaux et internationaux.

Elle agrée les demandes des observateurs nationaux et internationaux.

Elle reçoit la liste des témoins.

Par ces dispositions, sont ainsi rencontrées les véritables préoccupations du constituant, de voir instituer et fonctionner une Commission Electorale Indépendante, neutre et impartiale en vue de doter la République Démocratique du Congo des Institutions légitimes à l'issue des scrutins libres, démocratiques et transparents.

RÉPUBLIQUE DÉMOCRATIQUE DU CONGO

Le Président

LOI N° 04/009 DU 05 JUIN 2004 PORTANT ORGANISATION, ATTRIBUTIONS ET FONCTIONNEMENT DE LA COMMISSION ELECTORALE INDEPENDANTE

L'Assemblée Nationale a adopté,

La Cour Suprême de Justice a statué,

Le Président de la République promulgue la loi dont la teneur suit :

TITRE IER
DES DISPOSITIONS GÉNÉRALES

Article 1er :

La Commission Electorale Indépendante est instituée par l'article 154 de la Constitution de la transition.

Elle est un organisme de droit public congolais, autonome, neutre et dotée de la personnalité juridique.

Son organisation, ses attributions et son fonctionnement sont déterminés par les dispositions de la présente loi organique conformément à l'article 160 de la Constitution de la transition.

Article 2 :

Son siège est situé à Kinshasa, capitale de la République Démocratique du Congo.

Il est inviolable.

Article 3 :

La Commission Electorale Indépendante jouit de l'autonomie administrative et financière.

Elle dispose d'un budget propre appelé dotation qui peut être complété par des apports extérieurs.

Son Bureau en assure la gestion conformément à la loi financière et selon les règles et procédures définies dans le Règlement Intérieur.

Article 4 :

La Commission Electorale Indépendante jouit de l'indépendance d'action par rapport aux autres Institutions de la République, y compris celles d'appui à la démocratie.

Néanmoins, dans l'exercice de sa mission, elle bénéficie de la collaboration des autres Institutions de la transition.

TITRE II
DE LA MISSION ET DES ATTRIBUTIONS DE LA COMMISSION ELECTORALE INDEPENDANTE

Article 5 :

La Commission Electorale Indépendante a pour mission de garantir la neutralité et l'impartialité dans l'organisation des scrutins libres, démocratiques et transparents.

Article 6 :

Sans préjudice de l'article 5 ci-dessus, la Commission Electorale Indépendante est chargée de préparer, d'organiser, de gérer et de contrôler, en toute indépendance et transparence, les processus référendaire et électoral pendant la transition.

Article 7 :

Les attributions principales de la Commission Electorale Indépendante sont :

a) élaborer et interpréter, en toute indépendance et autorité, son Règlement Intérieur. Après son élaboration, le Règlement Intérieur ne peut entrer en vigueur que si la Cour Suprême de Justice, obligatoirement saisie par le Président de la Commission Electorale Indépendante, le déclare conforme à la Constitution de la Transition et à la présente loi organique endéans quinze jours. Passé ce délai, le Règlement Intérieur est d'application d'office ;

b) organiser et gérer les opérations référendaires, pré-électorales et électorales notamment :
   - l'identification des nationaux ;
   - l'enrôlement ;
   - l'établissement des listes électorales ;
   - le vote ;
   - le dépouillement ;
   - l'annonce des résultats provisoires ;
   - la passation des marchés afférents à ces opérations conformément aux procédures en vigueur ;

c) contribuer à l'élaboration du cadre juridique relatif aux processus référendaire et électoral ;

d) élaborer des prévisions budgétaires et le calendrier relatifs à l'organisation des processus référendaires et électoraux ;

La présente loi est une loi organique portant organisation, attributions et fonctionnement de la Commission Electorale Indépendante. Elle traduit et explicite les dispositions pertinentes de l'Accord Global et Inclusif et les articles 154 à 160 de la Constitution de la Transition.

La Commission Electorale Indépendante est organisée et fonctionne conformément à la présente loi organique dont les caractéristiques fondamentales se résument en ceci :

1. *La Commission Electorale Indépendante est dotée de la personnalité juridique, elle est neutre et jouit de l'autonomie financière et administrative ;*

   Elle jouit de l'indépendance d'action par rapport aux autres Institutions de la République ;

2. *A la différence de la défunte Commission Nationale des Elections, la Commission Electorale Indépendante n'est placée sous aucune tutelle ;*

3. *Eu égard à la nature et à l'étendue de sa mission, une collaboration est cependant organisée avec les autres Institutions de la République ;*

4. *Le Règlement intérieur de la Commission Electorale Indépendante est déclaré conforme à la Constitution de la transition et à la présente loi organique par la Cour Suprême de justice avant son application ;*

5. *Avant leur entrée en fonction, les membres de la Commission Electorale Indépendante sont présentés devant l'Assemblée Nationale pour entérinement et prêtent serment devant la Cour Suprême de Justice ;*

6. *Elle dispose d'un budget propre appelé dotation susceptible d'être complétée par des apports extérieurs ;*

7. *La Commission Electorale Indépendante organise librement et sans interférence les différentes opérations devant conduire au référendum constitutionnel et aux élections présidentielles, législatives, municipales et locales ;*

e) traduire en langues nationales et rendre public le projet de Constitution à soumettre au référendum ;

f) vulgariser en français et en langues nationales les lois référendaire et électorale ;

g) réaliser un programme d'information des électeurs et coordonner la campagne d'éducation civique de la population en tenant compte des langues nationales ;

h) assurer la formation électorale des responsables nationaux, provinciaux et locaux chargés de préparer et d'organiser les élections ;

i) élaborer et vulgariser un Code de bonne conduite et des règles de déontologie électorales;

j) veiller à l'application des lois référendaire et électorale ;

k) déterminer le nombre des bureaux de vote, des bureaux de dépouillement et des bureaux de centralisation des résultats électoraux par circonscription électorale ;

l) nommer les membres des bureaux de vote, les membres des bureaux de dépouillement et les membres des bureaux de centralisation des résultats électoraux ;

m) veiller à la régularité de la campagne référendaire ;

n) annoncer et publier les résultats du référendum et les transmettre à la Cour Suprême de Justice pour proclamation ;

o) recevoir, agréer et publier les listes des candidats ;

p) veiller à la régularité des campagnes électorales ;

q) annoncer les résultats provisoires des élections à tous les niveaux et les transmettre pour proclamation à la Cour Suprême de Justice concernant les élections présidentielles et législatives ou à la Cour d'Appel du ressort concernant les élections provinciales et locales ;

r) déposer à l'Assemblée nationale et au Sénat un rapport général sur le référendum et un rapport général sur les élections.

TITRE III
DE LA COMPOSITION DE LA COMMISSION ELECTORALE INDEPENDANTE

Article 8 :

La Commission Electorale Indépendante est constituée de 21 membres désignés de façon paritaire par les Composantes et Entités du Dialogue inter-congolais, sur la base des principes de compétence, d'expérience, de haute moralité et de représentation provinciale à raison de 3 membres par Composante et de 2 membres par Entité dont au moins une femme par Composante et Entité.

A cet effet, les Composantes et Entités engagent des concertations préalables.

Article 9 :

Les conditions à remplir pour être membre de la Commission Electorale Indépendante sont :

a) Etre de nationalité congolaise;
b) Etre âgé de 25 ans au moins ;
c) Etre titulaire au moins d'un diplôme de graduat ou d'un diplôme jugé équivalent ou justifier d'une expérience professionnelle d'au moins cinq ans dans un domaine pouvant présenter un intérêt pour la Commission Electorale Indépendante;

d) Produire un certificat d'aptitude physique et mentale, un extrait de casier judiciaire vierge, une attestation de bonne vie et mœurs et un certificat de nationalité;
e) Prendre l'engagement solennel et par écrit de ne briguer aucun mandat électif pendant les élections en cours de préparation.

Article 10 :

La qualité de membre de la Commission Electorale Indépendante est incompatible avec:

a) toute autre fonction dans une Institution de la République, y compris les Institutions d'appui à la démocratie;
b) la qualité de membre des forces armées, de la police nationale, des services de sécurité, d'agent de carrière des services publics de l'Etat, de mandataire public, d'agent d'une entreprise publique ou d'économie mixte, de membre du personnel d'appoint des Institutions de la transition;
c) la fonction de membre des cabinets politiques des Institutions de la transition;
d) la fonction de cadre politico-administratif de la territoriale;
e) la fonction de magistrat;
f) la qualité de candidat à une élection politique à tous les niveaux.

Article 11 :

Les membres de la Commission Electorale Indépendante sont désignés pour toute la durée de la transition.

Sans préjudice des dispositions de l'article 38 de la présente loi organique, leur mandat peut prendre fin pour cause de :

a) démission;
b) décès;
c) empêchement définitif;
d) condamnation irrévocable pour haute trahison, détournement des deniers publics, concussion ou corruption.

Article 12 :

En cas de vacance, le remplacement se fait selon le processus qui a présidé à la désignation du membre concerné.

L'Assemblée Nationale est tenue d'entériner le remplacement ainsi effectué dans un délai de sept jours. Passé ce délai, l'entérinement est acquis d'office.

TITRE IV
DE L'ORGANISATION ET DU FONCTIONNEMENT DE LA COMMISSION ELECTORALE INDEPENDANTE

Article 13 :

Au niveau national, la Commission Electorale Indépendante a pour organes:

a) l'Assemblée plénière;
b) le Bureau ;
c) les Commissions spéciales.

Au niveau provincial, la Commission Electorale Indépendante dispose des Bureaux de représentation constitués de huit membres, dont deux femmes, à raison d'un membre par Composante et Entité, nommés collégialement par son Bureau, sur proposition des Composantes et Entités selon les critères de compétence, d'expérience et de haute moralité.

A cet effet, les Composantes et Entités engagent des concertations préalables.

Au niveau local, la Commission Electorale Indépendante établit ses services techniques et administratifs dont les agents sont nommés de manière collégiale par son Bureau. Ce personnel est recruté suivant les critères de compétence, de moralité et d'expérience.

L'organisation et le fonctionnement des organes de la Commission Electorale Indépendante ainsi que de ses Bureaux de représentation sont fixés par le Règlement Intérieur.

Article 14 :

Avant d'entrer en fonction, les membres de la Commission Electorale Indépendante sont présentés pour entérinement devant l'Assemblée Nationale et prêtent, devant la Cour Suprême de Justice, le serment suivant:

« Moi, (nom et qualité dans la Commission Electorale Indépendante), je jure sur l'honneur de respecter la Constitution et les lois de la République Démocratique du Congo, de remplir loyalement et fidèlement les fonctions de membre de la Commission Electorale Indépendante.

Je prends l'engagement solennel de n'exercer aucune activité susceptible de nuire à l'indépendance, à la neutralité, à la transparence et à l'impartialité de la Commission Electorale Indépendante, de garder le secret des délibérations et du vote, même après la cessation de mes fonctions, de ne briguer aucun mandat électif aux échéances en cours, même si je ne fais plus partie de la Commission Electorale Indépendante».

Article 15 :

L'assemblée plénière est l'organe de conception et d'orientation. Elle procède à l'évaluation interne des activités de la Commission Electorale Indépendante.

Ses séances, présidées par son Président, se tiennent à huis clos.

Ses décisions se prennent par consensus, à défaut, par vote.

Article 16 :

L'Assemblée plénière peut créer des Sous-commissions ad hoc.

Article 17 :

Ses Bureaux préparent et dirigent sous la supervision du Bureau de la Commission Electorale Indépendante les opérations référendaires, pré-électorales, électorales et post-électorales.

Article 18 :

Le Bureau est l'organe de décision et de gestion de la Commission Electorale Indépendante. Il est composé de huit membres :

a) le Président;
b) le Premier Vice-Président;
c) le Deuxième Vice-Président;
d) le Troisième Vice-Président;
e) le Rapporteur;
f) le Premier Rapporteur Adjoint;
g) le Deuxième Rapporteur Adjoint;
h) le Troisième Rapporteur Adjoint.

Le Président du Bureau a rang de Ministre.

Il représente la Commission Electorale Indépendante vis-à-vis des tiers et ne l'engage que dans les limites des pouvoirs qui lui sont délégués par le Bureau .

Article 19 :

Les membres de la Commission Electorale Indépendante bénéficient d'une indemnité équitable, proportionnelle à l'étendue et à l'importance de leur mission, et qui leur assure l'indépendance et une sortie honorable.

TITRE V
DES MOYENS D'ACTION DE LA COMMISSION ELECTORALE INDEPENDANTE : DU BUDGET,DES AGENTS ET CADRES TECHNIQUES, DES EXPERTS, DES OBSERVATEURS ET DES TEMOINS

Article 20 :

La Commission Electorale Indépendante élabore ses prévisions budgétaires conformément à la loi financière et les transmet au Gouvernement.

Le Gouvernement est tenu d'appliquer la procédure d'urgence dans le versement de la dotation.

Article 21 :

La Commission Electorale Indépendante sollicite de partenaires bilatéraux, multilatéraux et d'autres donateurs, l'assistance et l'appui nécessaires à l'organisation et au bon déroulement des processus référendaires et électoraux. Elle est tenue d'en informer le Gouvernement.

Article 22 :

Dans le cadre de l'exercice de sa mission, la Commission Electorale Indépendante peut obtenir des dons et legs des organismes s'occupant de la promotion de la démocratie et d'autres partenaires. Elle est tenue d'en informer le Gouvernement.

Article 23 :

La Commission Electorale Indépendante se dote des agents et cadres techniques dont elle a besoin pour son fonctionnement.

Ces agents et cadres techniques sont recrutés par elle exclusivement ou mis à sa disposition à sa demande par les services publics compétents de l'État.

Ils relèvent du régime contractuel de droit commun. Toutefois, s'ils sont des agents de carrière des services publics de l'Etat, ils sont mis en détachement conformément à leur statut.

Article 24 :

Dans le cadre de l'exercice de leur mission, les membres de la Commission Electorale Indépendante, ceux des Bureaux de représentation provinciale ainsi que les agents et cadres techniques ont accès à toutes les sources d'information et aux médias publics.

Les cadres de l'administration centrale et les cadres politico-administratifs de la territoriale sont tenus de leur fournir tous les renseignements et de leur communiquer tous les documents dont ils peuvent avoir besoin dans l'accomplissement de leur mission.

Article 25 :

La Commission Electorale Indépendante peut,sur une question déterminée,entendre toute personne dont elle juge l'avis utile à l'accomplissement de sa mission.

Article 26 :

La Commission Electorale Indépendante peut faire appel à des experts nationaux et internationaux dont elle a besoin.

Elle agrée les demandes d'observation introduites par les organisations internationales et non gouvernementales nationales pour qu'elles s'assurent du bon déroulement des opérations avant, pendant et après les processus référendaires et électoraux.

Article 27 :

Dans le cas des observateurs internationaux, la demande est présentée par le Gouvernement à l'initiative de la Commission Electorale Indépendante.

Les demandes d'observation émanant des organisations internationales sont introduites par la voie diplomatique et transmises à la Commission Electorale Indépendante par le Gouvernement.

Article 28 :

La Commission Electorale Indépendante accrédite les observateurs nationaux et internationaux. Elle reçoit les listes des témoins désignés par les candidats et les partis politiques.

Article 29 :

Les agents et cadres techniques, de même que les observateurs, les experts et les témoins ne sont pas membres de la Commission Electorale Indépendante.

Toutefois, les dispositions de l'article 10 f) de la présente loi organique leur sont applicables même après avoir quitté la Commission Electorale Indépendante.

Article 30 :

La liberté de mouvement ainsi que la sécurité des membres de la Commission Electorale Indépendante, de ceux des Bureaux de représentation provinciale, des agents et cadres techniques, des experts, des observateurs nationaux et internationaux et des témoins sont garanties par le Gouvernement sur toute l'étendue de la République.

Article 31 :

La Commission Electorale Indépendante veille au respect des lois référendaire et électorale par les autorités politico-administratives, les partis politiques, les candidats, les observateurs nationaux et internationaux, les électeurs ainsi que les témoins.

En cas de non respect des dispositions législatives et réglementaires relatives au référendum et aux élections par une autorité politico-administrative ou son représentant, la Commission Electorale Indépendante l'invite à prendre les mesures de correction appropriées.

Si l'autorité mise en cause refuse de s'exécuter, la Commission Electorale Indépendante saisit la hiérarchie de ladite autorité afin qu'elle prenne sans délai les sanctions appropriées. Le cas échéant, la Commission Electorale Indépendante saisit les juridictions compétentes qui devront statuer selon la procédure de flagrance.

Les manquements commis par les partis politiques,les témoins, les candidats, les observateurs nationaux et internationaux ainsi que les électeurs peuvent également être portés devant les juridictions compétentes par la Commission Electorale Indépendante.

Lorsqu'il s'agit d'infractions aux dispositions des lois référendaire et électorale, la Commission Electorale Indépendante est habilitée à saisir les instances judiciaires compétentes et à soutenir les poursuites.

Article 32 :

En cas des troubles graves au cours des opérations pré-électorales et électorales, le Président de la Commission Electorale Indépendante ou son délégué peut requérir la force de l'ordre.

TITRE VI
DES IMMUNITES ET DU REGIME DISCIPLINAIRE

Article 33 :

Les membres de la Commission Electorale Indépendante, ceux de ses Bureaux de représentation provinciale, ses agents et cadres techniques ainsi que les experts à tous les niveaux ne peuvent être poursuivis, recherchés, arrêtés, détenus ni jugés aussi bien durant l'exercice de leur mandat qu'après expiration de celui-ci pour les opinions émises dans l'exercice de leurs fonctions.

Pendant l'exercice de leur mandat, ils ne peuvent être poursuivis ni arrêtés, en matière pénale, qu'avec l'autorisation de l'Assemblée Plénière, sauf en cas de flagrant délit. Le règlement intérieur de la Commission Electorale Indépendante en fixe les modalités et la procédure.

Article 34 :

Les membres de la Commission Electorale Indépendante jouissent du privilège de juridiction conformément à l'article 151 de la Constitution de la Transition.

Article 35 :

Les membres de la Commission Electorale Indépendante et ceux de ses Bureaux de représentation provinciale, ses agents et cadres techniques ainsi que les experts à tous les niveaux sont tenus de respecter le Règlement Intérieur et le Code de bonne conduite y afférent.

Article 36 :

Tout membre de la Commission Electorale Indépendante ou de l'un de ses Bureaux de représentation provinciale, tout agent et cadre technique ou tout expert qui manque aux obligations prévues aux dispositions de la présente loi organique et du Code de bonne conduite est passible de sanctions fixées par le Règlement Intérieur de la Commission Electorale Indépendante.

TITRE VII
DE LA SAISINE DE LA COMMISSION ELECTORALE INDEPENDANTE

Article 37 :

La Commission Electorale Indépendante peut se saisir de toute question relevant de sa compétence et en délibérer.

La Commission Electorale Indépendante peut être saisie de toute violation des dispositions législatives et réglementaires régissant le référendum et les élections par les autorités politico-administratives, les partis politiques en compétition, les candidats et les électeurs.

La Commission Electorale Indépendante est saisie en la personne de son Président ou de son délégué.

Dans ce cas, la requête est formulée par écrit, datée et signée par une personne ayant qualité à agir. Elle doit, sous peine D'irrecevabilité, énoncer clairement et avec précision les griefs articulés.

TITRE VIII
DES DISPOSITIONS FINALES

Article 38:

A la fin du processus référendaire et de chaque processus électoral, un audit externe est diligenté par la Cour des Comptes dans les 30 jours qui suivent le dépôt du rapport général de la Commission Electorale Indépendante.

Les conclusions de la Cour des Comptes sont déposées devant le Parlement.

Article 39:

La Commission Electorale Indépendante est dissoute de plein droit après l'adoption de son rapport général sur les dernières élections par le Parlement issu des élections législatives.

Article 40 :

A la dissolution de la Commission Electorale Indépendante, son patrimoine est mis immédiatement, selon l'échelon, à la disposition du Gouvernement et des Entités Administratives provinciales et locales dans lesquelles il a servi.

Article 41 :

La présente loi abroge toutes les dispositions antérieures contraires et sort ses effets à la date du 28 Août 2003.

Fait à Kinshasa, le 05 JUIN 2004

Joseph KABILA

Pour copie certifiée conforme à l'original
Le 06 juin 2004

Le Cabinet du Président de la République

Evariste BOSHAB
Directeur de Cabinet

CABINET DU PRESIDENT DE LA REPUBLIQUE

Version 3
Le 9 septembre 2004

FEUILLE DE ROUTE POUR LA TRANSITION, CHEMIN CRITIQUE ET MEMORANDUM DU RCD INVENTAIRE :

[Le présent document de travail a été élaboré en ventilant dans les quatre grandes catégories définies par le CIAT dans son communiqué du 2 septembre 2004 des éléments de : (a) « la feuille de route pour la transition » de la Présidence d'avril 2004, (b) le chemin critique pour la transition publié dans le rapport du Secrétaire général des Nations unies au Conseil de sécurité du 16 août 2004 et (c) les récents memoranda du RCD-G sur l'état de la transition.]

CHAPITRE I. Intégration et restructuration de l'armée en même temps que la mise en œuvre du plan national de désarmement, de démobilisation et de réinsertion

Accompli :

- Nomination du Coordonnateur national de DDR ;
- Nomination des membres de la structure militaire d'intégration ;
- Déploiement de la brigade de l'Ituri ;
- Adoption d'un plan national de DDR ;
- Elaboration d'un plan opérationnel conjoint entre la SMI et la CONADER ;
- Lancement du programme de DRC pour l'Ituri ;
- Elaboration d'un plan d'intégration et de restructuration de l'armée par l'Etat Major des Forces Armées de la RDC ;
- Mise en place du Conseil Supérieur de la Défense ;

Reste à faire :

Tronc Commun

Mesures	Echéancier	Responsable
▪ Adoption et Promulgation de la loi sur la Défense ;		
▪ Adoption et finalisation du plan d'intégration et de restructuration de l'armée approuvé par le Gouvernement de la transition ;		
▪ Adoption du plan opérationnel conjoint entre la CONADER et la SMI ;		
▪ Prise en compte budgétaire (Loi sur le budget 2005) des mesures indispensables à la mise en œuvre du plan d'intégration de l'armée ;		
▪ Regroupement des combattants ;		
▪ Identification et orientation ;		
▪ Démobilisation effective des enfants associés aux groupes armés ;		

Armée

Mesures	Echéancier	Responsable
▪ Accélération du processus d'intégration de la chaîne de commandement de l'Armée ;		
▪ Mise en place du Centre d'Opérations Conjoint (CONADER, SMI, MONUC, autres partenaires) ;		
▪ Réhabilitation et équipement des centres d'instruction des Forces Armées de la RDC ;		
▪ Mise en place d'un système fiable et transparent permettant d'assurer durablement le versement effectif et régulier de la solde des soldats ;		
▪ Brassage, recyclage et redéploiement des soldats;		

Police

Mesures	Echéancier	Responsable
▪ Adoption de la réforme de la police et confirmation de son statut civil;		
▪ Réhabilitation des centres de formation de la police ;		
▪ Brassage, recyclage et redéploiement des agents de police;		

DDR

Mesures	Echéancier	Responsable
▪ Réunion par le CONADER de toutes les conditions de la Banque Mondiale (notamment a. recrutement d'une maison d'audit ; b. élaboration des manuels d'exécution du programme national et de gestion financière ; et c. publication de décret clarifiant le rôle des différentes institutions);		
▪ Identification des combattants qui seront soumis au DDR ;		
▪ Démobilisation et réinsertion des anciens combattants ;		
▪ Collecte et/ou destruction des armes et munitions ;		

Autres

Mesures	Echéancier	Responsable
▪ Mise en place des cadres des services spécialises : ANR et DGM ;		

CHAPITRE II. Règlement définitif du problème des groupes armés étrangers en territoire congolais

Accompli :

- Etablissement d'un Mécanisme de vérification conjointe entre la RDC et l'Ouganda ;
- Rapatriement volontaire de plus de 5,000 combattants étrangers et de leurs familles ;

Reste à faire :

Mesures	Echéancier	Responsable
▪ Mise en œuvre de la déclaration de Pretoria du 27 Novembre 2004 et finalisation des accords sur le Mécanisme de Vérification Conjointe entre la RDC et le Rwanda ;		
▪ Elaboration au sein des FARDC d'une stratégie pour le désarmement des combattants étrangers en RDC (*e.g.* affectations d'unités intégrées des FARDC pour la tache spécifique d'appui au DDRRR des combattants étrangers)		
▪ Création d'un centre de coordination opérationnelle en matière de DDRRR entre la MONUC et les FARDC ;		

CHAPITRE III. Préparation et organisation des élections

Accompli :

- Elaboration, adoption et promulgation de la loi portant organisation et fonctionnement de la Commission Electorale Indépendante (CEI) ;
- Installation officielle de la CEI ;

Reste à faire :

Tronc commun

Mesures	Echéancier	Responsable
▪ Elaboration, adoption et promulgation des lois sur le recensement, sur l'amnistie et sur la nationalité ;		
▪ Elaboration, adoption et promulgation de la loi référendaire ;		
▪ Installation des antennes provinciales des la CEI ;		
▪ Confection et publication des listes électorales définitives ;		
▪ Elaboration et adoption de la nouvelle Constitution ;		
▪ Adoption et promulgation de la loi électorale ;		
▪ Inscription au budget de 2005 des dépenses liées à l'organisation des élections ;		
▪ Elaboration et adoption d'un code de conduite pour les partis politiques ;		

Référendum Constitutionnel

Mesures	Echéancier	Responsable
▪ Localisation et publication des listes des bureaux de vote ;		
▪ Campagne référendaire ;		
▪ Scrutin ;		
▪ Collecte et proclamation des résultats ;		

Elections (locales et législatives)

Mesures	Echéancier	Responsable
▪ Inscription des candidats ;		
▪ Campagne locale et élections ;		
▪ Campagne législative et élections ;		

Election présidentielle

Mesures	Echéancier	Responsable
▪ Election présidentielle ;		

CHAPITRE IV. Extension de l'autorité de l'Etat sur l'ensemble du territoire national

Accompli :

- Mise en place de la nouvelle territoriale au niveau des gouverneurs et des vice gouverneurs de province;
- Signature de l'Acte d'engagement de Kinshasa par les milices de l'Ituri ;
- Nomination de l'Administration Territoriale de l'Ituri ;
- Déploiement de la brigade de l'Ituri (en cours) ;
- (Elaboration, adoption et promulgation des lois organiques portant organisation et fonctionnement des cinq institutions d'appui à la démocratie ;)

Reste à faire :

Mesures	Echéancier	Responsable
▪ Parachèvement de la mise en place de la territoriale (« Petite territoriale »), de la diplomatie, des mandataires des entreprises publiques et d'économie mixte et des services des sécurité spécialisés;		
▪ Garantir le retour des réfugiés et renforcer les mesures de sécurité dans le Sud-Kivu ;		
▪ Réunification du service de l'immigration et du service des douanes ;		
▪ Mise en place d'un système transparent permettant d'assurer le paiement effectif et régulier des traitements de tous les fonctionnaires sur l'ensemble du territoire national;		
▪ Mise en place des antennes territoriales des cinq institutions d'appui à la démocratie ;		
▪ Réprimer toute incitation à la haine ou à la violence, notamment dans les media ;		

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ETAT D'AVANCEMENT DE L'ADOPTION DES LOIS ESSENTIELLES A LA TRANSITION EN RDC

Lois	Elaboration de projet ou de proposition de loi	Examen par Commission du Gouv. de Transition	Adop-tion par Conseil des Ministres	Examen Commission Assemblée Nationale	Adoption par l'Assemblée Nationale	Adop-tion par le Sénat	Commis-sion Paritaire (1)	Adoption définitive par l'Assemblée Nationale (1)	Cour Suprême (1)	Présidence (Promulgation ou renvoi à l'Assemblée Nationale)
Loi sur les Partis Politiques	Oui	Oui	Oui	Oui	N/A 05/03/04	N/A	N/A	N/A 05/03/04	N/A	Oui 15/03/04
Commission Electorale Indépendante CEI	Oui	Oui	Oui	Oui 13/05/04	Oui 27/12/03 19/04/03	Oui	Oui	19/04/2004 18/05/04	Oui	Oui 05/06/04
Haute Autorité des Médias HAM	Oui	Oui	Oui	Oui 23/01/04	Oui	Oui	Oui	04/02/04	Oui	Oui 30/07/04
Commission Ethique et Anti-corruption	Oui	Oui	Oui	Oui	Oui	Oui	Oui	11/02/04	Oui	Oui 30/07/04
Observatoire National des Droits de l'Homme	Oui	Oui	Oui	Oui 15/12/03	Oui	Oui	Oui	18/02/04 15/06/04	Oui	Oui 30/07/04
Commission Vérité et Récon-ciliation CVR	Oui	Oui	Oui	Oui 20/12/03	20/04/04	Oui	Oui	20/04/04	Oui	Oui 30/07/04
Loi sur la Défense	Oui	Oui	Oui	En cours 06/05/04	En cours 31/05/04					
Loi portant organisation Territoriale et Administrative	Oui	Oui	Oui	Première discussion		1ère discus sion				
Loi sur la Nationalité	Oui	Oui 20/07/04	Oui **20/07/04**			Oui **09/09/ 04**				
Loi sur l'amnistie	Oui	En cours								