



SSRC

Conflict Prevention and Peace Forum

Elections in the DRC (Completing the 2011-2016 Cycle): Status and Perspectives

Prepared on behalf of the DRC Affinity Group*
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Executive Summary†

For over 20 years, the Democratic Republic of the Congo's (DRC) political institutions and their international partners have devoted most of their time and resources to resolving armed conflicts, sometimes to the extent of neglecting the goal of democracy. But after numerous security crises in which the government's weakness played a major role, it has become clear that it is impossible to separate violence from the dysfunction that permeates the nation's institutions. This makes the recent controversy surrounding the Congolese electoral process all the more crucial.

The National Independent Electoral Commission (CENI) has published a roadmap and electoral calendar that are being debated by the *Majorité Présidentielle*, opposition parties, civil society, and international partners of the DRC.

The following analysis explains the pros and cons of the options available for preparing for and holding the upcoming elections, and makes recommendations to help guide international and domestic partners in their decisions on the Congolese electoral process. The analysis stresses the importance of improving the quality of the elections and their efficiency to maximize their impact on the country's peace and stability in the short, medium, and long term.

International organizations urgently need to agree on more active and coordinated action for the current DRC electoral process. At a minimum, the agreement should contain two clear objectives:

1. To work closely with the CENI. This should include providing significant financial support to the CENI to prevent a repeat of 2011, when a lack of funding led to improperly organized elections and "reforms" that endangered the consolidation of democracy.
2. To back a professional, independent audit of voter registries and their clean-up to lend credibility to the elections.

It is also essential for domestic actors to work toward as broad a consensus as possible on the main phases of the election process. As the primary organization in

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overseeing the elections, the CENI's foremost responsibility is to ensure that such a consensus is reached. To do so, it must take the initiative to ensure that the actors most directly affected by the elections, including political parties—especially the opposition—and civil society are actively involved in electoral planning and management. The CENI can do this by organizing an advisory forum. The forum cannot be merely symbolic; instead, it should be genuinely involved in guiding important election management decisions, following the example of advisory forums created by electoral commissions in Ghana and Sierra Leone.

General Background

On 28 November 2011, the DRC held its second national elections of the Third Republic, the first since 2006. The elections, which were mostly funded by the Congolese government, were an organizational and political disaster. The results were considered invalid by electoral monitoring missions,¹ and the legitimacy of leaders and cabinets instated by the 2011 elections is regularly questioned. The Union for Democracy and Social Progress (UDPS) and its leader Etienne Tshisekedi, who lost the bid for the presidency in 2011, made “truth from the ballot box” their primary platform. Tshisekedi went so far as to proclaim himself president.² The Catholic Church in the Congo also demanded truth at the polls through the National Episcopal Council of the Congo (CENCO).³ The pre-election period and disputed election results coincided with numerous human rights violations, mainly against members of opposition parties, journalists and human rights activists.⁴ Thus, despite having held elections, the country continued to suffer from the shrinking of democratic fora, improper governance, impunity, and recurrent crises of legitimacy.

Only four months after the final election results were published, the country's security situation took a turn for the worse. The March 23 Movement (M23) created in April 2012 was at the center of a resurgence in violence surrounding an attempt by multiple armed groups and members of the political elite—including the Rwandan government—to profit from the Congolese government's powerlessness and the crisis of legitimacy. The M23's capture of the city of Goma in November 2012 refocused the international community's attention on the crisis in the Congo, owing to the risk of renewed violence in eastern Congo and its potential impact on years of humanitarian investments in the DRC. It also had the simultaneous effect of deflecting attention from the failure of the elections and its short, medium, and long-term consequences for the country's stability.

The adoption of United Nations Security Council Resolution 2098 on 28 March 2013, not only helped create a neutral intervention brigade within the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to carry out an offensive mandate, it also launched an international outcry for political discussions to promote democracy in the DRC.⁵ It should be noted that the brigade was originally an African initiative that was later taken up by the United Nations after extensive negotiations. After the *Peace, Security and Cooperation Framework* for the Democratic Republic of the Congo and the region was signed on 24 February 2013, the DRC promised to “further the agenda of national reconciliation, tolerance and democratization.”⁶ It was against this backdrop that national policy dialogues, the *Concertations Nationales*, were held between 7 September and 5 October 2013. Although the forum was presented by the Congolese government as a response to the security crisis caused by M23 and an effort

to restore “national cohesion,” the scope of the issues addressed indicated the acknowledgement of a deeper crisis at hand.

As for the CENI, the stakeholders involved clamored for the departure of Pastor Daniel Ngoyi Mulunda and his team and for a reorganization of the institution. The changes were implemented by the adoption of an organic law amending and supplementing organic law 10/013 of 28 July 2013 on the creation and operation of the CENI. The CENI’s reorganization primarily involved the creation of a second “plenary” institution within the CENI to strengthen its internal accountability mechanisms and to reduce the influence and preponderant role of its president. However, a new law on the CENI contributed to the further politicization of the commission: of its thirteen members, six were from the *Majorité Présidentielle*, four were from the opposition, and only three were from civil society. In addition, the decision in 2006 to re-appoint Apollinaire Malu Malu, former president of the Independent Electoral Commission (CED), as Chair of the CENI was far from unanimous. The impartiality of the decision was impugned by allegations of a close relationship between Malu Malu and President Kabila, to the extent that some opposition parties petitioned for Malu Malu’s ouster.⁷

Despite (or perhaps because of) this criticism, the CENI made an effort to improve its image. A non-exhaustive list⁸ of the revamped organization’s actions shows that since the new team director took the reins on 27 June 2013, the CENI has: conducted an audit of the organization, trained its members in leadership and election conflict management, held an integration seminar, adopted its budget forecasts, adopted plans for cementing voting districts and increasing voter registry accuracy, drafted and signed a code of conduct, begun working on partnership and technical committees and organizing forums with various stakeholders, assembled roadmap options for the 2013-2016 election cycle and published an electoral calendar for local, municipal and urban elections.

The Roadmap and Electoral Calendar

On 30 January 2014, the CENI released a report titled “The DRC - Two Years After the 2011 Elections: Status and Perspectives,”⁹ which contained its election roadmap. The roadmap focused on the sequence of elections (local, municipal and urban; provincial/senatorial and national) and the method for electing provincial deputies and governors. The CENI put forth two scenarios to the National Assembly:

1. In the first scenario, the CENI suggested holding direct elections in February 2015 to elect council members of communes and sectors/chiefdoms; indirect elections between March and July 2015 to elect urban council members, then *bourgmestres* and deputy *bourgmestres* (heads of communes), sector and deputy leaders, assembly (provincial) members, senators, governors and vice governors, and mayors and deputy mayors; and finally national (presidential and legislative) elections in 2016.
2. In the second scenario, the CENI suggested holding local and municipal elections in February 2015; then indirect elections between March and July 2015 to elect *bourgmestres* and deputy *bourgmestres*, sector leaders and deputy leaders, and mayors and deputy mayors; then universal direct provincial and national elections in 2016; and finally senatorial elections and elections for governors and vice governors in 2017.

Both scenarios seem to assume that the Congolese government will conduct an administrative census between 2014 and 2015, but neither specifies when it would happen or be completed. Both also recommend, between September and December 2015, “establishing a voter registry from birth and death registries, subject to voter eligibility criteria.” In the CENI’s view, switching to this voter registry method would spell the end of the current registry and the start of a new one based on the census. In order to do this, the CENI suggested inquiring with the National Assembly on the possibility of holding local, municipal, and urban elections based on the old voter registry and holding national elections based on the voter registry taken from the registry of births and deaths.

Lastly, the roadmap contains a preliminary budget projection of \$750,212,788 for the election cycle. However, this estimate does not distinguish between the predicted cost of the first scenario and the second scenario, even though the CENI cites squeezed budgets as the reason for switching methods for electing provincial leaders from universal direct suffrage (the current model) to indirect elections (scenario 1 in the roadmap). It must also be noted that for some elected positions, switching election models would require amending the constitution yet again and may have the unintended side effect of cutting off some leaders from their natural constituencies.¹⁰ This would be counterproductive in terms of accountability to local populations, who would not have elected their representatives.

On 26 May 2014, the CENI decided to hold urban, municipal, and local elections in 2015 and published an election calendar for them.¹¹ With this decision, the CENI made clear its preference for holding local, urban, and municipal elections immediately, despite the many reservations expressed by civil society and multiple opposition parties. The CENI’s decision was a unilateral one that certainly fell under its prerogative, but it contradicted the goal of political consensus that was supposed to have guided its actions when it chose to submit its roadmap and scenarios for full review by the representatives of the people. The current electoral calendar poses a series of problems and casts doubt on the CENI’s approach to the entire election process. Foremost among the issues is that the calendar is incomplete. In fact, it only addresses local, urban, and municipal elections, even though it would be more practical for the CENI to publish a comprehensive electoral calendar covering the entire cycle.

A full calendar is necessary for all parties involved in mobilizing voter turnout and for financial, logistical, and technical support. The calendar would also play a major political role, making it possible to judge the objectivity and feasibility of CENI’s election plans. Finally, it would also act as a gauge of the accountability of the organization overseeing the elections. In addition to the lack of comprehensive process planning, the roadmap contains some fundamental weaknesses. These include concerns regarding the timetable for the national elections, especially given the prerequisites cited in the roadmap and electoral calendar. Furthermore, the current calendar makes no mention of provisions for Congolese citizens who have reached legal age since the voter registry was updated or for citizens living abroad, who still cannot vote. These shortcomings do nothing to reinforce the peace and national cohesion so desired by the Congolese people, including those who participated in *Concertations Nationales*, and may reinforce the radicalization of a part of the more activist Congolese diaspora, who call themselves “combatants.”

Specific Focal Points

As the election draws near, stakeholders in the election process and partners of the DRC should pay special attention to several points:

The importance of the credibility of the voter registry

The credibility of the voter registry is a sizeable challenge for the upcoming elections. The elections of 2011 raised serious doubts about the reliability of the registry. Many objected to it, including opposition parties led by the UDPS, whose members mobilized months before the elections organizing sit-ins in front of the CENI, in what were called “*jeudi servueur*.”¹² Observations made on election statistics show that more can be done to address this question as the elections draw near. For example, statistics provided by the CENI show that the number of registered voters in Kinshasa has grown by only 13% since 2006, which blatantly contradicts the city’s demographic growth of nearly ten million inhabitants. Meanwhile, other provinces such as Maniema and Katanga have reported growth of 33% and 40%, respectively.¹³ Compounding these problems are pre-election reports of up to 2.1 million duplicate voters in the election system.¹⁴ The same issues were raised when examining voter turnout, which reached almost 90% in some districts of Katanga in which Joseph Kabila received the majority of votes.¹⁵

The foremost election monitoring missions covering the November 2011 elections all recommended an audit of the voter registry, sometimes presenting it as a prerequisite for continuing the process.¹⁶ However, instead of responding to this unanimous recommendation, the new CENI began the process of updating the registry to make it more accurate and reliable. According to the CENI’s own electoral calendar, the pilot phase of the process was scheduled for 6 March to 11 July 2014 (the roadmap slated the operation for November 2013 to July 2014) in the provinces of Bandundu and Equateur. The CENI then announced an external audit of the voter registry from 1-20 October, 2014. According to the CENI, Equateur and particularly the territory of Befale were chosen because of contested elections that resulted in the annulment by the Supreme Court of Justice of the results of some of the territory’s voting districts. A voter registry update appears to be at odds with the process of integrating voters who were omitted from the 2011 registry¹⁷ and has the additional effect of entrenching voting districts.¹⁸ In its final report, the European Union Election Observation Mission (MOEUE) announced a count of 3,262,725 duplicated or omitted voters, or 17.98% of all voters, an extremely high number in comparison with other countries.¹⁹

After the omitted voters were integrated into the registry, the list should have been made public to allow voters to verify they appear on it. This process seemed reasonable on paper, but in practice problems arose because the data storage tools used by the CENI (CDs, external hard drives, handwritten lists, etc.) could not all be reconstructed; some data was lost due to improper usage, wear and tear and poor equipment quality. Furthermore, the process of updating the lists entailed a not-insignificant risk of falling behind in the calendar, especially since the update was to take place across the entire country. Yet another consideration was the CENI’s proposed timeline for the external audit of the voter registry (20 days), which seems to be an underestimation given the size of the country and the logistical, financial, and organizational challenges involved.

Finally, the updating process was managed in an opaque manner with little involvement on the part of civil society or the opposition. It is possible that the new CENI avoided making the process too transparent for fear that its findings would justify suspicions with respect to the illegitimacy of current leaders on the part of those disputing the 2011 election results. The CENI should hold an honest and open discussion with leading Congolese officials to seek a national consensus and agree that in resolving the prickly question of the voter registry. The ultimate goal is not to cast doubt on the results of previous elections, but to contribute to the credibility of elections to come, by significantly reducing the possibility of manipulation through an inaccurate registry. It has also been admitted that duplicate voter cards are still being distributed in some communes of Kinshasa.²⁰ There is no confirmation that the CENI has any control over what was done or that voters who received duplicate cards were registered properly in the voter registry. In a fit of desperation, in 2011, the CENI decided to allow all holders of voter cards to vote at the voting center indicated on their cards, even if the voter did not appear on the registry. It could not be made clearer that the credibility of the upcoming elections will also be evaluated based on the trust placed by participants in the accuracy of the voter registry.

It is useful to stop and consider here the fate of the DRC if, against the backdrop of a crisis of legitimacy and a disastrous “CENI 1,” the elections set in motion by “CENI 2” were to result in further (internal rather than external) breaches of trust. It is vital for the CENI to do more than simply “update” the voter registry. It must allow a transparent verification of its data processing center that handles voter registration data. To avoid a repeat of the 2011 debacle, verification should be conducted by an expert external to the CENI, but under its supervision, and with the participation of political party representatives including from the opposition, as occurred in Senegal in 2010.

The ambiguity of the CENI's position regarding the legality and functionality of the administrative census as prerequisites for the upcoming national elections

In recent public statements, the CENI's president justified the need for a census by citing a change in the law requiring the voter registry to be based henceforth on an administrative census, implying that the current voter registry would soon become obsolete.²¹ However, nothing in current Congolese law backs up these statements. From the presentation made surrounding the roadmap and from declarations by the CENI's leaders, it seems that the CENI believes that local, urban, and municipal elections can be held using an updated voter registry and that national elections in 2016 should be held using a voter registry derived from the registry of births and deaths. This raises two questions about the legality and feasibility of such an approach.

Regarding legality, the act that created the CENI states that among others tasks, the CENI is charged with “*dividing up voting districts in proportion to current demographic data.*”²² The law clearly states the conditions for drawing up voting districts. Demographic data are tools for determining the divisions, not a legal appendix to the voter registry. There are decrees by the prime minister from 13 June 2013, conferring the status of cities and communes on certain areas.²³ However, a census could be useful and sensible in helping to determine the number of districts, which is necessary for holding local elections. It is somewhat backward for the CENI to plan a census for national elections when a census would be more useful for the local elections that the CENI wants to hold in 2015. Nevertheless, a census could be performed as an indirect response by the CENI to the

weaknesses and unfeasibility of the current voter registry. If so, a new voter registration may be more efficient and less expensive for the CENI.

As background, the last census was conducted in 1984, though multiple opposition parties, including the UDPS, called for a new census during the 2005 and 2006 campaign. Certainly, a new census would be ideal for many reasons. But under current conditions and considering the deadlines the CENI is facing, the immensity of the Congo and its weak administration and communication channels, common sense requires that the CENI focus on more efficient and realistic solutions rather than begin a procedure that could delay the process.

On the other hand, a middle ground must be found between opponents' demand for a 100% credible voter registry (which is impossible) and the need to hold the next elections on time. The issues of a census and audit merit deep discussion among the CENI, political leaders and civil society, with support from international partners—including MONUSCO—to agree on the minimum criteria to make the registry acceptable to all those involved.

The lack of a finalized legal, regulatory, and judicial framework

Holding local, urban, and municipal elections requires some previous groundwork to be laid, including the finalization of a legal, regulatory, and judicial framework for the election process. The legal framework should include, without limitation, the adoption of a bill on the revision of Act 11/003 of 25 June 2011 amending Act 006/006 of 9 March 2006 on presidential, legislative, provincial, urban, municipal, and local elections; and the act on the creation and operations of an administrative judicial body.

With regard to regulatory acts, vital decisions still need to be made. This includes a decree by the Minister of the Interior on voting district boundaries, a task that has yet to be completed. It is clear that there is yet work to be done to create a legal and regulatory framework that facilitates local, urban, and municipal elections. Furthermore, the CENI has proposed three revisions to electoral law, which deviates from current practice. If the CENI were to follow the roadmap and electoral calendar to the letter, the current electoral law would be overhauled three times in the span of a year! The timeline suggested by the CENI for the adoption of a “revised legal framework” (March-April 2014) has obviously already passed. Parliament clearly needs more time to finalize the framework, which will further delay the election process.

On 9 June 2014, during a special session held by the council of ministers, the government passed four election bills to “correct certain observed weaknesses and to mitigate the issue of funding for elections.” The four bills included: one on urban, municipal, and local elections; one on provincial, senatorial, gubernatorial and vice gubernatorial elections; one on presidential and legislative elections; and one on revising certain sections of the constitution as amended by Act 11/002 of 20 January 2011 on the amendment of certain articles of the DRC's constitution. Since the March session ended without a vote on any of these bills, an extraordinary session of the Congolese Parliament is now necessary. However, the government's demonstrated desire to separate these bills from the lack of political consensus on the approaches taken in them may push back deadlines for examining and passing the bills and consequently the electoral calendar itself.

Furthermore, Parliament does not seem to be the right place to seek national consensus on the options laid out in the bills, given the rules of majority voting and the lack of representation of some major political views.

At the judicial level, there are worries about the handling of contested elections, especially local, urban, and municipal elections. According to the electoral law as currently amended, the courts with jurisdiction over contested urban, municipal and local elections are the *Tribunaux de l'ordre administratif* (see article 74). These tribunals do not yet exist in practice; their jurisdictions are temporarily being handled by the *Tribunaux de grandes instances* (TGI), which are few and far between across the DRC. If no TGI is available, *Tribunaux de paix* (Tripaix) have jurisdiction. The problem is that there are only 27 TGIs and 45 Tripaix in the entire DRC.²⁴ A bill on the creation and operations of administrative jurisdictions was submitted for review during Parliament's March session. But voting on a bill is one thing; the actual creation of jurisdictions is another. Once the jurisdictions are formed, they must be staffed and provided with sufficient resources and funding in a country with notoriously tight judiciary budgets and a considerable shortage of judiciary staff.²⁵

The scope of reforms to the legal framework and the possible consequences

Reforms to the legal electoral framework should include amendments to the constitution and the adoption of three specific electoral laws on local, provincial, and national elections. These revisions mainly address: (1) applicable law by instituting a specific law for each election; (2) changes to the method for electing provincial deputies, which will switch from a universal direct secret vote to universal indirect suffrage; and (3) the electorate for provincial deputies, governors, vice governors and senators. Indirect elections and changes to the electorate may reduce accountability of elected leaders and exacerbate corruption, since indirect elections are much easier to buy than direct elections.

The perceptible insularity of CENI and its impact on the participation of political parties and voters

The CENI and its president are noticeably isolated. The positions taken by the organization on elections do not seem to take into account the social and political context in which the upcoming elections are being prepared. The CENI touts the independence granted it by the constitution and the organic law that created it and defined its responsibilities. But the CENI's independence is not an end goal in itself. It is useful for allowing the CENI to fulfill more important objectives essential to the credibility of the election process. One of these objectives, which the CENI does not seem to understand, is the role it can play in building a political consensus on elections, without which the upcoming elections run a serious risk of being disputed. An analysis of the social and political perceptions surrounding elections shows that the CENI's greatest challenge does not lie in the technical aspects of its actions, but in its ability to inspire trust, both in the leaders of primary partners (i.e., political parties and potential independent candidates) and in leaders of civil society, the people and development partners. Though the CENI of 2006 partially took up the gauntlet, the CENI of 2014 lags far behind. From the outset, it is clear that the current CENI had relatively low trust capital, due to the liabilities of the 2011 elections and its then-president, who was thought by many opposition leaders and some marginal groups to be a crony of the majority leader and the incumbent president of the country, President Kabila. This distrust spilled

over to the CENI's current president as a result of accusations of close ties to the majority leader, as well as the lack of support given to him by his own church, the Catholic Church in the Congo, at the time of his appointment, even though in his role as a religious leader he ostensibly also represents civil society. If this handicap is not eliminated and if the CENI and its president do not change course quickly, the CENI may find itself in an awkward situation in which it receives sufficient technical and financial resources but is politically incapable of playing a credible role.

Conclusion and Political Considerations

If the CENI pursues its decision to hold local, municipal and urban elections in 2015, preparation for the elections run a high risk of being botched, especially given the delays that are piling up. There is a strong possibility that political parties, especially the opposition, will contest the decision and boycott the elections, prolonging the crisis of legitimacy of elected leaders and cabinets, and affect the political tone of local, municipal and urban officials, who would be overtaken by a better-prepared *Majorité Présidentielle* in power with control over the political and security forces in the provinces. This would be a major blow to political pluralism in the DRC.

This analysis brings us to some considerations regarding election funding and the election process:

- *Promoting consensus:* The biggest challenge facing the election process is its lack of legitimacy. Instead of imposing a calendar or election method, it is vital to forge a consensus between the leading participants. It is up to the CENI to agree to work towards holding serious discussions with the opposition and with civil society on the future of the Congolese election process. Owing to the National Assembly's majority voting rules and its (lack of) representation, the Assembly seems to be neither the ideal nor the only setting in which to promote consensus and bring parties around a table. However, it should be noted that in 2012, the Assembly successfully navigated the suspension of Ngoy Mulunda's electoral calendar and the CENI's change of leadership.
- *Performing an audit of the voter registry:* The updates proposed by the CENI are not enough to address the current registry's issues. Performing an audit of the registry is crucial, and the process must be transparent and open to all political parties and to civil society.
- *Delaying local elections, and reconsidering the census and electoral calendar:* It is up to the Congolese people and their representatives to decide on election methods and the electoral calendar. However, it would be difficult to hold local elections, conduct an administrative census, and hold national elections by the end of 2016. We have presented the remaining administrative, regulatory, and legal obstacles to holding local elections. Given these challenges, it would be better to delay the elections until 2017 to allow time to draw voting district boundaries, form the necessary tribunals, and identify the highest risk regions and create a specific security plan for them. A new census is absolutely necessary, but it should not be allowed to suspend the electoral calendar.
- *Increasing the capabilities of other election organizations:* Other groups also play an important role in guaranteeing public freedoms and human rights before, during,

and after elections. As channels of recourse, courts and tribunals play a fundamental role. Their ability to act independently and impartially and the staff to run them are of primary importance. The same goes for security forces, which should be retrained for a role befitting a republic, and for the staff of the Superior Council of Audiovisual Media and Communication (CSAC), a media regulation institution. Only by bringing together all stakeholders, the good faith of political parties and voter participation can the election cycle be completed peacefully.

- *Providing the necessary financial and legal means:* The government is supposed to grant the CENI the funding necessary to operate and lend it the political support it needs. Parliament must guarantee an on-time, suitable legal framework that is impartial and aligns with legislative processes. It must also vote on a budget sufficient for elections and the CENI's functions. Partners outside of the process, as well as civil society, will play a determining role. They must seek balance by making a minimal political consensus a condition of their support for the process, but without upsetting the entire enterprise.

In any scenario, the greatest unknown variable is how the Congolese people will act. Through their voting, they have demonstrated a much higher level of maturity and pragmatism than might be expected by political leaders and outside observers of Congolese politics. It was the people who, despite the irregularities and fraud that marked the 2011 elections, ousted the vast majority of national leaders elected in 2006. It was the people's vigilance in 2011 that helped spot and thwart multiple attempts at cheating across the Congo. The CENI and officials must help preserve the people's right to democratic expression and the ability to rise above the polarization that so often afflicts political leaders.

It is not too late to make these changes. It is still entirely conceivable that an electoral environment reformed on the basis of a prior consensus with respect to the time, effort, and methods of democratic oversight, necessary to redraw demographic and territorial districts, would open up the political sphere, and allow for a fuller political debate that moves beyond competition for absolute power.

¹ The Carter Center, "Presidential and Legislative Elections in the Democratic Republic of the Congo," 28 November 2011, final report, p. 3.

² "Présidentielle en RDC : Kabila déclaré vainqueur par la CENI, Tshisekedi s'autoproclame président," article in *Jeune Afrique* on 9 December 2011, available at <http://www.jeuneafrique.com/Article/ARTJAWEB20111209151518>.

³ Message to Catholic followers and all Congolese people at CENCO's Extraordinary Plenary Session, CENCO minutes on the elections of 28 November 2011, dated 11 January 2012.

⁴ See the BCNUDH (*Le Bureau Conjoint des Nations Unies aux Droits de l'Homme*) report on violations of human rights and fundamental freedoms committed in the DRC during the election season and measures taken by Congolese authorities in response to these violations, December 2013.

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- ⁵ See the United National Security Council Resolution 2098 of 28 March 2013, Para. 14b.
- ⁶ Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region, signed in Addis Ababa on 24 February 2013.
- ⁷ Article in *Tempêtes des Tropiques*, “Dépôt de la pétition contre Malumalu : the CENI et « Sauvons la RDC » se séparent en queue de poisson,” available at <http://sur7.cd/index.php/8-infos/4325-depot-de-la-petition-contre-malumalu-ceni-et-sauvons-la-rdc-se-separent-en-queue-de-poisson#.VBnuexaTEWJ>.
- ⁸ See the CENI’s “La RDC-deux ans après les élections de 2011 : état des lieux et perspectives,” Kinshasa, 30 January 2014. CENI document.
- ⁹ Article by Radio Okapi, DRC, “La CENI publie sa feuille de route électorale,” 30 January 2014.
- ¹⁰ See “Agir pour des élections transparentes et apaisées (AETA), Alternative à la Feuille de route de la CENI,” published on 9 May 2014 in Kinshasa.
- ¹¹ Decision 012/CENI/AP/14 of 26 May 2014 on publishing the calendar of urban, municipal and local elections.
- ¹² These were sit-ins organized by the UDPS and its allies every Thursday for over two months in front of the CENI’s headquarters. The movement’s primary demands were access to the CENI’s central server and an audit of the voter registry.
- ¹³ AETA, general report on the election reform workshop in the DRC 12 – 14 June 2012, Kinshasa, pp. 9-10.
- ¹⁴ The European Union Election Observation Mission (MOEUE) stated in its final report that, “...although a preliminary evaluation of the voter registry showed 2.1 million duplicate names that required further analysis, several days later the CENI reported finding 119,000 duplicates based on a report submitted in August 2011 by the Congolese company Hologram. According to the CENI, these 2.1 million cases were false duplicates (voters with the same first and last name), while the number of 119,000 were cases of actual duplicate registrations. A report on the registry analysis, promised by the CENI president to MOEUE, was never able to be viewed. Similarly and despite a meeting with representatives of Hologram, which was tasked with reviewing registry duplications, MOEUE was unable to gain access to the final operations report. In short, the voter registry was cleaned up after voter cards were distributed to voters, meaning that duplicate voter cards were still in circulation at the time of the election.” MOEUE report, p. 34.
- ¹⁵ AETA, *ibid*.
- ¹⁶ Ligue des électeurs (LE), “Elections tronquées en République démocratique du Congo,” final report on the monitoring of presidential and legislative elections of 28 November 2011, p. 34; The Carter Center, “Presidential and Legislative Elections of November 28, 2011 in the DRC, Final Report,” p. 75.
- ¹⁷ See Radio Okapi, Equateur, “Opération de fiabilisation du fichier électoral annoncée pour le mois de juin,” available at <http://radiookapi.net/actualite/2014/05/12/equateur-loperation-de-fiabilisation-du-fichier-electoral-annoncee-pour-le-mois-de-juin#.U5MJtPmwaFE>.
- ¹⁸ i.e., voting wards.
- ¹⁹ MOEUE, *op. cit.*, pp. 35-36.
- ²⁰ At a meeting in May 2014 between the provincial secretary of the CENI in Kinshasa and international partners involved in the process, CENI officials admitted to this problem and noted that some people had been arrested for distributing duplicate voter cards for financial gain.
- ²¹ This occurred in a discussion between the CENI and financial partners at the headquarters of the National Endowment for Democracy (NED) in Washington on 20 March 2014.
- ²² Article 9, para.10 of organic law 13/012 of 19 April 2013, amending and supplementing organic law 10/013 of July 28, 2010 on the creation and operations of the CENI.
- ²³ The following districts have already been drawn based on data available to the Ministry of the Interior: territories (145), cities (98), communes (603).
- ²⁴ See AfriMap’s “DRC : Le secteur de la justice et Etat de droit,” July 2013, p. 160.
- ²⁵ *Ibid*, p. 25.