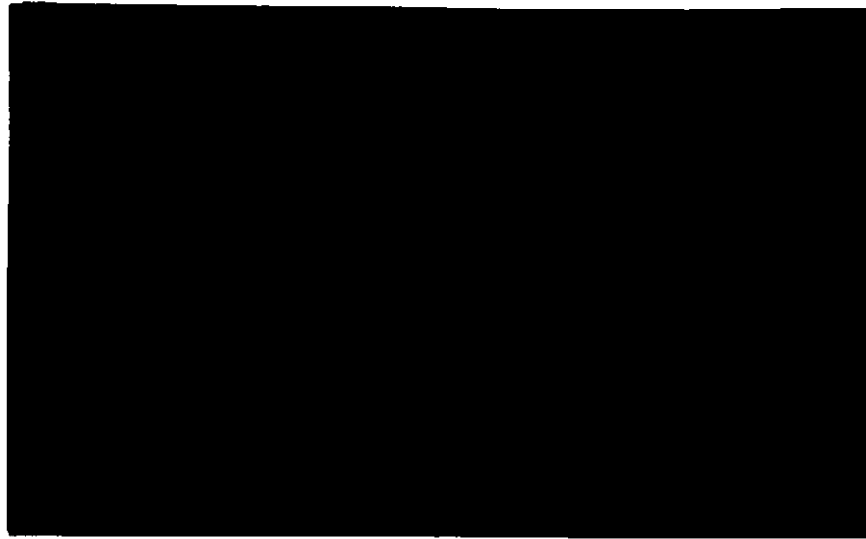


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# **Congo**

## ***1995 Technical Assessment***

**August 1996**

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## ***1995 Technical Assessment***

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## *Executive Summary*

At the invitation of the United States Embassy in Brazzaville and the Government of the Republic of Congo, the International Foundation for Election Systems organized a four-person technical assessment team that traveled to Congo from October 11 through October 24, 1995. The IFES team performed a general assessment of the status of preparations for the 1997 presidential elections.

This report is intended to provide a general overview of the current political and electoral situation for use by the United States and other donor nations in Congo as a planning aid for the provision of technical assistance to the registration and election processes. The Foundation conducted discussions with members of government officials, political party leaders, and representatives of the civil society about their requirements for organizing transparent, credible, economical, and fraud-free elections in 1997.

The team's principal recommendations focus on the establishment of an adequate legal and technical environment in which to prepare for Congo's next national elections. The team's task was made more complex by the widespread mistrust that permeates Congolese society. Many of the conclusions found at the end of each report section, and summarized at the end of the report, were developed in response to that complete lack of trust. Much of this distrust can be traced to the mystery surrounding Congo's electoral process and the lack of clear lines of communication between the election organizers, Congo's Ministry of the Interior in Charge of Security and Development, and the Congolese electorate.

The first section of the report, *Congolese Society and Democratic Transition*, focuses on Congo's recent political and electoral history, highlighting specific political figures, the rise of the private militias, and the work of the Peace Forum. Now is the time for the installation of the three Constitutionally-mandated legal entities crucial to the success of Congo's transition: the High Council of the Magistrature, the Constitutional Council, and the High Council of Information and Communication. These councils should report for work in early January 1996. The initiatives and institutions resulting from the Peace Forum's work deserve continued international and domestic support to facilitate concrete progress in the demilitarization of the private militias and the shaping of a non-partisan national army. The multiparty working committee that has continued to meet following the Forum is excellent arena for debating a variety of important governance issues, including the establishment of an independent election authority. The efficiency of this body is borne out by the events culminating in the December 24, 1995 signature of the *Pact de paix* by supporters of Presidential Lissouba (*mouvance présidentielle*) and the opposition agreeing to the disarmament of the political militias. The IFES team hopes that all elements of Congolese society can be actively engaged in the nation's continued transition in order to encourage a popular sense of ownership and a national sense of administrative and political accountability.

The section of the report dedicated to *Administration of Voter Registration and Elections* focuses on possible formats for the creation of an electoral authority in Congo. The IFES team members noted the need for voter registration and election procedures to be clarified for the benefit of all sectors of the nation's population. Related to this is the need for assistance to the Congolese media organs to improve their capacity to provide objective reporting of political events and government activities. Embarking on an effort to establish a permanent election-management institution in Congo is very timely given the fact that 1997's presidential election is the first in a series of national and local elections scheduled to take place into the 21st century. Congo's new electoral authority should receive international assistance organized through an international



assistance secretariat. The secretariat can provide legal and technical assistance to all election and voter registration-related debates and activities to aid Congo to develop the capacity to manage its own electoral process.

*Citizen Identification, Census Activities and Voter Registration* constitutes the final portion of the report. Following its review of the voter registry and the administrative census, the IFES team determined that the next voter registry should be constructed from the ground up. Ideally, if resources and administrative will can be mobilized, the voter registry should be computerized. Even if this is not immediately accomplished, the development of this registry should be organized in such a manner as to facilitate its eventual computerization. A well-organized, internationally-supported, demographic census is underway. The Ministry of Interior is committed to complete a revision of the administrative census in the next few weeks. Congo's election administration should be encouraged to draw as much information as possible from those two activities to develop the foundation for the voter registry. This should save time, and more importantly, financial, material, and human resources, in the establishment of a valid voter registry.

## *I. Introduction*

The International Foundation for Election Systems (IFES) conducted a technical assessment mission to Congo during the month of October 1995. This activity follows IFES' technical assessment and election observation missions to Congo in 1991, 1992, and 1993. The mission has examined the government of Congo's (GOC) preparation for national elections in 1997.

Congo's National Conference, in early 1991, laid the foundation for its democratization process. IFES has played an active role in that process, beginning in late 1991 with a pre-election assessment. Fred Hayward and Paul Landry were in Congo in October-November 1991 and wrote an assessment report that identified many of the challenges that the Government of Congo was to face in the subsequent months (and years) in the organizing of multiparty elections.

The second IFES activity in Congo was a direct outgrowth of the pre-election assessment. On the recommendation of the Hayward-Landry team, the U.S. Embassy requested, and USAID funded, IFES' procurement of fax machines and public address equipment for the use of the Government of Congo in the preparation for the referendum on a new constitution, scheduled at that time for November 30, 1991.

The referendum was rescheduled several times and eventually was held in March 1992. IFES provided a technical assistance team in March and April of 1992 to work with the Ministry of Interior on general election administration tasks, and in particular on the training of election officials and poll-workers. The IFES team



*IFES team and U.S. Ambassador with Prefect of Kinkala, his wife, and Prefecture officials.*

of Hilary Whittaker, Gary Ouellet and Wenceslas de Souza drafted a training guide as well as a general election administration guide for the Ministry, and assisted with the design of many forms required for the referendum and the subsequent elections.

Legislative and presidential elections were postponed several times in the spring of 1992, and finally took place that summer. At the request of the U.S. Embassy, IFES sent teams of observers to the two rounds of the legislative elections and the first round of the presidential election in June-August. These small delegations of American observers joined the UNDP-coordinated team of international observers for those elections. IFES produced a report on the legislative and presidential elections, based on input from the IFES observers.

The elections of mid-1992 unfortunately did not set the stage for a stable democratic government but rather were the prelude to more than two years of political and electoral disorder in Congo. In mid-1995, there is every indication that Congolese from all parts of the political spectrum recognize the need to avert similar disorder as Congo prepares for general elections in 1997. This report of the IFES pre-election technical assessment points to steps to be taken both by the Congolese and by external donors to ensure that credible and legitimate elections will take place in 1997.

## ***II. Congolese Society and Democratic Transition***

### **Political Overview**

The Congo Republic was one of the first African countries to abandon single party rule and to move toward democratization via a national conference. This method of regime change was indeed pioneered by Congo and Benin. The result was qualified as a great success. In both states the President voluntarily stepped aside. After years of Marxist-Leninist orthodoxy, Congo's and Benin's national conferences resulted in an explosion of free expression and accusations of past malfeasance. A plethora of political parties emerged. As one Congolese parliamentarian exclaimed at the time, "Democracy is in vogue!".

Needless to say, establishing a functioning democracy has been far more difficult than dismantling a bankrupt Marxist-Leninist regime no longer supported by its foreign patrons. In addition, the fact that President Sassou-Nguesso voluntarily ceded power is not inconsequential since transformations in the direction of democratization have been even more difficult in states such as Zaire, Togo, Guinea, and Kenya, in which the rulers have sought to maintain their hold on the reigns of power.

### ***The National Conference***

Change began in 1990, when the only labor union, the Confederation of Congolese Trade Unions (CSC), demanded independence from the dominant single party, the *Parti congolais du travail* (PCT). Facing resistance from President Sassou-Nguesso, the union organized a general strike that resulted in government acceptance of the union's demands. With this beginning the regime's lack of popular support became apparent to all and the population gained the confidence to speak out. As had been the case in Benin, the exposure of the government's facade of control touched off a chain of events leading to the establishment of a "sovereign national conference" in February 1991. By this time, a multitude of parties and associations had appeared and under somewhat hectic circumstances succeeded in participating in the Conference. Again, as in Benin and later in Zaire, a Catholic prelate, Mgr. Ernest Kombo, was entrusted with the presidency of the Conference. The National Conference heard over 250 declarations the most striking of which were those claiming to expose the assassinations and executions committed by the single party regime. But, in general much of the Conference was devoted to a sort of public catharsis of all the perceived wrongs committed in the past. Institutionally, the Conference established a number of commissions, among them one *on biens mal acquis* (wealth illegally acquired), on assassinations, and on the return of funds deposited abroad. Since the Conference was generally accepted as "sovereign," its resolutions were presumed to have the force of law. Among these decisions was the establishment of an electoral calendar, the organization of a transitional government of national unity (i.e. including representatives of all major political forces), and the reorganization of all army and police forces. These are some of the most important decisions out of the nearly 300 that were signed into "law" by Mgr. Kombo.

### ***The Interim Period***

The National Conference was followed by an "interim" period during which the country was to be governed by a legislative council, the *Conseil Supérieur de la République* (CSR), presided over by Mgr. Kombo. The 153-member CSR in effect became a provisional parliament. A prime minister was elected (Andre Milongo, who narrowly defeated Pascal Lissouba in the competition for this post) who was to execute the decisions of the National Conference under the control/supervision of the CSR. Finally, the position of President was

retained by Denis Sassou-Nguesso, but it became essentially ceremonial during the interim period. An amnesty resolution was passed in the President's favor.

The interim period prior to the first elections lasted for about one year (from June 1991 to June 1992). During this interval the quasi-euphoria that characterized not only the debates in the National Conference but also the anticipated improvements in the quality of life of the common people suffered sharp declines and disappointments. The period was marked by a lack of harmony, growing distrust and a return of the personalities that had dominated the previous regime and come under such devastating attack during the National Conference. At a popular level, democratization went hand in hand with declining purchasing power and delays in salary payments to the civil service. The one major source of revenue – petroleum – could not help the new government as anticipated because President Sassou-Nguesso's regime had taken payments on future royalties. An attempt to review payments by the companies concerned by requesting an independent audit could not be undertaken because the concerned enterprises refused to open their books. As tensions rose political blocs started to form. One of them, the "force du changement" attacked not only what remained of the old regime but also Mgr. Kombo and Prime Minister Milongo. The Army also appeared to suffer divisions and on occasion to intervene in the new polity. For instance, units said to have been close to the President prevented the Prime Minister from pursuing travel plans with the result that his supporters erected barricades in Brazzaville.

A major disagreement arose over the legitimacy of an amnesty decree passed by the Conference that should have been put into effect by the interim government. It *excluded* persons accused of crimes like assassinations, poisoning, murder accompanied with torture, etc. But some argued that the Conference had never passed such a resolution while others demanded its immediate application, i.e. trials for those accused of the excluded crimes.

### ***Constitutional Referendum***

It was in this atmosphere of tension and distrust that a new constitution was drawn up and submitted to a popular referendum on March 15, 1992. The new constitution was largely inspired by that of the Fifth French Republic. A new electoral law was adopted by the Conseil Supérieur de la République, and promulgated in January 1992.

The first elections were held in May 1992 for local and municipal councils. Of the approximately 1,250,000 registered voters roughly 70 percent went to the polls. For these local elections a system of proportional representation was employed. This makes the results particularly interesting in one respect; despite the opportunity that this system gave to small parties, only 17 percent of the seats were won by them. 83 percent of the seats were won by five large political parties as illustrated below:

- 468 *Union pour la démocratie et le progrès social* (UPADS)
- 244 *Mouvement congolais pour la démocratie et le développement intégral* (MCDDI)
- 191 *Parti congolais du travail* (PCT)
- 122 *Rassemblement pour la démocratie et le développement* (RDD)
- 89 *Rassemblement pour la démocratie et le progrès social* (RDPS)

In sum, the plethora of small parties which had made their appearance during the National Conference lost their significance, and participation by the electorate was relatively high. These early elections also signaled

what was to develop more vehemently later, namely post-election charges of fraud, in this instance made by President Sassou Nguesso and the CSR, among others.

### ***The Legislative Elections***

In June 1992, the first round of the legislative election was held. Here a single member district system was employed with anyone gaining more than 50 percent of the vote in the first round being declared the winner. If a second round was necessary, the candidate with the largest number of votes was declared the winner. This system favored large parties, but since electoral support tended to be ethnic it also meant that ethnic groups that were in the minority in any electoral district would in effect feel that they were not represented. Just about 50 percent of the 125 available seats were won during the first round with UPADS gaining 31 and MCDDI 17. In July the second round was held despite virulent charges of fraud regarding the first round. The results raised the parliamentary representation of the major parties; UPADS to 39, MCDDI to 29, and the PCT to 13. A comparable distribution of seats resulted in the senatorial election. (The Senate, made up of 60 members, was elected by members of the district, regional and local councils.) UPADS won 23, MCDDI won 14, RDD won 8, but interestingly the PCT – the party that spelled continuity with the one party regime – won only 2.

### ***The Presidential Elections***

The Presidential election followed at the beginning of August and was also destined to involve two rounds. In the first of these, 18 candidates presented themselves. The run-off, in the second round, was to be limited to the two candidates with the largest number of votes. They were Pascal Lissouba of the UPADS and Bernard Kolelas of the MCDDI who had respectively received 36 percent and 23 percent of the votes cast in the first round. In the run-off Lissouba won with 61 percent.

## **Four Factors of Change**

A review of the period of the National Conference, of the "interim" government, and of the above described set of elections allow one to come to a number of conclusions as well as to draw attention to important factors in Congolese politics which will affect the country in the years to come.

### ***Shifting Opposition***

Analyzing Congolese parties on the basis of ideology, fixed ethnic alliances or animosities, or identification with "opposition" or "class", appears unsatisfactory. As the subsequent time period will show the repeatedly changing alliances render such analyses virtually useless.

### ***Socio-political Forces***

One can identify three major socio-political forces: the professional politicians, the military, and the urban youth. The politicians, with some exceptions, are people with no independent means of support who therefore look upon "posts" as their way of avoiding economic and status collapse. Their situation is made all the more difficult because in order to obtain popular support they must acquire substantial funds. The competition is therefore fierce and, if one loses democratically, the temptation of employing extra-legal means is great. By comparison, the military elite is in a privileged position. They possess arms and indeed they have controlled the Congo for most of its post-independence history. If push comes to shove the Army will be the final arbiter of the situation. The military elite is also privileged because it is virtually the only group in Congolese

public life which is paid with regularity and can therefore avoid the economic pressures that the civil servants waiting for back pay are subjected to. Finally, there are the masses of unemployed or under-employed urban youth who are frustrated, face an abysmal future and are no longer mobilized either by traditional social structures or by the mechanisms that had been used by the Marxist-Leninist regime.

### ***Regional Impact***

Whereas, as stated above, ethnic alliances are transitory and no nation-wide fixed relationships can be identified, on a more local scale ethnicity and "region" becomes the basis for political identity and mobilization. This is of course both inspired by and employed by the politicians who are forced by the democratic institutions to seek popular support.

### ***Political Personalities***

Finally, three men stand out in Congolese politics, each with a very different profile; Denis Sassou-Nguesso, Pascal Lissouba, and Bernard Kolelas. In their attempt to maximize popular support each has a different approach and each operates with a different set of advantages and disadvantages. It might be argued that since their support will ultimately turn out to be largely ethnic and/or regional these factors cannot be all that important. Such logic would oversimplify the situation partly because they all seek to appeal to citizens beyond their "base" and because they are not automatically leaders of their bases but have competitors within their own support groups.

Denis Sassou-Nguesso has the advantage of experience as President of the Congo under the one party regime. He is said to have amassed a substantial fortune which can, of course, be very helpful in any campaign. He has a military past and is viewed as having the best relations of any of the major leaders with the army elite. Most important, he is responsible for allowing the one party regime to end without bloodshed and he is credited with having accepted responsibility for some of the crimes and errors committed by that government. Nonetheless, it would have been difficult immediately after the National Conference to guess that in less than two years he would be able to present himself as a viable presidential candidate. Yet, that is what happened and his candidature can be viewed as a "rehabilitation" not only of his person but also of many other leaders associated with the old regime. He appeared to claim paternity of the peaceful (up to then) transition and the establishment of democracy in the slogan he employed "Pour la paix" (In favor of peace). It may also be worth noting that Mr. Sassou-Nguesso campaigned in all regions of the country with the only exception being the Pool, i.e. the area around Brazzaville.

The success of the former President's rehabilitation is illustrated in the fact that both "enemies" of the old regime, President Lissouba and Mr. Kolelas, willingly established alliances with him immediately after the presidential elections. In sum, Mr. Sassou-Nguesso appears to have overcome the major disadvantages derived from the fact that he led the one party regime. The limitations on his power and influence in the post-conference period is more related to the fact that his ethnic/regional base is in the sparsely populated Cuvette.

Pascal Lissouba was an "outsider" who returned to Congo after a distinguished career as an academic and international civil servant at the time of the National Conference. Yet, he was not entirely free of association with the old regime since he had been Prime Minister under President Massemba-Debat between 1963 and 1965. It was during that presidency that the one party regime was established. But, that was long ago and prior to going into exile he had been imprisoned by President Marien Ngouabi. He presents himself to the Congolese as competent, educated, serene – someone who opposes any thought of revenge, and as a scientist

with a detailed program. As with all other leaders, he had an ethnic/regional base. In the south-west area of Congo made up principally of three regions, Niari, Bouenza and Lekoumou. Fortunately for Professor Lissouba, this is a heavily populated region, although it does not include the two main urban centers, Brazzaville and Pointe-Noire, that account for about half the country's population.

Bernard Kolelas has a past and an ideological approach which is quite different from his two main rivals and indeed from most other Congolese politicians. He is the only one among the three who has had no involvement whatsoever with the one-party regime. The National Conference was a watershed moment for him as he had been in opposition for decades, ever since Youlou Fulbert was overthrown in 1963. When other leaders were being pilloried during the catharsis stage of the National Conference, Mr. Kolelas remained the only "pure" leader. He has been credited with selecting Mr. Milongo to head the interim government.

Beyond this career distinction, Mr. Kolelas presented himself as a man for whom politics and leadership is essentially an ethical, spiritual and religious proposition. He also had his base among the Baongo people, a group that saw itself as having been at the forefront of the independence struggle and as having been kept out of power ever since the end of President Youlou's regime. Like Youlou Fulbert, Mr. Kolelas represented a syncretism between Catholicism and a more nativistic but also religious tradition, that of the prophet Matsoua. One can deduce a strong tendency to view leadership as a historic and moral "right." Mr. Kolelas was, however, relatively weak in comparison to his competitors when it came to experience and formal qualifications. Without any university training and virtually no government experience (he briefly occupied the post of Secretary General of the Ministry of Foreign Affairs under Youlou in 1961), Mr. Kolelas is disadvantaged in a political evolution which increasingly validates past experience and ignores purity in opposition to the dictatorship.

### **Continued Political Maneuvering**

The 1992 elections did not in any sense "resolve" the Congo's political problems or the balance between party and ethno-regional interests. The Constitution gave the president very substantial powers—similar to those of the president of France—and President Lissouba especially at the beginning of his presidency seems to have been determined to use these powers fully. Nonetheless, his party, the UPADS, did not achieve an absolute majority in the newly elected parliament; therefore, in order to form a government, allies had to be sought. Such an alliance, in a sense, already existed with the PCT which backed President Lissouba during the second round presidential election. This support for President Lissouba probably had its reason for existing in concern of PCT leaders that a Kolelas victory would result in trials as anticipated by the National Conference. But, this alliance did not succeed because the PCT was only given three cabinet posts whereas it had expected a substantially larger role. This situation resulted in a complete about-face in Congolese politics by the creation of the "unnatural" alliance between Mr. Kolelas, Mr. Tchicaya and Mr. Sassou-Nguesso in September/October 1992. The result was that this new opposition to President Lissouba achieved a parliamentary majority symbolized by the election of an old PCT stalwart as President of the National Assembly. The "transition" was over and the last obstacle to the rehabilitation of PCT leaders vanished.

### ***President Lissouba's Three Alternatives***



With the loss of a parliamentary majority President Lissouba was faced with three alternatives; ask his designated prime minister to form a government of national union with opposition support, ask Mr. Kolelas to form a new government, or dissolve parliament and schedule new elections. However, the institutional process was to a substantial degree sidelined with the beginning of urban violence following a call for civil disobedience by the opposition alliance. The "street" gave Mr. Kolelas an advantage since President Lissouba did not have ethnic support among the urban masses. On the contrary, people originating in the "Nibolek" (Niari, Bouenza, and Lekoumou – President Lissouba's ethno-regional base) were attacked in Brazzaville and found themselves in great danger. Ultimately, this resulted in an Army intervention in December 1992, after President Lissouba attempted to resolve the crisis by dissolving the National Assembly, a move characterized by the opposition as an attempted coup d'état.

It is interesting to note that although the Army really determined the outcome of this phase of the crisis, it did not attempt to take over governmental power. Minister of Defense Ngollo invited all political forces to dialogue and promised to disarm civilians with arms of war. The Minister's Chief of Staff Mokoko set up a meeting of government and opposition leaders in December 1992 and in effect forced them to negotiate, with the result that a new prime minister was designated and new elections were scheduled for May 1993.

#### *A New Election, a State of Emergency, and Libreville*

The first round of parliamentary elections in May 1993 produced a new crisis resulting from charges of fraud by the opposition. In June, the second round was boycotted and new urban violence developed especially when opposition leaders again called for civil disobedience. At this point, the situation had deteriorated to such a point that Mr. Kolelas called for a military solution. At the same time two rival cabinets were appointed, one by President Lissouba and the second by Mr. Kolelas. Urban violence, party militias, expulsions of citizens from their homes because they had different ethnic backgrounds and/or political affiliations from their neighbors, all increased to ever greater magnitudes.

With the situation deteriorating, President Lissouba declared a state of emergency in July 1993. In recognition of the apparent reality that the political elite was in effect incapable of resolving the crisis, international mediation was requested. The result was the Libreville meeting held between July 29 and August 4, 1993. Although violence did not end as a result of this initiative, it can perhaps be considered a watershed in the post-Conference evolution of the country. After this moment and despite incredibly high levels of distrust, it is possible to see the start of a more conciliatory and consensual mood in the Congo.

The Libreville meeting was organized under the auspices of President Bongo of Gabon and in the presence of Ambassador Sahnoun representing the Organization of African Unity (OAU), Minister Roussin representing France and General Ngollo who was identified as the "Congolese mediator." Both the "Presidential Movement" and the opposition parties participated. The Libreville Accord agreed to by all parties expressed the will to show "greater responsibility" to reestablish peace. The signatories promised to consolidate democracy and to respect the Constitution and to definitely give up the use of force. The Accord reaffirmed the constitutional role of the President as the guarantor of national unity and independence. It confirmed almost all (114 out of 125) of the Parliamentary election results – Presidential Movement (UPADS, RDD, UFD, etc.): 62; URD (*Union pour la renouveau démocratique*) – PCT Alliance: 49; UDR (*Union pour la démocratie et la république*): 2; and UPRN (*Union patriotique pour reconstruction nationale*): 1 – and established an international arbitration group to oversee elections in the remaining nine contested electoral constituencies.

### ***Militia Violence***

As a result of the Libreville Accord, the state of emergency was lifted. That did not end urban violence. Indeed, the most severe confrontations between the Army and party militias in Brazzaville were yet to occur. The largest and the best known party militias are directly tied to the three most important political leaders, although it may be the case that other leaders also retain armed support groups. Estimates as to the militias' sizes should be taken with the greatest reserve. Little information was available to the IFES team with regard to their organization and structure. Mr. Kolelas' militia, the Ninjas, are estimated to number about 1500. They appear to have dominated three Brazzaville districts: Bacongo, Makelekele, and Moukoundzi. They were/are apparently commanded by Col. Nzalakanda the former commander of the OAU forces in Chad. The Ninjas have been involved in most of the recent confrontations with the national army. Mr. Sassou-Nguesso's militia are known as the Cobras. They are also estimated to number about 1500 of whom about 200 are professional soldiers. They are dominant in the Mpila district and now protect their leader in his home village, Oyo.

The Army strove to remain neutral during this period, inspiring President Lissouba's allies to create a militia that is now reportedly loyal to the former Minister of the Interior, Martin Mberi. There are in fact two groups involved, the Aubevillois who are trained at camps in the Bouenza region supposedly by Israeli "mercenaries," and the Zoulous, numbering around 2000, who are described as half militia, half traditional warriors.

In general it is reported that the militias have invoked traditional beliefs in magical inoculations creating invulnerability. There are also reports that they consume contraband, primarily hemp. In its limited time frame, the IFES team was unable to accurately determine to what degree the militias were loyal to their leadership; and perhaps more importantly the degree to which the leaders control the activities of their militia.

The militias had their greatest impact through their roles in the "ethnic cleansing" of Brazzaville and several other localities. The number of citizens forced from their homes is unclear, but all of the information collected by the team indicates that the displaced amount to many multiples of the membership of the militia forces that terrorized them. It should be emphasized that the main groups involved in these activities were the ethnic kin and supporters of President Lissouba and Mr. Kolelas. The northern region mainly supportive of Mr. Sassou-Nguesso and the Kouilou region supportive of Jean-Pierre Tchicaya (RDPS) experienced only limited problems.

### ***The Search for Peace***

By the end of 1993 the price and the futility of armed struggle appears to have impressed all major leaders. One peace initiative after another sought to end the "civil war" and produce reconciliation and consensus. In December 1993 parliamentarians from the regions which were involved in fighting met and attempted to find a lasting solution to the fighting. In January 1994, the arbitration panel that emerged from the Libreville Accord decided that the parliamentary elections in nine of the 58 contested constituencies would have to be re-run. This decision was accepted by the government and the opposition. In May 1994 Mr. Sassou-Nguesso made a much heralded appeal for peace and the start of a new era in Congolese politics. This was followed in June by a similar appeal on the part of Mr. Kolelas. Perhaps even more significant the youth sections (presumably the source of at least some of the militia) of both UPADS (President Lissouba's party) and MCDDI (Mr. Kolelas' party) made a joint declaration in favor of peace. Whereas these developments-- and

others which follow in the same vein – must be viewed as positive and hopeful, there are continuing dangers which cannot be ignored. Not only have the militias not been disarmed, but in May 1994, a major theft occurred in an army depot in which a wide variety of arms and munitions were stolen. Who has them and for what purpose? A year later a Parliamentary Commission concluded that Mr. Sassou-Nguesso's Cobra militia were the culprits.

Nonetheless, the peace initiatives did have concrete results. The new strategy of most political forces was to seek consensus. Thus, in July Mr. Kolelas was unanimously elected mayor of Brazzaville and Mr. Tchikaya was elected mayor of Pointe Noire. But the most dramatic event seeking to establish a peaceful transition to democracy came in December 1994 with the UNESCO-sponsored *Forum national pour la paix au Congo*. Once again the Congolese political elite in effect called upon and relied on foreign mediators to help them resolve their mutual distrust and antagonism. In this instance, there was not only sponsorship by a UN agency with its Director General inaugurating the proceedings, but a blue-ribbon cast of African notables in the form of several Presidents and Prime Ministers from surrounding states. In fact, this forum can be considered as an event of ground breaking importance for Central Africa in that the region very seriously took up the issue of internal strife within one of its member states.

### ***The Peace Forum***

The conclusions of the Forum indicate how aware the Congolese and foreign participants were of the problems facing the country. A brief résumé of these conclusions is in order. The Forum defined a "plan of action" for the promotion of peace in the Congo. This involved reaffirming support for tolerance education, research and understanding of the causes of conflict and violence in the Congo, respect for human rights and the fight against discrimination, and freedom of information and democratic rights. In this listing of good intentions one novel idea stands out: support for inter-communal dialogue employing traditional methods of conflict resolution. The hope that "traditional" methods would be helpful can be seen as being in sharp contrast to the Marxist-Leninist mind-set of many members of the Congolese elite. Forum reports enumerate a series of proposed actions: mobilizing opinion makers to intervene when conflict is brewing, reenforcing civil society's role in conflict prevention, use of the media in support of civil peace, promotion of the role of women in politics and in the defense of civil peace, rehabilitating the country's school and university system and its integration into programs aimed at social peace. On a less abstract level, the reports also recommend indemnification of persons whose houses were burnt and looted during the period of civile strife, disbanding of the "private," i.e., political party militias, recognition of the Force publique (police) as the sole protector responsible for the security of citizens, utilizing unemployed youths in development projects, re-training military cadres in order to induct them into civilian life, establishing a regional Central African structure for humanitarian aid, and creation of a regional structure for cooperation and security.

The Forum also recommended the establishment of "committees for the prevention of conflict and the maintenance of peace" at the regional and local levels and the elaboration of "peace charters," nationally and locally, which would incorporate the Forum's resolutions.

Finally, the Forum recommended the establishment of a "center for the culture of peace" in cooperation with UNESCO which would act as an observation post to monitor the degree to which political, cultural and human rights were being respected. The center would create programs of conflict prevention, training of conflict mediators and civic education based on the concept of the culture of peace.

These conclusions were arrived at and these decisions were taken on the basis of working papers impressive not only for their focus on the most important problems facing the country, but even more for their frank admission as to why these problems occurred. For instance, the causes of conflict are identified as: "the absence of institutional structures envisioned by the Constitution, the abdication of the State's responsibilities, the tribalization of political parties, the illegal possession of arms by the population, as well as 'private militias' associated with political groups." When discussing what the population expected from the government, security and peace is identified as the highest priority. To achieve this the independence of the judiciary, ameliorating the capacity of the forces of order and the disarming of private militias are identified as the key components.

When one recalls that these analyses and decisions were not the product of an academic seminar, but rather the joint agreement of the most prominent leaders of the Congo including President Lissouba, Mr. Sassou-Nguesso, Mr. Kolelas, Charles Ganao (UFD), Mr. Tchicaya, leaders of each geographic region, of all religious denominations, it is impossible not to be impressed. The Forum established a *comité de suivi* (follow-up committee) assigned the general task of maintaining the momentum presumably created by the meeting. In addition, in a communique in the name of the most prominent personalities participating in the Forum a *comité restreint* (an executive committee with limited membership) was established. This committee was assigned the critical task of elaborating proposals dealing with priority issues namely the reorganization of the army, gendarmerie and police, and the rehabilitation of the judiciary. These actions were defined as essential for the collection of illegal arms, i.e., in the hands of the militias.

Impressive as these Forum results undoubtedly were, ten months later almost none of the decisions have borne practical fruit. The *comité restreint* has reportedly met but its membership of competing and mutually distrustful politicians has resulted in something close to paralysis. This inertia is embodied in the fact that Congo's judiciary has yet to be reformed; the army, gendarmerie and police have not been reorganized; the militias still hold on to their arms; the civil service has not been paid regularly; those who were burnt out of their homes during the "ethnic cleansing" civil strife have not been able to return; and the growing population of unemployed youth has not been mobilized into productive activity. The only fundamental change that has occurred has been a muting of violence-producing pronouncements and the continued commitment to "consensus" in the process of governing.

### ***The Meaning of Trends***

What does this overview suggest regarding trends in the Congolese body politic? It is clear that the many years of Marxist-Leninist single party rule have made it particularly difficult for the political elite to adopt either the "culture" of democracy or of peace (when peace means losing an element of power, influence, status or access to money). It can be said that peace does not require democracy, but democracy does require peace. One must view the more recent preoccupation with peace as a real step forward since the Congo did experience a semi-civil war that easily could have degenerated into full-blown civil war. But, while formally aware what peace, development and democracy require in the way of institutional change and concrete action, the political class has up to now not been able to put this knowledge into effect. Consensus runs the danger of giving all important members of the political elite who desire it some power and material benefits while leaving the rest of society to its own diminishing resources. Such a paralysis would be extremely dangerous, especially for the development of democracy. A consensual elite with only the interests of the group— and not of the nation — at heart, could rule while at the same time establishing an undemocratic, even oppressive, peace.

The primary question is whether the uneasy "truce with good intentions" that currently exists in Congo will develop sufficient stability to allow for sustainable democracy. Perhaps the ten months that elapsed since the Forum are too short a time period for the announced changes to have been put in place. Whether there exists the political will to do so in the future remains to be seen.

## **Conclusions and Recommendations**

The conclusions which follow include both short and long term recommendations. While the IFES team recognizes the pressure for immediate solutions for problems that are both critical and linked to the Congo's political calendar in the immediate future, IFES urges consideration also of more long term suggestions since they address some of the underlying dynamics of Congo's politics.

### ***The Constitution and Electoral Law***

Throughout the team's visit, the issue of Constitutional revision was raised. Two fundamental questions were continually raised: Is it opportune to suggest changes to be made now, solely because they have great merit? What changes might be helpful given the current election time line? For the time being the level of mutual suspicion in the Congo is so great that any suggestion to amend the Constitution is likely to produce more harm than good. Too many members of the political elite would view such an attempt as a manipulation in the interest of the most powerful (i.e. the President's allies).

Fortunately, the majority of the team's recommendations do not involve the amending of Congo's Constitution. They do involve revisions to the electoral law, or the development of official attachments for the upcoming elections. IFES found several of its interlocutors to be very conservative in regards to amending the electoral law, maintaining that popular opinion would prevent them from doing so. This is a weak excuse often employed to avoid change. It implies that there are those in decision-making positions who have no intention of establishing an open and transparent electoral system and/or it indicates that there is a lack of understanding of the real impact of the changes and how to best explain them to the electorate. The revision of electoral procedures through decree, circular, or official instruction does not carry equivalent weight to the amending of the Constitution and can be legally mandated to be affected by the electoral authority in concert, if preferred, with the political parties.

### ***Expansion in Information Provision***

If Congo truly desires an improved registration and electoral system, one can be developed that will have the public's confidence. The essential ingredient for a successful revamping of the system is information dissemination. If the public, the political parties, and the international community are not informed of the real status of election preparations and are not provided with training and information materials, those administering the elections, regardless of their expansive good will, will be accused of manipulation and fraud.

### ***Institutionalization of Consensual Rule***

The institutionalization of consensual rule would be beneficial to the maintenance of a peaceful relationship between the political parties. The South African model could be considered for emulation. Political parties would be represented in the cabinet-by constitutional right-proportional to their electoral strength as represented by the number of their members in parliament. Adversary politics in which the loser has to wait

for the next election in order to get "anything" has not worked well in the Congo. The culture of democracy is not sufficiently ingrained to produce the patience which this requires.

### ***Revision of Representation System to Reflect the Realities of Population Density and Ethnicity***

The system of winner-take-all single member constituencies in the parliamentary election is ill-suited to a society in which ethnicity has been employed as the chief mobilizer of electoral support. The reason for this is that, in Congo's urban communes and arrondissements, there are few ethnically homogeneous electoral districts and a system of winner-take-all easily results in the permanent exclusion of ethnic minorities from any political power and this leads to alienation. The situation is somewhat different in the rural districts where ethnic homogeneity tends to prevail. Under such conditions the system of winner-take-all may be viewed as preferable since it creates a direct link between each representative and a specific group of voters. It is interesting to note that at the local level the Congolese electoral law employs proportional representation.

A detailed study of Congo's formula for representation is necessary. It might be possible to employ both proportional representation and single-member representation in urban and rural Congo respectively. The Congolese electoral law already distinguishes between the two by halving the 30,000 minimum number of urban residents required to obtain a parliamentary representative to 15,000 in the rural areas. A change in the law establishing the use of proportional representation in urban districts and the use of the single member, winner-take-all, system in the rural areas might have a salutary effect. The IFES team was unable to identify a consensus opinion regarding the procedures for the creation of new administrative districts and the correlation between electoral districts and administrative districts.

### ***Combination of Election Events***

Congo's electoral law stipulates too many separate election days. In a country in which voting can sometimes mean having to walk for many hours, this discourages participation. In fact, electoral participation in the Congo has declined sharply (although this can be attributed to more than one cause). The frequency of required voting days makes the process expensive and that also means that foreign observers will not be able to participate as much as would be desirable. Since the Congolese have demonstrated some real trust in foreign neutrality and mediation this in turn may well reduce the acceptance of electoral results.

### ***Political Elites***

There are some similarities between the Congolese political elite and that in other former Marxist-Leninist regimes in that professional politicians who have little or no experience doing anything other than leading the government and/or a single party have had to transform themselves in order to retain power and jobs in a new pluralist political culture. As in former Yugoslavia, they have done so by seeking voluntary political support largely based on ethnicity or regional unity. This is done in part by inventing and/or supporting already existing inter-ethnic antagonisms. At the same time, in the case of the Congo, there do not seem to be any permanent inter-ethnic affinities or antagonisms. Alliances are made on opportunistic, not ideological bases. These predilections of an aging political "class" are linked to an extraordinary degree of mutual distrust, to an avid search for political power that can then be translated into other privileges, and to a tendency to block initiatives that are mostly seen as potentially dangerous. In the first phase of the period since the National Conference this practically resulted in a civil war, in the latter stage it led to a consensus with little change as the different personalities and political forces neutralized each other.

What can be done to affect and ameliorate this condition? First, there is a generational issue. Younger leaders, not rooted in the single party system, are in the best position to update the present style of political interaction and assimilate themselves to a more democratic culture. The problem, however, is how to encourage and facilitate this generational change. Second, building on top of the current decentralization policies, regional elites could be encouraged to become more active and assertive. In that regard, it may be fruitful to plan for the organization of regional peace forums, i.e., establishing provincial meetings modeled after the Peace Forum. The regional formula has had a positive impact in other nations, including Mali and South Africa. Given the success of the national forum, UNESCO could be approached to help with such a project.

### ***Non-Governmental Organizations***

Under normal circumstances it would be logical to place great emphasis on the employment of civil society, specifically NGOs, in order to advance the culture of democracy in the Congo. As will be indicated below, to some degree this is indeed possible. However, because of the great centralization which had existed under the Marxist-Leninist single party regime (in this regard the fact that it was Marxist-Leninist made this factor more potent than in other single party regimes), most NGOs are extremely young and do not have the organization and networks which normally would be used to undertake programs such as civic education. An exception to this condition is the group of religious organizations which were permitted to exist more or less independently under the single party regime.

The IFES team met with representatives from a variety of domestic NGOs. These groups are referenced in the following section. Domestic NGOs could be considered for a variety of activities as an attempt to engage "neutral" forces in controlling elections and/or developing programs of civic and voter education. Several religious organizations active in Congo could also play a role alongside the NGOs. The following organizations might be considered with a view to their participating in electoral and civic education: Communauté Islamique du Congo, Conseil Oecuménique des Eglises Chrétiennes, Eglise Évangélique du Congo, Eglise Kimbanguiste, Arme du Salut, Eglise Catholique, Eglise Orthodoxe.

### ***III. Administration of Voter Registration and Elections – The Need for Reform***

Congo reached the brink of civil war due to escalating political and ethnic conflict following the May 1993 legislative elections and June 1993 run-off elections (later annulled by the Supreme Court). Congo's atmosphere of deep ethnic divisiveness and profound mistrust among political parties was accentuated by the absence of a developing democratic culture. Many of the defeated candidates and political parties, as well as their supporters, declared the elections as rigged and the results fraudulent. Refusing to accept their political fate, the election losers actively pursued ready arguments to contest the results, announced campaigns of passive resistance which in turn degenerated into strife, violence, and repression.

A cycle of states of emergency, internal truces, and international mediation by the OAU, France, and Gabon's President El Hadj Omar Bongo followed. The annulled June 1993 run-off elections were finally organized for eleven constituencies in October 1993. Following those elections, there was a fresh eruption of political and ethnic violence, and then more truces and international mediation. The international mediators, after reviewing the details of the May 1993 legislative elections, made the determination that those elections had been improperly conducted in nine constituencies. Through the international mediators, partial elections for those nine constituencies were organized for spring 1995.

The conditions of insecurity created by the tension between the two candidates and parties in one of the nine constituencies, Mossaka, created a climate that was not conducive to the holding of an open and transparent election. The remaining eight constituencies held their elections in April 1995. Seven of those elections yielded a result determined by all parties to be acceptable. The eighth constituency, Dongou, was unable to tabulate a final result due to disagreements between the political parties over the handling of the ballot boxes.

The International Committee for the Organization and Supervision of Elections, established as a result of the Libreville Accords following negotiations between Congolese political actors and international mediators, was unable to broker a decision in Mossaka and Dongou. The populations of these two constituencies will not be represented in Parliament until a resolution is reached or until the next legislative elections.

The structures set up by the Congolese to organize and supervise the partial elections were designed to guarantee equal political representation (opposition – presidential grouping) at every level: local, district, regional, and national, and at every stage of the electoral process. All members of the voting station staffs were appointed by the Libreville signatories. There was no apolitical nor civil society representation at any level in the electoral administration.

#### **Current Opinions**

The IFES team received acknowledgment by Congolese from the width and breadth of the political spectrum that each of the recent elections was somehow marred by corruption and fraud. The direct involvement of the political parties in administering and monitoring the election elevated them to a position of serving as judge, jury, prosecutor, and defendant. Their schizophrenic existence, coupled with the mystery and secrecy



surrounding the efforts of the Ministry of Interior to organize and manage Congo's elections, made it easy for the parties to contest the results.

The technical, logistical, and financial organization of Congo's general and partial elections suffered from many shortcomings. Those most frequently brought to the IFES team's attention were:

- a non-exhaustive voter registration;
- serious errors of omission and double registration in the electoral rolls;
- absence of clear directives governing the creation of the voter rolls and the excessive influence of the political parties on the establishment of the electoral rolls;
- absence of clear directives for election management and provision of logistical support;
- insufficient administrative and office equipment and supplies;
- lack of means of transport;
- insufficient communications equipment;
- inappropriate siting of voting stations and inadequate communication of voting station locations to the electorate;
- no control of border population movements in easily entered regions;
- absence of an exhaustive voters education campaign;
- insufficient training of registration and poll workers, political party agents, and election administrators in voter registration and election procedures.
- insufficient time between posting of electoral lists for public review and comment, and finalization of lists.

Negative local and national reactions to these problems were made all the more acute – and difficult to resolve – given Congo's severe economic problems, underdeveloped democratic culture, existing ethnic frictions, and the continued periods of insecurity in some regions of the country. This potentially explosive socio-economic mix accentuates the feelings of profound distrust between the political parties and within the consensual government. If steps are not taken to respond to, and reduce these tensions, the resulting situation could compromise the conduct of a peaceful and acceptable presidential election in 1997.

Taking into account the opinions, suggestions, criticisms, and fears expressed by the broad range of groups and individuals encountered by the IFES mission, three models for the redesign of Congo's electoral system will be outlined. Guiding the design of these models were five general questions that the team sought to take into account from the outset of their trip, plus objectives referenced by the individuals and groups with whom the IFES team interacted during their brief visit.

#### ***General Questions***

- 1) What should be the composition and the mandate of the structure(s) designed to organize and supervise future elections?
- 2) What should be the relationship between these structures and those currently responsible for the organization and the conduct of elections—namely, the Ministry of Interior?
- 3) How could this relationship be organized to best guarantee open, competitive, and fair elections?
- 4) What role is there for civil society in Congo's electoral process?
- 5) What should be the role of the international community in Congo's upcoming elections?

***Objectives for the Revision of the Registration and Elections Processes***

- to establish and conduct an election in a climate free of physical or mental intimidation, corruption, violence, restrictions on expression and political discourse, or any other condition likely to hinder voters in the exercise of their rights;
- to empower an election administration with the capacity to guarantee that each voter's ballot is secret and individual and to insure the accurate tabulation of ballots and announcement of results;
- to renew the confidence of the Congolese in the democratic process through the development and implementation of fair electoral rules and practices and by seeing to it that proper security measures are taken by the relevant authorities to allow nationwide campaigning and voter education with no fear of partisan reprisal and to guarantee a climate of calm for voter registration, political meetings, and elections;
- to ensure that the texts in force are strictly observed, including the constitution and the electoral law;
- to ensure free access to the state media by all political groupings;
- to engage in a thorough campaign of voter education targeting citizens nationwide, literate and illiterate, rural and urban, to familiarize the population with the procedures for voter registration and elections, and to inform and educate them of their rights and responsibilities in the process, as well as the rights and the responsibilities of the administration, political parties, and election authorities;
- to ensure that registration and election management plans (and contingency plans) are in place;
- to discourage all kinds of registration and election fraud.

**The Role for an Election Commission and an Election Activities Overview**

IFES was encouraged to discover that the majority of the team's interlocutors expressed interest in the development of an independent mechanism for the administration of voter registration and multiparty elections. The team members agree that the success of any future registration or election activities in the Republic of Congo will be contingent on their organization and implementation by a non-partisan body. Therefore, the management of Congo's voter registration and election processes should be consecrated to an autonomous national electoral commission.

A properly organized commission with a well-defined mandate will increase the confidence of the Congolese in the registration and the election processes. A commission dedicated solely to the organization and oversight of voter registration and elections will hopefully serve as a model for the development of a national capacity for election administration so that each election will not have to begin at ground zero. In the long-term, this capacity will save considerable time and money. The presence of an independent, neutral and possibly permanent election and registration body will prevent future elections from bringing Congo and its national economy to a grinding halt as the government is forced to turn its attention from its "real job" to the organization and implementation of registration and elections.

Before presenting the arguments in favor of an independent commission vis-à-vis elections run directly by the government, it will be helpful to provide a brief synopsis of the variety of decisions and tasks involved in assembling a registration and an election system. The tasks are organized into six major areas: ground rules, personnel, action plans, technical/logistics, training, and voter education. In practice, many of these activities overlap; these groupings have been established to simplify the discussion. Finally, these lists are

not exhaustive, although they do include all of the major election and registration planning and implementation activities.

### **Ground Rules**

- Establish registration and election technical rules and procedures.
- Develop a voter identification system to prevent double voting.
- Establish protocols for the delimitation of constituency boundaries, the determination of constituency population density and thresholds for voter representation, and the development of the algorithm for proportional seat allocation.
- Establish voter registration, candidate and party registration, and election financial rules and procedures.
- Establish rules and procedures governing the submission, adjudication, and appeals process for complaints and grievances.
- Develop codes of conduct for:
  - Election Commission
  - Political Parties and Candidates
  - Press
  - Domestic and International Observers
- Establish security strategy for all phases of registration and elections.

### **Action Plans**

- Design implementation plan and time line for voter registration.
- Design implementation plan and time lines for election preparation, election day(s), vote counting, results transmission, centralization, and announcement, and post-election close-out.
- Develop corresponding budgets and chart financing time line.

### **Personnel**

- Establish fee schedule for all election workers: full and part time; private and public sector; national, regional, and local.
- Clarify onus of responsibility for compensation of political party representatives involved in registration and elections as delegates and monitors.

### **Training**

- Establish procedures for recruiting, appointing, and training registration workers.
- Design training for registration workers.
- Establish procedures for recruiting, appointing, and training election workers.
- Design training for election workers.
- Determine responsibility and establish procedures for recruiting, appointing, and training political party delegates.
- Design training for political party delegates.
- Design specific implementation plans and time lines for each training initiative.

### **Voter Education**

- Create voter information campaigns for all election-related activities and groups to inform the public of procedures, responsibilities, etc.

**Technical/Logistics**

- Establish specifications for all registration and election forms.
- Establish specifications for all registration and election materials and supplies.
- Establish specifications for communications network.
- Delimit and map all constituencies.
- Determine location of all voting stations.
- Determine location, availability, and condition of all regional, district, and local-level warehouses and storage areas.
- Procure all materials and supplies.
- Develop logistics plan for distribution, warehousing, and post-election collection of secure and non-secure registration and election materials and supplies.
- Develop instructions for use of all forms and materials using appropriate languages and graphics for ease of comprehension.
- Dispatch materials nationwide.

Evidently, the tasks listed above cannot be accomplished by an election commission alone. Several of these activities will require varying degrees of involvement by one or more government ministries including the Ministries of Interior and Security, Finance, Defense, Communications, and Transport. Several phases of the planning will also have to be coordinated with the Constitutional Council, the High Council of the Magistrature, and the High Council for Information and Communication. These three councils, each having a crucial role to play in Congo's democratic transition, have yet to be officially established by the government.

**Election Management Alternatives**

The following three examples of "independent" election administration bodies involve varying degrees of government representation. It is moreover imperative that any election administration body be created with the endorsement of all of the political parties, including the opposition. It is equally important that such a commission remain impartial and neutral. Failure to fulfill any of these criteria will render it totally ineffective. Decisions as to the division of responsibilities between the government and an independent body must be made with realistic recognition of the especially high level of mistrust that permeates all levels of Congolese society. An election administration body must be structured in such a manner that it encourages maximum voter confidence.

**Option #1: National Commission for the Monitoring and Supervision of Elections and a National Electoral Unit**

A number of nations have responded to demands for citizen participation in election organization and monitoring through the creation of a *commission de pilotage*, a steering committee composed of representatives of government, the judiciary, civic and religious organizations, and the political parties. These steering committees, created as consultative organs, were granted little or no decision-making power. Their large size made it impossible for them to even function effectively as a pressure group. In these cases, authority for the organization and the management of the elections themselves has rested with officials within the government. Mali, Togo, Senegal, Côte d'Ivoire, and Guinea have utilized this sort of an arrangement

in the past. The results of those nations' elections were not always accepted by all of the participants, nor did those elections contribute to the establishment of the foundation necessary for the institutionalization of participatory election management in those nations. Option #1 can be considered as an improvement on the steering committee approach.

This option involves two organizations: a National Commission for the Monitoring and Supervision of Elections (NCMSE) and a National Electoral Unit (NEU). The NCMSE will monitor and supervise all aspects of the registration and the electoral processes. The NEU will be responsible for the material, technical, and logistical organization and implementation of registration and electoral operations.

***National Commission for the Monitoring and Supervision of Elections (NCMSE)***

A twenty-member NCMSE will be established by law and governed by legislation granting it wide powers of supervision and monitoring. Membership on this ad-hoc body, established before each election, will be determined by presidential appointment. From nominations submitted by the political movements, the judiciary, and civil society – e.g. religious institutions, trade organizations, labor unions and non-governmental organizations, the president will select twenty citizens, possessing the moral authority and commanding the respect and the trust of the population, to serve as commissioners. Five members would be selected by those nominated by the current majority party or coalition, five from the opposition's nominees, five from those of the judiciary, and a final five from the civil society nominees. The Commission's executive bureau would be elected internally.

The NCMSE will verify that all material and logistical organization of the registration and the elections conforms with Congo's electoral law and associated decrees, circulars, and instructions. The Commission will arbitrate political and technical disputes arising between the political parties and the NEU. The NCMSE will proclaim the provisional election results and transmit the results and supporting documentation to the Constitutional Council. The Council will verify the results, process complaints, and release the final results.

International observers invited to monitor or observe the registration and the elections will be invited and accredited by the NCMSE. Longer term monitors could be administratively attached to the Commission at the national and the regional levels as technical consultants. Their presence will provide the NCMSE with experienced international counterparts who will increase the Commission's capacity to better respond to problems issues. The observers will be free to publish their independent post-election assessments.

NCMSE will establish limited regional offices with supervision and monitoring responsibilities similar to those at the national level. The regional offices will be presided over by local judges or magistrates and will supervise the local NEU activities.

***National Electoral Unit (NEU)***

The NEU will be headed by officials from the Ministry of the Interior and Security. Represented among the NEU leadership will be representatives of other ministries directly involved in the registration and the elections: Finance, Defense, Communications, Transportation, and Foreign Affairs. Representatives of other national security forces and from each of the accredited political parties will round out the NEU membership. The NEU is created for each election or series of elections. NEU members will continue to receive their normal salaries, plus transportation support and a government-approved standard honorarium for the period that the NEU is active.

In this structure, the officials traditionally responsible for the set-up and conduct of registration and elections remain the regional, district, arrondissement, canton, and village officials—primarily the prefects, sub-prefects, and the mayors. These administrative extensions of the Ministry of the Interior and Security control the administrative machinery that operates the registration and the elections, and primarily respond to requests and orders from their hierarchical government supervisors. The national administrative structure is ready-made infrastructure that can be exploited for the conduct of country-wide voter registration and elections organization and management.

***Option #2: National Electoral Commission, Interministerial Technical Unit, Consultative Commission***

Some nations chose not to follow the steering committee approach. In others, simply establishing a powerless steering committee did not meet the demands of the political parties, civil society, and the general public. Their solution was to establish an actual election commission, and to assign it vague oversight and supervisory responsibilities. The method of selection of the commission members differed, as well as the degree of involvement of the national leadership in their selection. The membership of these commissions was often limited, resulting in a considerably more agile group than a lumbering steering committee. The working relationship between the commission and the administration varied. Despite the presence of a commission, the effect of overzealous government control was evident in past elections in Madagascar, Benin, Kenya, Malawi, Ghana, Nigeria, Liberia, and Guinea. Option #2 seeks to rectify some of the administrative shortcomings evident in those elections.

This option features three organizations: a National Electoral Commission (NEC), an Interministerial Technical Unit (ITU), and a Consultative Commission (CC). The NEC will take the lead in the organization and supervision of the registration and the elections. The ITU will provide technical, logistical, and staff support to the NEC. The CC will also supervise and oversee of the process.

***National Electoral Commission***

The ad-hoc NEC will be created prior to an election in the same manner as the NCMSE. The legal foundation for the NEC will differ only in the expanded scope of the Commission's mandate. The NEC will elect a seven-member executive bureau internally. Each of the seven will be responsible for the oversight of activities in a specific area: president, vice president, finance, election policy and planning, legal and investigations, information and voter education, and training. The NEC president and vice-president will share oversight of registration and election security. One commissioner will be appointed secretary. Eleven commissioners will be assigned to each one of Congo's eleven regions. The remaining commissioner will be serve as information liaison with Congolese abroad.

The NEC will play a pro-active role in the establishment of registration and election procedures and will follow the implementation of these procedures to ensure that they are correctly followed. All revisions to the electoral law, circulars, decrees, or official instructions will be drafted in consultation with the NEC. Approval of documents of this sort requires the co-signatures of both the NEC president and the relevant minister or government official.

The Commission will arbitrate political and technical disputes arising between the political parties and the government. The NEC will proclaim the provisional election results and transmit the results and supporting

documentation to the Constitutional Council. The Council will verify the results, process complaints, and release the final results.

International observers invited to monitor or observe the registration and the elections will receive invitations and accreditations from the NEC. Long-term international monitors could be administratively attached to the Commission at the national and the regional levels as technical consultants. Their presence will provide the NEC with experienced international counterparts who will increase the Commission's capacity to better respond to problems issues. The observers will be free to publish their independent post-election assessments.

The Commission will establish limited regional representation. Regional representatives will be nominated by political parties and civic organizations active in the respective region and selected by the national commission. The regional NECs organizational responsibilities will focus primarily on coordination with local authorities in registration and poll worker training and the placement and equipping of registration sites and voting stations. Regional NECs will be presided over by local judges or magistrates.

#### ***Interministerial Technical Unit (ITU)***

The ITU will be a considerably smaller group than the National Electoral Unit described in the previous example. This ad-hoc Unit created prior to the elections should be limited to approximately twelve members representing relevant government ministries, councils, and commissions. The members of the ITU should have technical aptitude in each of the five technical foci of the NEC: finance (Ministry of Finance); election policy and planning (Ministries of Justice, Transport, and Interior); legal and investigations (Ministry of Justice and Constitutional Council); information and voter education (Ministry of Communication/High Commission for Democratic Culture and Human Rights, High Council for Information and Communication); training (Ministries of Education and Communication); and security (Ministries of Defense and Interior).

The NEC will depend on the technical and administrative resources at the disposal of the ITU for the organization and the facilitation of the elections. By placing the NEC in the position of having constructive input and final co-approval of all steps of the registration and the elections, the potential for government manipulation (real or perceived) is diminished, increasing the citizens' confidence in the process. As with the previous example, the ITU's involvement will facilitate administrative operations outside of Brazzaville.

#### ***Consultative Commission (CC)***

The Consultative Commission is composed of representatives of all accredited political parties and all active social and civic organizations. The Commission is established for each election or series of elections. Each organization wishing to be represented on the CC will propose two candidates for the Commission, a primary candidate and an alternate. Nominations will be reviewed and approved by the President, in conjunction with the NEC executive bureau. Therefore, it is important that the NEC be formed and installed before the CC. Once appointed, the CC will elect a seven member executive bureau, assigning positions mirroring those of the NEC executive bureau.

Parties or groups choosing to boycott the CC will have no input into the design and implementation of the registration and election processes. However, accredited and eligible parties and candidates boycotting CC participation may still participate in the elections.

The primary role of the commission is consultation. Before procedures, plans, communication campaigns, etc. are placed into operation following joint approval by the NEC and the ITU, they will be communicated to the CC. The CC will be encouraged to present feedback and recommendations to the NEC throughout the registration and election processes. The CC will not possess veto power, but their opinions will be taken into account by the NEC and the ITU.

The second, and potentially more important, function to be performed by the Consultative Commission is that of communication liaison. Each CC member will be responsible for keeping their respective organizations informed of the work of the NEC and the ITU. Participating CC members will have the opportunity to request additional information on registration and election-related issues from the NEC. Requests will be submitted to the commissioner(s) responsible for information and voter education and forwarded to the appropriate commissioner(s) and their ITU counterparts. A schedule for request submission and response will have to be developed to keep the daily activities of the NEC and the ITU from being overtaken by requests.

The NEC will prepare weekly press releases for the CC and the press on their national and regional level activities during the preceding week. The NEC executive bureau will meet with the CC two afternoons per month.

***Option #3: National Election Commission, Election Secretariat, Consultative Commission***

Successful election organization requires the involvement of technicians as well as representatives of political and civic organizations. A number of nations realized that the creation of election commissions, steering committees, and the like was often undertaken with little or no regard for the individual member's technical and managerial capacities. The result was more often than not chaotic as commissions, committees, or administrators scrambled to respond to unreasonable, or poorly thought-out requests. What was needed was a group appointed based on technical, rather than political, merit. This approach was employed to a degree in preparing for post-conflict elections in Angola, South Africa, and Mozambique. The fact that these were post-conflict processes with heavy international involvement makes these models better suited for study and analysis than replication. It is reasonable to believe that the electoral administration in each of these three nations will be structured to respond to political pressures while acknowledging the technical realities of the planning, organization, and management of successful elections. Based on their earlier experiences, Ghana and Malawi are in the process of managing, or preparing to manage, their electoral processes relying on a format not unlike that presented in Option #3.

The third option affords the election commission the greatest amount of autonomy from the Congolese government. The National Electoral Commission (NEC) takes the lead in the conduct of voter registration and elections. The heart and soul of this arrangement is the Election Secretariat (ES) that is responsible for the successful implementation of the NEC's directives. The Consultative Commission (CC) has a structure and role mirroring that of the CC in the previous example, monitoring the process and informing the general population about how the process works as well as advising the population how to make the process work the best for them.

For successful election administration, neither the NEC nor the ES can be hampered by government micro-management nor partisan or non-partisan "hostage taking" by the CC. Measures must be taken to allow the NEC and the ES sufficient latitude in which to operate.



Given the independent standing of the NEC and the ES, it is suggested that they be granted legal status as a non-profit entity. This will facilitate their internal management of funds and also improve their capacity to solicit international funds for the support of registration and election processes. The granting of financial autonomy to the commission will go a long way to insure that the body avoids many of the pitfalls that have hampered the successful of election commissions across Africa and around the world. This arrangement simplifies the financial auditing process and assigns full accountability to the commission for its use of governmental, domestic private, and international funds.

#### ***National Election Commission (NEC)***

The NEC would be composed of between seven and twelve commissioners, depending on whether the commissioners would be assigned general oversight responsibility for geographic areas or for technical areas. Commissioners would be appointed by the President with the approval of the society-at-large- for example, in consultation with the multi-party working committee that was an outgrowth of the Peace Forum. They are to be individuals of high moral standing who are perceived to have the welfare of the Republic of Congo at heart. Commissioners will be appointed for a fixed, multi-year term. A chairperson and vice-chair are elected internally. The remaining commissioners are assigned geographic or technical responsibilities. Not unlike a corporate board of directors, or university trustees, the position of Commissioner is part-time. The Commissioners would be expected to maintain alternative methods of income generation. Between elections, the Commissioners are "on-call," meeting only as necessary.

The NEC would have the power and authority to prepare and approve official election instructions and circulars independent of government intervention.

#### ***Election Secretariat (ES)***

The Secretariat is the group that is responsible for the actual organization and implementation of the elections. The members of the ES are appointed by the NEC. The ES should be headed by a Director of Elections (DoE) and a Deputy DoE. Within the ES will be a number of technical bureaus, each headed by a technical director. Suggested technical bureaus are: office management; information and civic education; election policy and planning; legal and investigations; computer systems; personnel; and finance. At the regional level, the ES will be represented by a Regional Electoral Officer and a small staff.

The staffing level of the ES will fluctuate given the amount of work facing the Commission. The positions of director and deputy, as well those of several of the technical directors, should be full-time. It is conceivable that several of the technical directors or members of the technical bureau staffs will be seconded by government ministries and departments. The director and deputy must be dependable individuals with solid managerial experience from outside of government. The regional electoral officers must also be from outside of the government.

#### ***Consultative Commission (CC)***

As in the previous example, the Commission will serve as a primary "sounding board" for the NEC and the ES. With a dynamic membership, the CC can have a positive role in the design and conduct of the registration and electoral processes.

### **Role of Congolese Civil Society in the Electoral Process**

The IFES mission met with the representatives of a number of non-governmental organizations and professional associations interested in becoming more involved in democratization and governance, elections, and human rights. The team concluded that there were indeed several organizations with interesting ideas, but with limited capacity, who should somehow be incorporated into voter education and training activities. Non-governmental organizations and professional associations can be effective at making the Congolese public aware of the importance of the electoral process to their day-to-day lives through the adoption of an effective communication strategy. This can be accomplished by activities such as the translation of the constitution and the electoral texts into easily understood checklist and graphic formats and by the presentation of informative voter information sketches on radio, television, and local open-air theater.

Congo is not in a position to support a large number of NGOs engaged in similar activities. Therefore, IFES discussed the potential for the creation of an NGO network for open and transparent elections. Domestic NGOs could be induced to coordinate their efforts in a variety of voter education activities. To avoid replication of effort and to maximize coverage, the activities should also be coordinated with those of the High Commissioner for Democratic Culture and Human Rights within the Ministry of Communication. The pro-active involvement of civil society in the registration and election processes can increase the public and international confidence in the transparency of the electoral process. This involvement should also extend to include religious groups such as those listed in the previous section. Initial assistance in program development and management strategies could be organized through international NGOs experienced in electoral assistance, voters education, mass- and popular-media communications, and training.

Among the groups that met with the IFES team were: ACAP, Association des Femmes Juristes; Association Géodeveloppement Identité et République (AGIR pluriel); Association pour la Prospective l'Initiative et la Démocratie (APID); Comité des Femmes pour la Paix; Fédération Congolaise des ONG du Développement (FECONDE); and GERDDES-Congo. Unfortunately, the IFES team did not have time to meet with all of the NGOs and associations in Brazzaville, but it was valuable for the Foundation to have made contact with the groups listed above. And, it is clear that they would all be more than willing to participate in the kind of activities and educational efforts described above, although, as mentioned earlier, their capacity to do so is somewhat limited and also varied.

### **The International Community and the Electoral Process**

The Foundation benefitted from a round table organized by the United States Ambassador for representatives of the diplomatic and assistance communities. IFES was impressed with the level of interest exhibited by the assembled group, representing Belgium, France, Germany, United States, European Union, United Nations Development Programme, and UNESCO. Equally important was the dialogue that exists between the representatives of these embassies and development organizations, indicating a good foundation for donor coordination in Congo. The commitment on the part of several of the assembled donors to assist the demographic census bodes well for additional assistance to voter registration effort and the democratic process in general. In a separate meeting, IFES had an exchange with an envoy from the Embassy of Japan

in Libreville, who indicated an interest in being kept informed of the technical and resource needs facing the Congolese in the run up to the presidential elections.

It is clear that there is international interest in assisting Congo with its continuing transition to democracy. Based on the information gathered by the IFES team, the delivery of this assistance will be directly contingent on Congo's capacity to make fundamental decisions and take initial action in a number of areas related to the electoral process. Among the most important issues requiring action are: the demilitarization and the dissolution of the militias; the establishment of the Constitutionally-mandated legal bodies listed elsewhere in this report; the establishment of an election administration body acceptable to the political actors, civil society, and the population at large; and the development of an accurate voter registry.

### **Conclusions and Recommendations**

The fine tuning of Congo's electoral system will benefit from the coordinated interest of the international community. The Congolese must be encouraged at the highest levels to formalize and operationalize the three democratic institutions called for in the Constitution: the Constitutional Council, the High Council for Information and Communications, and the High Council of the Magistrature. The international community is prepared to provide some initial support to these institutions.

With the councils in place and working, the Congolese will be able to focus their full attention on the establishment of an electoral authority responsible for the registration of voters and the preparations for the upcoming series of elections beginning with the presidential elections in 1997. That authority must be in place no later than the end of the first quarter of 1996 to allow sufficient time for the wide range of activities to be undertaken between now and the elections as outlined above.

At the same time, the peace and reconciliation activities emanating from the Peace Forum must be pursued vigorously. Both activities are necessary to restore the faith of the Congolese in the electoral process and in the government in general.

It is clear that an amended or new electoral authority is highly desirable. Congo must operationalize such a new system for the organization and the administration of voter registration and elections. The models presented earlier were developed from actual election administration bodies. Whatever type of administration is created, it should respond to the cares and the concerns of the electorate, and not restrict itself to the cares and concerns of one minister, one administrator, or one political party. It is strongly recommended that the election commission be granted maximum fiscal and legal autonomy in an attempt to guarantee its apolitical stature. The commission should be structured with the long-term in mind to allow it to accumulate expertise through the upcoming series of elections beginning in 1997, which Congo can employ in later elections, hopefully with less external support and involvement.

All of the election and registration laws, decrees, circulars, and instructions require a thorough review and revision with the intent to: a) depoliticize the organization and conduct of registration and elections; b) simplify the instructions and regulations for increased ease of application and financial savings; c) condense all of the existing legal foundation into a single document and standardize the language to minimize the potential for misinterpretation.

Given that there is international interest in the revision of Congo's electoral system and the establishment of a voters registry, it is suggested that the creation of an international assistance secretariat be established. This technical assistance unit could provide backstopping and technical assistance to any number of initiatives, and also serve to coordinate the donors' inputs to maximize the impact of their aid, and to avoid costly and wasteful double financing.

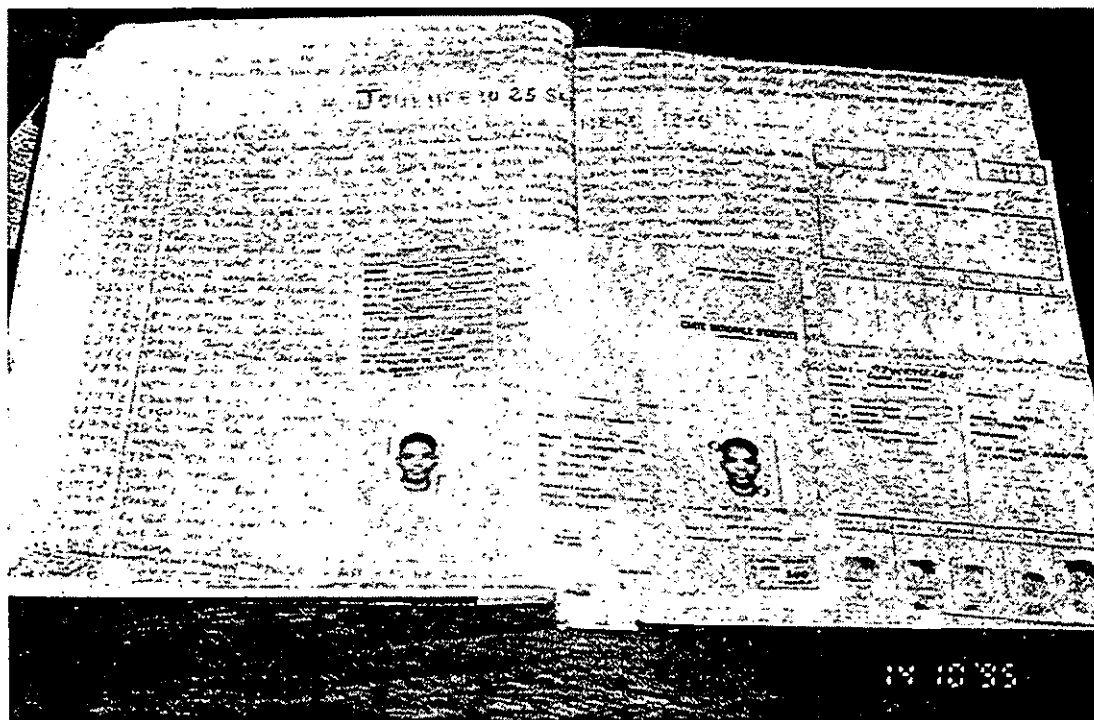
The government should not hesitate to keep the Congolese public, political parties, and interest groups informed of all discussions regarding the electoral process and the voter registration. The only way to demystify these processes is through the dissemination of information. Lack of communication implies secrecy and sows the seeds of distrust.

At the same time, the interest of the donor community, both public and private, in Congo's continuing transition, must not be overlooked. The Congolese government should be pro-active in informing the donors and the outside world of their progress in reforming the nation's electoral administration.

#### ***IV. Citizen Identification, Census Activities, and Voter Registration in Congo***

The Republic of Congo shares over 2,000 kilometers of land border and 800 kilometers of water border with several neighbors: Zaire, Cameroon, Central African Republic, Angola (Cabinda), and Gabon. There is cross-border migration, especially back and forth across the Congo River from Zaire, but the magnitude of this migration cannot be accurately stated. Although the data collection methodology and the date of the data collection were not specified to the IFES team, officials throughout the Congolese government, as well as political party representatives, estimate that there are anywhere from tens to hundreds of thousands of foreigners illegally and legally in Congo. The political parties and the government believe that this migration is likely to have a significant impact on election results since non-citizens are alleged to have participated in past elections.

Population movements into, out of, and within Congo pose significant challenges to any efforts to register citizens and voters. Consequently, a popular issue brought to the team's attention was the presence of foreigners who had obtained false I.D.s (either national I.D.s, voting cards, or birth certificates). The number of foreigners in some areas was estimated to be significant enough to impact election results. The IFES team was presented with no concrete evidence of the political activities of illegal immigrants. IFES has noted that in other nations it is known that foreigners (refugees or otherwise) often employ illegal means to obtain



*Identity documents and identification register. Left: File record #1 (photo is stapled to back); Center: National Identity Card with photo and 500 FCFA fiscal stamp (finger print and official stamp will be added when card is collected by owner); Right: File record #2 (finger prints are on back side).*

identification documents in order to be able to work, but do not participate in the voting process. The IFES team, based on their experience, felt that the primary catalyst for migration into Congo is economic, not political. Regardless, the potential subversive impact of immigrants is a popular issue and any technical recommendations for the improvement of Congo's voter registry must be designed to reduce these concerns.

### **The National Identification System**

The IFES team made an effort to become familiar with Congo's national identification system. The electoral code relies on national identity cards as the primary proof of Congolese nationality. Consequently, the errors or shortcomings of the national identification system have a direct impact on status of the voter identification system.

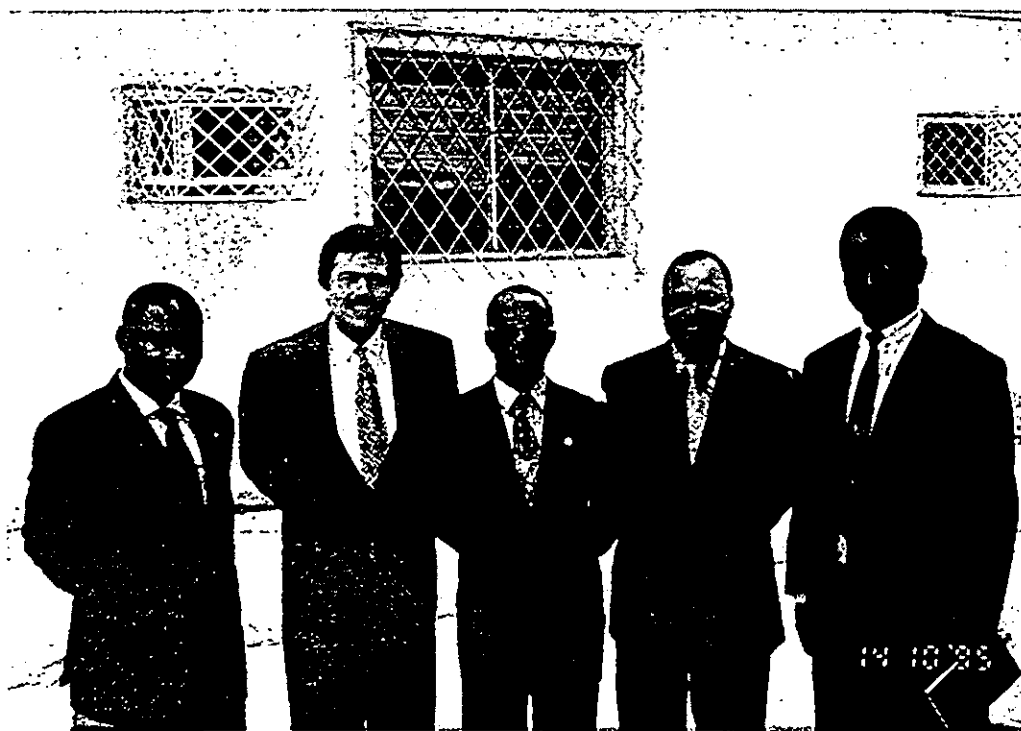
Congolese citizens are required to possess an official national identity document. These documents are prepared, distributed, and catalogued by the General Administration of the Congolese National Police through the National Civil Identification Service, a division of the Ministry of the Interior.

National identity documents are issued to citizens of at least 16 years of age. In the past, Congo has employed a variety of identity documents. From 1950 to 1960, citizens were issued *livret de famille* (family record book), a format widely used in French Equatorial Africa. The book included the names of all of the family members plus additional information, including a photo of the family head. In 1960, the preparation of the national identity document became the responsibility of the police. A new identity document was instituted by Decree #60/35 of February 1960. This decree has been modified two times, first in August 1979, and again by Decree #80/71 of February 13, 1980.

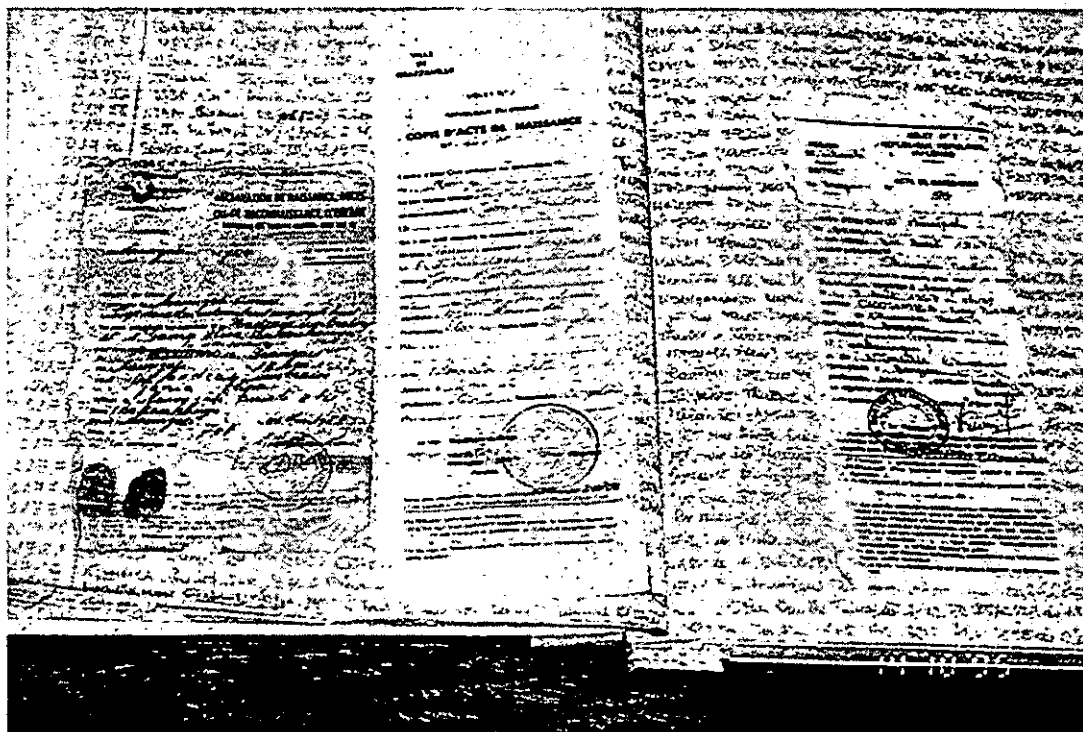
Identity documents are produced by the National Service for Civil Identification (Service National d'Identification Civile - SNIC). The IFES team was presented with two different schemes for the distribution of identity documents, that of the Ministry of the Interior (MIS), and the second, that of the SNIC. The short duration of the mission did not allow for further research into these schemes to determine precisely where these systems overlap and how. In the first, Congo's 4,496 villages are serviced by 642 MIS centers. Of those 642 MIS registration centers, 543 are secondary centers equipped only to maintain records of, and provide notices for, births and deaths. The 99 principal centers are "full-service" centers providing identity documents and other official documents in addition to birth and death notices. In the second scheme, identity documents are issued by eighty police posts and thirty-two SNIC annexes, supporting eleven regional SNIC offices. Possession of an identity document has been compulsory for all Congolese citizens since 1960. The identity card is printed on card stock with space for a photo and a taxation stamp. The cards are printed with no special security elements such as a serial number, special fonts, indelible/invisible watermarks, or holographic images. Blank cards are easily replicated by local printers. An applicant for an identity document must present a valid birth certificate and three (urban) or four (rural) photos to the SNIC official. The applicant receives a receipt to be submitted to claim the completed card. One photo is attached to the identity card, a second (and the third if applicable) is archived at the local level, and the final one is archived at SNIC headquarters in Brazzaville.

The IFES team was made aware of two problems with this part of the process. First, birth certificates are easily forged for the same reasons that allow the forging of the blank identity documents. As with the identity documents, there is an active black market for birth certificates. An experienced official can spot a forgery, but new employees are not as keen to the changes in the official documents over the years. SNIC officials allowed that their first line of defense against non-Congolese applicants was the careful review of an applicant's birth certificate.

Second, the archiving of the extra photos at the local and national levels is difficult. IFES team members visited the SNIC national archives and the archives for Brazzaville located in the same space. Not only did this mass of identity documents require considerable space for proper cataloguing, but the documents need to be conserved in an environment free of humidity and protected from rodent and insect infestation. Boxes, envelopes, and stacks of identity documents line the walls of the room and overload the few available tables, waiting to be archived. Budget constraints have prevented SNIC from hiring the necessary temporary clerical staff to organize the archives. For the moment the national and Brazzaville archives are in space loaned to SNIC by the National Direction of Police. Lacking its own offices and storage space, SNIC is required to beg and borrow space from other government entities.



*IFES consultant with officials of the General Direction of the National Police, National Service for Civil Identification. L-R: Aduani Albert Gouari, Juan Herrero, Commandant Albert Samba, Lieutenant-Colonel A. Iboua-Makita, Aspirant Pascal Mayiva-N'Gouanga.*



*Birth Certificates. All three are different formats. The certificate in the middle is fraudulent.*

**BZN099501833**

*This sample code indicates that the identity document was produced in 1995 by civil identification center #9 in Brazzaville. The identity document was recorded as number 1,833 in center #9's registration log.*

Identity documents are codified by a series of letters and numerals. The code is composed of three letters identifying the region of registration, three numbers identifying the civil identification center and the year of processing, and a four numeral card number. The card number corresponds with the number of the registration log entry for the citizen for whom the card has been issued.

Although this is not the most efficient or sophisticated system of codification, it does serve to provide each identity document with its individual identity. The code can be relied upon for search and validation purposes.

Neither the police nor the civil identification centers charge for the production of the identity card. A fiscal stamp must be purchased for 500 Central African francs (FCFA) from the Ministry of Finance by the citizen desiring a card. Photographers normally practice their trade near the civil registration centers and can produce the required photographs.



As indicated earlier, there is a sizeable traffic in identity cards. SNIC has received proposals to modernize Congo's identification system and for the production of laminated identity cards printed on special paper incorporating a variety of security elements.

When plans are made to revise and potentially to computerize a civil roll, such as the list of national identity cards, it is general practice to accompany it with the revision of the civil registration (or civil status) system since one is an input of the other. Congo's citizen identification procedures could be streamlined through improving the codification of birth certificates, national identity documents, drivers licenses, and voting documents. A new identity document could be produced for Congo that incorporates the requirements of two or more official identification needs.

In some nations, as in Congo, citizens are required to carry an national identity card. Citizens voluntarily register to vote and obtain a voting card if they are so inclined. Other nations allow an eligible citizen to vote upon presentation of his or her national identity document, so there is no need for a separate voters card. Finally, there are nations that provide voting cards, and not national identity cards, to the population. This is the case in Mexico, where the popular and trusted voting card is accepted nationwide as a form of identification and proof of citizenship.

It is important for the Congolese officials to be made aware of the range of options that exist around the world, and the positive and negatives of those identification systems. Through the consideration of a wide range of identification options, Congo should be able to develop an identification system tailored to its specific requirements and available resources.

### **The Electoral List and Legal Foundations**

Congo's voters registry has its roots in the 1984 national demographic census, and in the required administrative census conducted in the latter part of each year. For the 1991 and 1992 elections, the voter list was updated in accordance with Circular 0364. (*Note Circulaire #0364/MID/DGAT*, October 15, 1991) The procedure for the review and the revision of the list is outlined by Circular 0364, drafted to conform to Decree 59/232 of November 13, 1959.

Circular 0364, Decree 59/232, and Congo's electoral law (*Loi #001 de 21 Janvier 1992 portant Loi Electorale*) constitute the legal basis for the electoral rolls. The electoral law specifies the conditions for registration, the process for updating registration to correspond with a change in address, and the necessity for the provision of a voters card to each registered voter per procedures established by the Ministry of the Interior.

The circular mandated the establishment of administrative committees (*commissions administratives*) headed by the administration representatives at the corresponding administrative level, and composed of local administrative staff members and political party representatives. The commissions conducted the updating of the voters registry, adding and deleting names from the list.

**Additions:**

- Eligible voters passed over during a previous revision;
- Eligible voters who moved into the area and established residency since the preceding elections; and
- Congolese citizens who reached 18 years since the previous elections.

**Deletions:**

- Deceased voters;
- Voters who lost their civic rights due to criminal activity;
- Voters declared ineligible based on a legal decision;
- Voters who moved out of the constituency; and
- Voters found to be registered on more than one voter list or on more than one civil registry.

Diagnosis of Congo's current voters registry is complicated by the lack of documented information on its development. The IFES team was exposed to a variety of opinions as to the list's accuracy and its current condition. Repeated attempts to see an actual voting list in Brazzaville were unsuccessful until immediately prior to the team's departure. The sample that was made available to the team exhibited a number of problems, such as the lack of any addresses for the voters listed, non-sequential numbering, and lack of verification of authenticity for the lists.

For the 1991 revisions, in a geographic area for which there existed a list of origin (such as the 1984 demographic census or the most recent administrative census), the corresponding local authority—prefects (préfets), sub-prefects (sous-préfets) and village chiefs in the rural districts and the mayor or the sub-mayor in the urban neighborhoods (arrondissements) — directed the list revision by the administrative commission(s). This division of labor benefitted from the local administrator's and the commission members' regional familiarity in preparing the population monograph (the written census record). The manner in which Congo has organized its voting list revision on paper is common for a "required" paper-based census activity such as an administrative census or a voter registration.

Criticisms of the voter list employed for Congo's elections since 1991 include allegations of multiple registration, intentional non-registration, registration of non-eligible Congolese of less than 18 years of age, registration of non-Congolese. The primary complaint brought to the team's attention was the multiple registration of voters. Voters who are registered more than once have the potential to illegally cast ballots more than one time during an election. The team was told of the recent discovery of a well-organized national identification and voter card forgery ring in Pointe-Noire. Sources maintain that the ring alone has been responsible for the production and distribution of some 50,000 false identity documents over the past year.

Many Congolese citizens were forced to leave their homes during the post-1992 election ethnic fighting. The combination of multiple registrations, registration of non-Congolese, and a significant group of internally displaced Congolese has rendered the existing voters register highly deficient.

IFES team members collected existing registration data on the total number of registered Congolese and projected the size of the current Congolese population of at least 18 years of age based on 1984 census data. Surprisingly, the team determined that in some cases the voters registry figures actually exceed the size of the potential voting age population. This anomaly can be attributed to several possibilities:

- the existence of a significant number of duplicate registrations;
- the registration of a considerable number of non-Congolese;
- the lack of correction for deaths and changes of address; or
- all of the above.

Up to this point, voter registration in Congo has been a tedious manual task. Voters lists are extrapolated from the population monograph established and annually updated by the administration as well as on other domestic and international sources of statistics and information. It should be emphasized that the registrations were taken down in longhand and the names were typed on the voter list forms for the 1992 elections. The compilation of the voter list is not computerized.

The manual preparation of the voter list was plagued with errors: names misspelt, names left off the list and names placed in the wrong section of the list corresponding to the improper district or municipality. The mis-assignment of voters was not a purely human error, but was also related to inaccuracies in the preparation and the interpretation of the electoral cartography. Congo's electoral law establishes no procedures for the determination and the updating of the nation's electoral cartography.

Voter card preparation and distribution is manual. The validation of voter identification is subject to the criteria of certain local authorities, in absence of supervision by any representative group such as the administrative commission. Furthermore, the team was made aware of the fact that many citizens who did register never received their voter's card. Voting cards were made available on election day at the voting stations. In situations where a card was not at the station where a voter's name was on the list, the voter was allowed to vote upon presenting either a photo identification card or two witnesses who were also registered to vote in that voting station.

Congo will continue to experience serious problems with its electoral list as long as there is no independent body assigned to organize and supervise the development of a new national voters registry. Relying solely on the administrative census at this point in time is impossible, as will be explained in the following section.

It should be pointed out that Congo's "election season" only begins with the 1997 presidential elections. National, provincial, and local elections are expected to take place from 1998 through 2000. Now is the time to prepare an inclusive and accurate voters registry as a stable foundation for the coming elections.

### **The Administrative Census and the Civil Registry**

The information compiled by Congolese authorities for both the administrative census and the voter list is not systematized, nor was it designed to be. Despite the shortcomings of Congo's civil registry (the final product of an administrative census) the infrastructure created through the annual conduct of the administrative census can prove useful for other national information compilation exercises, such as voter registration. When correctly organized and conducted, an administrative census can develop a level of trust between the general population and the administration, improving the potential for common acceptance of activities such as voter registration, facilitated through a similar structure.

The IFES team was continually reminded of the civil registry's inaccuracies by private and public sector interlocutors. Neither the government, the opposition, nor the "apolitical" Congolese citizens have faith in the accuracy of the civil registry as it exists today.

Congo's civil registry has not recently been updated. Based on the information provided to the team, it was determined that an even moderately-organized nationwide administrative census has not occurred in Congo since 1984. The annual civil registry update is a mandatory activity to be conducted under the supervision of the Ministry of the Interior. Revision of the population monographs was scheduled to take place across Congo from October to December 1995. The first revision of the voting lists would be made based on the revised monographs between January and March 1996.

At the time of the team's visit to Congo, the monograph revision had yet to begin. Prefects and sub-prefects contacted by the IFES team indicated that the lack of resources (means of transport, fuel, paper, pens, monograph forms) prevented them fulfilling their mandate to perform the update of the administrative census. Officials at the Ministry of the Interior told the IFES team that the revision would take place once financial matters were resolved. They expected that the administrative census revision would be complete by late January 1996.

### **The 1996 General Population and Housing Census**

The Republic of Congo does not have a long census tradition. Demographic censuses were undertaken in 1974 and 1984. Internal instability prevented the organization of a census in 1994 at the preferred 10-year interval. Stability has returned to Congo, and in accordance with international recommendations, Congo's third demographic census will be conducted in 1996.

Congo's demographic data is over twelve years old. It does not reflect Congo in 1995/6. The information that this census will provide will have countless economic, social, technical, political, and financial applications. The age of the census data, combined with the inaccuracies of the civil registry, make it difficult to properly estimate the location and the size of the eligible electorate.

As was the case for the 1984 census, the 1996 effort will be organized and managed by the National Center of Statistics and Economic Studies (CNSEE) in Brazzaville. The center is a division of the Ministry of Economy and Finance in Charge of Planning and Prospects. The Congolese government will provide significant financial and human resources support to the process. International financial and technical support for this undertaking are forthcoming from the United Nations Fund for Population (UNFPA or FNUAP), the European Union, and the Government of France.

The survey methodology has been revised from that used in 1984. A long questionnaire will be administered to representative sample of the population. A shorter questionnaire will be used for a majority of the nation. This new methodology has been tested around the world, and has yielded quality information at a substantial savings in financial and material resources.

The first step in the census is the revision of the 1984 cartography. This revision is carried out in a very mechanical manner using the 1984 cartography for reference. Congo has been divided into three census zones:

**South:** Kouilou, Niari, Bouenza, Pool, Lékoumou  
**North:** Plateau, Cuvette, Cuvette-Ouest, Sangha, Likouala  
**Communes:** Brazzaville, Pointe-Noire, Dolisie, Mossendjo, Ouésso, Nkayi

By late October, the cartography update was complete for the southern zone and had started in the north. Cartography for the northern zone was scheduled to be completed by the end of November 1995. The communities' cartography will begin in January and run through February 15, 1996. It is estimated that each region can be covered in between 30 and 45 days.

The census cartography has a double importance. Not only does it update the maps and charts indicating each of Congo's localities, villages, and blocks, but it will also provide a rapid count of the dwellings and persons in the rural districts and in the urban neighborhoods. This information will determine the assignment of field census agents. It will also be useful for the administrative census, the voter registration, general election planning (determination of number of voting stations, staffing needs, and commodity needs), and for the actual siting of voting stations.

The census will follow a three-category geographic distribution in accordance with the administrative and geographic structure stipulated by law #9-95 of March 1995: region, district, and commune. The administration of each geographic unit follows a pattern with some exceptions. These exceptions are only made in response to a directive from the Minister of Interior. The geographic division employed in the census is:

<b>Region</b>	Congo is divided into ten regions plus the autonomous region of Brazzaville. Each administrated buy a regional governor. Each region, apart from Brazzaville, is subdivided into districts. Some regions also contain communes.
<b>District</b>	A district is composed of cantons and villages. There are 80 districts in Congo with between 2,000 and 10,000 inhabitants. Each is administrated by a sub-prefect.
<b>Canton</b>	A canton is composed of several villages surrounding a primary town. Administrated by a canton chief.
<b>Village</b>	Groupings of less than 2,000 inhabitants qualify in most cases as villages. Several hamlets can be attached to a village. Villages are administrated by village chiefs.
<b>Commune</b>	Urban areas divided into neighborhoods or arrondissements. Administrated by a mayor (central mayor) and a deputy mayor (arrondissement mayor). Neighborhoods and arrondissements are divided into blocks. Blocks are divided into parcels.

This geographic division and subdivision is known as the census track. Each division and sub-division is divided into work zones (*zones du travail*), enumeration zones (*zones de denombrement*), and control zones (*zones de contrôle*).

The enumeration zones are the principal building blocks of the census. Each zone contains between 600 (rural) and 900 (urban) inhabitants. In special cases, zones will be reduced to 300 inhabitants, or increased to as many as 1,200 inhabitants. A control zone will be composed of three to five enumeration zones.

It is estimated that a single enumeration zone will require 15 to 20 days for population enumeration. Some of the more difficult to access zones, particularly in the north, may require 30 days.

A total of 3,742 census agents will be engaged to implement the demographic census. The top 850 census agents will be appointed as controllers, each responsible for a control zone. The 130 supervisors will be seconded from the personnel of CNSEE and other departments and Ministries. Most of the supervisors were involved in the 1984 census. Overall management of the census is the responsibility of 21 coordinators, all of who served as coordinators for the 1984 census.

It was obvious to the IFES team that the census is well organized and in the hands of a very capable staff of demographers, cartographers, and statisticians. Any information from the census that can be made available to the Ministry of the Interior to aid in the administrative census and the voter registration will be extremely useful.

To provide overall developmental guidance for the census, an intergovernmental National Census Commission was formed. This commission, presided over by the Minister of Planning, was composed of delegates from each of the Ministries. The commission met on June 12, 1995. Its second meeting was scheduled for November. One of the top agenda items for the November meeting was the final approval of the format for the long and short-format survey forms.

CNSEE contacts indicated that no special requests for information to be included in the questionnaire had been forthcoming from the Ministry of the Interior. IFES recommended to Ministry officials that the Minister consider making some special requests for information to be included. This is an opportunity for the MIS to benefit from the information collected for the census to guide the preparation of updated and reliable voter rolls.

For instance, the version of the census questionnaire shared with the IFES team does not ask:

- Are you a Congolese citizen?
- If yes, What kind of identification do you have (checklist of ID types)?
- What is the number of your identity document?

This information, along with age, gender, name, parents names, for all individuals of 17 years of age and over could be provided to the Ministry of the Interior without violating the privacy clause governing the census. However, without an official request submitted to the census commission by the MIS, an effort to include this information in the survey, extrapolate it, and provide it to the Ministry at regular intervals will not be made. This information could be used by the MIS and the relevant election authority to cross-verify the administrative census and the voters registry.

It is important that a communications link be established and maintained between the demographic census supervisors and the managers of the administrative census and the voter registration. The sharing of technical

and procedural information between these groups will benefit both census operations and the registration exercise.

Work in the enumeration zones is scheduled to begin in March 1996. Preliminary information on population breakdown by gender may be available by June 1996. Demographic census results are anticipated to be available as of January 1997.

## *V. The Development of an Improved Voters Registry*

Based on their meetings with a variety of interlocutors, it was apparent to the IFES team that there is a need for a new voters registry. Also evident to the team members was the limited experience of the Congolese in systematic information compilation and records management. There was unanimous interest expressed in an automated voter registry over a manual registry.

Automating a voters registry does not eliminate the social and political problems posed by voter registration. Not only does the automation of a voters registry add significantly to the cost of the process, it also adds to the complexity. It is necessary for the electoral authority to exercise as much control as possible over the diverse range of variables that can impact a registration process. In establishing the framework for voter registration, each of the elements that make up a registration system must be considered. In the interest of fail-safe and safe-fail planning, all solutions to organizational, managerial, and technological issues require at least one contingency solution that can be applied if necessary.

The foundation of any electoral or statistic system is the geographic framework (cartography) and the application of that framework (geographic directories). The personal identification system or the electoral identification system should allow the placement of a single person in a single one of the minimal geographic units making up the territory under consideration. Each geographic unit should be assigned a numeric equivalent to code all of the territory's divisions (region, district, neighborhood, locality, block, parcel, and so on).

To facilitate this, each citizen represented in the system must be assigned a geographic location code and an individual data code that may be constructed in many ways. The intent of the coding procedure is to avoid the duplication of a code sequence for two or more individuals. These two codes, geographic and individual, are crucial elements to avoid duplication in the records. Geographic and individual coding facilitates the computerization of data and the development of a computerized data base built around the coding formats.

The key to collecting this information in a manner that corresponds to the coding framework is the proper design of the information gathering mechanisms. Directories must be developed to allow the translation of a citizen's personal data into code. Registration forms and change of address forms should be edited to support the new system. Ideally, forms used for related operations, such as a civil registry, will be redesigned as well. Form designs and data collection procedures should be identical in all areas where they are to be applied. Registration procedures must be the same nationwide.

Voter registration systems involve three types of actions. There are *entrances*, those requesting registration for the first time; *exits*, as a result of death or by legal order (even if they are temporary), and *changes*, that cover changes of address or requests for a correction of data due a name change or to a data-entry error. Precise instructions must be defined for the handling of each action. These instructions must be disseminated to the public in advance of the registration operation through the mass media as well as with locally reliable forms of communication.



Some national registration systems work on a permanent basis. A citizen can go to a registration office at any time and request to be added to the registration rolls or report a change of address. Reported deaths or changes of address are tallied and corrected monthly. There is a staff on hand to handle these tasks.

When it is not possible to facilitate continual access to the voters rolls, annual campaigns are organized to update electoral rolls. Generally, temporary registration centers are set up for the duration of the campaign rather than conducting a door-to-door operation that is either very expensive or can not be conducted with adequate security precautions to provide an adequate service.

The electoral rolls must not only be technically correct, but should also be seen as such by the citizens. Regardless of the quality of a registration system, there will always be some suspicion of the process due to the simple fact that it is new. If this suspicion is not handled early in the process, it will grow into full-fledged mistrust, placing the entire registration operation into jeopardy. The best counter for suspicion is information.

It is essential to prepare an information campaign for the population informing them of the registration work already underway or yet to be done, the role of that work in preparing a reliable electoral roll. The information and education materials designed must be graphic, to the point, and addressing the target audience as equals, not as less than equal. Materials must be developed recognizing that there are distinct groups within Congolese society and that people identify best with communications in their own language or with other recognizable national, regional, and socio-cultural affiliations. Manuals and general system information must be prepared so that it can be understood by all citizens participating in the registration. All ambiguities need to be removed from system operation to prevent decisions from being taken in different ways by different individuals of levels of authority. Voter registration should not be left to a group or to an administrative structure with no prior training.

### **Registration Development Scenarios**

There are many methods and approaches to the construction of a registration system and a voters roll. The scenarios presented here are based on the findings of the IFES team as well as information gathered during previous IFES missions in Congo.

IFES suggests that the Congolese authorities review their perceptions of the benefits and the detriments of requiring Congolese citizens to maintain two documents for identification purposes, such as a national identity card and voters card. As has been explained earlier, any problems with one identification system will impact the accuracy of any other systems in operation or to be placed into operation.

**Scenario A**

Follow the procedures as currently dictated by Congolese legal code without developing a new voters card:

- a. Conduct a nationwide administrative census.
- b. Check the 1992/1993/1994 electoral rolls against the administrative census monographs, modifying them to account for entrances, exits, and changes.
- c. Post revised voter list at the voting station level for public review, comment, and challenge.
- d. Make final revisions and produce final list.
- e. Prepare and distribute voters cards to entrances and changes.

Several initiatives and activities outside of the current legal code could be undertaken to strengthen this approach:

- a. Consider computerizing the voters rolls and/or designing programs to identify duplicate registrations.
- b. Review and redesign the administrative census to insure complete data collection and minimize data recording errors and the loss or destruction of completed monographs.
- c. Update the administrative cartography (using the demographic census cartography) and the geographic-electoral framework, clarifying the distribution of the voting population and determining location and distribution of voting stations.

**Pros** Takes advantage of the 1992 list and the administrative structures in the field.

**Cons** The percentage of changes to the 1992 list is bound to be so high that task will be time consuming and complex. Fraudulent voter cards will remain in circulation and will be a potential source of conflict in 1997. Finally, the use of the 1992 list as a foundation for the registration requires a well-organized and thorough voter education effort to build the electorate's confidence in the "new" list regardless of its suspect foundation.

**Scenario B**

Same as Scenario A, but with the preparation and distribution of new voter cards.

**Pros** Avoid potential problems of old fraudulent voter cards.

**Cons** The preparation and distribution of new cards will increase the expense of the registration. Distribution of new cards implies the difficult choice of who among current holders of voter cards should be presented a new card and who should not. The time for the production and distribution of the cards requires additional planning to insure that all of the cards redistributed before the 1997 elections.

**Scenario C**

Base the new registration on the computerized database for persons of 17 years and over developed during the 1996 demographic census. While waiting for that data to become available, conduct and computerize a nationwide administrative census.

- a. Consider the demographic census database as the preliminary electoral roll to be cross-checked against the administrative census.

- b. Preprint new non-validated voter cards based on the demographic census database, validating and distributing them to citizens who meet all criteria qualifying them as Congolese voters.

In addition to administrative committees, identification verification committees can be established for Congo's urban areas affected more by population movement than the rural zones. The committees will be granted access to maternity, hospital, clinic, scholastic, church, and administrative records, to verify challenges to voter identity. In rural areas, the administrative committees would rely on the assistance of political parties, village chiefs, and well-regarded local citizens to resolve disputes of voter origin and age, in addition to having access to the variety of records referenced above.

An eligible voter reporting to the registration center would check the posted voter list for his or her area of residence. Voters finding their name on the list would then report to the administrative committee on the site to claim their voter card. The administrative committee, potentially with the assistance of the verification committee, would verify the citizen's identity. Once satisfied, s/he would be presented their card and asked to sign and/or place a fingerprint in the appropriate area. The card would then be signed by the head of the administrative committee and stamped with the committee seal. The card could then be placed in a protective pouch or cold-laminated and returned to the now officially registered voter.

Eligible voters not finding their name on the list that they believe to be the correct one would be able to report to the next highest administrative level to review the composite list for the entire area. A voter who is on the wrong list, who has been left off the list completely, or whose presence on the list is contested by another citizen will be required to pursue a solution through the administrative commission.

**Pros** This voters registry would be independent of the existing list that is regarded as inaccurate by the current and former administrations as well as the opposition and civil society. Prepared with the guidance and assistance of the trained, technically adept demographic census structure, the final roll could serve as the foundation for continued improvements to Congo's voter registry for elections after 1997. This approach also seeks the broad participation of representatives of all sectors of Congolese society—beyond that encouraged by the multi-partisan, yet politically inclined, makeup of the administrative committees—in the resolution of disputes of voter eligibility.

**Cons** The validation of identities may be complicated by the lack of documents or because members of the validation committees become partisan. The success of this approach also depends on the database from the demographic census being available as soon as possible—late 1996, or very early 1997 if all operations remain on schedule. Depending on the timing of the 1997 presidential elections, the time may be too short for the verification of the voting age database against the administrative census, and the production and distribution of voters cards.

The success of this approach is also wedded to a favorable working climate between the CNSEE and the Ministry of the Interior. There will be a need for the actual incorporation, perhaps on a rotating basis and for a limited time, of some of the CNSEE staff in the administrative census operation and the voter registration effort.

## Conclusions and Recommendations

Scenario C offers the best alternative for Congo's voter registration. It does not incorporate the use of unreliable, incomplete, or poorly gathered information as is the case with the other two scenarios. The information gathered in both Scenarios A and B will constitute a considerable challenge for computerization due to the inaccuracies inherent in the existing information. Scenario C could be revised to include door-to-door canvassing for the creation of the voter registry. This would add considerably to the cost of the operation. The necessity that Congo build its voter registry from the ground up requires that there be a serious discussion of how the demographic census, the administrative census, and the voter registration activities could be best coordinated and interrelated in order to avoid needless repetition of effort and expense.

Thought must be given for the improved archiving of Congo's demographic information. SNIC requires its own space for the archiving of the national identity records. The possibility of co-locating SNIC's archives and the information for the administrative census and the voters registry in the short term should be discussed. For reasons of security and respect of individual privacy, it is not recommended that either the SNIC archives, the administrative census records, or the voter registration be co-located with the demographic census.

At the time of the team's visit, its members discussed a number of options for the production of the voter cards. It is possible to produce a low-cost card with sufficient security features to discourage forgery that can be used for the upcoming series of elections. Incorporating photographs, magnetic strips, holograms, bar codes, or lamination can raise the cost per card considerably.

### *Preliminary Schedule*

Acknowledging that the implementation of any of the three scenarios will not take place without open debate, serious discussion within the government, and, with the political parties, certain speculations can be made.

If the decision is made to follow the recommendations of the IFES team and incorporate the development of the voters registry with the conduct of the administrative and demographic censuses, then the actual development of the registration list will not begin before March 1996. The IFES team was told that the best time of the year to carry out registration and election operations without weather problems is from December to March and June to September.

If the demographic and administrative censuses are conducted according to the schedules shared with the team, the reconciliation between those databases and a voter registration database could take place July-August. The preliminary voting lists and non-validated voters cards would be printed and distributed to registration centers nationwide in September-October. List verification and voter card validation would take place between November and December. List revision and challenges would be handled in January and February. New and replacement cards would be distributed and validated from January to March 1997. A decision would have to be made as to how long to leave the rolls open before the actual election day. Special procedures could be established for late registration and the short-term manual update of the voters lists. Last-minute changes and additions could be entered into the database after the elections. If the voter education campaign is effective and far-reaching, and the registration exercise begins long enough before

the actual election, it should be acceptable to all groups to close the registration and the voter rolls a set number of days before the election.



*Identity documents to be filed. SNIC archives.*

If it becomes evident that the demographic census will not be sufficiently advanced for use in the voter registration activity, creating pressure to postpone the elections, then the demographic census will only be used for partial cross-checking of the voters list. The non-availability of the demographic census could cause a problem regarding the computerized and serialized production of the voters cards. It is strongly recommended that the administrative census be computerized to provide a backup system to avoid the need to produce the non-validated voters cards by hand.

#### ***Verification Strategies***

When there is an automated census or registration system, one of the advantages is that comparisons can be made that would be practically impossible to do manually in a limited time period. In order to put the automated file to best use, it is necessary to start on the design of the content of each file (one file equals the information on a single voter). This is technically known as the "File Descriptor" or F.D.

and it contains the variables gathered on each person and the length and number of fields occupied by each one. Two basic elements must be developed within the description and to facilitate searches and comparisons:

***Geo-electoral Identification.*** The geo-electoral identification makes it possible to determine in which unit (e.g. region, commune, district, village) the person is registered. The electoral geography is determined in terms of the country's political-administrative and electoral organization.

***Voter Code***

The voter code normally consists of combined alphabetic and numerical characters which are taken from the elements of each person, such as the initial letters of his names and surnames, the year, month and day of birth and other characteristics which when incorporated, reduce the possibility of two persons having the same code.

To make this coding more accurate, Congo's birth certificate coding format should be revised. The certificates require a key or code developed to avoid confusion with individuals possessing similar family and given names. The predominance of a limited number of family names in Congo, each with several accepted spellings, increases the potential for code repetition.

When these codes are properly constructed, the comparisons and search for duplicates or homonyms is much easier and faster; therefore uses fewer computer resources. An additional recommended verification exercise is the conduct of house visits registered voters to confirm if they are the same people from the same place as indicated by the list. Once the list is computerized and geographically ordered, it is relatively simple to design and select a statistic sample that may later be visited in the field by political parties, electoral authorities, and civic organizations.

Organizing the lists in accordance with the various geographic levels makes it possible to create an information system that indicates gender and age breakdowns by geographic unit nationwide.

***Basic Inputs***

The computerization of a voters registry requires a significant commodities procurement effort, coupled with good planning and thorough training. It is important that any technical assistance activity be preceded by a thorough design phase to avoid wasting time and resources. The assistance of the international community is strongly encouraged.

All reporting formats should be discussed in advance to avoid compromising system design and integrity in order to service last-minute demands of government officials, political parties, or the press. The data-gathering forms and instructions, as well as the procedures, must be redesigned to support the system. Operation manuals must be prepared and the resources necessary for the training of field personnel need to be considered well in advance.

Any registration activity, computerized or not, will require an expansive program of civic education to explain the process to the population. More importantly, the Congolese will have to be informed as to why they should expect this process to be any better than those that have been conducted before. The other important element of such a program will be its motivational message, urging eligible voters to participate in the registration – or in the administrative and the demographic censuses.

## ***VI. Summary Conclusions and Recommendations***

### **Congolese Society and Democratic Transition**

The three democratic institutions called for in the Constitution: the Constitutional Council, the High Council for Information and Communications, and the High Council of the Magistrature must be operational by January 1996. The international community should be prepared to support their establishment and initial operations, as well as provide managerial assistance and training with the intent of making them self-sustaining.

The Peace Forum and the initiatives which emerged from this meeting warrants continued international and domestic support. The decentralization of the Forum's work to the regional level deserves serious consideration. The Forum should be encouraged to concentrate first and foremost on activating the disarmament of the militias and the shaping of a non-partisan national army. The Forum's development and acceptance of a new structure for Congo's government incorporating elements of power-sharing will facilitate the dismantling of the private militias, the acceptance of election results, and long-term peace in Congo.

The system of representation in the rural and urban areas requires review. The review should focus on the degrees of representation of rural and urban voters, and how to best correct for disparities in their representation. Attention should also be dedicated to the possible revision of the limitations on constituency population density, the procedures for the delimitation of new constituencies, and the related application of proportional versus single-member representation.

There is no need to hold each round of elections on a separate day. In revising the electoral system, Congo should combine election events, for example, the presidential and legislative elections. This will save financial and material resources as well as avoid voter fatigue—resulting in a higher voter participation rate.

Congolese youth should be encouraged to become more interested in the political process through encouraging their involvement in the registration and electoral processes and in voter education programs.

Congolese NGOs should be included in the registration and electoral processes as much as possible. Their local-level networks present a potentially effective non-governmental infrastructure for the dissemination of information to the local population.

### **Administration of Voter Registration and Elections**

Congo should establish an independent election authority responsible for the organization and conduct of the voter registration and elections. The core of this group should be a permanent, professional, non-partisan election secretariat, responsible to an appointed election commission, and monitored and overseen by a consultative commission.

The division of roles and responsibilities between the electoral authority and the Congolese government should be clear and mutually acceptable to both, as well as to the political parties and civil society representatives.

Electoral procedures deserve full review, revision, and collection into a central document.

Elections in Congo should be "demystified." The relevant election authority and associated governmental entities should regularly provide information to the general public regarding the political and electoral processes. Information needs to target all segments of society to insure the fullest possible exposure to the process. Regulations and rules should be revised and simplified to facilitate their comprehension by all Congolese.

The information referenced above should also be made available to the international community and the domestic and international media.

International resources should be dedicated to the development of the domestic press, primarily on strengthening their capacity to provide informative and objective political reporting.

With the approval of the Congolese government, an international electoral technical assistance secretariat should be established. Through the secretariat, the international community would provide legal and technical assistance to the Peace Forum on election-related issues and offer legal and technical support to the new electoral authority with the organization and implementation of voter registration and elections. The overriding objective of the secretariat would be the development of the election management capacity of the Congolese election authority and the government through a coordinated, focused effort.

### **Citizen Identification, Census Activities and Voter Registration**

Congo's voters registry should be rebuilt from the ground up with a serious effort to economize through the coordination of aspects of the demographic and administrative censuses with the voter registration. This coordination should be discussed immediately between the concerned Congolese government entities, and between the government and the international donors currently engaged in – or planning to – support the demographic or administrative censuses.

All registration forms and identity documents require review. The administrative census forms should be revised to support eventual computerization of the administrative census. Existing coding formats should be reviewed and possibly revised to guard against the confusion of individual census and/or registration records.

An understanding should be reached between the electoral authority and the government entities responsible for the administrative and demographic censuses.

An new administrative census should facilitate the creation of the voters roll, and be less expensive than the undertaking of a national registration. The administrative census should be computerized.



Efforts to create the new voters registry should be accompanied by an information campaign that not only informs the population of the process, but also makes them aware of the steps that the individual citizen must take if s/he is faced with registration-related problems will still occur—i.e., names on the wrong registry and names left off the registry. The information campaign must educate Congo's electorate and political actors to the reality that regardless of the level of technology and the amount of human effort applied to the registration exercise, a margin of error will remain.

## ***Appendix A***

### **List of Contacts**

## *List of Contacts*

### **Government**

M. Pascal Lissouba, President of the Republic  
M. Jacques Joachim Yhombi-Opango, Prime Minister  
M. Danile Owassa, Counselor to the Prime Minister  
M. Alphonse Nzoungou, Secretary-General of the Government  
M. Francois Obembe, Vice-President of the National Assembly  
M. Augustine Poignet, Senate President  
M. Prosper M'Belo, Political Counselor to the Senate President  
M. Antoine Letembet-Ambily, Senator  
M. Phillipe Bikinkita, Minister of State, Minister of Interior in Charge of Security and Urban Development  
M. Mahoungou Tekanima Frederick, Cabinet Director to the Ministry of Interior  
M. Ted Bikinkita, Legal and Diplomatic Counselor to the Ministry of Interior  
M. Marcel Mpounza, General Director of the Civil Register, Ministry of State, Ministry of Interior in Charge of Security and Urban Development  
M. Raphael Maboundou, Ministry of Foreign Affairs, Director of Diplomatic Protocol  
M. Lambert Ngalibali, Minister of Equipment and Public Works  
M. Maurice Stephan Bongo-Nouarra, Minister of National Defense in charge of the Integration of the Armed Forces in the Democratic Process as a Factor of Development Colonel N'Dolou, Cabinet Director to the Ministry of National Defense  
Mme. Albertine Lipo-Massala, Minister of Communication and Democratic Culture, Government Spokesperson  
M. Jean Blaise Kololo, High Commissioner for Democratic Culture and Human Rights  
M. Gaston Samba, Cabinet Director, High Commission for Democratic Culture and Human Rights  
M. Jacques Jean Luc Nyanga, Counselor, High Commission for Democratic Culture and Human Rights  
M. Martial de Paul Ekounga, Minister of National Education, Scientific Research, and Technology in Charge of Technical Education  
Lieutenant-Colonel A. Iboua-Makita, Chief of Service, General Direction of the National Police, National Service for Civil Identification  
Commandant Albert Samba, General Direction of the National Police, National Service for Civil Identification  
Adjutant Albert Gouari, General Direction of the National Police, National Service for Civil Identification  
Aspirant Pascal Mayiva-N'Gouanga, General Direction of the National Police, National Service for Civil Identification  
M. Jean Paul Toto, General Director of the National Center for Statistics and Economic Studies, Ministry of Economy and Finance for Plan and Prospective, National Center for Statistics and Economic Studies  
M. Bernard Kolelas, Mayor of Brazzaville  
M. Jean Pierre Tystere Tchikaya, Mayor of Pointe-Noire  
M. Marcel Boula, Mayor of Ouessou

***Non-Governmental Organizations***

Mme. Martine Galloy, GERDDES

M. Jean Pierre Ngole, GERDDES

Dr. Jean-Blaise Bilombo Samba, AGIR Pluriel

Dr. Jean-Pierre Mavoungou, AGIR Pluriel

M. Lyon Bemba, AGIR Pluriel

M. François Sita, University of Brazzaville, African-American Institute Representative

M. Abel Kouvouama, Academic

M. Bala Vital

Mme. Julienne Ondziel, President, Women for Peace Committee, and Vice-President of the National Committee for Human Rights

Parfait Moukoko, President, Congolese Observers of Human Rights

Christian Mouenzeo, General Secretary, Congolese Observers of Human Rights

Roger Bouka-Owoko, Communications Division, Congolese Observers of Human Rights

M. Jean Michel Bokamba Yangouma, President, confederation of Congolese Unions

M. Jean-Claude Mavila, Dean of the Law School

Mme. Paulette Yambo, Director of Afri-Media

M. Kengouya Paul Hervey, President, Congolese Association of the Defense of Electoral Systems (ASCODESE)

M. Bonpekou Gillaume, Vice President for International Relations, (ASCODESE)

M. Somdjo Michel, (ASCODESE)

**Political Parties and Associations**

M. Christophe Moukoueke, UPADS Secretary-General

M. Tsati Mabiala, UPADS National Secretary

M. Raymond N'Dombi, Member of the UPADS Executive Board

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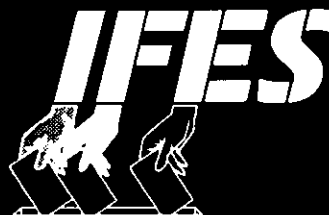
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