

Electoral perspectives and the process of democratisation in the DRC: Lessons from SADC countries

Scenarios from the DRC: Arising from a conference titled “Electoral perspective and the process of democratisation in the DRC: Lessons from SADC countries”

Conclusions

Published by the Electoral Institute of Southern Africa
41 Stanley Avenue, The Atrium, 2nd Floor, Auckland Park, South Africa

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Editing, design and layout by EISA

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Scenarios from the DRC

Arising from a conference titled “Electoral perspective and the process of democratisation in the DRC: Lessons from SADC countries”

Memling Hotel, Kinshasa, DRC, 20–24 January 2002

INTRODUCTION

My function at the conference was to listen to the papers presented as well as the question and answer sessions, with the view to drawing up scenarios for a future Democratic Republic of Congo (DRC) electoral system. Given the complexity of the historical, social, infrastructural and political environments in the DRC – as illustrated by some of the issues which emerged during the conference – it became apparent that the task was not as simple as originally envisaged.

A positive element of the conference was that there was enough trust and associated comfort amongst the delegates that they debated openly and, in the process, many issues surfaced and were discussed.

In a conference of this nature there will always be deadlock situations and in future, care must be taken to temporarily ‘park’ issues and concerns in order to keep the process of dialogue moving forward. Often continued discussion brings to light possible solutions to those issues ‘parked’.

What also arose was that each delegate to such a politically sensitive conference is a prisoner of his/her own political imagination and is confined by the political tools, concepts and models to which they have been exposed. It is therefore important, with a need to broaden one’s vision, to expose oneself to differing perspectives and to engage enthusiastically and honestly with as wide-ranging discussions as possible.

There is no general ‘recipe’ that can be provided to any country in terms of an electoral system. It is my opinion that the DRC should develop its own electoral system. In the process the country will stabilise politically and it will strengthen its capacity for growth and sustainability.

THE DRC IN A NUTSHELL

The DRC is situated in the heart of Africa and is rich in minerals. It has a diverse physical structure that offers promising potential for agriculture and tourism. Economically its people survive through informal trading. This suggests a resilience that, under more stable socio-political conditions, would encourage rapid economic growth. Unfortunately, it has been historically ravaged through colonial rule and, since independence, unsuccessful self-management. It has never had a democratically elected government but instead has endured a series of military-supported dictatorships. Until recently, this has encouraged a legacy of greed, power, corruption and self-aggrandisement at the expense of national development.

Socially the nation is not represented by any political parties but is fractured along tribal lines based on ethnicity and culture. There are approximately 450 tribes in the DRC with little or no shared political ideologies. The fledgling 'political parties' in the DRC are weak. They have no political skills and no distinct leadership other than the incumbent President Joseph Kabila.

To complicate matters the DRC is a country at war with neighbouring countries and with itself. This has taken the shape of continual battles between DRC troops and Congolese rebels backed by Rwanda and Uganda. Zimbabwean troops are also present in what has become an increasingly intricate situation involving changing allegiances and international criminal activity in the mineral rich eastern/north eastern parts of DRC. The battles are fuelled by the emotionally charged issue of nationality. The area in dispute is also the home of thousands of former Rwandans (mainly Tutsis) who have fled that country over the past forty years to escape violent clashes with Hutus. Having settled in the DRC, they are now claiming citizenship. The border with Rwanda is impossible to police and the flow of Rwandan refugees remains unchecked. This presents the problem of establishing the conditions of qualification for citizenship and identification required prior to elections.

The presence of troops from other countries and the activities of multinational companies profiting from mining in the DRC have left the people of the DRC distrustful towards any kind of international involvement in either the peace process or the development of conditions for self-governance.

At the same time the people of the DRC are witnesses to the general support of the international community towards President Joseph Kabila and his seemingly more moderate leadership style. This is a serious issue in that international involvement *should* be supported and encouraged in the form of the provision of information as well as intellectual and financial support.

The conference coincided with the eruption of Mount Nyiragongo in Goma in the disputed north-east of the DRC. This served to highlight the complexities of the socio-political sensitivities and lack of supporting infrastructure within the DRC needed to deal with such a crisis. UN aid could not be delivered because of the non-existence of roads to the area and the danger of delivering such aid to a war zone. Questions were also raised as to which authority had control over the area and its people. While the rebels appear to be in control of the area around Goma, the eruption and associated casualties were termed a 'national disaster'.

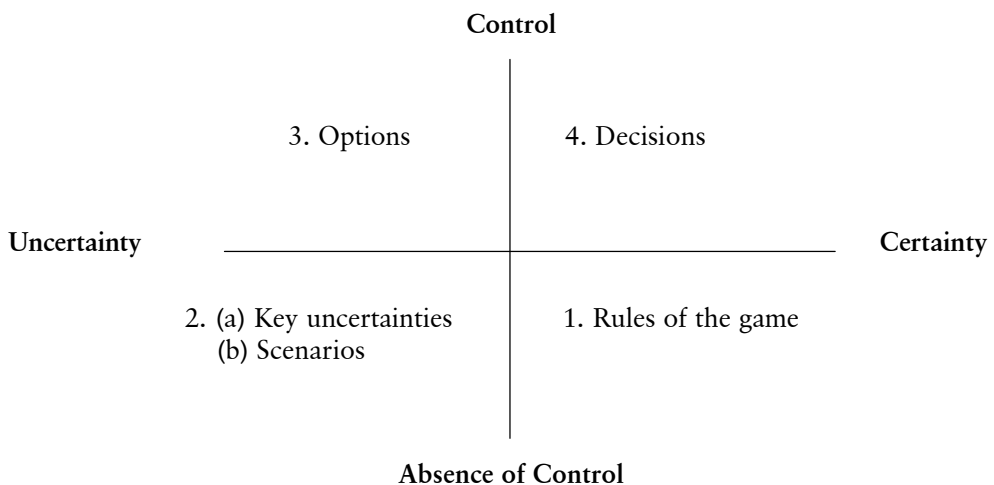
To date the only framework on the table to address the war in the DRC and to develop the process of democratisation is the Lusaka Accord, signed by the leaders of the six countries involved in the conflict – DRC, Zimbabwe, Namibia, Angola, Rwanda and Uganda) – but not

by the Congolese rebel groups. In brief, this calls for the immediate withdrawal of all foreign troops from the DRC and the establishment of a joint military commission to oversee demilitarisation, investigate ceasefire violations and monitor the withdrawal of foreign forces. The Accord also agrees to the deployment of a peacekeeping force by the UN; the disarmament of militia groups; and, importantly, the necessary continued dialogue towards national reconciliation. However, subsequent to the Lusaka Accord, certain dealings are developing between a selection of the adherents to the Accord at the exclusion of others. This has contributed towards feelings of mistrust that threaten the integrity and sustainability of the Accord.

With this context it is essential that, for a democracy to be implemented, an appropriate electoral system and electoral commission be established. It must be representative of *all* interested parties and must not discriminate against anyone. A special concern was expressed at the conference for the recognition of the rights of women in the DRC, their role in the election process, and the provision of skills and education.

PLUGGING IT ALL INTO THE SCENARIO PLANNING MATRIX

The IS (Ilbury-Sunter) Matrix was designed to facilitate sustainable and effective decision making through the process of scenario planning. This process recognises that the future cannot be predicted or controlled, but that events are more often shaped by uncertainties that are out of our control. Scenario planning lists the known rules that control a situation and of which we are certain; and identifies the key uncertainties that play a major role in influencing the situation one way or another. These are then used to formulate scenarios (possible future outcomes) against which the most realistic options can be gauged and decisions made. Using the axes of control versus absence of control and certainty versus uncertainty, the IS Matrix looks like this:



In its application, the IS Matrix is a tool that can be used to take information that arises from a conference and to develop paths that will describe the best and worst case scenarios.

An essential aspect of this process is the identification of the rules of the game. It is important

that these rules are brought to the surface at the beginning, as they provide the framework within which the decision-making process takes place and recommendations for action can be shaped. The matrix also encourages the creation of options and opportunities out of the key uncertainties and scenarios as well as strategies to avoid negative outcomes.

The overall process stimulates participants to re-perceive the future, gain an expanded view of the situation and to recognise the importance of multiple perspectives – particularly the points of view of the other parties.

Given the intricacies of the situation in the DRC and the importance of continued inter-Congolese dialogue, it is necessary that before any future political and electoral system can be debated, scenarios should be developed for the negotiation process itself. These should be used to encourage the parties to stay at the table until a settlement is reached.

SCENARIOS FOR NEGOTIATION IN THE DRC

Rules of the Game

1. A win-win situation needs to be achieved through negotiation. Parties entering a negotiating process must understand it is a process of give-and-take.
2. During the negotiating process, *sherpas* must be mandated by those in positions of leadership to make decisions. They prepare the ground for the leaders subsequently to meet. In the case of the lead up to the transition of power in South Africa and the 1994 elections, Cyril Ramaphosa and Roelf Meyer were mandated by the leadership of the African National Congress (ANC) and the National Party (NP) respectively to talk through issues and to make decisions that enabled the process of negotiation to gather momentum.
3. There must be the belief that when parties enter a negotiation, the outcome will be more favourable than the existing *status quo*. This rule applies to every party entering the negotiation. If any party goes for a winner-takes-all strategy, the whole process is endangered.
4. There must be the understanding that through the process of negotiation, what finally emerges will not necessarily match the initial expectations of each party entering the process. It could be better. It could be worse.

Key Uncertainties

There is only one key uncertainty in negotiation:

- Will all the parties subscribe to and obey the rules of the game; and, if any party rejects the rules, will their influence disrupt/destroy the negotiations?

Scenarios for negotiation

Given the rules of the game of negotiation and the key uncertainty, two scenarios for negotiation can be described:

1. *Successful settlement*. Should the negotiating parties in the DRC subscribe to and obey the rules of the game, the process will move forward and the next stage of developing a democracy and an electoral system can be achieved. Political stability will be encouraged, promoting investment and economic growth and the continuation of successful dialogue between all parties. This scenario is similar to that which unfolded following the successful dialogue between the ANC, the NP and other parties in South Africa prior to the 1994 elections. The rules of the game were adhered to, which produced a successful transitional

mechanism of power sharing and ultimately the first democratically elected government. In a similar way, perhaps, the parties within the DRC could reach a ‘half-way house’ in order to continue the process of dialogue.

2. *Eternal negotiation.* Should one or more party not subscribe to or obey the rules of the game and that party is of sufficient influence, the negotiation process will go in fits and starts – often breaking down, only to be rekindled every now and then to varying degrees. An example of this scenario is the Middle East. Since the Camp David Agreement between Menachim Begin and Anwaar Sadat, there have been intervals of brief peace between extended periods of bitter fighting between the Israelis and the Palestinian Authority. This scenario results from the absence of any belief on either side that the outcome of negotiation will be more favourable than the existing *status quo*. But they go through the motions to please their international sponsors.

SCENARIOS FOR ELECTORAL PROSPECTS AND THE PROCESS OF DEMOCRATISATION IN THE DRC

After an examination of the data presented in the various papers on a future electoral system and in light of discussions with various interested parties, the following political scenarios were developed for the DRC (using the first two quadrants of the IS Matrix). No attempt has been made to sketch out the options and possible decisions of the various parties, as it is premature to proceed beyond general scenario formulation.

Rules of the Game

1. All governments up until the present one have been corrupt. Some have just been more corrupt than others.
2. Multinationals loot the country’s resources. This is the view of the people of the DRC. Involvement by the international community is therefore judged with suspicion.
3. Socially the DRC is severely fragmented. Successful negotiation will engender unification. Civil war will deepen this fragmentation.
4. The history of the DRC has been fraught with bad leadership.
5. If the DRC is to develop a ‘winning nation’ status within a global economy it will have to be a *unified* nation. This requires that it must adapt, even change, its present traditional tribal perspective.
6. Lusaka Accord – The accord states that all dialogue will take place during the official inter-Congolese dialogue and through a neutral facilitator. Sides must abide by the agreement and it must be implemented on the ground.
7. Given the level of distrust between parties, any further talks, conferences and workshops, even those that take place in informal settings, need to include all parties and be transparent.

Key Uncertainties

1. The inclusion of all representative parties – What constitutes citizenship and representation and what are the requirements?
2. Fraud/corruption/battle for power and the level of transparency?
3. Given the social situation in the DRC, what would constitute a democratic process?
4. Role of the international community?
5. What comes first, peace or elections?
6. Available financial resources for census and elections?

Scenarios

The two most important uncertainties shaping the scenarios were identified as:

- High versus low inclusion of all parties; and
- High versus low level of transparency.

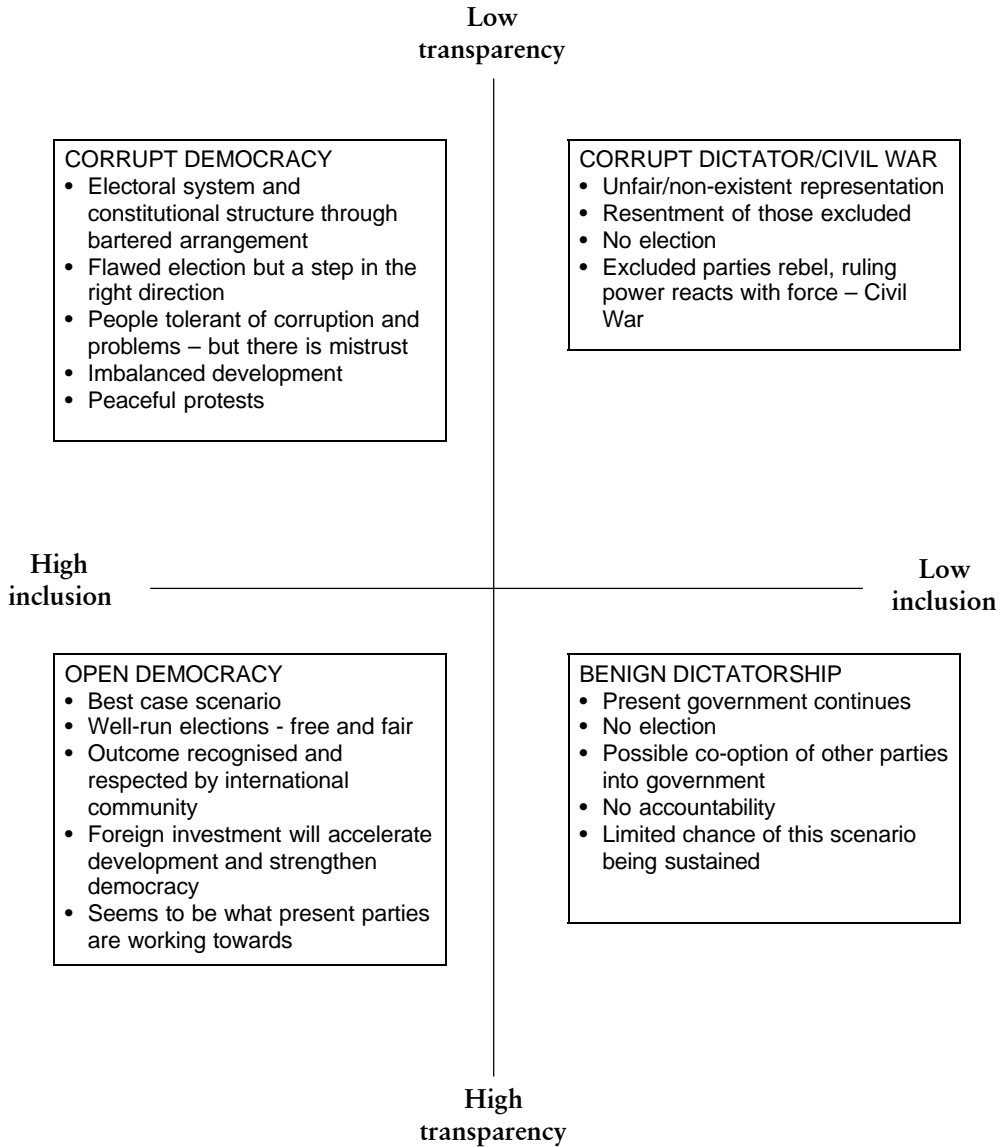
With these in mind, four scenarios were developed:

1. *Open democracy (best case scenario)* – *High level of transparency and inclusion of all parties.* This will come about as a result of the question of citizenship being clarified and agreed upon and a clear understanding of the definition of democracy. This scenario will be characterised by a well-run and administered election agreeable to all parties and recognised by the international community as free and fair. Financial and technical investment will follow, accelerating development and strengthening the process of democratisation. This scenario seems to be what the present parties are aiming for. Ultimately, one party may dominate or it may be a coalition of parties in government. Examples: South Africa and Namibia.
2. *Benign dictatorship* – *High transparency but minimal inclusion.* One or two acceptable parties may be co-opted into a ‘Government of National Unity’. There is no election, so the present unelected government continues in power but rules in a more benign and transparent way than previous regimes. It may instill sufficient confidence for limited international investment. Development will take place but it will be slow. Improvement in the lifestyle of its citizens will be marginal. The incumbent dictatorship will be accountable to no-one and therefore the possibility of this scenario being sustained is low.
3. *Corrupt democracy* – *Low transparency but high inclusion of all parties.* This will be characterised by a form of bartered arrangement between parties, with the result that although the outcome is not entirely ideal, it is a step in the right direction. The electoral system and constitution is by arrangement but at the expense of transparency. The people will show forbearance towards the continued fraud and corruption but there will be occasional protests. Nevertheless, a form of order will be maintained. Development and improvement in the lifestyle of its citizens will take place but it will be patchy and ultimately favour those in the Political Establishment.
4. *Corrupt dictatorship/civil war (worst case scenario)* – *low level of transparency and little or no inclusion of other parties.* This will be characterised by unfair/non-existent representation in any further talks with huge resentment being built up in those not represented. There will be no election, the excluded parties will rebel, the ruling power will react with force, and civil war may result.

The figure opposite shows the scenarios represented in matrix form.

In summary, I believe that the IS Matrix could play a very useful role in facilitating future talks between all DRC parties, and increase the odds of a successful settlement/open democracy.

Chantell Ilbury
15 February 2002



Conclusions

WORKSHOP OBJECTIVES

- To identify and provide the prior political, constitutional and legislative requirements for the appropriate and successful holding of free, peaceful, legitimate and transparent elections;
- To propose an electoral commission that shall take into account the overall context of the DRC.

I. Political, constitutional and legislative requirements with regard to the success of elections

- 1) The end of the war, the withdrawal of all foreign troops based in the east and west and the reunification of the DRC;

The respect and execution of all resolutions adopted by the Security Board of the United Nations (UN) and the Lusaka Agreement;

The actual holding of the National Dialogue;

- 2) The clear and consensual definition of the transition period – as far as its duration and its terms of management are concerned – namely, with regard to the implementation of the specialised constitutional institutions and bodies comprising the National Dialogue. This consists of the President of the Republic, parliament, the government, the Independent Electoral Commission and the Communication Higher Board.

The sharing of responsibilities between the transition institutions and the central power;

The drawing up and adoption of a transition constitution by the National Dialogue and the drawing up of the constitution project of the third republic by the transition parliament to be submitted to a people's referendum;

The establishment of a semi-presidential regime during the transition period;

- 3) The consensual settlement of the issue of Congolese citizenship while respecting the principle of non-retrospective effect of the law and the drawing up, by the transition parliament, of a new law regarding citizenship, to be submitted to a people's referendum;
- 4) The establishment of the state federal form for the third republic;
- 5) Ratification, at the constitutional level, of the national sovereignty and of the compulsory vote during the first elections that will found democracy;
- 6) The drawing up and adoption by the National Dialogue of new laws regarding the organisation and operation of political parties and of associations of civil society;

The liberalisation and the effective exercise of the activities of the political parties and of the associations of civil society;
- 7) To make people aware of the importance of the referendum and of the elections, as well as to spread the fundamental alternatives provided for in the project relating to the constitution for the third republic, by possibly translating the documents into the national languages;
- 8) The reform of the army must be at a national level, republican and subordinated to the civil power, especially through the reunification of its Commandment and the installation of soldiers at their barracks;
- 9) The reorganisation and reinforcement of the public and territorial administration.

II. Electoral Commission

1) Nature of the commission

- A specialised constitutional body, independent from the other specialised institutions and bodies, and implemented by the National Dialogue.

2) Role of the commission

- To organise, supervise and control all electoral processes, that is, all the pre-electoral and electoral operations until the announcement of the results, except for the electoral contentious matters, which will be dealt with by the Constitutional Court or the reformed Supreme Court of Justice;
- To organise and ensure that people are aware, from a civic point of view, and that their civic education in connection with the electoral process is taken care of.

3) Powers of the commission

- To draw up the electoral law project, the referendum-related law and the code of good conduct for the entire electoral process period;
- To seek funding required for organising elections in co-operation with the transition government;
- To implement and control the relays or provincial and local branches of the Independent Electoral Commission;
- To guarantee, in co-operation with the Communication Higher Board, access to the public media by all political and social players;

For that purpose, it shall have:

- Financial and administrative autonomy, but under the *a posteriori* control of the transition parliament;
- National and international expertise.

4) Composition of the commission

- Eleven (11) members representing all components of the National Dialogue, with a chairman appointed by consensus to the National Dialogue. Moreover, the gender principle must be taken into account at the time of appointing members;
- The dismissal and termination of the mandate of the members of the Electoral Commission shall be regulated by the law with regard to the establishment, organisation and operation of the commission, as well as by its rules and regulations.

5) Local organisation of the commission

- The Independent Electoral Commission shall be decentralised, with local branches corresponding to each constituency and depending upon the exclusive authority of the commission.

THE CHOICE OF AN ELECTORAL SYSTEM

I. The objective

To determine an electoral system that would be the most suitable for the DRC for the post-transition period.

For that purpose, the workshop used the following methodology:

- To collect the established facts with regard to the socio-politico-economic reality of the society in order to understand the problems facing the DRC and, therefore, to be better able to choose the electoral system;
- Considering that this workshop was not mandated to choose a political regime, it came up with a scenario that would cover three political regimes: namely, the presidential, the parliamentary and the semi-presidential.

II. Established facts

1. Within the political framework:

- The aggression war and the rebellion;
- The power legitimacy crisis;
- The absence of democracy (that is, the concentration of power in the hands of only one person);
- The poor system of government;
- The split in national unity;
- The mediocrity of the political class;
- The absence of consensual constitutional rule with regard to the management of power.

2. Within the socio-political framework:

- The worsening of poverty;
- The lack of employment;
- The lack of reliable and updated statistics;
- The looting and unlawful exploitation of the DRC's natural wealth.

- The demographic imbalance due to increasing numbers of refugees and people moved as a consequence of the war.

III. Choice of an electoral system

1. The parliamentary elections

The workshop has pointed out that the choice of electoral system with regard to the parliamentary elections does not depend on the nature of the political regime. This is the reason why – as far as parliament is concerned – the workshop has chosen closed list proportional representation.

The benefits of this system:

- It ensures cohesion and national unity;
- It ensures the representation of women and of minorities;
- It is a mechanism that implies peaceful settlement of disputes.

Note: In the case of a parliament with two houses, senators shall be elected at the second degree.

2. The election of the Head of State

- In a presidential regime: the president is to be elected by direct universal franchise, winning the absolute majority of votes (at least 50% plus 1).
- In a semi-presidential regime: the president is to be elected by direct universal franchise, winning the absolute majority of votes (at least 50% plus 1).
- In a parliamentary regime: the president is to be elected by indirect universal franchise by the parliamentary house(s).

IV. Concerning the provincial and local elections

- At the provincial level, the workshop recommends the closed list proportional system. This system must ensure the representation of socio-political and cultural realities, especially through the position of candidates on the list.
- At the local level, the workshop recommends the mixed electoral system combining the elements of the proportional representation system and those of uninominal voting: a certain percentage of the representatives will be elected by direct universal franchise according to proportional voting. The latter will then appoint the other representatives.

TO MOBILISE CIVIL SOCIETY IN THE HOLDING OF ELECTIONS

Four questions have been asked:

1. What role can civil society play with regard to the elections?
2. What are the mechanisms that civil society can implement to encourage the youth and women to participate in the elections?
3. What civic educational work and what civil society awareness programmes are required to influence the participation of citizens in the electoral process?
4. What dispute settlement mechanisms have to be anticipated before, during and after the elections?

1st question: Role of civil society in the elections

The workshop has made the distinction between three important periods: before, during and after the elections. This role comprises:

a) Before the elections:

- To design a programme of civic education that shall be implemented by the basic structures (churches, unions, non-governmental organisations [NGOs] involved in human rights, NGOs specialised in electoral matters, NGOs involved in civic and cultural education, etc.) in order to increase the awareness of the people;
- To help and prepare people to avoid electoral fraud. For that purpose, civil society shall have to participate in the operations of census, identification and registration on the electoral lists;
- To encourage people, especially the female population, which has a high level of illiteracy;
- To undertake lobbying;
- To spread the electoral texts;
- To involve the population in the drawing up of electoral texts;
- To reinforce the capacities of NGOs specialised in electoral matters;
- To co-operate with internal and external partners, such as international organisations (CICR, UN, SADC, etc.), to reach remote parts of the country;
- To require from the government the improvement of access conditions: i.e. media, means of communication, means of transport, etc.
- To circulate this seminar report before the holding of the inter-Congolese dialogue. This report should be used as a working tool for the NGOs and for delegates involved in the dialogue.

b) During the elections:

Civil society shall have to carry on its accompanying role of the people. Moreover, it shall be part of the Independent Electoral Commission and shall play an observing and controlling role during the elections.

c) After the elections:

This stage includes the following elements:

- Announcement of the results;
- Approval of the results;
- Transfer of power.

Announcement of the results

Civil society must ensure the logistics are in place in order to organise a parallel count of the votes and to communicate reliable results to the public.

Approval of the results

Civil society shall avoid being manipulated by politicians who will have failed at the time of the elections. Civil society needs a code of good conduct in order to avoid falling into the trap of manipulation, politics and division.

Transfer of power

In the case of a peaceful transfer of power, the role of civil society is to carry on observing the behaviour of elected leaders.

2nd question: Mechanisms to encourage participation in the elections, especially of the youth and women

This means:

- To make customary chiefs aware of the necessity for women to take part in the elections;
- To organise massive campaigns of awareness, education and training of young people and women for the purpose of acquiring an electoral culture. The proximity method of work can also be used.
- To support grass-roots women and youth organisations.
- To encourage the creation of grass-roots associations to promote leadership among women and the youth.
- To enhance the associative and democratic culture, for example, by organising elections at schools to appoint class leaders.
- To evaluate strengths and weaknesses in order to improve performance.
- To involve artists in awareness campaigns.

3rd question: Civic education strategy and awareness programme

This means:

- To draw up and spread the texts.
- To do proximity work, even going from door to door.
- To install communal radios.
- To provide free Internet connections to NGOs involved in civic education.
- To encourage the production and distribution of art work relating to civic education.
- To use the wall information method in areas that do not receive national radio and television coverage.

4th question: Dispute settlement mechanisms before, during and after the elections

The management of disputes is done according to the electoral texts. This issue shall be dealt with either by the competent judge, i.e. the Supreme Court of Justice (all sections gathered) – but it is necessary that this judge is independent and impartial – or by an electoral court that shall have to be established.

ELECTORAL STANDARDS FOR POLITICAL PARTIES

I. Objectives

- The conditions with regard to the democratic participation of political parties in the electoral competition and the constitutive elements of an internal democracy in political parties;
- The criteria to reduce the number of political parties within the framework of their enrolment in the registration roll.

First, the workshop has defined:

1. The electoral standards for political parties

The workshop noted that elections are a way of reinforcing peace in a country. In Africa, however, elections often result in violent conflicts of all sorts. The reasons for this are as follows:

- African societies are not homogeneous; they are divided on ethnic, tribal, racial, etc. grounds.
- African countries do not have strong economies.
- People belong to political parties as groups and not as individuals.

a. Electoral code of conduct

As far as this point is concerned, the workshop has recorded the fact that political parties have to act in compliance with the law and, to do so, they must agree on a code of conduct relating to the elections. In Africa, electoral codes of conduct are produced by the Independent Electoral Commission. According to the workshop, however, the best practice is for this code to be drawn up by the political parties themselves. It is important that the political parties agree on the problems that will arise before, during and after the elections. In this way, the political parties will feel integrated in the said code.

1) THE TERMS FOR DRAWING UP A CODE OF CONDUCT

- **The political parties accept the electoral framework:** Code of conduct; the electoral law; the results of the elections; the political parties accept the international observers; the political parties appoint their liaison agents.
- **The political parties commit themselves:**
 - Not to manipulate the code of conduct in respect of useless claims;
 - To involve their members in the voting process and not to prevent other voters from expressing their choices.
- **During the electoral period, the political parties:**
 - Organise their campaign while respecting other political parties;
 - Organise political meetings with the authorisation of the administrative authorities to avoid any interference;
 - Commit themselves not to destroy campaign material belonging to other parties;
 - Avoid copying other parties' logos;
 - Commit themselves not to assault journalists;
 - Do not get involved in any corruption, bribery, etc.
- **The political parties will have to get the following guarantees:**
 - Finances, as well as other means of the state, are not used for the electoral campaign;
 - Free and fair access to the public media;
 - Impartiality of the army, the police, the security and the public administration;
 - Secret ballots;
 - No authority has the right to influence the choice of the voters under its command;
 - The non-use of fire arms, etc. during campaigns;
 - To avoid inciting any ethnic, racial or other violence before, during and after the elections;
 - To avoid spreading false rumours.
- **Actions of the political parties towards their members:**
 - The code of conduct must be known by all members of the party;
 - Disrespect of the code of conduct is punishable.
- **Specific obligations of political parties on election day:**
 - Party leaders must leave the voting stations;

– Members of the political parties must not use microphones on voting day.

2) IMPLEMENTATION OF A CODE OF CONDUCT

In order for a code of conduct to be enforced, sanctions must be in place for those contravening the code. These sanctions are regrouped as follows:

- To establish a reconciliation organisation. In the case of insults, for example, the code of conduct may provide for a provision that forces the guilty political party to apologise in public;
- To refer to the law in case of serious offences, for example, killings, fires, etc.
- To disqualify the candidate, or group of candidates, in the case of a serious offence;
- The organisation or commission in charge of enforcing the sanctions must be able to establish culpability. Moreover, the organisation must be independent and legitimate in the eyes of the political parties.

b. Internal democratic practice of a political party

It is practical that the government subsidises the political parties that will run for election. The law therefore provides that subventions are granted to the parties in an equitable way according to the needs expressed.

In order to benefit from the government subventions, the political party shall have to comply with the following conditions:

1. To supply the particulars regarding its members;
2. To have a seat;
3. To lodge a copy of its articles of association;
4. To provide party logos;
5. To comply with the basic conditions of democracy;
6. To comply with the clauses of the articles of association.

All the above conditions are monitored by an independent commission.

2. The role of observers and of the media

a. Role of observers

The presence of independent observers is crucial. An electoral commission cannot, however, rely only on international observers – it is imperative that national observers are also put in place. These international and national observers guarantee the enforcement of the rules and compliance with the electoral standards, and prevent the authorities from holding elections that suit their own interests. It is necessary to differentiate between observers and controllers. The latter correct any mistakes found and are independent in their work, however, they work in close co-operation with observers. Both controllers and observers must be impartial in the execution of their work.

b. Role of the media

During the electoral period, the common practice is not to restrain the media. Nevertheless, considering their virulence, it is necessary to comply rigorously with the law governing the sector.

The position to be taken by the media is as follows:

- Should the situation be bad or tense, the media will have to avoid any provocative language;
- The media must make a distinction between fact and opinion;
- Radio stations and television networks shall give equal and fair time allocations to the various candidates;
- The media shall avoid announcing the sample survey a few days before the elections as this can result in abstentions.

II. Analysis of the questions asked

a. To provide the conditions with regard to the democratic participation of political parties in the electoral competition and the constitutive elements of political parties' internal democracy. Addressing this concern, the workshop has given the following suggestions:

- The lawful existence of the political party;
- The political party has to define the level at which it wants to extend its power: national or regional;
- The adoption of laws that do not limit the freedom of political parties;
- To guarantee the equity of political parties and candidates towards the media during the electoral campaign;
- The political elections must have a clear and realistic project of society;
- The political parties will have to draw up a code of conduct that covers the main guidelines mentioned above;
- The political parties' articles of association will have to provide for the following provisions:
 - To increase the participation of women and minorities in the life of the party;
 - To anticipate democratic provisions for the election of those in charge;
 - To encourage alternation at party leadership level;
 - To comply scrupulously with the texts;
 - The list of candidates to the elections must be governed by the law.

b. Give the criteria relating to reducing the number of political parties. The workshop has acknowledged the freedom for each and every Congolese citizen to establish a political party.

However, the following conditions have been endorsed:

- Political parties have to register; to have lawful articles of association; to have one seat each; to guarantee the democratic election of the persons in charge; to have members in at least 6 (six) of the 11 (eleven) provinces (national political party) of the DRC; to have at least 60,000 members (namely 10,000 members per province) for the national political parties and 20,000 members for the political parties established in the provinces;
- To lodge a security amounting to US\$20,000 for the national political parties and to US\$10,000 for the political parties established in the provinces.
- The government shall only have to finance political parties having seats in parliament.

III. Recommendations

Taking into account what has been mentioned above, the workshop has formulated the following recommendations:

- The drawing up of an electoral code of conduct for the political parties;
- The involvement of women and minorities in the electoral process;

- The creation of an independent commission to examine the democratic characteristic of the internal texts of the political parties before their registration;
- The implementation of a new framework limiting the proliferation of political parties with no basic electoral foundation;
- The involvement of neutral international and national observers in the electoral process;
- The involvement of international and national experts in drawing up the electoral code of conduct;
- The free access to the public media during the electoral period.