

CONGO



CASE STUDY: CONGO

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ACRONYMS AND ABBREVIATIONS

AFP:	Agence France-Presse
AU:	African Union
CNEI:	Commission nationale électorale indépendante (Independent National Electoral Commission)
CNS:	Conférence Nationale Souveraine (National Sovereign Conference)
CONEL:	la Commission nationale d'organisation des élections (National Commission for the organising of elections)
CR:	Convention des Républicains (Republican Convention)
CSLC:	Conseil Supérieur de la Liberté de Communication (High Council for Freedom of Communication)
DGAE:	Direction générale des affaires électorales (General Direction of Electoral Affairs)
DGE:	Délégation Générale aux Elections (General Delegation for Elections)
ECCAS:	Economic Community of Central African States
EOM:	Election Observation Mission
EU:	European Union
FPOC:	Front des Partis de l'Opposition Congolaise (Congolese Opposition Parties Front)
MCCDI:	Mouvement Congolais Pour la Démocratie et le Développement Intégral (Congolese Movement for democracy and integral development)
OCDH:	l'Observatoire congolais des droits de l'homme (Congolese observatory for Human Rights)
OIF:	Organisation Internationale de la Francophonie (International Organisation of the Francophonie)
PCT:	le Parti Congolais du Travail (Congolese Labour Party)
PSDC:	Parti social-démocrate congolais (Congolese Social-Democratic Party)
RDD:	Rassemblement pour la Démocratie et le Développement (Rally for Democracy and Development)
RDPS:	le Rassemblement pour la Démocratie et le Progrès Social (The Rally for Democracy and Social Progress)
RFI:	Radio France Internationale (France Radio International)
UDR – Mwindi:	l'Union pour la Démocratie et la République (The Union for Democracy and the Republic)
UPADS:	l'Union Panafricaine pour la Démocratie Sociale (The Pan-African Union for Social Democracy)

I. BACKGROUND

From 1992¹ to 2014, the political history of the Republic of Congo has been dominated by a series of elections whose outcomes have sometimes led to bloodshed, mainly due to electoral results disputes and poor organisation of the electoral process. It should be noted that the renewal of the National Assembly in June 2007 and the holding of presidential elections in July 2009 had caused a great controversy between political parties of the opposition and the government. In this regard, the concerns of politicians have crystallised around the issue of electoral transparency. Thoughts shared between electoral participation and/or electoral boycott, however, converge on the improvement of the legal framework for the organisation and the conduct of elections and the political conception of the electoral commission.

The electoral context of the Republic of Congo, in a political and historical approach, shows that in 2007, 2008, 2009 and 2014, the government has indeed organised parliamentary, local, senatorial and presidential elections. However, if it is recognised that these elections were conducted in a climate of peace, it remains true that they were marred by disputes around the organisation of the electoral process, which featured numerous irregularities.

Indeed, in view of the 2007 parliamentary elections, the 2009 presidential elections and the 2014 local elections, opposition parties were calling for the holding of transparent elections and wished the establishment of an independent electoral commission. Jean-Pierre Thystère TCHICAYA, President of the National Assembly, in a statement in April 2006, took up this claim of the opposition by asking for: "the creation of an independent electoral commission for the 2007 parliamentary and the 2009 presidential elections to avoid slippages which can escalate into armed conflict".²

Specifically, in 2007, like many opposition parties, the president of the Republican Convention (CR), at a press conference in Brazzaville on 12 May 2007, called for a boycott of the legislative elections. His supporters accused the government of setting up an "electoral masquerade", maintaining that "the government refuses to install an independent electoral commission, in accordance with democratic standards set by the conference of Bamako and the African Union." The gap between the "theoretical data" of the population of voting age and the electorate established by administrative authorities continued to increase over the years, and it reached 448,351 voters in June 2008. It should be noted that the electorate to "local elections" in June 2008 of

¹ 1992 is the year of the organisation of the first free and transparent elections in the Republic of Congo.

² Cf. « Thystère Tchicaya openly criticizes Sassou Nguesso », L'Observateur, Paris, 12/04/06, p.3, <http://www.congo-page.com/> consulté le 10/03/2013.

2,277,144 voters corresponded to a population of 4,712,632 inhabitants, the projected population figure of Congo Brazzaville around 2015.³

It must be stressed that in 2009 the government, for its part, considered that all requests or opposition demands had already been answered. However, a citizen consultation was organised for the holding of a peaceful, transparent and credible presidential election in July 2009. The meeting was held from 14 to 17 April 2009 in Brazzaville, and brought together members of government, political parties and associations of the presidential majority, civil society, support organisations for democracy and representatives of opposition parties. But a fringe of the opposition parties boycotted the dialogue by rejecting all the conclusions of the dialogue and characterised them as monologue.

Finally, on 18 December 2014, RFI⁴ reported that, according to the Pan-African Union for Social Democracy (UPADS), the decree convening the electorate in local elections of 28 September 2014 was taken on the basis of the old electoral law and that the new law, amended and adopted by the National Assembly, did not guarantee any independence to the organising committee of the elections, but opened an avenue to power for the victory of all battles to come. Protesting, Tsaty-Pascal Mabilia, first secretary of the UPADS declared: "And once again, we have witnessed a desire for power from the power that is going to serve us another wicked law, which will be the legal basis for the organisation, it seems, of their famous referendum and all future elections."⁵

While there is no doubt that electoral competition has been a reality since the relaunch of the democratic process in the Congo in 2002, it remains true that the elections are hardly free of problems, challenges and various claims. In reality, the question of the irregularity of elections has since been a recurring topic in the debates. Since then, several elections were held in that country. These elections are challenged by deep controversies that divide public opinion. Some are convinced that the electoral mechanisms meet the conditions of transparency and guarantee the holding of free and democratic elections, while others are denouncing serious shortcomings that impede the realisation of the fundamental rights of citizens. The elections of June 2007, July 2009 and September 2014 took place in a context characterised by increased differences between political parties of the opposition and the government about the legal and political framework for elections.

³ <http://www.dac-presse.com/actualites/a-la-une/politique/943-bricolage-et-tricotage-des-elections-au-congo-brazzaville-.html> consulted on 12/03/2016.

⁴ Radio France Internationale

⁵ <http://www.rfi.fr/afrique/20140829-congo-une-loi-electorale-tres-critiquee> consulté le 14/03/2016.

Therefore, *the 2011 Ewo national dialogue and the 2013 Dolisie* were sanctioned by recommendations that have never been implemented.⁶ Thereafter, in *the alternative national dialogue on the electoral issue held in Sibiti in July 2015*, resulted in a stalemate, which led to a reliance on the president, who, according to his constitutional prerogatives,⁷ ultimately decides. Participants of that meeting simply expressed, as before, vague generalities about CONEL, the revision of electoral lists, electoral boundaries, biometrics, the single ballot, the lack of rigour in the implementation of the law, the harmful influence on the election administration by its hierarchy, election campaign financing, and the involvement of the media. From 13 to 17 July 2015, *a national dialogue of political and social forces opposed to the changing of the constitution of 20 January 2002 was held*, but all the goals that the political class was entitled to expect were not achieved due to lack of consensus. This was so because, on the one hand, the real opposition was absent, and, on the other, there was a split of the participants into three streams, the first supporting the evolution of institutions by the changing of the constitution, the second supporting the evolution of institutions through an amendment, and the third supporting the keeping of the current constitution.

On 23 September 2015 during a radio and television message, President Nguesso declared: "I have decided to directly give the floor to the people in order for them to decide on the Bill setting out the fundamental principles of the Republic [...]." This statement raised protests from the opposition, who organised several events, especially after the announcement of the referendum of 25 October 2015. Finally, the referendum took place on the due date and according to the results announced by the minister of interior ministry, the YES vote won with 92.96%.

On 6 November 2015, President Nguesso promulgated the new constitution which since has been in force in the Republic of Congo, which, like the Electoral Law of 24 November 2001 in Congo Brazzaville, considers all electoral trends in an approach that respects the electoral multiparty system.

II KEY ELECTORAL TRENDS

In 2014, the key electoral trends in Congo-Brazzaville were characterised by voter apathy. If, indeed, in the south of Brazzaville long queues were not visible, voters who wanted to do their civic duty did so peacefully. The incidents recorded on 20 and 21 October in this part of the Congolese capital between opposition activists and the police may have influenced voters' behaviour⁸. On the evening of 21 March 2016, so as to validate the electoral trends, which are often full of undemocratic and non-transparent

⁶ Brazzaville : Déclaration of the collective of Congolese opposition parties, <http://congobrazzaville2016.unblog.fr/2015/08/07/brazzaville-declaration-du-collectif-des-partis-de-lopposition-congolaise/> consulté le 10/03/2013.

⁷ These prerogatives did not in fact exist in the 20 January 2002 constitution.

⁸ <http://fr.africa.com/stories/201510250316.html> consulted 23/03/2016.

ent facets in Congo-Brazzaville, John Kirby, spokesman for the US State Department, declared: "We ask all political leaders [of Congo-Brazzaville] to renounce violence, to call their supporters for calm and to seek to resolve any dispute peacefully."

In Congo-Brazzaville, the multiparty system is enshrined in Article 57 of the constitution of 6 November 2015, which provides that: "A political party is an association with legal personality which brings together citizens for the conquest and peaceful management of power around a social project dictated by the desire to achieve a general interest". This recognition of the political party also implicitly suggests that there can be no governors in Congo who have not been appointed by popular suffrage. However, the various elections held in recent years in this country, especially those of 2007 and 2009, thwarted these expectations due to a strategic "boondoggle" organised by political leaders and the violation of the transparency of universal suffrage.

In an attempt to understand the electoral dynamic in Congo-Brazzaville, Gaston-Jonas Kouvididila highlights the terrible consequences of the failure of democracy through non-compliance with the results of the legislative elections, the breach of the principles of the Republic with the use of ethnicity and region, and the lack of respect for human life with the incentive of people to go to war. Patrice Yengo⁹ and Phillipe Ch.¹⁰ also emphasise that the chaotic return to the polls illuminates the double defects of Congolese leaders: their totalitarian culture and their excessive appetite for power. Patrice Yengo¹¹ and Phillipe Ch.¹² also argue along these lines.

However, it should be noted that after the Sovereign National Conference (CNS) of 1991, Congo returned to political pluralism at the time of transition. The political arena was then occupied by multiple groups that were previously excluded by the single-party system. The consecration of multipartism structured the game; henceforward accession to political responsibilities depended on electoral anointing. Political support in the 1992 elections helped reconfigure the political leaders' assimilation strategy in six major political parties, namely the Pan-African Union for Social Democracy (UPADS) of Pascal Lissouba, the Congolese Movement for Democracy and Integral Development (MCDDI) of Bernard Kolélas, the Congolese Labour Party (PCT), the former single party of Mr Denis Sassou Nguesso, the Rally for Democracy and Social Progress (RDPS) of Jean Pierre Thystère Tchicaya, the Rally for Democracy and Development (RDD) of Jacques Joachim Yhombi-Opango, and the Union for Democracy and the Republic (UDR-Mwindu) of Andre Milongo.

⁹ Patrice Yengo, *Civil war in Congo-Brazza 1993-2000 « everyone will share it »*, éditions Karthala.

¹⁰ Phillipe Ch., « Congo, the national conference experience », *National Defence*, n° 48 (5), May 1992, p. 42-56. Phillipe Ch., « Congolese democracy, difficult transition », *National Defence*, n° 11, November 1991, p. 115-126.

¹¹ Patrice Yengo, *Civil war in Congo-Brazza 1993-2000 « everyone will share it »*, éditions Karthala.

¹² Phillipe Ch., « Congo, the national conference experience », *Défense nationale*, n° 48 (5), May 1992, p. 42-56. Phillipe Ch., « Congolese democracy, difficult transition », *National Defence*, n° 11, November 1991, p. 115-126.

It appears that the 2002 elections have changed the electoral framework (redistricting) established in 1992. From 125 seats, the new division has increased to 137 seats.

The redistricting prompted reactions from civil society and the Congolese political class through questions such as: what criteria did they use to justify an increase in the number of seats to 137? Or concerning the distribution of seats, why two different measures were applied, depending on whether it is a municipality with a district or a municipality without a district. (In the case of Brazzaville and Pointe-Noire municipalities, the demographic criterion has survived, and with it, each district has kept the same number of seats as in the 1992 legislative elections and the 1993 early elections, while on the other side, a confusion was created, to the point that elected candidates in this case were unequally elected.)

The Congolese political landscape has changed dramatically since 2002. In fact, the "presidential movement"¹³ driven out in 1997 by force has become a virtually non-existent opposition. With only 10 deputies (UPADS and UDR-Mwindi) out of 137, the opposition has not weighed heavily on the political spectrum. These results could be explained by the boycott call by former political leaders in exile on the eve of the election. They confirm the decline of political parties.

The boycott of the 2002 parliamentary elections by the opposition in exile allowed the PCT to win 53 of the 137 seats (against only 17 in 1992) to the Assembly. Henceforth, the political space was composed of disproportionate trends: the caciques of the former single party, the PCT, were back in power, and have managed to co-opt members of the former majority¹⁴ on one hand, and on the other hand there remains only very few opponents from the opposition parties, now demonised with negative epithets such as "infiltrators" and "genocidal".¹⁵

With the parliamentary elections of 2007, there was a debate that opposed the government and the opposition around the establishment of a National Independent Electoral Commission (CNEI). Effectively, before the election of June 2007, the Congolese opposition (internal and external) kept on denouncing the wrong way the government intended to organise the election. In the eyes of the opposition, the government needed to set up an independent commission for the organisation of elections, worthy and credible, where all the political and civil sensibilities would sit. The practice and democratic tradition thus place the various pre-election and election process under the

¹³ The "presidential movement" is all parties supporting UPADS with the action of Pascal Lissouba.

¹⁴ Several members (politicians and parties) of the presidential movement of Lissouba did not hesitate to join the winning side of the 1997 war. It is about forms of political cooptation underway in several African countries. Read Anja OSEI, "The connection between political parties and voters in Africa: Ghana's case" African Politics, No. 104, Paris, Karthala, 2006, pp. 38-60.

¹⁵ Jean Pierre MISSIE, « Parliamentary democracy in Congo, an illusion ? », Cahiers de l'IGRAC, n° 1, Brazzaville, 2005, p. 105.

supervision of independent agencies, namely the independent electoral commissions, to ensure efficiency and transparency of the electoral process.

As part of the functioning of democratic institutions, such national bodies, supported by international electoral assistance in the form of capacity building, would be responsible for managing all elections. But the government preferred to advance the argument of national sovereignty in order to give itself the freedom to manipulate voter lists, in accordance with the view that "you do not organise elections to lose them".¹⁶

Within the majority, some figures stood up to demand an independent electoral commission. These included Justin Lekoundzou Itihi Ossetumba, president of the PCT group, and Jean Pierre Thystère Tchicaya, president of the National Assembly.¹⁷ The PCT won 46 seats. The UPADS, meanwhile, won 11 seats and criticised the organisation of the elections, alleging that the poll was characterised by fraud, irregularities and other shortcomings of a material nature.¹⁸

Whatever is said about multiparty democracy in Congo-Brazzaville, one relevant fact has to be considered: the European Union effectively decided not to send observers to the presidential election of 20 March 2016 in Congo, on the basis that the recent reform of the electoral law did not ensure the transparent and democratic nature of the election.¹⁹ The EU considers that "the reforms introduced by the electoral law of 23 January (which sets up a National Independent Electoral Commission) appear limited" and insufficient in view of the recommendations previously introduced by the EU election observation mission. "Changes made which lack transparency", the EU said on VOA,²⁰ can induce [...] legal uncertainty and therefore do not seem to assure a democratic, inclusive and transparent presidential election."

The National Independent Electoral Commission (CNEI)

The CNEI replaced CONEL in Congo-Brazzaville. The CNEI is governed by the Electoral Law No. 1-2016 of 23 January 2016, amending and supplementing certain provisions of law No 5-2007 of 25 May 2007, No. 9-2012 of 23 May 2012 and No. 40-2014 I September 2014. The new electoral law of 23 January 2016 attracts criticism in many ways today. This new electoral law, as the OCDH rightly states, reflects almost entirely the old electoral law. The only innovation being the "single ballot." Yet this innovation

¹⁶ Etanislav NGODI, *Electoral challenges and political recomposition in Congo-Brazzaville*, Paris, L'Harmattan, 2009, p. 318.

¹⁷ Read the open letter that these two political actors addressed to President Denis Sassou Nguesso.

¹⁸ Séraphin MABANZA, *Congo in the era of new hope: realities and perspectives*, Paris, L'Harmattan, 2009, p. 19.

¹⁹ <http://www.voafrique.com/content/ue-pas-observateurs-presidentielle-congo-brazza/3200457.html> consulted on 18/03/2016.

²⁰ Voice of America.

is an implementing legislation, which is often tailored in favour of the government in place by means of the Chamber, which determines the features of this "single ballot". In addition, as a condition of its participation in the early presidential election the IDC-Frocad coalition called for, among other things, the establishment of an electoral commission whose independence is recognised by all, the printing of biometric voter cards and the establishment of a single ballot.²¹

OCDH criticises Articles 15 (of the operations relating to the preparation of elections), 20 (on the coordination office), and 48 (on the mental and physical state of the presidential candidate). With regard to Article 12, which provides that "every regularly registered voter has the right to be granted a card", the OCDH believe that the lack of capacity to produce a reliable electoral register has been demonstrated in the initiatives taken since 2009 to revise the electoral rolls. However, past elections have revealed a very high degree of satisfaction of Congolese citizens with electoral matters and a completely superficial redistricting. Few efforts have been made to review the voter's roll, despite it being an important aspect of the integrity of an election. The refusal of the government to conduct a special administrative census for an overhaul of the electoral register could hide a real willingness to influence the outcome of elections.

Concerning Article 15: this provision remains ambiguous, because it nowhere sets the limits of competences and/or powers of anyone. In practice, the CNEI does not have enough room to manoeuvre. The Ministry in charge of elections maintains its role. Competition between the minister in charge of elections and the CNEI casts doubt on the ability of the latter to assert its independence and impartiality. An electoral commission can be independent only if it is free from the authority of the government. Article 20: "the Office for the Coordination of the CNEI includes:

... 4 vice presidents respectively proposed by ... and by the civil society whose purpose is related to the elections. Observations: The principle of participation of civil society as well as its representation in the bodies in charge of elections is interesting. However, the law does not set any modality or procedure of consultation and/or of representation of civil society within the CNEI bodies. There is no current implementing legislation for this effect.

It should be noted that giving to the CNEI the power to withdraw a candidacy on the grounds of Article 41, which punishes "words and actions of any kind whatsoever that may disturb the serenity of the campaign or endanger the election", is extremely dangerous. Being legal and attached to the CNEI jurisdiction, this provision is vague and leads to arbitrariness. The partiality of the CNEI does not guarantee the protection

²¹ http://www.portail242.info/Congo-Brazzaville-la-gouvernance-electorale-en-constante-amelioration_a1259.html
Consulted on 18/03/2016.

of political opposition candidacies. This task, in principle, should be for courts and tribunals.

Hence, the conditions for a credible election are not met. With less than two months of the first round of presidential elections to go, chaos was apparent. The National Independent Electoral Commission (CNEI) was not ready. The process of revision of electoral lists continued over the entire territory, it was difficult to know when the electoral roll would be available and what the deadline would be for any claims after publication of the first list, the voting cards had not yet been edited, and the implementing decree fixing the characteristics of a single ballot had not yet been enacted. In the end, a major logistics challenge will be faced in transporting election materials across the entire territory. Only a true dialogue on the electoral governance was capable of creating a climate of trust and harmony among the protagonists. The germ of the dispute was sown, and the risk of a climate of anarchism is real. A postponement of the first round is essential. The different actors would then be able to discuss matters responsibly with the view to create not only trust but also a peaceful atmosphere.²²

It should be noted that the National Independent Electoral Commission (CNEI) replaced the National Organisation of the Elections Commission (CONEL), which has been operational since 2001. But it is not welcomed by the opponent Clément Miérassa, who protests that it is not independent and does not see any particular change at his office. « Everyone is convinced that what we were served was nothing but a continuation of the CONEL that existed before. The composition of its members is the same; so there is no evolution. This is a copy and paste. Nothing has changed. And it does not guarantee the transparency of the presidential election on March 20 », Mr Miérassa remarked on RFI.²³

These criticisms were rejected by Serzh Odzocki Michel, spokesman for the Congolese Labour Party (PCT, the ruling party). For him, the independence and work of the members of the CNEI will be recognised. « We need to go beyond that stage. This approach where criticism is systematic. We will assess and judge the results and see precisely the fellows we have placed there, how they translate our aspirations into reality », said Mr. Odzocki. Despite the political incumbent and the opposition being divided on the configuration of the new election commission, they all call for a peaceful presidential election.

²² Read comments on the new electoral law No. 1-2016 of 23 January 2016 amending and supplementing certain provisions of law No 5-2007 of 25 May 2007, No. 9-2012 of 23 May 2012 and No. 40-2014 1 September 2014 amending and supplementing certain provisions of the electoral law, on http://blog.ocdh.org/public/OCDH_-_Commentaires_sur_la_nouvelle_loi_electorale.pdf consulted 3/18/2016.

²³ <http://www.rfi.fr/afrique/20160219-congo-brazzaville-polemique-nouvelle-commission-electorale> consulted on 18/03/2016

Furthermore, on the 4th of January 2016, Mr. Kitsoro Firmin KINZOUNZA's introduced a complaint in writing to the Court requesting that the government's decision to convene the electorate on March 20, 2016 be cancelled in light of the draft law of the new Electoral Commission. The Constitutional Court subsequently rejected²⁴ Mr. Kitsoro Firmin KINZOUNZA's request on the grounds that , the draft law has yet to be adopted by both Houses of Parliament and promulgated by the President of the Republic for it to be considered as part of the Congolese legal system.

III THE CONSTITUTION, ELECTORAL LEGISLATION AND GUIDELINE

- The constitutional recognition of elections

With the return to power of Mr Denis Sassou Nguesso in October 1997, Congo first got a fundamental act, of 24 October 1997, which repealed the constitution of 15 March 1992 and was followed by a constitution deriving from the referendum of 20 January 2002 and that was replaced by the promulgation on 6 November 2015 of the new Constitution of the Republic of Congo-Brazzaville.

In the preamble, the constitutional text of 2015 refers to human rights and the principles of national sovereignty. It integrates the fundamental principles proclaimed and guaranteed by the U.N. Charter of 24 October 1945; The Universal Declaration of Human Rights of 10 December 1948; the African Charter on Human and People's Rights of 26 June 1981; the Charter of National Unity and the Charter of Rights and Freedoms of 29 May 1991; all relevant national and international laws, duly ratified, human rights.

Thus, Articles 1 and 2 consider the notions of sovereignty in a democratic political system where "the principle of the Republic is: Government of the people, by the people and for the people." Article 1 states that "The Republic of Congo is a rule of law, sovereign, unitary and indivisible, decentralised, secular and democratic." As for Article 5, it states that "National sovereignty belongs to the people and is exercised through universal suffrage, through their elected representatives or by referendum. No faction, no body of state nor any individual may assume the exercise. The initiative of the referendum belongs to the President of the Republic."²⁵

²⁴ Decision No 001 / DCC / SVA / 16 of 20 January 2016. Mr. Kitsoro Firmin KINZOUNZA's introduced his complaint in writing to the Court on January 4, 2016.

²⁵ National sovereignty includes a number of consequences. The Nation, a collective and unique "being", has one will and only one: it can thus delegate its sovereignty, but it must delegate it entirely to its representatives and it can do so only temporarily, for a limited time. The sovereign people are thereby led to arbitrate the constant competition between different political parties. In other words, the people exercise sovereignty directly by means of referendum, or indirectly through its representatives. Thus, the political regime defined by the Constitution of 20 January 2002 adopted different mechanisms of sovereignty, as exercised in any democratic country.

The constitution of 6 November 2015 defines the term of office of the President of the Republic and the conditions of his appointment. According to a combined reading of articles 65 and 67 of the constitutional text, the President of the Republic is elected for five years by direct universal suffrage and may be reappointed once.²⁶ As regards to the conditions imposed by law, to be elected President of the Republic, in addition to the criterion relating to the enjoyment of civil and political rights, Article 66 requires all candidates to be thirty years or older. According to the same article, persons having acquired Congolese nationality by naturalisation cannot be candidates for presidency of the Republic.

Title V of the constitution defines legislative power. The Congolese legislative power is represented by a parliament composed of two chambers: the National Assembly and the Senate.²⁷ Members of the National Assembly have the title of deputy. They are elected by direct universal suffrage for a term of five years.²⁸ Members of the Senate are elected for a term of six years by indirect universal suffrage for the representation of local authorities.³⁰ The candidates for parliamentary or senatorial elections must be at least twenty-five years, for the deputies, and at least forty-five years for senators. All must be Congolese nationals.³⁰

These constitutional provisions are specified by Law No. 9-2001 of 10 December 2001 on the electoral law. However, notwithstanding the fact that many issues are not mentioned in the constitution of 2015, Article 110 provides that "the law determines the electoral districts; the number of seats and their distribution by administrative district; the voting system; conditions of organising new elections in case of vacancy, as well as the rules of ineligibility; the status of deputies and senators. "

IV LEGISLATION

The constitution promulgated 6 November 2015 lays down major principles such as direct or indirect universal suffrage, but it refers, in Article 110, to the practical arrangements of the electoral law and complementary texts.

²⁶ On 30 June 2015, the Congolese head of state announced, in a message to the nation, the holding of an inclusive national dialogue on electoral governance and the reform of institutions of the country. The convening of this dialogue comes after a series of presidential consultations in May and June 2015 with forces of the country. These initiatives are taken in view of reforming the institutions, and to draft a new Constitution. However, it is quite difficult to find the compliance of these initiatives with respect to the current Constitution of 20 January 2002. Indeed, articles 185 and 186 of the Basic Law are limited to a revision of that law, whose initiative belongs concurrently to the head of State and members of Parliament. The constitution is adjustable in every way, except those on the republican form and the secular nature of the state, on the number of terms of the President of the Republic, and on Title II of the Constitution dealing with fundamental rights and freedoms.

²⁷ See Article 107 de la Constitution de 2015 et 75 de la ; loi électorale de 2001.

²⁸ See Article 128.

²⁹ Idem.

³⁰ See Article 96.

- The electoral law;
- Law No. 15-2001 of 31 December 2001 on pluralism in public broadcasting;
- Decree No. 2001-587 of 20 December 2001 establishing the organisation and functioning of the CONEL and the appointment modalities of its members; and
- Decree No. 2001-587 of 20 December 2001 establishing the organisation and functioning of the CONEL and the appointment modalities of its members; and
- Decree No. 2001-530 of 31 October 2001 on the establishment, responsibilities and organisation of administrative commissions of revision of electoral lists.

It should be noted that the EU was "concerned about the fate of members and supporters of political parties arrested and awaiting trial" in the 2016 electoral period. The Congolese government spoke of "taking note" of the EU's position and Thierry Moun-galla, the minister of communication, responded to the AFP (Agence France-Presse), saying that it should be recalled, on behalf of the government, that: « I believe that the EU is free not to send observers. However, this decision will prohibit them from judging the process when it will come to an end », and « He who does not observe, does not judge », he added, saying that « substantial reforms » following the « inclusive consultations and dialogues » were brought to the electoral law of 2002.

V ELECTORAL SYSTEM

Electoral systems refer to a set of characteristics that encompasses the way in which votes are counted, aggregated and allocated for a final result, the essential elements of a regime, specifically multipartism and a structure for the organisation of transparent, credible and democratic elections, EOMs, etc. Hence, overall, the choice of an electoral system, and particularly of a voting system that reflects political objectives. Note that the vote can be: restricted, if it is limited to one category of population according to income (vote based on tax qualification) or level of knowledge (vote based on intellectual knowledge); universal, if all adult citizens vote; live if the voter votes for a candidate him or herself or indirect, if the candidate is elected by an electoral college, which is appointed directly by the citizens. In the case of Congo-Brazzaville, the country uses direct universal suffrage.

Article 67 of the 2015 constitution of Congo-Brazzaville states: "The President of the Republic is elected by direct universal suffrage, uninominal vote, absolute majority of votes cast. If this is not achieved in the first round, there shall be, twenty-one (21) days after the announcement of results by the Constitutional Court, a second round." It should be noted that Article 78 para. 5 of the 2016 constitution provides that « The

President of the Senate, the Speaker of the National Assembly or the Prime Minister acting in the office of President of the Republic, cannot be a candidate in the presidential election ».

The Congolese electoral process is essentially found in Law No. 9-2001 of 10 December 2001 on the electoral law and amended by Law No. 5-2007 of 25 May 2007 amending and completing certain provisions of Law No. ° 9-2001 of 10 December 2001. However, this text was drawn up in a transitional context. This law was considered to be unlawful³¹ and therefore void. What needs to be remembered is that Article 111 of the 2015 constitution provides that "Candidates for parliamentary or senatorial elections are presented by political parties or political groups." Article 50 of the Electoral Act provides that: « The President of the Republic is elected by majority vote in two rounds. In the first round, an absolute majority is required to be elected President. If the absolute majority is not obtained in the first round, there shall be, after twenty-days, a second round. Only both candidates with the largest number of votes in the first round can be presented. In case of withdrawal of one of the two candidates who obtained the greatest number of votes in the first round, the election continues with the only candidate left in the running. The candidate with the highest number of votes cast is declared elected in the second round. » Section 51 of the Act of 24 November 2001 electoral law in the Republic of Congo adds that: « The convening of voters is made by Order in Council of Ministers. Section 46 of the Electoral Act provides that the President of the Republic is elected for seven years by direct universal suffrage. He is re-elected once. »

With regard to the electoral system, Article 66 of the Electoral Act 2001 provides that: "Members are elected by direct universal suffrage for five years, the two-round system. The candidate who obtains an absolute majority of votes cast is declared elected in the first round. The candidate with the highest number of votes cast is declared elected in the second round. The parliamentary mandate is not imperative." Article 67 provides in turn that: "Local councilors are elected for five years by the list system, proportional representation, without splitting or preferential voting." This article adds in paragraph 2 that: "The vote of councilors is on a list of candidates elected in each municipality or each district to ensure equitable representation of all municipalities and all districts."

Ultimately, the electoral system in Congo-Brazzaville is direct universal suffrage. The elections are made up of presidential, legislative, municipal and local elections. Candidates are governed by the constitution, electoral law and other legal and regulatory texts.

³¹ See collective report of NGOs of human rights and democratic development CDHD, January 2002, p. 14.

VI PARTY AND CAMPAIGN FINANCE

Political parties in Congo-Brazzaville usually receive funding from the state. In fact, since 1992, the date of the advent of democracy in Congo-Brazzaville, the number of political parties has grown. From 1992 to 2007, the number went from 80 to 155 political parties. And in 2015, that number has almost doubled, since there are about 206 political parties in the country besides the parties that are created abroad of which 59 met the criteria of Law No. 21-2006 of 21 August 2006 on political parties, developed under the provisions of Title III of the constitution of 2015. There are several reasons why Congolese political leaders create parties, but it is clear that the names of most political parties tend to advocate unity and peace in the Congo, to preserve the achievements of democracy and to instill republican values. Major political parties in Congo are: the PCT, UPADS, MCDDI, DRD, UDR Mwindi, RDPS or RDD and the RDR.

Accordingly, the issue of political party financing in Congo arises because a legal vacuum existed despite Article 59 of the current constitution. Article 59 of the constitution provides that: "Political parties receive financial support from the State."

In Article 60 the constitution prohibits political parties that undermine national sovereignty from receiving aid. In order to safeguard democracy, political parties should have a solid foundation. The state subsidy will allow political parties to organise themselves better in view of their sustainability.

However, it can be noted that politics in the Congo, and also in many African countries, have become a source of easy money, a kind of mafia to enrich political leaders. Many have never worked in their lives and many of those who have been in business have retired (former civil servants of the state). Quite a number of parties have no members apart from members of the leader's families.

The law on political parties of 2006 serves precisely to implement the constitution by enshrining in Title III, of *"Political parties and the status of the opposition"* political parties during the election period.³² Congo applied this law during the 2009 presidential

³² Concerning public funding, Article 23 of the 2006 Act provides that: "Political parties are entitled to state funding. The grant allocated to political parties and political groups is included in the state budget." Article 24 is complementary, providing that "The State provides, in a fair manner, financial support to political parties and political groupings represented in Parliament, as well as political bodies representing a significant part of the electorate and having obtained on the occasion of the presidential election, at least 15% of votes cast". In terms of private funding, the law leaves it to political parties to choose the financing mode to be adopted (membership fees, donations, bequests, and revenue related to their activities). However, Article 29 determines the legality of its funds by a statement from the party to the Ministry of Territorial Administration, mentioning the authors, the nature and value of donations, legacies and gifts. Therefore, according to Article 30: It is forbidden to political parties and political groups to receive from industrial and commercial businesses, churches or religious groups, donations, legacies and gifts. Donations, legacies and gifts can only come from individuals or corporations identified. Donations, legacies and gifts of national origin may not exceed one hundred times

election. One billion CFA francs (\$2 million) will be devoted to the financing of political parties. However, this subsidy is awarded based on whether parties are represented in parliament, according to the number of deputies or senators, not represented in parliament, but having presented candidates in more than half of the electoral constituencies, or having obtained at least 5% of votes cast in all electoral constituencies.

It must however be added that this election law does not impose the granting of a fair campaign subsidy to legally constituted political parties. It does not set a ceiling on the expenditure of any candidate in the presidential election.

The Ministry of Territorial Administration plays the role of regulating parties and campaign financing. This Ministry relies on the Administrative Chamber of the Supreme Court to obtain the seizure and confiscation of donations, legacies and irregular gifts³³ in favour of the Treasury. All in all, it should be noted that the 2016 elections will be marked by constitutional revision and as a tailor-made electoral law to promote the representation, after 32 years in power, of Mr Denis Sassou Nguesso.

VII ELECTION MANAGEMENT

The National Independent Electoral Commission (CNEI) manages elections in Congo-Brazzaville. It took office on 23 February 2016, with the nomination of its members by the Minister of the Interior and Decentralisation, Raymond Mboulou Zéphyrin. The CNEI comprises representatives of government, the presidential majority, the opposition, the centre of civil society. The members were appointed on 17 February by the President of the Republic. This body is composed of a coordinator, a general reporter, a first vice-president, a second vice-president and a third vice-president in addition to a technical committee, a monitoring and body is composed of a coordinator, a general reporter, a first vice-president, a second vice-president and a third vice-president in addition to a technical committee, a monitoring and control committee.³⁴ From the outset, it should be noted that the composition of this body is a trap for the opposition because they are nominated by the executive. Indeed, "On behalf of the President of the Republic, I declare that you are nominated in your duties and I immediately send you back to work," said Minister Mboulou to all members of the body responsible for managing elections.³⁵

the guaranteed national minimum wage, by donation per year and by individual or corporation. Donations, legacies and gifts from external sources should in no case exceed 25% of total annual amount of own resources to the political party. In case of irregularity or dispute, the minister in charge of land administration appeals to the Administrative Chamber of the Supreme Court for the seizure and forfeiture in favour of the Treasury irregular donations, legacies and gifts.

³³ Article 30.

³⁴ Article 20 of the 24 November 2001 electoral law in the Republic of Congo.

³⁵ http://www.portail242.info/Congo-Brazzaville-la-CNEI-entre-en-fonction_a1412.html consulted on 23/03/2016.

It is worthwhile noting that the observation mission of the Economic Community of Central African States (ECCAS) was said to be determined to support the electoral process in Congo in the year 2016. However, it should be recalled that on the Central African News Agency, to the question "What are you saying about reservations made by some stakeholders in relation to the independence of the national independent electoral Commission?" Dr Pierre Siméon Athomo Ndong, who led the electoral observation mission of ECCAS, which ran in Brazzaville from 10-17 March 2016, answered: "It is for the members of this Commission to prove to the Congolese people, through their performance, that they deserve the trust placed in them."»³⁶

In each administrative district (prefecture, sub-prefecture, county, district, etc.), a local commission organises elections. These commissions are composed of representatives of the state, political parties and the civil society.

Although the establishment of these commissions, in itself, poses no problem, their operation constitutes obstacles to the transparency of the electoral process. Indeed, experience has shown that they are not, at least in most cases, up to the task entrusted to them if one refers to the severity of the crises related to the organisation of recent polls on the continent.³⁷

Firstly, their composition raises suspicions about their neutrality and impartiality. While in some cases the configuration of commissions is based on the principle of proportionality or parity, the appointment or election of members by politicians or representative assemblies, which each appoints only faithful supporters, transforms the institution into a place of political partisan debates, instantly challenging the alleged independence of the institution.

Next, with regard to the prerogatives attributed to it, they are defined very vaguely. In accordance with Articles 15 and 16 of the electoral law, the Ministry of the Interior, the DGAE precisely, has the competence of organising the preparatory operations, that is to say the establishment and distribution of voter cards and ballots, the acquisition and distribution of election materials as well as the centralisation of candidatures. The CNEI plays only an observer or advisory role.³⁸ The Congolese legislative text defines the powers of the national electoral commission in legally vague terms whose practical implementation is uncertain because of the silence of the texts. It enshrines, in fact, in Chapter II, "The competent authorities" three bodies under the management of general elections. The ambiguity on the prerogatives of the three bodies is maintained by Article 16 of the Act, which states that "the organisation and the operating proce-

³⁶ <http://www.adiac-congo.com/content/election-presidentielle-la-mission-dobservation-de-la-ceeac-determinee-ac-compagner-le> consulted on 18/03/2016.

³⁷ It is the case of Madagascar in 2001-2002, of Togo in 2005, of Kenya in 2007, of Côte-d'Ivoire in 2010.

³⁸ See Article 17 of the electoral law.

dures of the General Delegation for Elections (DGE) are determined by decree of the Council of Ministers".

The members of the CNEI are appointed by decree by the President of the Republic in the Council of Ministers. They are renewed after each election.

Institutional framework and key processes

Competent institutions for the preparation, organisation and control of political elections are defined by the electoral law: they are the electoral administration and the supervisory bodies.

- **The election administration** is composed of the Ministry of Interior and specifically of the General Direction of Electoral Affairs (DGAE) and the National Electoral Commission (NEC).

Indeed, Article 15 paragraph 1 of the Act of 24 November 2001 electoral law in Congo-Brazzaville states: "preparing for elections falls under the jurisdiction of the Ministry of Interior." Ahead of any elections, a certain number of operations must be performed without which the election could not take place. To this end, the Ministry of the Interior has established a structure called General Direction of Electoral Affairs (DGAE)³⁹ to which it assigns the following tasks:

- establishment and posting of electoral lists;
- establishment and distribution of voters' cards;
- centralisation of applications;
- acquisition of electoral materials;
- establishment and implementation of training programs;
- establishment of a program and conducting a campaign of civic education of voters;
- distribution of election materials; and
- establishment of ballots and forms;

The National Organising Committee for Elections, in turn, is established by the Act of 24 November 2001 electoral law in the Republic of Congo, which, according to Articles 17-20, has the task of organising the election, ensuring its transparency and regularity; ensuring the smooth running of the electoral campaign; monitoring the electoral process; transmitting the results to the Ministry of the Interior and centralising the electoral results from local commissions.⁴⁰

³⁹ See Decree on the organisation of MATD: Ministère de l'Aménagement du Territoire et de la Décentralisation (Ministry of Regional Development and Decentralisation)

⁴⁰ Etanislav NGODI, Electoral challenges and political recomposition in Congo-Brazzaville, Paris, L'Harmattan, 2009, p. 318.

The supervisory bodies

There are two types of supervisory bodies: on the one hand the control exercised by the Supreme Council of Freedom of Communication (CSLC) and on the other hand the jurisdictional bodies.

- **The Supreme Council of Freedom of Communication** is an independent administrative authority created by the constitution of 20 January 2002.⁴¹ The rules relating to its organisation and operation are laid down by Organic Law No. 4-2003 of 18 January 2003. The CSLC has the key role of ensuring full independence and impartiality of the activities of public and private companies relating to communication. It also ensures the exercise by citizens of the right to information and freedom of the press.
- **Jurisdictional control** is provided by two jurisdictional bodies: the High Court and the Constitutional Court.

VIII Election Dispute Resolution Mechanisms

Chapter IV of the 2001 Electoral Act is entitled: Litigation of electoral process. Electoral disputes can take place before two courts: the High Court and the Constitutional Court.

- The High Court

Article 105: "The litigation of preparatory acts and of local elections falls within the high court, acting in administrative matters." Control of the regularity of the electoral operations and of the integrity of the election is for the judge. The judge's role is to settle possible disputes in the electoral field.

According to Article 104 of the present electoral law, "The litigation of electoral process involves preparatory acts and the voting process." According to article 106 of the electoral law preparatory acts are, "the establishment and posting of electoral lists; the revision of electoral lists; the establishment and distribution of voters' cards; the establishment of ballots and forms; the distribution of election materials; the printing of logos and emblems of candidates; applications." Under Article 104 of the electoral law, electoral disputes are divided between preparatory acts and the actual voting operations which are the domain of the constitutional court.

⁴¹ See Title XII.

It should be stressed that in the absence of such jurisdiction, the High Court, sitting in administrative matters, has jurisdiction pursuant to Articles 62 paragraph 3 and 4 and 69 of the civil, commercial, administrative and financial code. The procedure remains the one applicable to the challenge of administrative acts.

The Constitutional Court

According to article 110 of the 2001 Electoral Act: "The litigation relating to elections to the Presidency of the Republic and the parliamentary assemblies falls within the jurisdiction of the constitutional court. Under Article 175 of the 2015 constitution, "the Constitutional Court is the highest court of the State in constitutional matters." It is responsible for monitoring the constitutionality of laws, treaties and international agreements.⁴² The Constitutional Court consists of nine members who hold the title of councillor. They are chosen from high-level legal experts (judges, law professors, and lawyers) for a term of seven years renewable by thirds every three years respectively by the President of the Republic (three members), the President of the Senate (two members), the President of the National Assembly (two members), and the office of the Supreme Court (two members). The functions of member of the Constitutional Court are incompatible with those of member of Government, Parliament or Supreme Court.⁴³ The President of the Court is appointed by the President of the Republic.

It is at this highest judicial body that the law gives jurisdiction over the disputes relating to elections to the presidency of the Republic and the Parliamentary Assemblies. The Court ultimately judges disputes subject to its jurisdiction. The control of the Constitutional Court in principle applies only to the election itself, which corresponds to the conduct of the elections. It thus excludes the so-called preliminary proceedings in the election. It is therefore an a posteriori control and has a role only in the event of complaints concerning the conduct of the presidential and legislative elections. The dispute may arise either from the candidates or from political parties or groupings. It must be filed within 15 days of the announcement of results.⁴⁴ However, if the a posteriori control remains the principle, the Court may also exercise an a priori control, it is for example the case of electoral lists or the review of candidatures for election.

The election appeals should be signed, and include conclusions consistent with the purpose of the electoral appeal. The election appeal should also be motivated precisely on the nature of the alleged irregularities. In an election appeal any new objection cannot be invoked on appeal. Delays in electoral matters are particularly short: time-frame for appeals of trial or enforcement of *res judicata*. It is important that the real

⁴² See Article 175.

⁴³ See Article 145.

⁴⁴ See Article 111.

result of the election be announced immediately so that those who have irregularly won an election do not exercise a usurped mandate for too long.

In the 2009 presidential election, the Constitutional Court issued its decision in the context of the review of nominations for the presidential election. This decision, which disqualified some candidates who did not fulfil the conditions required by the 2002 constitution, had raised controversy. The main subject of dispute focused on the age requirements (70 years at the date of filing a candidacy) and especially on the term (at least 24 months of continuous residence in Congo) provided by the constitution of 2002. These included the rejection by the Court of two nominations submitted by the FPOC, that of Christopher Moukoueke, because of his age. He was already, in June 12, when he filed his record, 70 years, 1 month and 18 days – too old to solicit votes in a presidential election according to the constitution; also disqualified was Ange Edouard Pongui, former prime minister of President Sassou Nguesso, who presented three different residences and had travelled abroad on numerous occasions.⁴⁵

Moreover, after 12 July 2009, the Constitutional Court was approached by opposition candidates about irregularities and alleged fraud in this election. In response, the Constitutional Council validated the election of Denis Sassou Nguesso as head of state. The requests of the opposition candidates were rejected. By way of illustration, the Court ruled on 24 June 2015 concerning the *case on appeal seeking the end of the debate on changing the Constitution of 20 January 2002*. It was the request of Mr Mathias Ndzon⁴⁶ calling for an end to the debate on changing the constitution of 20 January 2002. In that case, the Court ruled on the basis of two main legal arguments:

First, it considered that it can exercise constitutional control, and thus help respect the constitution only when it is seized by an appeal indicating the legal provision that violates the constitution;

- Secondly, it considers that the provisions raised in articles 146 paragraph 1 of the Constitution and 2 paragraph 1 of the Organic Law No. 1-2003 of 17 January 2003 on the organisation and functioning of the Constitutional Court, do not give it authority to rule on the constitutionality of a debate.

It therefore declined jurisdiction to rule on the merits of the request.⁴⁷ This is why

⁴⁵ POUNGI replied: "It is quite simple to understand that this is a political rather than a legal decision. Because it is about, in reality, rejecting my candidacy because I represent a large party, a large electorate. (...) And I think that, it is actually embarrassing the power in place. (...) ". See "The Constitutional Court deliberated" The Sidewalk No. 18 of Tuesday, June 23, 2009, p. 4.

⁴⁶ Mr. is the president of the Alliance for Republic and Democracy (ARD).

⁴⁷ Constitutional Court, DECISION N° 00/DCC/SVA/15 of 24 June 2015 On the action aimed to stop the debate on the changement of the constitution of 20 January 2002.

consultations on the national dialogue on the issue of change of constitution and institutional reform continue.⁴⁸

IX VOTER REGISTRATION

Voter registration is a crucial step for the transparency, democracy and credibility of the polls. This has been missing in Congo-Brazzaville for a considerable time. This is the case of the 2016 elections, which did not comply with the census. Moreover, the opposition had requested an extension of this operation. However, the government did not issue a decree to extend the operation. This is how the opponent Clément Miérassa of the Social Democratic Congolese Party (PSDC) protested the matter: "But we call for this extension with all our hearts, because going to elections under current conditions is doing things in the rush."⁴⁹

All other things being equal, as was noted above, the exercise of the right to vote by the voter is subject to his registration as a voter on an electoral list of the administrative district where his home or residence is, unless otherwise provided by law. The technique used to date is not biometric and there are a lot of irregularities in the allocation of voting cards. To be voters, Congolese living abroad must be registered at the consulate or embassy of the Republic of Congo in the country of their residence, and they should be registered on the electoral list of the embassy or Consulate of the country where their residence is.

Electoral lists are established by the authorities of each administrative district or each diplomatic mission abroad. They are permanent and are subject to annual review. However, by order of the Minister of the Interior, extraordinary revisions may be carried out.

However, no one can deny registration on electoral lists to voters who have their home or residence in the place where they are identified; to those who are subject to compulsory residence in the place where they are identified as civil servants or military officers; to those who, not meeting the age and residency requirements listed above at the opening of the registration period on the electoral lists, meet them the day set for the poll; to persons repatriated from abroad in cases of absolute necessity; to persons who have acquired Congolese nationality by naturalisation or marriage. Moreover, the

⁴⁸ Indeed, the opponent Paul-Marie Mpouélé who chaired the Diata dialogue reiterated that "nothing authorizes President Denis Sassou Nguesso to make the change of the Constitution", and "there is no consensus" on this subject, he stressed. Before warning: "[The head of state] has always said that for lack of consensus, he will resort to the constitutional referendum. But organising such a referendum would have no legal basis." cf.<http://www.jeuneafrique.com/252194/politique/congo-brazzaville-participants-dialogue-alternatif-appellent-sassou-nguesso-a-ne-changer-constitution/> Consulted on 03/14/2016.

⁴⁹ <http://www.rfi.fr/afrique/20160216-congo-brazzaville-fin-inscription-listes-electorales-presidentielle-> consulted on 23/03/2016.

principle of equality among citizens requires that the voter be registered on only one voters' list. This is the meaning of Article 11 of the 2001 Electoral Act, "no one can be registered on several voters' list."

The law also establishes certain restrictions. Criminals and the insane are thus excluded from electoral lists.

Convictions for willful recklessness, excluding hit and run, do not prevent registration on the electoral lists. Voters are registered on electoral lists drawn up by the authorities in each administrative district. These lists are permanent and are subject to annual review. However, by order of the Minister of the Interior, extraordinary revisions may be carried out.

X BOUNDARY DELIMITATION

The Sibiti dialogue and the Dolisie political consultations had addressed the issue of redistricting. For Congo-Brazzaville, the challenges of redistricting are critical because this administrative operation, commonly used for the division of a territory into districts, determines the future functioning of the country through institutions issued from various polls (National Assembly and Senate, regional councils or county, etc.). Redistricting should invariably be based on demographic criteria, namely the number of inhabitants, the number of towns, villages and hamlets.⁵⁰ However, redistricting was carried out in 1992 on demographic criteria for all administrative structures of Congo.

In fact, Law No. 9-2001 of 10 December 2001 on the electoral law has radically changed things. Section 54 of this law states that: "The number of seats in the National Assembly is set at 137. A decree of the Council of Ministers determines the different constituencies." Section 72 of the Electoral Code allocates seats by department or municipality as follows: department – from 45 to 65 seats; municipality with district – from 45 to 99 seats; municipality without district – 25 to 35 seats. The number of seats in each department, municipality without district is set by regulation.

The fact is that many districts/constituencies will disappear in the southern part of the country, and there will be an increase of them in the northern part of the country. It is evident that those in power chose to ignore the demographic weight universally recognised in any redistricting. So, for example, the department of Likouala Epena, which has 17,499 inhabitants, has two constituencies. Dongou with 19,365 inhabitants, Enyellé with 21,193 inhabitants and Bétou with 29,736 have only one constituency each.

⁵⁰<http://www.editions-harmattan.fr/catalogue/couv/aplat/9782336003429.pdf> consulted on 23/03/2016.

How can it be explained that on the one hand Mvouti with 18,084 inhabitants, Ollombo with 21,272 inhabitants, Ewo with 20,195 inhabitants each have two constituencies like Mindouli, which has 53,984 inhabitants and on the other hand Kinkala with 34,815 inhabitants, Ngäbe with 30,091 Mouyyondzi with 36,815 inhabitants, Madingou with 62,800 inhabitants, Nkayi with 71,620, and Loudima with 32,775 inhabitants have only one constituency each?

In conclusion, regarding the departments, it is clear and obvious that the redistricting in 2002, and resumed in 2007, favoured the departments of the northern part of the country that won 13 seats while other departments have lost four seats in total. Unsurprisingly, the redistricting exercise has been strongly criticised and represents a real source of contention in the Congolese political landscape.⁵¹ Indeed, this redistricting complies with a mapping of political fiefs, because the northern population is smaller than the population of the south and we must recognise that the vote in Congo – but also in most of African countries – is not based on the programs or social projects of parties, but rather on tribal and ethnic affiliation.

XI PROCUREMENT AND ELECTION ADMINISTRATION

In Congo-Brazzaville, it is the Ministry of the Interior that is in charge of procurement and election administration according to Article 16 paragraph 2 of the Electoral Act 2001. Section 152 of the Electoral Act provides that: « After each election, the electoral lists, other related documents, electoral materials and other resources needed for elections are kept by the Minister of the Interior, who is the custodian. » This implies that a request for the verification of the effectiveness for the transparency of the polls by an opponent or any other person also depends on the will of a body of executive power. Consequently, if in the long run Congo-Brazza uses electronic voting, it will put an additional strain on the transparency and reliability of the polls. In addition, if the key is to ensure the opportunity for all voters to vote in decent conditions, in particular respecting the secrecy of the vote, electoral logistics in Congo-Brazzaville will require a lot of political will.

This includes electoral administration and electoral assistance. Electoral administration is based on election management and electoral logistics. Here we think of electoral logistics, which is presently characterised by a lack of planning, an appropriate choice of materials, and safety and equipment management that does not take into account cost-effectiveness in all phases of procurement.

⁵¹ Clément MIERASSA (president of the Congolese Social Democratic Party) Administrative census and electoral file, <http://www.zenga-mambu.com/doc/recensement-fichier-elecroral.pdf>

The complexity of electoral management and expertise requires that an institution or institutions be responsible for electoral activities. As an organ of the Ministry of the Interior, the election administration and the logistics attached to it are vested in the General Direction of Electoral Affairs (DGAE).

While election materials is a strategic choice for compliance with the rules of the electoral code, the ballot boxes and polling booths, electoral or regulatory panel, election materials form a wide range of products which vary according to countries.

In Congo-Brazzaville, provisions to adequately determine the quantity of essential election materials to be dispatched is not systematically or methodically done. However, election logistics also depend on the knowledge of demographics, the number of people eligible to vote and electoral mapping with all its hazards and vulnerabilities in order to comply with international and regional standards. Congo is still far away from achieving this kind of holistic planning approach based on human rights, civic and voter education.

Despite these shortcomings, the observation mission of the African Union deployed in Congo-Brazzaville released its preliminary statement on 22 March 2016, shortly after the announcement of partial results by the CNEI. Overall, the African Union, which deployed thirty observers and covered 145 polling stations, noted some advancements since previous elections such as the switch from multiple to single ballot, but believes that the acceleration of the electoral calendar has hampered the smooth electoral process.⁵²

XII CIVIC AND VOTER EDUCATION

The electoral code and other relevant texts are virtually silent on the education of citizens on election issues.

It should be noted that the lack of enthusiasm of the Congolese people to participate in the preliminary electoral operations such as the electoral census can be noticed. Since 2002, some believe that the electoral census was not conducted throughout the national territory. To this should be added the lack of motivation to establish civil status documents. All this contributes to the blocking of those who cannot register for lack of identification, which shows both a disaffection and a lack of interest of citizens in public affairs. It would be necessary to take into account, in a democratic framework and citizenship education, the ethnic reality and minorities in the electoral process. Indeed, democracy requires, in particular, the holding at regular intervals of free and transpar-

⁵² <http://www.rfi.fr/afrique/20160322-congo-brazzaville-election-presidentielle-premier-tour-resultats-denis-sas-sou-ngues> consulted on 23/03/2016.

ent elections, based on respect and exercise, without any hindrance or discrimination of the right to liberty and physical integrity of every voter and candidate.

Furthermore, some factors explain why the population does not fully take part in the democratic process, and one of these factors is ignorance about democratic rights and duties.

It is important to stress the need to inform and educate the population of their electoral rights and duties. To this end, numerous tools can be developed, for example, brochures, public information campaigns, learning groups, etc. The national media (through radio and television) and politicians (during rallies and political talks) can and should entice citizens to register on electoral lists.

In short, « For an election to be successful and democratic, voters need to understand their rights and responsibilities, and must also be well informed and educated in order to be able to fill the ballots correctly and to really participate in the electoral process. »⁵³ Of course, the failure to provide information necessary for the participation of voters in elections adequately and timeously « may, by omission, constitute an unreasonable restriction on the exercise of electoral rights ». The concept of « voter education » in Congo-Brazzaville refers to what the electoral management bodies do when informing voters on the technical aspects of an election, including registration and voting. On this point, citizens 18 years of age who vote in this country are not properly equipped to vote. Not only are they disinterested because of election rigging and the lack of preparation for them but they are also left to their own fate consisting of being forced to accept political speeches rather than appraising and supporting social projects.

The concept of "civic education", which often has a broader meaning, must aim at improving knowledge of the population regarding the principles and characteristics of government – its political system, for example. Again, much remains to be done. All in all, in the political and electoral context in Congo-Brazzaville, the purpose of civic education campaigns and voter education is not only to inform but also to encourage higher levels of engagement in elections and an increase of participation rates, although some electoral laws strictly prohibit the pursuit of such objectives. In Congo, it is essential that civic education campaigns and voter education respect the principles of objectivity, transparency, equality, pluralism and neutrality of the electoral authorities. A strong voter education program is essential to ensure the free participation of eligible voters voting at elections held in due form. This initiative « is most effective when it is linked to an education program that puts the election in context to the benefit of voters and gives an explanation of the purpose of the elections, issues related to them and their meaning. » The main channel through which civic education is expressed is

⁵³ UNO, Women and Elections.

the school system that prepares young people well before the voting age by teaching them concepts that gain significance when they later actually vote. Congo-Brazzaville does not yet have this kind of program in practice. However, when the election management bodies are given a role increasingly important in civic and voter education in Congo-Brazzaville, it is of course essential that adequate funding is provided so that the activities offered meet the needs and be maintained over the years for the nomination of candidates, because each nation must have the elected people it deserves via its level of voter education.⁵⁴

XIII CANDIDATE NOMINATION

The procedure of nomination of a candidate of a political party in an election is not provided by law, apart from the formal requirements that each candidate must complete in order to participate in an election. Therefore, the primary as a nomination mode does not yet form part of the practices of Congolese political parties.

Regarding specific provisions for women's participation in elections by the parties, there is at present no obligation related either to parity or even to positive discrimination in favour of women. However, Article 111 of the 2015 constitution states: "Candidates for parliamentary or senatorial elections are presented by political parties or political groupings. They can also stand as independent candidates." Section 132 of the 2015 constitution stipulates that: "Candidates for election to the National Assembly must: be of Congolese nationality; at least eighteen (18) years of age; reside in the country at the time of nomination; enjoy all their civil and political rights; and not have been convicted of crimes or voluntary offences. Section 137 of the 2015 constitution states: "The candidates for the senate must: be of Congolese nationality; at least forty-five (45) years of age; reside in the country at the time of nomination; enjoy all their civil and political rights; not have been convicted of crimes or voluntary offences". It should be noted that Article 56 derives from eligibility and incompatibility conditions. Section 56 of the Electoral Act excludes persons convicted of crimes, who are then ineligible. Section 57 of the Electoral Act excludes, for its part, some incumbent civil servants and section 58 of the same Act mentions incompatibility with parliamentary mandates. According to Article 64 of the 2001 Act: « The nomination is made in four copies and deposited at the Ministry of the Interior which addresses two copies to the national commission organising elections. A receipt attesting to the candidate nomination is issued. » Election campaigns are also supervised by the 2001 Electoral Act and the 2013 constitution.

⁵⁴ Elections Canada, « The impact of civic education on electoral participation. » Website of the Canadian Week of Democracy 2012.

XIV ELECTION CAMPAIGNS

Title IV of the 2011 electoral law covers election campaigns in Congo-Brazzaville. Election campaigns in Congo since 2002 have been peaceful despite regrettable clashes and some claims. However, these clashes do not take away anything of the integrity of these elections since 2002.

However, electoral campaigns are often unbalanced in terms of financial resources and the visibility of candidates. The 2009 presidential election is a prime example, where the outgoing President of the Republic clearly had more means than his 12 opponents, judging by the publicity he had and his ability to conduct rallies throughout the country.

President Sassou Nguesso told the the IOF that it was not State funding but private funding that he used for his campaign (which included the hiring of a helicopter). Whether or not his statement is true is irrelevant, what is important to underline here, is that the existing gaps in the law on political parties (21 August 2006) and the vague rules for campaign finance challenges the fairness between candidates running in elections especially within the context of a developing country with low incomes. Regarding access to the media and the treatment of candidates, the legislation in force certainly appears relatively advanced, as was mentioned previously (it must be remembered that the liberalisation of broadcasting is only a few decades old in some of most established democracies), but again the means and implementing rules have proved inadequate.

If it must be noted that the campaign of the outgoing President of the Republic has undoubtedly received strong visibility, it is also noted that he was himself actively and personally involved in the competition at all levels: in the media and in the field; in the capital and in the provinces; in Congo and abroad, in the main countries of the Congolese diaspora destination (Congolese from abroad but not having been able to vote although their right to vote is provided for in Article 6 of the electoral law of 10 December 2001).⁵⁵ However, it must be noted that suddenly, on Sunday night, the anti-riot Congolese police dispersed, using teargas, 200 people gathered around a southern Brazzaville polling station who were insisting on entering to attend closely to the counting of ballots.⁵⁶

On the conduct of election campaigns in the Congo, a certain normative weakness appears. Section 32 of the 2001 Electoral Act provides that: « The display of any election poster of a candidate is prohibited in spaces reserved for other candidates. » In practice, however, there is a lack of monitoring and evaluation framework of this provision.

⁵⁵ Campaigns abroad allow just to be knighted by the diaspora but also for the diaspora to be able to exhort its knowledge of voting for the candidate. [unclear]

⁵⁶ <http://www.journaldebrazza.com/depeches.php?t=0> consulted on 23/03/2016.

Article 37, which prohibits any public agent from distributing, during service hours, any electoral propaganda document, is an effective normative effort but lacks efficacy. In addition, notwithstanding that the election this year 2016 took place peacefully in the capital, the cutoff of all telecommunications in the country from 20 to 21 March 2016 « for national security and safety reasons » in order to prevent the opposition from publishing « illegal performance » resulted in AFP journalists present in Brazzaville not being able to obtain information about the voting process in the country. This violates the right to information and many democratic values where transparency and credibility should fix in advance all these electoral flaws.

However, it should be noted that, in Congo, polling stations opened their doors on Sunday for the first round of presidential elections. More than 2.1 million Congolese voters are eligible to vote, in order to choose the future president of the republic among the nine candidates, including incumbent President Denis Sassou Nguesso. 5365 polling stations, 790 of which in Brazzaville, were deployed by the election administration in 111 constituencies spread across 12 departments of the Congo.⁵⁷ The election was supervised by 360 national observers and 600 international observers. All in all, without an autonomous and financially supported structure by the national budget, elections in Congo are characterised by disorder and violations of human rights, although Article 129 of the 2011 Electoral Act punishes with "a fine of 300,000 to 1,000,000 CFA:

- 1) any electoral propaganda outside the legal duration of the campaign;
- 2) the use of billboards for a purpose other than the presentation and the support of a candidate and a program;
- 3) the cession to a third party by a candidate of his display location;
- 4) the destruction of regularly affixed posters ;
- 5) the dissemination after the close of the campaign of any message of an electoral campaign nature. . "

XV ELECTION STAKEHOLDERS

In the 2002 elections, all parties except those of the presidential majority⁵⁸ had equal access to facilities and utilities for campaigns, whether meeting rooms, television shows and other forms of communication.

⁵⁷ <http://www.journaldebrazza.com/depeches.php?t=0> consulted on 22/03/2016.

⁵⁸ The ruling political party has been in place for 20 years and therefore takes full advantage of public communication facilities.

In the richness of the diversity of its components (churches, unions, associations, etc.), civil society appears to be an instrument that guarantees the strength of democracy and ensures its protection.⁵⁹ The early 1990s saw the emergence in African countries of organisations increasingly engaged in the organisation and the holding of free and transparent elections. The work of civil society organisations was marked by "an intensification of struggles and more and more violent protest against authoritarian systems (...) These movements have put on the street of capitals and major African cities new forms of mobilization and a new ideological message."⁶⁰ Indeed, thanks to remarkable pressure, unions, the media, associations of human rights have forced the political powers and African authoritarian regimes to engage in constitutional reforms in view of introducing pluralist democracy.

Today, most African regimes are experiencing a crisis of legitimacy because of irregularities that plague their elections. The experience of multiparty elections in Congo was often accompanied by protests and political violence. Congolese civil society has decided to get involved in the electoral process.

In the elections of June 2007 and July 2009, Congolese civil society has played a key role. Several organisations of civil society took part in a formal and informal manner in the 2007 election, and especially in the 2009 presidential election. The actions of this civil society can be classified into two categories: actions of information nature and those of educational nature. The most significant work done in this context has been the training of actors of the electoral process, which involved the Congolese Observatory for Human Rights (OCDH).

The Congolese civil society has also invested in civic education. Despite many years of totalitarianism that kept populations away from state affairs, and despite the low level of political culture, civic training offered by civil society players allowed citizens to understand the important role they have to play in participating in public affairs. The various associations of civil society have trained and educated citizens about their rights and duties by explaining to them the significance of elections, and of voting, voting instructions and electoral procedure.

Civil Society also has a key role to play in the observation of national elections. Indeed, on 20 February 2002, decree No. 388 was promulgated, determining the terms of citizen election observation. The latter is conducted under the authority of the National Coordination of election monitoring, which is ensured by the permanence of the General Commissioner of the Monitoring Committee of the Convention for Peace and Reconstruction. It is exercised "by delegates of the General Commission of the

⁵⁹ Albert MPAKA, *Democracy and political life in Congo-Brazzaville. Challenges and political recomposition*, op.cit., p.178

⁶⁰ Mamadou DIOUF, *Political liberations or democratic transitions: african perspectives*, CODESRIA, 1998,

Monitoring Committee of the Convention for Peace and Reconstruction of Congo, by the delegates of associations accredited by the Ministry of Interior and whose stated purpose is the observation of elections, as well as by individuals whose electoral jurisdiction is recognized."⁶¹

To illustrate this involvement in election observation, organised as part of the 2009 preparation of the 2009 presidential election, the OCDH organised an election observation mission. This mission was accredited by the Monitoring Committee of the Convention for Peace and Reconstruction of Congo by Decision No 001 / NEO / CN / ST 04 July 2009 appointing national observers of the presidential elections, polling 12 July 2009. It allowed, under the supervision of national coordination in Brazzaville, the deployment of 47 observers, 10 of whom were spread in different provinces (Impfondo, Ouesso Owando Gamboma, Nkayi, Dolisie and Pointe-Noire) and the others in Brazzaville.⁶²

After its observation mission the OCDH concluded on the presidential election of 12 July 2009, that given the low turnout, fraud and irregularities, it was neither fair nor transparent and did not express the will of the Congolese people.

XVI ELECTION DAY AND RESULTS MANAGEMENT PROCESS

Taking the example of the 2009 election, the voting took place on Sunday, July 12 from 7 am to 6 pm in more than 5,000 polling stations across the country. Without making claims of being able to make an assessment of the elections based solely on the visit of a few dozen polling stations across the capital, observation missions such as those of the Organisation of the Francophonie, the African Union or the ECCAS could however note that their impressions were largely similar to the findings of national observers.

It must also be stressed that, according to the wish of the authorities and the predictions of the Minister of Territorial Administration, the voting took place on time and under conditions of calm and discipline required from the opening of polling stations to the counting phase. It is true that the day had been declared a "dead city"; driving was forbidden to any vehicle not equipped with a special authorisation. Nevertheless, like the mission of the OIF, accredited international and national observers did not discern signs of strain, coercion, manipulation, intimidation, protest and, more generally, disorganisation.

Of course, the conditions of polling stations were generally basic but without prejudice to the welcoming of the voter, to the necessary checks and the secrecy of the vote.

⁶¹ See. article 5 de l'Arrêté n°388 déterminant les modalités de l'observation nationale des élections.

⁶² See. OCDH report, «Presidential election of 12 July 2009 : very low turnout», www.fidh.org

This lack of comfort could on the contrary appear as further testimony to the conscience of the members of the polling stations and of the civic sense of voters, even if the context of the election probably did not fit the description of "serenity".

Similarly, the priority given to old people and the assistance provided to disabled and illiterate persons could be verified in different polling stations. Some imperfections, recognised by all, however, must be reported without the latter being seen as questioning the sincerity of the vote. It is precisely about the late opening (by one or two hours) of many polling stations, because of late delivery and installation problems of election materials; the presence of polling stations in private places, including bars; the deposit, inside the polling stations, of often important packages of non-distributed voter cards; the poor state of voting booths, forcing, in some cases, voters to vote by hiding behind a door; the low representation, inside the polling stations, of representatives of candidates or parties, apart from those of the Rally of the Presidential Majority (several candidates, however, were generally represented); and the quantity of ballots for each candidate unavailable. It should be noted that cases of voters who had difficulty identifying their polling station or their names displayed on the voter lists were relatively limited, despite the imperfections of the lists.

XVII POST-ELECTION REFORMS

In general, practically no reforms have been made in Congo in the context of the electoral process that could be the result of the assessment or of the recommendations of international observation missions. In fact, the various reforms are rather the result of internal battles, political and social mobilisation, or sometimes uprisings; it is the case today in the context of the presidential election of 2016, for which the current president is technically not eligible under the electoral law and mainly the constitution of 2002. President Denis Sassou Nguesso should not have been eligible for election because he was elected in 2002 and re-elected in 2009. His current candidature is made possible because of the change of the Constitution of Congo-Brazzaville after a referendum boycotted by a fringe of the opposition.⁶³

Ultimately, the Republic of Congo is a state full of skills that can develop in favour of electoral transparency. However, these skills are inhibited by obstacles. Indeed, from the perspective of human rights in general and electoral fundamental rights in particular, analysing the elections of June 2007 and July 2009 in the Republic of Congo allows for a high-contrast observation. Those fundamental rights arising from international commitments made by Congo⁶⁴ are imperfectly supervised by electoral bodies and a partisan election administration.

⁶³ See <http://www.jeuneafrique.com/306062/politique/congo-brazzaville-face-a-denis-sassou-nguesso-a-presidentielle/> consulted on 14/03/2016.

⁶⁴ See Annex

Alongside the ruling hegemonic party, political opposition parties have their share of responsibility in the decrepitude of the electoral process. Inadequately structured and prepared for electoral competition, missing very often convincing political projects to animate and give substance to the electoral competition, these parties, including the PCT, MCDDI, the DRD, Club 2002 Pur, the FDC, and many others, can only use the outdated rhetoric of change, and invective, in order to fill that void. This is often a source of tension in the political climate. What seems to be important is to create minimum conditions of transparency.

For this to be done, two channels can be usefully explored: a genuine improvement of electoral law and the reconsideration of the role of the administration in the electoral process. With regard to improving the electoral law in Congo, it will necessarily involve simultaneous and effective measures on several priority fronts. First of all through a really common consensus around the framework governing elections. Open rules and rules capable of avoiding exclusion or what could be perceived as such, need to be established in order to reach conditions witnessed in countries such as Senegal, Niger, and Ghana, which are good examples of this correlation between, on the one hand, the uncontested elections and secondly, the consensus both regarding the development of the electoral code and the organisation of the election process. To do this, it is urgent for the Congolese legislator to compile legal texts into a single electoral code.

Then, in strictly legal terms, the protection of human rights in general and electoral rights in particular has to become a major concern for Congolese leaders. Because, although they are supported by international law, their protection remains essentially dependent on the will of states. It is in the light of the effective respect for human rights that the democratic nature of a regime is also appreciated.

Finally, regarding the reconsideration of the role of the administration in the electoral process, it requires the strengthening of the institution in charge of elections. This institution is to take full charge of monitoring the entire electoral process from registration on the electoral roll to vote-counting through the organisation of election campaigns. The independence of the judiciary is also essential to enable it to guarantee the rights that citizens should enjoy. More specifically the role of justice is to be able to exercise the laws independently without fear or constraint. This is what sustains the cohesion of a state as a dispenser of justice, peacekeeping and security for all.

⁵² <http://www.rfi.fr/afrique/20160322-congo-brazzaville-election-presidentielle-premier-tour-resultats-denis-sas-sou-ngues> consulted on 23/03/2016.

RECOMMENDATIONS OF VARIOUS MISSIONS IN ELECTORAL PRACTICE CONGO BRAZZA-VILLE

COUNTRY	NAME OF THE MISSION	KEY RECOMMENDATIONS	CONSIDERATION OF RECOMMENDATIONS
Congo- Brazzaville	<p>Observation Mission of the presidential election of March 10, 2002</p>	<ul style="list-style-type: none"> -Standardise, clarify and improve texts governing elections; - Implement without delay the republican institutions provided for by the Constitution; - Implement without delay the republican institutions provided for by the Constitution; - Ensure proper planning, transparency and good management of the electoral process; - Revise the electoral register; - Adopt if possible a single ballot system; - Adopt the principle of counting of voting results only in the polling stations; - Clarify the functions of MISAT and CONEL; - Strengthen the independence of CONEL; - Organise at all levels adequate training of election officials; - Engage more all political parties and the civil society in the electoral process; - Adopt a transparent system for financing political parties; - Ensure and control the dissemination of neutral and not politicised information on the various stages of the electoral process; - Take into account the fragility of national unity in the implementation of electoral boundaries 	<ul style="list-style-type: none"> - Establishment of the National Independent Electoral Commission; -- Greater openness to dialogue; - Enactment of a new electoral law 23 January 2016 amending and supplementing the earlier provisions; - Introduction of a single ballot; - Restrictive implication of CNEI in the preparation of elections; - Consideration of the need to train election officials and civic education agents in the new electoral law; - Restrictive Integration of the opposition in the office of CNEI; - A more inclusive composition of the polling stations; - Counting of votes at the polling station only;

COUNTRY	NAME OF THE MISSION	KEY RECOMMENDATIONS	CONSIDERATION OF RECOMMENDATIONS
<p>Congo- Brazzaville</p>	<p>Observation Mission of parliamentary elections of May and June 2002</p>	<ul style="list-style-type: none"> - Standardise and clarify texts governing elections; - Revise the electoral register; - Organise at all levels the training of election officers; - Engage more all political parties and the civil society in the electoral process; - Put in place without delay the republican institutions provided for by the Constitution; - Adopt a transparent system of financing political parties; - Organise elections in areas where they could not be held because of the fragility of national unity. 	
	<p>OIF Mission for the organisation of presidential elections on July 12, 2009</p>	<ul style="list-style-type: none"> - Consolidate the texts and institutions in electoral matters; - Set up an independent electoral commission; - Implement the national legislation on freedom, pluralism and media regulation; - Develop legislation guaranteeing the independence and functioning of political parties of the opposition; - promote and ensure the participation of political actors and national institutions in the activities of consolidation of democracy, human rights and the rule of law. 	

COUNTRY	NAME OF THE MISSION	KEY RECOMMENDATIONS	CONSIDERATION OF RECOMMENDATIONS
Congo- Brazzaville	<p>Electoral Observation Mission of the Pan-African Institute for Electoral Assistance parliamentary elections in December 2012</p>	<ul style="list-style-type: none"> - Strengthen the human, financial and material capacities of the electoral process management bodies; - Strengthen the capacity of CONEL; - Organise a consultation with the different actors of the electoral process, including observation missions accredited; - Revise the electoral register based on biometric system; - Organise at all levels the training of election officers; - Raise awareness for a massive and peaceful participation in the elections; - Publish lists and individually distribute electoral cards well in advance; - Establish a single ballot; - Ensure the revision and implementation of electoral laws; - Set up an evaluation commission reports of election observation missions; - Ensure equitable distribution of broadcasting time different candidates; - Organise a training session on drafting and filing of applications to the Constitutional Court - Ensure women's participation in political life and the organisation of the electoral process; - Become more involved in the organisation and peaceful participation in elections (political parties and civil society); 	

COUNTRY	NAME OF THE MISSION	KEY RECOMMENDATIONS	CONSIDERATION OF RECOMMENDATIONS
Congo- Brazzaville	<p>AU Observation Mission for the 1st round of the presidential election of March 20, 2016</p>	<ul style="list-style-type: none"> - Use proper legal channels for electoral contestation; - Continue the inclusive dialogue between the various stakeholders; - Continue institutional reforms; - Consider the effective implementation of the biometric system; - Encourage the exclusive management of all phases of the electoral process by an independent institution; - Make public financing of political parties effective; - Minimise restrictions of freedoms; - Ensure proper planning, transparency and good management of the electoral process; - Improve the quality and distribution of voter cards; - Intensify the actions of civic and voter education, particularly in rural areas; - Improve the participation of women in political life; - Ensure the strengthening of electoral staff capacity in all stages of the vote; - Insert in political strategies and ensure proper training of election officials; - Help raise awareness and civic education of populations - Preserve a climate of peace. 	