



Security Council

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Letter dated 20 December 2018 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to inform the Security Council that the Independent National Electoral Commission of the Democratic Republic of the Congo remains determined, following the destruction of the stock of electoral materials in a fire that broke out in its warehouse in Kinshasa on 13 December 2018, to ensure that the electoral process is completed.

In response to the situation, the Electoral Commission has taken steps to replace the material affected by the fire. It is in this context that the voting machines that made up the buffer stock sent to the provinces have been brought back to Kinshasa and will be used alongside the machines that were not damaged by the fire.

Given that the stock did not include ballot papers, it has been necessary to order them from the supplier in South Korea. Out of the five million ballot papers ordered, one million arrived in Kinshasa on 19 December 2018 and the remaining batch is expected to arrive on 22 December. In addition, the machines from the buffer stock need to be configured and initialized to accept the new ballot papers and make them compatible with the requirements for the districts of Kinshasa. This operation will take at least 60 hours to complete, which means that the machines will not be ready until 26 December 2018.

Faced with this technical situation, the Independent National Electoral Commission had two options:

- (a) To organize elections in the rest of the country on 23 December, without including the city-province of Kinshasa where elections would to be held seven days later, on 30 December 2018;
- (b) To organize elections throughout the country on the same day, which would mean postponing the elections until 30 December 2018.

In arriving at this decision, the Commission held consultations with all stakeholders, including the institutions of the Republic, political party leaders, religious leaders, representatives of the international community and, in particular, the presidential candidates.

Taking into account the constructive contributions of stakeholders and the fact that direct general elections could not be held without the inclusion of the city-province of Kinshasa, the second option has prevailed. The Election Act, in its article 52, paragraph 2, stipulates that direct elections must be held on a Sunday or a



public holiday, and in order to comply with this legal provision, the Commission has set the date of the elections as 30 December 2018.

For ease of reference, I am forwarding to you, in the annex hereto, a press briefing on the subject issued by the President of the Electoral Commission and the decision amending the election date (see annexes I and II).

My Government would be grateful if you would have the present letter and its annexes circulated as a document of the Security Council.

(Signed) Ignace **Gata Mavita**
Ambassador
Permanent Representative

Annex I to the letter dated 20 December 2018 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Independent National Electoral Commission

Press conference of the President of the Independent National Electoral Commission

Ladies and gentlemen,

Dear friends of the press,

I know that our fellow citizens are eagerly awaiting this press briefing. I can reassure them from the outset that I will not say anything that would compromise the democratic development in which we are all engaged.

I would like to point out that the electoral process is moving ahead and we have indeed begun the final phase of the presidential and national and provincial legislative elections.

Before I continue, I would like to thank, on behalf of the Plenary of the Independent National Electoral Commission, all the stakeholders who have contributed to bringing the electoral process in our country to where it is today.

I am grateful to the members of the press, whose role in delivering true and authentic information in a world flooded with fake news has been highly appreciated.

I would also like to express gratitude to our fellow voters who have not only made an active effort to register to vote, but have also remained mobilized to exercise their right to vote and thereby determine the future of our country.

Also worthy of mention are the candidates who have not only taken the plunge, but have also demonstrated, through their commitment to the current electoral campaign, their support for the successful conclusion of this electoral process.

To that end, we call on all parties to remain calm and to avoid any possible misunderstanding with regard to how the communications of the Commission may be perceived.

With this in mind, I will turn to the latest developments in the electoral process since my last press briefing on 13 December.

You will recall that at that press briefing, I reported on a preliminary assessment of the extent of the damage to the voting materials.

Determined to lead the process to a successful conclusion in accordance with its electoral calendar, the Independent National Electoral Commission had reassured the public, following the preliminary assessment, that the electoral process would move ahead. To that end, the Electoral Commission has taken measures to replace the materials damaged by the fire.

Thus, the machines previously assigned as buffer stock for the administrative entities have been brought back from the provinces to Kinshasa and will be added to the 2,676 voting machines that escaped the fire.

But this does not entirely solve the problem!

The buffer stock did not include any ballot papers. It has therefore been necessary to order them from the supplier in South Korea.

A total of 5 million ballot papers have been ordered, of which a first batch of 1 million arrived in Kinshasa on Wednesday, 19 December 2018, while the last batch is expected to arrive on the evening of Saturday, 22 December 2018.

The voting machines from the buffer stock need to be both configured and initialized for use with the new printed ballots so that they are compatible with the requirements for the districts of Kinshasa. The operation will take at least 60 hours to complete, which means that the voting machines will not be ready before 26 December 2018.

Faced with this technical impasse, the Electoral Commission was left with two options:

1. Organize elections in the rest of the country on 23 December and hold the election in Kinshasa seven days later, on 30 December 2018;
2. Postpone the date of the elections for the entire country to 30 December 2018.

To reach a decision, the Commission held consultations with all stakeholders, including the institutions of the Republic, political party leaders, religious leaders, representatives of the international community and, in particular, the presidential candidates.

On the basis of the constructive contributions of stakeholders and given that direct general elections could not be held without the inclusion of the city-province of Kinshasa and its voters, the second option, of including Kinshasa, has prevailed over the first option to exclude it.

Article 52, paragraph 2, of the Election Act requires that direct elections be held on a Sunday or a public holiday.

We therefore announce that the direct presidential and national and provincial legislative elections will be held on 30 December 2018.

The necessary adjustments resulting from this postponement will be the subject of a subsequent decision to be announced tonight.

This is my communication for today. I am ready to answer any questions you may have.

Thank you.

Done at Kinshasa, on 20 December 2018

(Signed) Corneille **Nangaa Yobeluo**

Annex II to the letter dated 20 December 2018 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Independent National Electoral Commission

Decision No. 050/CENI/BUR/18 of 20 December 2018 amending the calendar for the presidential, legislative and provincial elections as published by decision No. 065/CENI/BUR/17 of 5 November 2017

The Bureau,

Having regard to the Constitution of the Democratic Republic of the Congo of 18 February 2006, as presently amended, in particular article 211;

Having regard to Organic Act No. 13/012 of 19 April 2013 amending and supplementing Act No. 10/013 of 28 July 2010 on the organization and functioning of the Independent National Electoral Commission, in particular articles 9, points 1 and 5, 23 novies, paragraph 2, and 24 ter;

Having regard to Act No. 06/006 of 9 March 2006 on the organization of presidential, legislative, provincial, urban, municipal and local elections, as amended and supplemented to date, especially articles 2 and 52;

Having regard to Act No. 18/005 of 8 May 2018 on the distribution of seats by electoral district for legislative, provincial, municipal and local elections;

Having regard to National Assembly resolution No. 004/CAB/P/AN/AM/2013 of 7 June 2013 confirming the appointment of the members of the Independent National Electoral Commission;

Having regard to National Assembly resolutions No. 002/CAB/P/AN/AM/2015 of 9 November 2015 and No. 003/CAB/P/AN/AM/2015 of 16 November 2015 endorsing members of the Bureau, namely the President, Vice-President and Quaestor of the Independent National Electoral Commission;

Having regard to National Assembly resolution No. 002/CAB/P/AN/2017 of 15 June 2017 endorsing members of the Bureau, namely the Quaestor and Deputy Quaestor of the Independent National Electoral Commission;

Having regard to order No. 13/058 of 12 June 2013 on the investiture of the members of the Independent National Electoral Commission;

Having regard to order No. 15/083 of 16 November 2015 on the investiture of three members of the Independent National Electoral Commission;

Having regard to order No. 17/023 of 24 June 2017 on the investiture of two members of the Independent National Electoral Commission;

Having regard to the rules of procedure of the Independent National Electoral Commission, insofar as they have been declared consistent with the Constitution, in particular article 60 thereof, by the Supreme Court of Justice, acting as the Constitutional Court in its ruling R.CONST.267/TSR of 6 December 2013;

Having regard to decision No. 001BIS/CENI/BUR/18 of 19 February 2018 on measures for the implementation of Act No. 06/006 of 9 March 2006 on the organization of presidential, legislative, provincial, urban, municipal and local elections, as amended and supplemented to date;

Having regard to decision No. 065/CENI/BUR/17 of 5 November 2017 on the publication of the presidential, legislative, provincial, urban, municipal and local electoral calendar;

Considering the exceptional circumstances constituting a case of force majeure caused by the fire that broke out on 13 December 2018 in the central warehouse of the Independent National Electoral Commission and which destroyed the material intended for the polling and counting stations of nineteen (19) of the twenty-four (24) communes in the city of Kinshasa;

That to that end, the day after that unfortunate incident, the Independent National Electoral Commission undertook the recycling, repackaging and delivery of electoral materials taken from the buffer stocks of other electoral entities as well as the ordering of new ballot papers and the production and printing of other electoral documents and new electoral lists to replenish the stocks in Kinshasa;

Following consultations with the institutions of the Republic, a tripartite evaluation with the Government and the National Council for Monitoring the Agreement and the Electoral Process and consultations with all stakeholders in the process;

Having regard to necessity and the urgency of the situation,

After deliberation in the Plenary Assembly;

Hereby decides:

Article 1

The presidential and national and provincial legislative elections scheduled for 23 December 2018 have been postponed to 30 December 2018.

Article 2

All previous provisions contrary to the present decision are hereby repealed.

Article 3

The members of the Bureau, each within their area of competence, and the National Executive Secretary are responsible for enforcing this decision, which shall enter into force on the date of its signature.

Done at Kinshasa, on 20 December 2018

(Signed) Corneille Nangaa Yobeluo
