



Baroness Catherine Ashton
Vice-President of European Commission and
High Representative for Foreign Affairs and Security Policy
200, Rue de la Loi
European Commission
B-1049 Brussels

Brussels, April 04, 2011

Dear Baroness Ashton,

We would like to draw your attention to the elections in the Democratic Republic of the Congo (DRC) and the possibility of an EU Election Observation Mission there.

DRC is on the list of priority countries for 2011, following strong pressure from the then Belgian presidency both in COAFR and vis-à-vis your services. Priority countries are those for which a mission is firmly envisaged and budgeted accordingly. Unless the Exploratory Mission advises otherwise on grounds of usefulness, feasibility, or advisability, the mission is assumed to go ahead.

We, the undersigned, advise strongly against an EOM to DRC on political, methodological, resource (human and financial) and institutional grounds.

First of all, there are strong political arguments against an EOM in DRC. President Kabila has changed the constitution in the field of presidential elections. There is now only one round for that election. This measure has been widely criticized, among others by the ACP-EU Joint Parliamentary assembly, as it represents a step back in the democratization process rather than a step forward. Widespread allegations of impropriety surrounding the vote in the DRC parliament have certainly contributed to this condemnation. DRC authorities have however asked the Commission to support the polls financially and to proceed with the planning for an EOM. This would amount to an endorsement of the constitutional change, thus creating a contradiction between our political position concerning the constitutional change and our subsequent behaviour in the electoral field. The EU position would be inconsistent.

Secondly, election observation methodology dictates that election observation take place only in the context of a process of democratization. Otherwise, it would become a simplistic tool with the purpose of creating visibility for the EU or to support a government diplomatically. In your speech to the European Parliament's Election Coordination Group you committed yourself strongly to the prioritization of



democracy promotion over diplomatic considerations when engaging the Union in an election observation mission. Comparing the recommendations of the last EOM in Congo in 2006 to what has happened since; we regret that we cannot identify sufficient progress in the field of democratization to justify another EOM. Not a single recommendation has been implemented, the process of democratization has gone backward rather than forward and widespread human rights abuses are commonplace, particularly in the east of the country. In these circumstances, an EOM would in all likelihood fail to achieve the goal of promoting democracy, human rights and the rule of law. Sending it in anyway would send a negative signal with regard to our democracy agenda globally and it would lead other African states to assume that our recommendations are not to be taken seriously. The credibility of the EU is at stake.

Thirdly, the intended EOM to DRC is by far the most expensive mission foreseen in the 2011 budget. In this dangerous and very large country, simply ensuring the safety and transportation of the teams will cost enormous amounts of money and even then, there will be large areas of DRC's territory without credible observation. Still, nine million euro have been earmarked for the EOM DRC, nearly a quarter of the total annual budget of 37 million €. In view of the recent developments in North Africa it seems exceedingly unwise to put so many eggs into one basket. It is after all possible that the EU will send missions to Egypt or Tunisia, which have not yet been budgeted. These missions will increase the total cost substantially.

In addition, DRC is a French-speaking country, as is Tunisia, and the pool of professional and experienced observers with an excellent knowledge of French is finite (there were some problems already with the simultaneous missions in Guinea and Burundi; DRC and Tunisia are, respectively, much larger and much more important). The EU's democracy promotion architecture may end up unprepared in the face of the major political challenge of our day.

Lastly, there are institutional reasons that should be taken into consideration when planning the missions for 2011 and subsequent years. EOMs are part of the EU's external action; they are not a CSDP matter. In the spirit of creating a more united European external action, it is only natural that Member States be consulted on the list of priority countries. The results of that consultation should be taken seriously. Conversely, we expect the result of consultation with the European Parliament to be taken just as seriously. In the end, it is your decision alone whether to send an EOM or not. You should not allow yourself to be bound by member states' views (particularly if a post-colonial agenda is so obviously involved) over decisions that belong to the EU as such. We also agree that the results of the consultation with the European Parliament are not binding so would not expect you to follow blindly whatever advice we may choose to dispense. You chose to go ahead with the EOM to Nigeria despite our advise to the contrary, as you did with Ethiopia. If, however, there are a plethora of good and strong arguments against a mission and the European Parliament strongly advises against such a mission, if, on the other hand you have chosen to go ahead with other missions despite advise to the contrary, we must wonder whether you respect the institutional balance concerning this important instrument of external action. The institutional balance is at stake.



To sum up the effects of a decision to deploy an EOM to DRC: The EU position would be inconsistent. The credibility of the EU would be at stake. The EU's democracy promotion architecture may end up unprepared in the face of the major political challenge of our day. The institutional balance is at stake.

For all these reasons we call on you not to go ahead with the planned EOM to DRC. We are convinced the resources could be used in a more efficient and reasonable way and contribute to more promising missions in other countries.

We are determined to continue the good collaboration with both you and your services, trust you will consider our recommendations and look forward to your answer.

Yours sincerely,

Ana Maria Gomes, MEP

Alexander Graf Lambsdorff, MEP

Elmar Brok, MEP

Heidi Hautala, MEP