



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 July 2013

**15020/4/04
REV 4**

**CIVCOM 254
RELEX 559
PESC 1008
COSDP 713
JAI 478
COAFR 149**

DECLASSIFICATION

of document:	15020/3/04 REV 3 RESTREINT UE/EU RESTRICTED
dated:	1 December 2004
new status:	Public

Subject:	DRAFT CONCEPT OF OPERATIONS (CONOPS) FOR THE EU POLICE MISSION IN KINSHASA (DRC) , EUPOL KINSHASA
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DRAFT CONCEPT OF OPERATIONS

From : Committee for Civilian Aspects of Crisis Management

To : Political and Security Committee

Subject : DRAFT CONCEPT OF OPERATIONS (CONOPS) FOR THE EU POLICE
MISSION IN KINSHASA (DRC) , EUPOL KINSHASA

1. SITUATION

a. Background

The DRC (Democratic Republic of Congo) is striving slowly to recover from its war-torn past. Following the "Accord Global et Inclusif", signed in Pretoria on 16 December 2002 and the Intercongolese Dialogue, a Transitional Government, consisting of one President, four Vice-Presidents and 36 Ministers drawn from numerous political and ethnic groupings, has been established to lead the country until the elections, due to take place in June 2005.

There is a strong International Community commitment to support the peace-keeping as well as the institution-building endeavours. MONUC is assisting in security sector reform, notably by carrying out monitoring and training activities, and contributes to security arrangements in support of the

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transitional process.¹ A number of EU Member States are engaged in bilateral assistance programs to the police, as are several third states.

However, the security situation remains highly volatile, including in the capital Kinshasa. The reform of the security sector (police, army) has not yet started and several armed factions are still active, especially in the East of the country. A number of crises have jeopardised the political process and the stability in the country since the inception of the Transitional Government.

The Congolese National Police (PNC) is not at present in a position to maintain law and order in DRC. The PNC, which is thought to number some 80,000 to 90,000 personnel, suffers from a large number of flaws and shortcomings, even though a positive step was taken when the warring factions agreed that their respective police components be merged into the National Police.

On 20 October 2003, the government of DRC addressed an official request to the SG/HR for European Union assistance in setting up the IPU, which has the mandate to protect the DRC transitional institutions. In response to this, the EU has subsequently committed support to the IPU with training, equipment and monitoring, mentoring and advising:

- the EDF has funded the rehabilitation and refurbishment of a training centre and the training of IPU staff. The EDF project is expected to come to an end in February 2005;
- in addition to the EDF funded activities and in accordance with the Joint Action 2004/494/CFSP of 17 May 2004, the EU and its Member States committed themselves to provide the DRC government with the law-enforcement equipment, arms and ammunition identified as necessary for the establishment of the IPU;
- with a view to monitoring, mentoring and advising the concrete implementation of the IPU's mandate after the EDF-funded training phase, the Council on 22 November 2004 agreed to the launch of an EU police mission, in the framework of the ESDP, in support of IPU Kinshasa.

The IPU, which is expected to be fully operational by March 2005, should be a reliable asset for the Congolese authorities by providing security to the Transitional Government and possibly by helping to maintain stability in Kinshasa and by contributing to creating a safe environment during the elections. Afterwards, the inter-factional IPU could be used as a model in the future restructuring of

¹ United Nations Organization Mission in the Democratic Republic of the Congo

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the PNC.

The EU police mission, which will deploy in Kinshasa, underscores the EU's strong political commitment, both to the Congolese Authorities and to MONUC, in spite of its limited scope in terms of the area where it will take place, its goals and the timeline set for the Mission.

b. Political Objectives for the European Union

A strong commitment of the International Community in DRC is necessary to contribute to building a secure, self-sustaining democracy in DRC. The United Nations Security Council has the primary responsibility for the maintenance of international peace and security, but the European Union as a global player should contribute to preserving peace and strengthen international security.

Long and Medium term objectives

- To support peace and security in Africa as part of a coherent EU policy towards Africa, in which ESDP activities and the Peace Facility are combined with other instruments of the Common Foreign and Security Policy and the Cotonou Agreement and with bilateral actions by Member States. To contribute, as part of the wider international effort, to the establishment of a well-governed democratic state in DRC and a rule of law based international order. To contribute, in co-operation and co-ordination with the international community effort, to the organization of elections in accordance with international standards in order to provide DRC with a democratically elected government.

Short term objectives

- To contribute towards putting in place confidence-building measures that make possible the process of transition to a democratically elected government.
- To support security sector reform and to contribute to the process of the consolidation of internal security in the DRC, which is an essential factor for the peace process and the development of the country, through assistance to the setting up of an Integrated Police Unit (IPU) in Kinshasa.

c. Political limitations and assumptions

1) The EU police mission will need the clear support and strong commitment of the Local Authorities in facilitating the achievement of the Mission objectives and in doing so to foster the principle of local ownership. This commitment should be clearly set out in a political declaration by

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the Congolese authorities. Close co-ordination with, and information to, other relevant local actors must be ensured to guarantee their support.

2) The success of the EU police mission will significantly depend on the Transitional Authorities' commitment to deliver on their pledge to support the establishment and proper functioning of the IPU, in particular with respect to salaries and operational running costs, including provisions for the accommodation of the police officers of the IPU. Commitment at the highest level should be secured from the Transitional Authorities: firstly, to support the envisaged EC-funded refurbishment of the IPU compound in order to accommodate the personnel as quickly as possible; and secondly, to fulfil their agreement to the co-location of the Mission members within the IPU chain of command and the payment of the salaries of the IPU. The implementation of these commitments should be verified on the ground.

3) The prevailing instability in the region is highly likely to have an impact upon the situation in the DRC and particularly in Kinshasa. The potential for crisis in the area will have to be closely followed by the EU police mission and the risk assessment of the SITCEN updated accordingly, as any such crisis can be expected to raise the level of threat towards the Transitional Authorities and can jeopardise the transition process and the IPU itself.

4) The EU police mission will have to co-ordinate closely with the main international stakeholders which have some interest and activities in the policing area, notably MONUC, which plays the role of overall co-ordination in Security Sector Reform (SSR).

5) At this point in time international observers highlight difficulties which could delay the electoral process.

6) As a result, the duration of the Mission mandate, which is closely tied to the election timetable, is still subject to a degree of uncertainty.

7) During the course of the Mission the involvement and political support of the Member States will be indispensable towards achieving the goals of the EU police mission in Kinshasa.

2. MISSION

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a. Mission statement

The EU police mission in Kinshasa will monitor, mentor, and advise the setting up and the initial running of the IPU in order to ensure that the IPU acts in accordance with the training received in the Academy Centre and according to international best practices in this field. These actions should be focused on the IPU chain of command to enhance the management capability of the IPU and to monitor, mentor, and advise the operational Units in the execution of its tasks.

b. Desired End State

The IPU performing its tasks according to international best practices without any further need for external monitoring and mentoring presence on a sustainable basis and appropriately integrated into the reformed Congolese National Police.

c. Duration

The Mission is intended to monitor, mentor and advise the IPU during the transition process until the holding of the elections (scheduled in June 2005), and a period of consolidation after the elections (estimated at three months). Due to the uncertainty over the date of elections with a likely delay of at least three months, the estimated duration of the EU police mission in Kinshasa will be until the end of the year 2005.

3. EXECUTION

a. Planning assumptions

- 1) The aim is to start the deployment of the Mission in Kinshasa in early January 2005. This starting date is based on the following assumptions:
 - The IPU second promotion will finish its training by the end of December 2004. Therefore two promotions (two-thirds of the IPU) will be ready by 1 January 2005 to start carrying out operational tasks.
 - The most important part of the IPU's equipment will be in Kinshasa ready to be used by the operational Units.
 - The expectations of MONUC is that the IPU will start by the beginning of January 2005 to take over incrementally the responsibility of the 'Neutral Force' in providing security to the Transitional Authorities.
 - The IPU HQ and accommodation facilities are available and the payment of salaries and running costs are assured.

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- 2) As the time-frame for planning is very short, procedures should be streamlined to facilitate the launch of the Mission. Given the usually protracted process to reach an agreement with the Congolese Transitional Authorities, an appropriate SOFA should be promptly addressed.
- 3) The Congolese commitment to the project is key to the successful implementation of the EU police mission in Kinshasa.
- 4) The EU police mission will be a follow-on Mission to the EC-sponsored training and equipment programme of the IPU. The IPU is expected to be fully deployed in March 2005, as the training of the last promotion will be nearing completion by late February 2005.
- 5) The members of the IPU will not be deployed to carry out operational tasks until its members have been fully equipped and trained in the use of equipment.
- 6) The EU police mission in Kinshasa will not have executive powers. The members of the EU police mission shall be allowed to have recourse to arms for self-defence, subject to a decision by the Head of Mission according to modalities to be defined and developed in the OPLAN. The possibility for the Mission members to bear arms shall have the agreement of the Congolese Government.
- 7) Acceding States will be invited and Candidate and other Third States may be invited to contribute as appropriate.
- 8) All Mission members will meet the relevant job descriptions in full and be professionally qualified.
- 9) The Commission will make available appropriate resources from the CFSP budget, as outlined in the Joint Action on the EU police mission in Kinshasa.¹
- 10) The strategic framework for public information activities will be defined in accordance with the principles outlined in the relevant documents and will aim at enhancing the perception of the objectives and thereby strengthening the role of the EU police mission.

b. Mission's analysis

➤ Guidance to the Police Head of Mission (Pol HoM)

See Annex A

➤ Constraints and restraints

The main issues that could affect the implementation of the Mission are as follows:

1. The possible resumption of the conflict in Eastern Congo, a political crisis or the ongoing power struggle between the still divided factions could seriously put at risk the development of the EU police mission in Kinshasa and lead to the break-up of the IPU;

¹ Joint Action 2004/@@@/CFSP, of @@ December 2004. [Doc. 15018/2/04 REV 2]

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2. The possible lack of interest or political will on the part of the Transitional Government to support the IPU project;
3. The attempt by Congolese decision-makers to use the IPU as a private tool, once this police force has proved efficient;
4. The still prevailing parallel structures at the political and military level which could undermine the EU police mission members' endeavours to advise and mentor the IPU official chain of command;
5. The possible clash between the presidential guard and the IPU when carrying out its duties of protection of the Transitional Authorities;
6. Failure properly to pay (including accommodation) the IPU members will prompt demoralisation and corrupt practices, as is currently the case within the PNC.
7. The delay in the refurbishment of the IPU operational base and the delay in the availability of the IPU equipment;
8. The delay in the setting up of the EU police mission in Kinshasa causing a gap with the EDF project;
9. Lack of appropriate candidates offered by Contributing Countries to staff the Mission adequately.

➤ Risk assessment

1. A large number of domestic problems affect the security and stability situation in the DRC. The basic instability is assessed as likely to continue until the elections are held and probably even longer than that;
2. A delay in holding the elections could trigger violent protests against the government throughout the country;
3. Turmoil and crises that happen in the countryside have a direct and rapid impact on the security situation in the capital, as shown during the June 2004 unrest. As a result, there is real potential for mob violence and riots can erupt at any given time which might target the international presence in particular;
4. Widespread criminality in Kinshasa is the main security problem, which could potentially affect the freedom of movement of the ESDP Mission members;
5. Indirect risks deriving from the monitoring of close protection activities by monitors in a tense environment should not be ruled out.
6. The risk assessment will be continuously updated in parallel to the development of plans.

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➤ Security

1. Prior to the deployment of personnel, the Pol HoM for the EU police mission in Kinshasa will ensure that arrangements for the security of the Mission members, including emergency evacuation plans, are in place.
2. Following deployment, the presence of EU police mission members on the ground will be decided by the Pol HoM in the light of the latest risk assessment.
3. Security steps have to be closely co-ordinated with MONUC, as the host country is not in a position to assume full responsibility for the security of the EU police mission in Kinshasa. In this respect, MONUC is the only international entity that could ensure the extraction of the EU police mission staff. The EU will seek an agreement to this effect with the UN as soon as possible.
4. Police officers seconded by Contributing States will have the possibility of carrying side arms for self-defence. The Pol HoM will assess the need according to the security situation and authorise their use. Conditions for possible use of side arms will be detailed in the OPLAN.

c. Planning Intent

➤ Objectives for the EU police mission in Kinshasa

The EU police mission should aim at the following objectives in order that the chain of command exercises an appropriate management of the IPU, and the operational units reach an appropriate standard level in accomplishing the operational tasks assigned to the IPU:

- 1) A smooth and seamless transition to take over the responsibilities of the 'Neutral Force' regarding the security of the Transitional Government is ensured.
- 2) The link between the IPU and the Congolese Ministry of Interior, in particular with the Police Inspectorate General, is ensured. In this context, a plan for the future of the IPU after the transition period should be carefully developed.
- 3) The chain of command is able to prepare and implement the planning for the different areas of action, including contingency planning.
- 4) Operational procedures for the different tasks of the IPU are in place, including the procedures for the setting up of an appropriate operations room.
- 5) A mechanism for collecting and analysing relevant information is in place.
- 6) A functional administrative, logistics and personnel management system is in place.
- 7) The IPU is suitably equipped and this equipment is maintained and used properly for the accomplishment of the IPU tasks.

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- 8) The cohesion and team spirit is maintained within the different levels of the IPU. The integration of the various factions is achieved and the IPU is free of political interference.

➤ **Conduct of operations**

The Mission will be an autonomous, EU-led operation but acting in full consistency with MONUC and the other main international players to fit the IPU into the PNC activities in Kinshasa. Liaison, co-ordination and co-operation mechanisms will therefore have to be put in place. The structure of the EU police mission is designed to assist the IPU chain of command in some core functions, namely the leadership role and the planning and development function, in monitoring the implementation of the IPU tasks in the field and in working out a co-ordination mechanism with key local and international policing-related actors. To this end, the Mission will be conducted following the principle of co-location of international police and civilian experts alongside the IPU chain of command to enhance its managerial and operational capacities.

This concept should allow the Mission to:

- 1) maintain an intensive presence and contact with appropriate IPU chain of command levels.
- 2) follow-up the tasks performed by the operational units, including the monitoring and mentoring on the ground on a selective basis.
- 3) have unrestricted access to all departments within the IPU structure.
- 4) follow up the training programme for the IPU units in reserve.
- 5) ensure that the IPU will be an integral part of the PNC and will operate jointly with the other law enforcement agencies.

UNSC Resolution 1325 on women and peace and security, and UNSC Resolution 1539 on children and armed conflict should be taken into account.

➤ **Timing**

The EU police mission in Kinshasa will consist of four phases:

- 1) The planning phase, already ongoing in Brussels until the start of the Mission in Kinshasa scheduled for early January 2005.
- 2) The build-up phase, taking place until March 2005, intended to ensure a smooth take-over from MONUC ("the Neutral Force") which is currently performing the IPU missions until such time as the IPU is fully operational.
- 3) The development phase, until the end of the election period, aimed at achieving the Mission

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objectives.

4) The exit phase, assessed at three months after the elections, aimed at consolidating achievements and promoting the IPU as a policing model for the expected restructuring of the PNC.

➤ **Structure**

See organisation chart in Annex C

➤ **Co-ordination requirements**

1) EU SPECIAL REPRESENTATIVE. The EUSR shall ensure co-ordination with other EU actors as well as relations with host authorities.

2) EUROPEAN COMMISSION. The Mission will seek coherence and co-ordination with the EC, notably with regard to policing-related activities drawing on relevant experience. The inter-pillar co-ordination should be ensured both in Brussels and in the mission area.

3) LOCAL AUTHORITIES. An adequate mechanism for co-ordination and co-operation with the DRC Authorities will be established from the planning phase to ensure their involvement in facilitating the development of the Mission, and in doing so to promote the principle of local ownership.

4) MONUC. Close co-ordination between the Mission and MONUC through the possible exchange of liaison officers is critical, notably with respect to possible evacuation/extraction, information sharing and regional security issues.

5) OTHER. Close co-operation with other relevant International actors should be explored, including Member States Diplomatic Missions.

4. SERVICE SUPPORT

a. Legal aspects

1) 1) A SOFA will be concluded with the DRC Authorities (inter alia to deal with issues such as immunity and privileges of the EU police mission personnel);

2) 2) Appropriate arrangements will be concluded by the Pol HoM with the concerned administrative authorities in the DRC, notably to set out the co-ordination mechanism with the Interior Ministry and the Directorate of the Congolese National Police.

3) 3) Arrangements with MONUC and other International partners, where appropriate, will be concluded covering aspects of the implementation of the Mission;

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- 4) Procedures for settling disputes with Contributing States in connection with personnel injury or material damage will be set out.

b. Logistics concept and administration

- 1) Logistic support will be carried out in the most cost-effective and timely manner and will include the use of local resources.
- 2) The Pol HoM will be provided with the necessary financial resources in a timely manner and will be responsible for the financial aspects of the Mission in accordance with the European Community rules and procedures applicable to the budget.
- 3) Member States will deploy and re-deploy their personnel individually and shall bear the costs related to the police officers seconded by them, including salaries, medical coverage and travel expenses to and from the host country, except per diem and housing allowances which will be paid out of the CFSP budget.
- 4) The EU police mission in Kinshasa is a “no family” mission.
- 5) For security reasons the private accommodation of the international members of the EU police mission can be restricted to areas and locations designated by the Pol HoM.
- 6) Support from the EC Delegation should be sought, in particular during the set up of the mission.

c. Movements concept

- 1) For operational reasons movements during the Mission will be decided by the Pol HoM.
- 2) For security reasons, movements of personnel in Theatre will be decided by the Pol HoM, will generally be limited to the essential and will take into account the very often disregarded traffic regulations and very bad road conditions.

d. Medical support concept

This critical aspect for a police mission taking place in Africa where health hazards are numerous will be dealt with in the OPLAN. Medical assistance including MEDEVAC will be co-ordinated with MONUC and/or Member States present in the DRC.

Nevertheless, the following aspects should be considered during the planning:

- The health and medical support must take into consideration that adequate and reliable Host Nation Support (HNS) is hardly available in Kinshasa and if available, in private clinics with primary care and limited surgical capacity. Local ambulance services are not available and

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should be co-ordinated with MONUC.

- Although the responsibility for health and medical care and support rests with the sending state, Aeromedical evacuation (AE) should be explored as AE is an indispensable part for medical treatment according to European standards. The costs can be covered by the High Risk insurance.
- As the overall epidemiological situation pose a high risk to deployed personnel, special emphasis must be put on preventive medicine. Preventive medical precautions are the responsibility of individual states, nevertheless considering the specific situation a preventive medicine and HIV course will be given to each Mission member by MONUC.

5. COMMAND AND SIGNAL

a. Command and Control (C2) concept

➤ Command structure

The structure of the EU police mission in Kinshasa shall have a unified chain of command:

- The European Union Special Representative (EUSR) shall report to the Council through the SG/HR,
- The Political and Security Committee (PSC) shall provide the political control and strategic direction,
- The Pol HoM shall lead the Mission and assume its day-to-day management,
- The Pol HoM shall report to the SG/HR through the EUSR,
- The SG/HR shall give guidance to the Pol HoM through the EUSR.

The EUSR shall provide local political guidance to the Police Head of Mission. The EUSR shall ensure co-ordination with other EU actors as well as relations with host party authorities.

➤ Command positions

For the specific purpose of this operation:

- 1) All members of the EU police mission in Kinshasa remain under the full command of their national authorities
- 2) National authorities will transfer Operational Control (OPCON) to the Pol HoM.
- 3) The Pol HoM shall be responsible for disciplinary control over the personnel. For seconded personnel, disciplinary action shall be exercised by the national authority or European Union

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Institution concerned.

- 4) Each contributing State should appoint a contact person (NCP) in the Mission.
- 5) The Police Unit within the General Secretariat of the Council will provide technical support and will be the first point of contact for the EU police mission in Kinshasa.
- 6) The PSC will be informed on a regular basis on all aspects of the Mission, including through briefings by the EUSR and the Pol HoM, if need be.
- 7) The reporting system will enhance the capability of the EU to follow and support EU police mission in Kinshasa in all its aspects. Reporting needs will be mainly dealt with through periodic reporting or in response to specific requests. (Reporting procedures in Annex C).

b. CIS concept

- 1) Appropriate and technical systems will be set in place to ensure confidentiality. Secure links shall be provided in order to exchange classified information between Brussels and the Mission through using secure GSM, FAX.
- 2) Specific rules will deal with the release of “EU classified information” to non-EU personnel, as appropriate, in accordance with the Council security regulations.
- 3) The CIS structure will provide Mission internal communication and external links to higher levels in the chain of command and to other actors in the area of operations. Communications requirements will be met primarily through the use of local GSM networks and satellite communication. A radio network will be installed as a back up for internal communication purpose.
- 4) Provisions for CIS maintenance must await an assessment of the internal and/or local maintenance expertise available and/or the availability of a service contract with the supplier.

c. Information management

- 1) Security of communications is essential. The Pol HoM shall define procedures for classification of documents within the Mission in accordance with GSC regulations.
- 2) The Pol HoM will have the possibility to release EU classified documents to that effect. Specific rules and procedures will be put in place in accordance with existing GSC security regulations. This will require a delegation from the SG/HR to the Pol HoM.

6. ANNEXES

A. Guidance to the Pol HoM

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B. Reporting and Information exchange requirements

C. Organisation Structure of the EU police mission in Kinshasa



PLANNING GUIDANCE TO THE Pol HoM

The Pol HoM is invited to pay attention to the following aspects of the Mission:

a. *“the setting up and initial running of IPU”*

The most critical phase will be the setting up of the IPU. The EU police mission in Kinshasa should assist in the establishment of the operational procedures of the Unit, the planning methodology, the management and control of the operations, including the establishment of an operations room. In addition, the EU police mission in Kinshasa will develop appropriate mechanisms to support the IPU in managing and controlling administration, logistics and personnel. This challenge will need a significant initial effort in mentoring and advising the chain of command to help them set up a Unit according to high standards.

The initial running of the Unit will have a paramount importance in terms of the image and the credibility of the IPU to the civil society and the Congolese authorities. The EU involvement in this project has raised expectations from the International Community, in particular MONUC, and the DRC authorities. A good initial performance of the Unit in carrying out its tasks will send a positive message and will increase the credibility of the EU.

b. *“the IPU acts following the training received in the Academy Centre and according to international best practices in this field”*

The EU police mission in Kinshasa should be closely co-ordinated with the EDF project in order to ensure that the IPU personnel will profit to the maximum from the training received in Kasangulu. In this context, additional training needs can be explored, in particular to increase the management capacity of the chain of command.

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In addition, the following issues should be taken into consideration:

c. *“in strong partnership with the relevant authorities”*

Responsibility for policing and for improvement in policing standards rests fully with the host country authorities. Continued frequent consultations with the host country authorities will help ensure the latter's ownership of its objectives and implementation.

d. *“within a Rule of Law perspective”*

The EU police mission in Kinshasa will play its part in the co-operation between police and all policing-related relevant actors with a view to enhancing the Rule of Law in Kinshasa.

e. *“in full co-ordination and complementarity with Community institution building”*

The EU police mission in Kinshasa will ensure a smooth transition with the EC support/commitment to the training and equipment of the IPU with a view to following up the EC commitment. EC and ESDP activities must be mutually supportive and reinforcing. Co-ordination arrangements will be implemented in Kinshasa and Brussels.

f. *“in full co-ordination and complementarity with MONUC and other bilateral programs”*

The EU police mission in Kinshasa will maintain close co-operation with relevant International Organisations and bilateral programs, in particular with MONUC, in order to ensure synergy and complementarity.

g. *“in support of IPU to enhance security aspects in Kinshasa until after the elections”*

The EU police mission in Kinshasa will develop, through monitoring, mentoring and advising the operational and managerial capacities of the Unit. The Mission will secure the involvement of the local authorities in this project and ensure DRC ownership of the IPU's role.

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ANNEX B

REPORTING AND INFORMATION EXCHANGE REQUIREMENTS

1. GUIDELINES:

- a. Contents. The specific reports for the EU police mission in Kinshasa will be precise and concise in relation to the subject matter and will contain the recommendations, comments and/or impression of the signing authority.
- b. Communication system. Reports will be forwarded by appropriate technical means to ensure secure and timely transmission. The reporting system will follow the chain of command. The adequate level of reporting to PSC shall be ensured in order to allow it to provide political control and strategic direction to the Mission. Some of the reports will be forwarded by the SG/HR to the Member States, the Commission and participating Third States through, inter alia, the PSC or CIVCOM and making due use of, inter alia the ESDP Net as far as classified documents are concerned.

2. REPORTS

The following reports are to be provided by the EU police mission in Kinshasa to the SG/HR through the EUSR.

REPORT	Frequency
COMASSESSREP (Pol HoM Assessment Report)	Monthly
SITREP (Situation Report)	Biweekly
ADMIREP (Administrative report)	Monthly
SPEREP (Special Report)	As Required

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3. INFORMATION EXCHANGE

- a. The EU police mission in Kinshasa will actively seek and exchange information with other main institutions in Theatre:
- 1) Especially, the Mission will establish a working exchange of information with MONUC regarding the security situation and the development of operations on the ground, as part of the force protection measures;
 - 2) With other main International Community organisations and bi-lateral partners, which can be valuable sources of information;

Permanent procedures for such exchange of information can be set up by the Pol HoM (Liaison Officers, joint Working Groups, etc.).

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ANNEX C

