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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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NOTE

From : General Council Secretariat
To : Committee for Civilian Aspects of Crisis Management
Subject : Draft Amendment to the EUPOL Kinshasa CONOPS (doc. 15734/1/04 REV 1 dated 15 December 2004)

The Secretariat circulates herewith a draft amendment to the EUPOL Kinshasa CONOPS which, once approved by the Council, would be attached to doc. 15734/1/04 as Annex D.

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DRAFT AMENDMENT TO THE EUPOL KINSHASA CONOPS

(doc. 15734/1/04 dated 15 December 2004)

NEW ANNEX D ON THE TEMPORARY POLICE COORDINATION SUPPORT ELEMENT WITHIN EUPOL KINSHASA

This Annex to the EUPOL Kinshasa CONOPS is only valid for the duration of the electoral process as stated in paragraph 2.b of this document. This Annex aims at outlining the specific aspects pertaining to the temporary reinforced EUPOL Kinshasa with the view to enhancing the coordination between the Congolese crowd control units in the capital during the election period.

I. SITUATION

a. Background

1. Following the UN request for EU support during the elections in the Democratic Republic of Congo (DRC), the Council has agreed on 23 March, through a concerted and focused use of EU instruments, including political, diplomatic, military, police and economic measures, in DRC and key neighboring countries, to contribute to a successful outcome of the transition period by providing assistance to MONUC's quick reaction capabilities, in addressing situations that might threaten the electoral process.

2. The SGC Options paper approved by the Council on 23 March has identified one suitable police option in support of MONUC's main focus to assist with the security and the organization of the elections in DRC, namely the temporary reinforcement of EUPOL Kinshasa in order to strengthen the coordination mechanism between the Congolese crowd control units during the elections in the capital.

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b. Electoral process in the DRC

3. After the validation by the Supreme Court of the outcome of the referendum held on 18 December 2005, the electoral law was promulgated by the President of the DRC on 9 March 2006. The first round of the general elections has been set by the Independent Electoral Commission to be 18 June, followed by the proclamation of the results at the end of July (legislative and first round of the presidential elections). Should the President not be elected in the first round by not achieving an absolute majority, the second round would normally take place within the following two months, i.e. by late September. The proclamation of the results, followed by the investiture of the President, would then take place in November. This would end the transition process.

4. Therefore, the entire electoral process (first round, second round, investiture of the President of DRC, nomination of the Prime minister and setting up of the government) could be over 6 months to terminate the transition process.

c. Police-related aspects for the security of the elections

5. By Decree no 05/026 of 6 May 2005, establishing the Operational Plan for Security of the Electoral Process, the President has entrusted the Congolese National Police (PNC) force with the following missions:

- To maintain and restore public order all over the country during the electoral process;
- To ensure the safety and security of people, facilities and equipment involved in the electoral process.

6. At national level, the central body in charge of co-ordination of security is the National Centre of Operations (CNO) under the direct command of the General Inspector who shall give orders and information to Provincial Centers of Operation (CPO)¹.

¹ From the approximately 40, 000 police available for the elections for the whole DRC, about 30, 000 will have received basic training and about 9, 000 will be put in place as mobile units in a crowd control capacity nationwide.

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7. At the capital level, the crowd control units will be placed under the direct command of the General Inspector within the National Centre of the Operations (CNO).

8. The Congolese crowd control capacities in Kinshasa for the elections period will be as follows:

- 4,500 trained and anti riot-equipped police officers, including :
- 1,000 IPU (Integrated Police Unit) police officers trained and equipped by EUPOL,
- 2,000 PIR (Police d'Intervention Rapide) trained and equipped by France;
- 1,000 PIR (Police d'Intervention Rapide) trained and equipped by Angola;
- 500 GMI (Groupe d'Intervention Mobile) being trained and equipped by South Africa;
- 200 PNC (Police Nationale Congolaise) dedicated to intelligence gathering in support of public order in Kinshasa.

9. The main Missions of these units are twofold :

- a) to secure the Transition institutions and authorities (the IPU being in the lead);
- b) to make up the crowd control component of the PNC in Kinshasa.

10. This local crowd control capacity is able to face low scale to medium scale public unrest but not large scale public disturbances involving widespread riots and looting. While the IPU AOR is limited to Kinshasa, the PIR AOR could legally be extended to the whole of the country. Some of the main problems confronting those police units are the shortcomings in command and control and communications. Those shortfalls are widely acknowledged by the main international stakeholders involved in the support to the PNC, as well as by the Congolese authorities².

11. As far as the IPU is concerned, it has been operational since June 2005 and participates in law enforcement in the capital by routinely conducting 8 to 10 patrols a day in Kinshasa. Although

² Bilateral cooperation initiatives are striving to address those shortfalls. The set up of the PNC communications network by the British and South African bilateral co-operations, as well as the set up of a Coordination Center for Operations (integrated into the CNO) by the French bilateral co-operation, should be completed, as far as possible, by the beginning of the electoral period.

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its primary mission is to secure the Transition institutions and authorities, the IPU makes up a crowd control reserve in support of the other PNC components in Kinshasa. The IPU was engaged in that public order capacity during the June and December 2005 unrest in the capital. On those two occasions, the IPU discharged its duty professionally and efficiently and according to democratic standards to be applied to public order maintenance.

d. EU political objectives in support of the transition process

12. The political objective in support of MONUC and the DRC authorities to enhance the security for the transition process would be :

- 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.
- To contribute towards putting in place confidence-building measures that make possible the process of transition to a democratically elected government.
- To contribute to the process of the consolidation of internal security in the DRC, which is an essential factor for the peaceful implementation of the election process, in particular by assisting in the coordination mechanism of the Congolese crowd control units (IPU) during the elections in Kinshasa.

13. Kinshasa is the political strategic centre of gravity for the whole electoral process, and it should be the focus of the EU police commitment in support of the MONUC request for assistance. Therefore, special emphasis will be placed on the crowd control units operating in the capital during the election process.

14. The EU commitment in terms of police support will enhance stability by :

- Contributing to improving the Congolese coordination mechanism between the local units in charge of maintaining or restoring public order in the capital;

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- Strengthening the response provided by the police in case of public disorder in the capital;

e. Political limitations and assumptions

- The agreement and the commitment of the Congolese authorities towards a larger, albeit temporary EU police engagement in the capital, will be granted.
- Close co-ordination with, and information to, other relevant local actors must be ensured to guarantee their support.
- Close liaison with MONUC and the EU Military Force in support of MONUC will be ensured.
- The duration of the Mission, which is closely tied to the election timetable, is subject to a certain degree of uncertainty. However, the temporary reinforcement of EUPOL Kinshasa will not exceed the election period in DRC.
- The involvement, contribution and political support of Member States will be indispensable to achieve success.
- There is a need for new African partners to participate in EUPOL Kinshasa.
- Additional equipment for the Congolese crowd control units will be made available as appropriate.

II. MISSION

a. Mission statement

15. To establish, as an integral part of EUPOL Kinshasa and under the overall security framework for the elections, a police co-ordination support element in order to ensure an enhanced and coordinated response of the PNC crowd control units in Kinshasa, in case of disturbances

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during the electoral period, with a particular focus on the election of the DRC president. The area of responsibility is limited to Kinshasa.

16. The police coordination support element, as part of EUPOL Kinshasa, will not have executive powers.

b. Duration

17. The deployment timeline for the coordination support element cannot be precisely set due to the uncertainty over the holding of the elections yet. However, taking into account that :

- the coordination support element should be deployed one month ahead of the first round of the elections and pulled out 15 days up to one month after the last round of the presidential elections,
- there could be one or two rounds for the presidential election,
- the deployment time is tentatively assessed at three months, from mid-May to mid-August 2006, in the best case, or at about 5 months, from mid-May to mid-October 2006, if there is a run off to the presidential election.

III. EXECUTION

a. Planning assumptions

- The temporary reinforced EUPOL Kinshasa will have the agreement of the Congolese authorities.
- The temporary reinforced EUPOL Kinshasa will be taken into account in the UN Security Council Resolution.
- The EU will have the sole authority over the mission, subject to its own rules and procedures, and its own, single chain of command.
- The Angolan and South African commitment to, and participation in the EUPOL Kinshasa mission have been secured.
- Close liaison with MONUC and the EU Military Force in support of MONUC is ensured.

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- The agreement granted by the Congolese Authorities to allow EUPOL to bear duty side arms for self defense will be extended to the coordination element. The possible recourse to arms for self defense will be subject to a decision by the Head of Mission in accordance with the modalities set out in the EUPOL Kinshasa OPLAN.
- Third States (Canada and Turkey) currently serving within the Mission may be invited to further contribute to the EUPOL Kinshasa temporary reinforcement.
- Other Third States may be invited to join the temporary reinforced EUPOL Kinshasa as well, subject to a decision by the PSC.
- All additional Mission members will meet the relevant job descriptions in full and be professionally qualified, notably taking into account skills, linguistic, expertise and service records.
- The information strategy for the temporary reinforcement and extended mission of EUPOL Kinshasa will be included in the broader EU public information campaign in support of MONUC during the elections in DRC.

b. Mission's analysis

(1) Constraints and restraints

The main issues that could affect the implementation of the EUPOL Kinshasa temporary coordination mission are as follows :

- the possible lack of interest or political will on the part of the transitional government to support the coordination project;
- the still prevailing parallel structures at the political level which could undermine the EUPOL Kinshasa efforts to coordinate the Congolese crowd control units;
- the risk of lack of cohesion of the integrated multi-factions crowd control units;
- the lack of candidates offered by Contributing Countries to increase the Mission staff.

(2) Risk assessment

In line with the risk assessment issued by SITCEN, as well as the UN mandate and MONUC's footprint in the DRC, the most likely scenario is that the electoral process will go

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well and the probability that the DRC authorities and MONUC are able to provide security for the electoral process remains high. However, it is considered that election-related unrest in both the capital Kinshasa and the provinces cannot be excluded. It is also assessed that civil unrest in the capital could be triggered by events in other parts of the country. While the stability in the east of the country is still mainly affected by active warring factions, the security issue in the capital is first and foremost a public order issue. See updated risk assessment by EU SITCEN.

(3) Security

- Prior to the deployment of reinforced personnel, the PHoM will review the current Evacuation Plan to take into account the significant number of additional police officers;
- Following deployment, the mission carried out in the field by the police officers of the coordination support element could be temporarily suspended by the PHoM in the light of the updated risk assessments and security-related developments in the capital.
- The Host country is not in a position to assume full responsibility for the security of the EU police mission in Kinshasa. Security steps and possible extraction/evacuation of EUPOL staff members will have to be closely co-ordinated with MONUC by taking advantage of the late signing of the "Technical arrangement" with the UN Mission, as well as with the potential EU military elements pre-deployed in Kinshasa.
- Police officers seconded by Contributing States will have the possibility of carrying side arms for self-defense. The PHoM will assess the need according to the security situation and authorize their use accordingly. Conditions for possible use of side arms are detailed in the OPLAN.

c. **Intent**

(1) Overall Intent

In order to ensure an enhanced and coordinated response of the Congolese crowd control capacities in case of disturbances in the capital during the electoral period, the intent is:

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- to expand the current EUPOL Kinshasa by temporarily seconding 38 additional police officers from EU MS and Third States;
- to re-shape the current EUPOL organization structure in order to integrate the co-ordination support element under the EUPOL Police head of Mission (PHoM) command and control;
- to assign a maximum of 19 police officers from the current EUPOL Kinshasa, which will form together with the 38 reinforcement, the new co-ordination support element, subject to circumstances related to the electoral process;
- to establish joint EU/South African and Angolan (and other possible Third States contributions) teams of monitors/coordinators deployed all along the Congolese crowd control chain of command in order to assist in some core functions, namely the leadership role and the planning and development function, as well as in monitoring the implementation of the crowd control tasks and operations in the field;
- to establish a cell within the EUPOL Kinshasa HQ in order to guarantee a proper follow up and analysis of the information gathered;
- to establish a police advisory cell within the CNO (Centre National des Opérations);
- to appoint liaison officers to the EU military elements of the pre-deployed Force in Kinshasa, to the CPO (Centre Provincial des Opérations) in Kinshasa, to MONUC HQ, and to the embassies as appropriate;
- to take into account UNSC Resolution 1325 on women and peace and security, and UNSC Resolution 1539 on children and armed conflict.

(2) **Desired End State**

The end of the electoral process.

(3) **Criteria for success**

- Effective and self-sustainable coordination mechanism of crowd control units in Kinshasa implemented by the PNC during the electoral process.

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d. Conduct of operations

18. The strengthening of the chain of command of the Congolese crowd control units in the capital is not intended to be a substitution mission, as the responsibility for maintaining public order in Kinshasa rests upon the Congolese forces and MONUC. The PHoM shall ensure that the coordination element will not engage in substituting the Congolese chain of command or in directing possible operations from the local crowd control capacity to confront public disorder in the capital. Therefore, the action will be focused on the Congolese chain of command of the crowd control units from within the "Centre National des Opérations" (CNO) down to the PNC crowd control organic units without substituting the Congolese crowd control commanders' responsibility. in order to enhance the management and conduct of operations' capability of the Congolese crowd control Commanders by advising and refraining the units' commanders from resorting to inappropriate use of force, as applicable.

19. The PHoM shall carry out the temporary coordination mission by merging the additional staff fully devoted to this mission with the current EUPOL Kinshasa resources (notably monitors and LO's), likely to be devoted to the temporary coordination element, without jeopardizing the Mission main endeavor in support of the IPU. The PHoM shall also ensure that the teams of monitors will be mixed to the maximum extent possible to enhance interaction and cooperation between the EU-sponsored IPU and the other bilateral projects.

20. The EUPOL Kinshasa coordination element of the Congolese crowd control units will operate in full consistency with the other PNC components in the capital, and in close interaction with MONUC, the EU Military Mission in support of MONUC as well as other main international players present in Kinshasa. Liaison, co-ordination and co-operation mechanisms will therefore have to be strengthened.

The EU police mission in Kinshasa would closely coordinate with the potential EU pre-deployed military elements in order to develop synergies, consistency and coherence between the various

security players and ESDP instruments operating during the elections. The potential EU military elements deployed in Kinshasa could provide possible additional security to EUPOL Kinshasa in accordance with their assigned tasks and capacity. Security-related intelligence likely to be

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provided to EUPOL Kinshasa by the potential EU military elements deployed in Kinshasa could allow the PHoM to adapt its security arrangements in the capital.

21. The PHoM should bear in mind that the EUPOL Kinshasa coordination element will be the first civilian ESDP Mission including African partners. This participation could set the stage for any possible future civilian ESDP mission calling upon the African partnership.

e. Key Tasks

- to assist the PNC, as appropriate, in assessing and/or fine-tuning the operation and security plan being drawn up for public order during the elections in the capital, notably focusing on the coordination mechanism between the crowd control components and taking into account the role of the other police units;
- to support and advise the Congolese planners and crowd control commanders in the planning and conduct of operations;
- to assist the Congolese planners and commanders in coordinating the operations throughout the capital;
- to monitor, whenever applicable, the operations and maneuvers by the crowd control units in the capital;
- to help ensure that the crowd control components will carry out their tasks in compliance with democratic standards, notably by resorting to proportionate use of force to maintain or restore public order, if need be;
- to contribute, by a field monitoring, to ensuring that those Congolese multiethnic capacities will maintain their cohesion and integrated structures.

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f. **Timing**

22. The mission will consist of three phases :

- 1) the deployment and induction phase will take place at least one month ahead of the 1st round of the elections, i.e. by mid-May, to get familiar with the local environment and with the Congolese counterparts;
- 2) the implementation phase of the EUPOL Kinshasa coordination mission due to cover the electoral process, from the start of the 1st round to the closure of the 2nd round of the elections;
- 3) the exit phase, assessed at about 15 days to 1 month after the end of the 2nd round of the presidential elections, to help ensure the progressive and seamless termination of the transition process.

g. **Co-ordination requirements**

- **EU SPECIAL REPRESENTATIVE.** The EUSR shall ensure co-ordination with other EU actors and the African partners, as well as relations with the Host authorities.
- **EUROPEAN COMMISSION.** The Mission will continue to seek coherence and co-ordination with the EC, notably with regard to policing-related activities. The inter-pillar co-ordination should be ensured both in Brussels and in the mission area.
- **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 commitment and support to the EU coordination project.
- **MONUC / EU pre-deployed military Force.** Close co-ordination between the Mission and MONUC, and the advance party of the EU military Force through the exchange of liaison officers is critical, notably with respect to possible evacuation/extraction, mutual support, information sharing and regional security issues.
- **OTHER.** Close co-operation with other relevant International actors will be further implemented, including Member States Diplomatic Missions.

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- AFRICAN PARTNERS. Close cooperation with the new African ESDP partners, namely South Africa and Angola, is to be established.

IV. MISSION SUPPORT

a. Legal aspects

- The Joint Action 2004/847/CFSP will be amended to take into account the EUPOL Kinshasa temporarily extended mission to the other crowd control units in Kinshasa.
- The SOFA concluded for EUPOL Kinshasa with the DRC Authorities (inter alia to deal with issues such as immunity and privileges of the EU police mission personnel) will continue to apply to new Third States participants as part of EUPOL Kinshasa.
- Appropriate arrangements will be further implemented by the PHoM with the concerned administrative authorities in the DRC, notably the co-ordination mechanism with the Interior Ministry and the General Inspectorate.
- Arrangements with MONUC, such as the Technical Arrangement covering MONUC support in the field of Evacuation, Health Care, Medical Support and Communications, as well as arrangements with other International partners, where appropriate, will be further implemented covering the coordination aspects of the EU Police Mission.

b. Logistics concept and administration

- The PHoM will be provided with the necessary additional 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.
- The coordination support element will need appropriate logistics support, notably relating to vehicles and communication assets.
- 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.
- Support from the EC Delegation should be sought, in particular during the set up of the mission.

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V. COMMAND AND SIGNAL

a. Command and Control (C2) concept

(1) Command structure

The structure of the EU reinforced police mission in Kinshasa shall retain 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 PHoM shall lead the Mission and assume its day-to-day management. He will be assisted by a deputy head of mission in charge of managing the coordination element;
- The PHoM shall report to the SG/HR through the EUSR;
- The SG/HR shall give guidance to the PHoM through the EUSR;

23. The EUSR shall provide local political guidance to the Police Head of Mission. The EUSR shall ensure co-ordination with other EU and bilateral actors, notably with our new African partners, as well as relations with Host party authorities.