



Plenary sitting

B8-1315/2016

28.11.2016

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 123(2) of the Rules of Procedure

on the situation in the Democratic Republic of the Congo
(2016/3001(RSP))

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on behalf of the GUE/NGL Group

**European Parliament resolution on the situation in the Democratic Republic of the Congo
(2016/3001(RSP))**

The European Parliament,

- having regard to its previous resolutions, particularly those of 7 October 2010, 9 July 2015 and 10 March 2016, and the resolutions of the ACP-EU Joint Parliamentary Assembly, particularly that of 15 June 2016,
- having regard to the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights,
- having regard to the Constitution of the Democratic Republic of the Congo (DRC), and in particular Article 56 thereof, which stipulates that ‘Any action, agreement, convention, arrangement or other act which has the consequence of depriving the nation, individuals or corporations of all or part of their means of subsistence drawn from their natural resources or wealth, is qualified, without prejudice to the international provisions on economic crimes, as the crime of looting punishable by law’,
- having regard to the African Charter on Human and Peoples’ Rights (ACHPR),
- having regard to the African Charter on Democracy, Elections and Governance,
- having regard to Article 3 of and Protocol II to the Geneva Conventions of 1949, which prohibit summary executions, rape, enforced recruitment and other abuses,
- having regard to the UN Convention on the Rights of the Child of 20 November 1989,
- having regard to UN Security Council Resolution 2211 (2015) of March 2015, which extended the mandate of the UN Stabilisation Mission in the DRC (Monusco) until 31 March 2016,
- having regard to the award of the 2014 Sakharov Prize to Congolese gynaecologist Dr Denis Mukwege for his struggle to protect women’s rights in the DRC,
- having regard to its position, adopted on 20 May 2015, on the certification of importers of certain minerals and metals originating in conflict-affected or high-risk areas,
- having regard to the report by UNEP (United Nations Environment Programme) of 15 April 2015 on the illegal exploitation of and trade in natural resources by organised criminal gangs,
- having regard to the Cotonou Agreement,
- having regard to Rule 123(2) of its Rules of Procedure,

- A. whereas the growth of armed factions, disorganisation and the absence of a stable State, the incapacity of the United Nations to give a consistent response to the genocide and its consequences and the complicity of countries with interests in the region, such as the United States and France, have led to a tragic situation in which hundreds of thousands – or even millions – have died since 1996, most of them civilians, mainly as a result of malnutrition, diseases and poverty following the wars in 1996 and 1998; whereas that situation is still having repercussions in the country today;
- B. whereas, according to the United Nations Children’s Fund (UNICEF), perinatal mortality fell by 30% between 2007 and 2014 – from 148 per 1 000 births in 2007 to 104 in 2014 – while mortality among young mothers fell by 35%: from 1 289 per 100 000 births in 2007 to 846 in 2014;
- C. whereas, since 2012, instability has once again been a feature of the DRC, and several thousand people have fallen victim to the consequences of that instability, such as fighting and other violence, which is most prevalent in the provinces of North Kivu and South Kivu, in the east of the country; whereas, according to the Office for the Coordination of Humanitarian Affairs (OCHA), as at 31 July 2015, nearly 1.5 million people were internally displaced, which amounts to 7% of the country’s total population; whereas more than 400 000 Congolese refugees are still living in exile; whereas refugees fleeing the serious humanitarian crisis in the Central African Republic, a neighbouring country, are arriving in the DRC;
- D. whereas among the warring parties are the Democratic Forces for the Liberation of Rwanda (Hutu militias), the RCD-Goma (Rassemblement congolais pour la démocratie: Congolese Rally for Democracy) supported by Rwanda against the government of the DRC, the Lord’s Resistance Army (LRA) born of a rebellion in Uganda, the ‘mai mai’ group in Katanga and the MPA (Mouvement populaire d'autodéfense: People’s Movement for Self-Defence); whereas, although certain factions were demobilised from 2010 and, in some cases, partially incorporated into the Congolese army (FARDC), insecurity persists; whereas the exploitation of the ‘ethnic issue’ in the region has added much fuel to the conflict and continues to divide regions;
- E. having regard to the many war crimes and crimes against humanity, the large-scale violations of human rights, the crackdown on opponents, the mass rapes of women and young girls and massive population displacements; whereas it is reported that since 1996 numbers of official victims of rape in the DRC have reached at least 200 000, and there have doubtless been many more, as many rapes are not recorded; whereas rape is a weapon of war used by all the warring parties, including the official armed forces; whereas forced recruitment, including of children, to make them combatants, is commonplace in the DRC;
- F. whereas the regular army (FARDC) is routinely accused of atrocities; whereas in October 2012 the government adopted an action plan to put an end to sexual violence, the recruitment of children and other serious violations of children’s rights by the armed forces and security forces; whereas, since then, the problems have continued and impunity remains unhindered;

- G. whereas the record of Monusco (UN Stabilisation Mission in the DRC), established in 1999, has been a total failure in that it has not improved the lot of civilians, who are severely affected by the war, and whereas its support for the national Congolese army (FARDC) has only served to encourage the latter's crimes; whereas, following the suspension in February 2015 of military cooperation between Monusco and FARDC, the United Nations decided on 2 March 2016 to resume military support to governmental forces;
- H. whereas under the terms of the Constitution, the next Presidential elections are due to be held in December 2016; whereas the Constitution of the DRC stipulates that a President may not serve more than two terms in office; whereas President Joseph Kabila was seeking to revise the electoral legislation in order to postpone the elections beyond 2016, and this led to political tension, demonstrations, outbreaks of violence and scores of deaths; whereas Joseph Kabila has decided to organise a national political dialogue which is being boycotted by part of the opposition which has made its participation absolutely conditional on a resumption of international mediation and strict respect for the Constitution;
- I. whereas a decision of 17 October 2016 putting an end to the pretence of 'political dialogue' (in which the opposition was playing no part) postponed the elections until April 2018;
- J. whereas the opposition accuses President Kabila and his government of using administrative and technical means to delay the elections and remain in power beyond the end of the constitutional term of office;
- K. whereas a number of NGOs complain that the DRC's justice system is being exploited to silence those who disagree with the idea of a third term of office for President Kabila;
- L. whereas in recent months human rights defence associations have on several occasions reported that the situation with regard to human rights and freedom of expression and assembly has deteriorated in the country, with, in particular, excessive resort to the use of force against peaceful demonstrators, political militants and human rights defenders who oppose attempts to enable President Kabila to remain in power beyond the two-term limit set by the Constitution;
- M. whereas more than 30 people are reported to have been killed during demonstrations in Kinshasa on 19 and 20 September 2016 and whereas many others have disappeared; whereas members of the LUCHA movement are still being illegally detained in Goma and whereas press offices such as those of RFI have been closed;
- N. whereas the DRC abounds in significant natural resources (gold, cassiterite, coltan, methane gas, etc.), and whereas the continued illegal exploitation of these resources, which – particularly in the east of the DRC – are still often under the control of armed paramilitary groups, is helping to finance and support conflict, and continues to breed insecurity for the region as a whole;
- O. whereas transnational companies are funding the armed conflict so that they can

continue to exploit the DRC's mineral reserves; whereas that phenomenon has been repeatedly condemned in reports published by the United Nations; whereas in April 2015 Ibrahim Thiaw, the Deputy Executive Director of the United Nations Environment Programme (UNEP), stated that the annual earnings from this exploitation of natural resources exceeded USD 1 billion and that the bulk of the profits – up to 98% – ended up in the coffers of international concerns, with the remaining 2% being used to fund armed groups in the DRC;

- P. whereas international financial institutions' structural adjustment plans have weakened the country even further, by making it into a haven from the law and a tax haven for multinationals, particularly in the mining sector; whereas the dismantling of the mainstays of the Congolese economy and the sacking of thousands of workers in accordance with the wishes of international institutions, first among them the World Bank, has deprived the population of the means of subsistence and worsened their living conditions, and also enabled the major industrial groups, which are primarily Western, to gain a monopoly over resources and control over the economy;
 - Q. whereas the price of foodstuffs has risen substantially since the start of the conflict, worsening the poverty and food insecurity which local people suffer and the instability of the region; whereas the situation is being exacerbated by the multinationals' land-grabbing in which the government is complicit;
 - R. whereas rising unemployment, worsening social conditions and impoverishment of the people are crucial factors in the instability affecting the region;
1. Condemns all acts of violence, all violations of human rights and all sexual violence; expresses its solidarity with all the population groups that have suffered years of conflict; once again criticises the exploitation of the 'ethnic issue', which has led to millions of victims in the region and has only served to divide the population;
 2. Expresses particular concern at the resurgence of violence in the run-up to the elections; condemns all forms of intimidation and acts of harassment, including judicial harassment, of human rights defenders, journalists, members of the political opposition and other independent or critical voices; stresses the need to respect and protect freedom of expression, association and peaceful assembly;
 3. Calls for the immediate and unconditional release of all people who are arbitrarily detained;
 4. Denounces the repression orchestrated by the defence and security forces; stresses that it is strictly forbidden to use lethal weapons against peaceful demonstrators, in accordance with the basic principles of the United Nations concerning recourse to force and that those responsible for law enforcement must not use firearms;
 5. Considers that combating impunity in relation to infringements of humanitarian law and economic and financial crimes is one of the vital preconditions for re-establishing peace in the DRC;
 6. Agrees with the United Nations and the African Union that only a dialogue involving all parties and representatives of Congolese society, strictly in accordance with the

Constitution and with the interests of the people, with the aim of holding free, fair, transparent and credible elections, will make it possible to assuage the political tension which currently exists in the country;

7. Is particularly concerned about the situation of women in the country, and about the crimes and discrimination of which they are victims; considers it vital that the relevant authorities and the international community step up their efforts to put a stop to mass rape being used as a technique of warfare, to ensure access to free public healthcare, particularly for reproductive health, contraception and abortion, and to foster genuine gender equality;
8. Considers, similarly, that the relevant authorities and the international community must prioritise putting an end to the phenomenon of child soldiers;
9. Condemns the fact that the Congolese people's basic needs are being systematically sacrificed to the economic and geopolitical interests of multinationals and foreign powers;
10. Takes the view, therefore, that a lasting solution to the disastrous situation in the eastern DRC will only be possible if action is taken to ensure that ordinary Congolese people benefit at long last from the country's natural resources; emphasises that, to that end, the country must reassert its sovereignty over its natural wealth by taking steps to monitor the activities of foreign transnational companies and by developing its own facilities for exploiting, processing and marketing its commodities, which will require it to revise and terminate all mining and logging contracts, in accordance with Article 56 of the Congolese Constitution, in order to ensure that this wealth benefits as many Congolese as possible, and not just a minority;
11. Reiterates the need to guarantee the DRC's right to food sovereignty, which includes the right of farmers to produce food for their people, by putting an end to land-grabbing and guaranteeing farmers access to land, seed and water;
12. Calls on the international community and, in particular, on the DRC's 'creditor' countries (including Belgium) to remove the barriers to the development of the DRC, and thus to the establishment of peace, by cancelling its debt and the debt interest the country continues to pay and by implementing genuine international cooperation based on the upholding of human rights and Congolese sovereignty, instead of free-trade agreements and structural adjustment plans; urges the DRC authorities to insist on an audit of their debts and the cancellation of all debts incurred illegitimately with foreign creditors, with a view to a comprehensive debt write-off and so that the basic human needs of the country's population can be met;
13. Calls on the EU and its Member States to increase financial support and humanitarian aid to respond to the urgent needs of these population groups; calls on the EU and its Member States to provide assistance in the form of grants rather than loans, so as to avoid making the debt burden heavier; deplores the fact that many EU Member States have not met the target of spending 0.7% of their GNP on development aid and that some have even lowered the percentage that they spend; deplores the fact that Member States are cutting back their involvement in food aid programmes; calls for development aid not to be used to close or control borders or repatriate migrants; calls for the aid

provided by the EU and the Member States in the DRC to be used, as a priority, for problems linked to severe inequalities, poverty, chronic malnutrition, access to health and public services, particularly reproductive healthcare, and the attainment of the sustainable development goals; calls, similarly, for food aid to be increased and to be used, as a priority, for buying food from local producers;

14. Reiterates that the activities of European companies present in third countries must be entirely consistent with international human rights standards; calls, therefore, on the Member States to ensure that companies which come under their national law do not disregard human rights or the social, health and environmental standards to which they are subject when moving to, or doing business in, a third country; calls on the Commission and Member States to take the requisite action against European companies which do not comply with those standards or which do not adequately compensate victims of human rights violations who fall directly or indirectly under their responsibility;
15. Calls more specifically, with regard to the DRC, for an independent investigation into compliance by European companies with labour and environmental standards, in particular in the natural resources sector, and into the possible involvement of these companies in the funding of armed groups; calls, similarly, for an international investigation into the allegations of links between the structural adjustment plans, the financial support provided by international financial institutions and the crimes committed in the DRC;
16. Opposes any attempt to outsource the EU's migration policies to third countries; deplores the fact that the Rabat Process, in which the DRC is a stakeholder, does not make it possible to challenge the underlying causes of migration in any way, but simply promotes return and readmission policies; believes that these policies conflict with the right to free movement and the right of asylum; on this aspect, calls for negotiations with the DRC within the context of the Rabat Process to be halted immediately;
17. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the African Union, the governments of the countries of the Great Lakes region, the President, Prime Minister and Parliament of the DRC, the Secretary-General of the United Nations, the UN Human Rights Council, and the ACP-EU Joint Parliamentary Assembly.