



Plenary sitting

B8-0121/2017

25.1.2017

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 rule of law crisis in the Democratic Republic of the Congo and in Gabon (2017/2510(RSP))

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on behalf of the ALDE Group

**European Parliament resolution on the rule of law crisis in the Democratic Republic of the Congo and in Gabon
(2017/2510(RSP))**

The European Parliament,

- having regard to the joint statement of 24 September 2016 by the Vice-President of the Commission / High Representative (VP/HR) of the Union for Foreign Affairs and Security Policy, Federica Mogherini, and Commissioner Neven Mimica following the proclamation of the final results of the presidential election by the Constitutional Court of Gabon,
- having regard to the press release of 1 September 2016 of the African Union condemning the violence and calling for a peaceful resolution of the post-electoral conflict in Gabon,
- having regard to the statement of 11 September 2016 by the VP/HR spokesperson on Gabon,
- having regard to the preliminary statement of 29 August 2016 of the EU Election Observation Mission (EOM),
- having regard to the Cotonou Agreement signed in 2000 by the ACP Group of States and the EU, and its successive revisions,
- having regard to the Charter of the United Nations and the Universal Declaration of Human Rights,
- having regard to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa adopted on 11 July 2003, and in particular to Article 9 thereof,
- having regard to the joint statement of 24 September 2016 by the African Union, the United Nations, the European Union and the International Organisation of La Francophonie on the situation in the Democratic Republic of the Congo,
- having regard to the resolutions adopted by the ACP-EU Joint Parliamentary Assembly of 18 May 2011 on challenges for the future of democracy and respecting constitutional order in ACP and EU countries, of 27 November 2013 on the respect for the rule of law and the role of an impartial and independent judiciary, and of 13 June 2016 on the pre-electoral and security situation in the Democratic Republic of the Congo,
- having regard to the statement of 7 April 2016 by VP/HR, Federica Mogherini, on the political situation in the Democratic Republic of the Congo following the presidential election,
- having regard to the Gabonese Constitution,

- having regard to the Congolese Constitution,
 - having regard to UN Human Rights Council Resolution 19/36 of 23 March 2012 on human rights, democracy and the rule of law,
 - having regard to UN General Assembly Resolution 67/97 of 14 December 2012 on the rule of law at the national and international levels,
 - having regard to the African Union’s Declaration on the Principles Governing Democratic Elections in Africa (2002),
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas Gabon held presidential elections on 27 August 2016; whereas on 31 August 2016, Ali Bongo, the outgoing president, was declared the winner of the presidential elections following the announcement by the Ministry of the Interior of the provisional result based on the results provided by the National Electoral Commission (CENAP), with around 5 600 votes more than his main rival, Jean Ping; whereas Jean Ping and his supporters immediately challenged and condemned this result; whereas an appeal alleging electoral irregularities and calling for a recount was lodged with the Gabonese Constitutional Court;
 - B. whereas international observers, and in particular the EU EOM, identified anomalies in the compilation of the results, in particular in Haut-Ogooué, the fiefdom of Ali Bongo; whereas the opposition also called for a recount of the votes in that province, where President Ali Bongo won 95 % of the votes, with a 99 % turnout, maintaining that the votes represented by the official turnout in that province would in themselves have been enough to win the election; whereas Gabon’s electoral commission members also questioned the count for Haut-Ogooué;
 - C. whereas the EU EOM, which has been highly critical of the electoral process, has been the target of repeated acts of intimidation in Gabon, in particular in the form of a very intense defamation campaign in the press, and has also faced significant threats and pressure from the Gabonese authorities, which lodged an appeal and conducted an investigation into the work done by the EU EOM in an effort to discredit the mission report;
 - D. whereas on 24 September 2016 the Constitutional Court announced the definitive official result of the presidential election, confirming Ali Bongo’s victory; whereas, however, consideration of the appeal has not dispelled all the doubts surrounding the outcome of the presidential election;
 - E. whereas Joseph Kabila has been President of the Democratic Republic of the Congo (DRC) since 2001; whereas President Kabila’s term of office ended on 20 December 2016, and whereas the mandate of the DRC’s presidency is constitutionally limited to two terms and the next presidential and legislative elections were initially scheduled to be held by the end of 2016;
 - F. whereas a first attempt to amend the constitution of the DRC in order to allow President Kabila to run for a third term was aborted in 2015 due to strong opposition from, and

the mobilisation of, civil society; whereas such attempts have caused growing political tension, unrest and violence across the country;

- G. whereas an agreement was signed on 18 October 2016 between President Kabila and a section of the opposition to postpone the presidential election to April 2018; whereas, under the terms of this agreement, President Kabila, who was consequently allowed to remain in power after 2016, placed a new interim Prime Minister, Samy Badibanga, a member of the opposition, in charge of forming a new government;
 - H. whereas after months of negotiations, the parties to the agreement of 18 October 2016 reached a global and inclusive political agreement on 31 December 2016;
 - I. whereas while the situation in the two countries is very different, it is still comparable in terms of political instability and violence;
 - J. whereas prolonged time in office allows for greater accumulation and personalisation of power, and influence over privilege and corruption, and is not conducive to the renewal the political class;
 - K. whereas one of the characteristics of democracies is respect for the constitution, which underlies the state, the institutions and the rule of law, and also free and fair elections by which power is transferred peacefully to persons who have gained legitimacy through the exercise of the vote, freedom of expression and assembly and freedom of the press;
 - L. whereas human rights groups repeatedly report the worsening situation of human rights and freedom of expression, assembly and demonstration in countries in the run-up to elections, including the use of excessive force against peaceful demonstrators, journalists, political leaders and others;
- 1. Deplores the loss of lives during the demonstrations over the last few months in both countries and expresses its deepest sympathy to the families of the victims and the people of the DRC and Gabon;
 - 2. Is deeply concerned at the increasingly unstable situation regarding the pre-electoral and the post-electoral context in both countries; reminds the authorities, and primarily the presidents, that it is their responsibility to protect citizens living anywhere in the national territory, and in particular to protect them against abuse and crimes, and to exercise the task of governing with the strictest respect for the rule of law;
 - 3. Strongly condemns all violence perpetrated, breaches of human rights, arbitrary arrests and illegal detentions, in particular the instrumentalisation of the judicial system and the violence and intimidation faced by human rights defenders, political opponents and journalists, the violations of freedom of the press and freedom of expression prior to and after the presidential elections; calls for the authorities to immediately lift all restrictions on the media; calls for the immediate and unconditional release of all political prisoners;
 - 4. Calls for an independent and objective investigation into the election-related violence and the allegations of serious violations of human rights and fundamental freedoms, and underlines the need to make sure that all those found responsible are brought to justice; calls, moreover, for the EU and ACP countries, in collaboration with the UN and the

African Union, to continue to monitor closely the overall situation in both countries;

5. Notes that the security situation has eased, and calls on all sides to refrain from further acts that could undermine the peace and stability of the countries; calls on all political actors currently involved in the pre-election and post-election controversies to act responsibly and to show restraint and to resolve any disputes they may have through existing constitutional and legal channels;
6. Calls on the authorities to take all the necessary measures to guarantee in all circumstances the respect of democracy, the rule of law, good governance and human rights principles, including freedom of expression and freedom of the press;
7. Notes the decision by some opposition supporters to respond favourably to the call for dialogue issued on 14 November 2016 by President-elect Ali Bongo with a view to preparing the ground now for forthcoming elections, in particular the parliamentary elections which are due to take place in 2017; points out, however, that the leading opposition figure, Jean Ping, is refusing to take part and is keen to launch a national dialogue of his own; voices reservations, therefore, as to the relevance of such processes, and emphasises the urgent need for an open and transparent conciliation procedure to put an end to the post-election crisis;
8. Calls for the EU and ACP countries to engage in a comprehensive and balanced political dialogue with the Gabonese Government with the aim of achieving commitments on the strengthening of democracy, good governance, and respect for human rights and fundamental freedoms, which are values embodied in the Cotonou Agreement and in the Constitutive Act of the African Union;
9. Recalls the commitment made by the DRC under the Cotonou Agreement to respecting democracy, the rule of law and human rights principles, which include freedom of expression and of the media, good governance and transparency in political office; notes that the dialogue pursued with the DRC authorities under Article 8 of the Cotonou Agreement, with the aim of obtaining definitive clarifications on the electoral process, is failing;
10. Deplores the failure of the government and the Independent National Electoral Commission (CENI) to hold the presidential election within the constitutional deadline; remains deeply concerned about the effectiveness the CENI's role, upon which the legitimacy of the electoral process will to a large extent depend; recalls that the electoral commission should be an impartial and inclusive institution with sufficient resources to allow a comprehensive and transparent process;
11. Welcomes the efforts made by the [National Bishops' Conference of the Congo](#) (CENCO) to forge a wider consensus over a political transition; acknowledges that a transitional period is necessary, during which time the presidency can only be exercised under the authority of a transitional council in which the opposition will play a crucial role;
12. Welcomes the global and inclusive political agreement reached on 31 December 2016; reminds all parties of their commitment to this agreement, and therefore encourages them to apply it in all its components and to set out a concrete calendar for the next

elections as soon as possible; calls for the EU and the Member States to give all possible support to the organisation of peaceful, transparent and fair elections;

13. Strongly condemns any and all attempts to overstay in power against the will of the people in violation of the constitution and other laws of the land; encourages the reinforcement of the intra-ACP dialogue as a means of ensuring respect for the rule of law and the constitutions of the countries; calls for the EU and the ACP countries to address possible upcoming political crises through the intensified political dialogue set out in Article 8 of the Cotonou Agreement;
14. Instructs its President to forward this resolution to the Government and Parliament of the DRC and of Gabon, the ACP-EU Council of Ministers, the Commission, the Council, the East African Community and the governments of its member states, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the institutions of the African Union and the Secretary-General of the United Nations.