



Plenary sitting

B8-0122/2017

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 Gabon (2017/2510 (RSP))

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on behalf of the GUE/NGL Group

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

The European Parliament,

- having regard to its previous resolutions on the Democratic Republic of the Congo (DRC), in particular those of 7 October 2010, 9 July 2015, 10 March 2016 and 1 December 2016, and to the resolutions of the ACP-EU Joint Parliamentary Assembly, in particular that of 15 June 2016,
- having regard to the political group resolutions and the failure to adopt a joint resolution on Gabon at the ACP-EU Joint Parliamentary Assembly meeting held in December 2016 in Nairobi (Kenya),
- having regard to its debate of 13 September 2016 on the post-electoral situation in Gabon,
- 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 DRC, in particular Article 56 thereof, which stipulates that: ‘Any agreement, convention, arrangement or other act which has the consequence of depriving the nation, natural persons or legal persons of all or part of their means of subsistence drawn from their natural resources or wealth shall, without prejudice to international provisions on economic crimes, be considered looting and be punishable by law’,
- having regard to the African Charter on Human and Peoples' Rights,
- having regard to the African Charter on Democracy, Elections and Governance,
- having regard to Article 3 of the 1949 Geneva Convention and to Protocol II thereto, which prohibit, in particular, summary executions, rape, enforced recruitment and other atrocities,
- having regard to the UN Convention on the Rights of the Child of 20 November 1989,
- having regard to UN Security Council Resolution 2211 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 resolution of 20 May 2015 on the certification of importers of certain minerals and metals originating in conflict-affected and high-risk areas,

- having regard to the agreement on the EU regulation on ‘conflict minerals’ that was endorsed by the Member States on 15 June 2016,
 - having regard to the United Nations Environment Programme (UNEP) report of 15 April 2015 on the illegal exploitation of and trade in natural resources by organised criminal gangs,
 - having regard to the report of the European Union election observation mission in Gabon that was published on 12 December 2016,
 - having regard to the Cotonou Agreement,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the situations in Gabon and the DRC are fundamentally different and there is no reason to deal with both in the same resolution;

Democratic Republic of the Congo

- B. whereas the increase in the number of armed factions, the disorganisation and the absence of a stable State, the inability of the United Nations to offer a consistent response to the genocide and its consequences and the complicity of countries with interests in the region, such as the United States, Belgium and France, have led to a tragic situation in which hundreds of thousands – or even millions (according to some NGOs, up to six million people) – have died since 1996, most of them civilians, mainly as a result of oppression, murder, malnutrition, diseases and poverty following the wars in 1996 and 1998; whereas the repercussions of that situation are still being felt in the country today;
- C. whereas, since 2012, instability has once again been a feature of the DRC, and whereas the consequences of that instability, such as fighting and atrocities, which have been most prevalent in the provinces of North Kivu and South Kivu, in the east of the country, have cost several thousand people their lives; 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; whereas the exploitation of the ‘ethnic issue’ in the region has seriously exacerbated the conflict and continues to divide regions; whereas the price of foodstuffs has risen substantially since the start of the conflict;
- D. 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, according to official figures, at least 200 000 people have been raped in the DRC since 1996, and whereas the real figure is doubtless much higher, 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;

- E. whereas transnational companies are funding the armed groups so that they can continue to exploit the DRC's mineral reserves; whereas the DRC has 80% of the known reserves of coltan, a mineral used in particular to make capacitors for computers and mobile telephones, but whereas the benefits of the wealth thus created accrue to multinationals, not the Congolese people; whereas this state of affairs has been repeatedly condemned in reports published by the United Nations; whereas in April 2015 Ibrahim Thiaw, the Deputy Executive Director of the UNEP, stated that the annual earnings from this exploitation of natural resources exceed USD 1 billion and that the bulk of the profits – up to 98% – end up in the coffers of international concerns, with the remaining 2% being used to fund armed groups in the DRC; whereas the agreement reached by the Member States on 15 June 2016 on the EU regulation on 'conflict minerals' falls well short of what is required in that it covers only 'unprocessed products', which account for 10% to 15% of EU imports;
- F. whereas the structural adjustment plans imposed by international financial institutions, first among them the World Bank, have weakened the country even further by turning it into a legal and tax haven for multinationals, particularly in the mining sector; whereas as a result of these structural adjustment plans the mainstays of the Congolese economy have been broken up and thousands of workers have lost their jobs, thus depriving people of their livelihoods and worsening their living conditions and enabling major industrial groups, most of which are based in the West, to grab resources and gain a stranglehold over the economy;
- G. whereas Monusco, which was set up 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 embolden the latter to commit more crimes; whereas, following the suspension in February 2015 of military cooperation between Monusco and the FARDC, the UN decided on 2 March 2016 to resume the provision of military support to governmental forces;
- H. whereas the Constitution of the DRC stipulates that a President may not serve more than two terms in office, and whereas the current President should have left office at midnight on 19 December 2016; whereas President Joseph Kabila made it impossible to hold new elections in good time for him to be replaced by preventing the electoral rolls from being updated, and whereas this has led to political tension, demonstrations, outbreaks of violence and scores of deaths; whereas between 19 and 20 December 2016 alone, 40 people were killed, 107 injured and 460 arrested, according to the UN;
- I. whereas on 31 December 2016, following three weeks of talks conducted under the auspices of the Catholic Church, the government and the opposition reached agreement on establishing a national transition council (CNT) chaired by the long-time opposition leader Étienne Tshisekedi and on appointing a prime minister from among the members of his 'Le Rassemblement' coalition; whereas under that agreement Joseph Kabila will remain in power until parliamentary and presidential elections are held no later than in December 2017, and will not seek a third term; whereas some opposition members did not sign the agreement, in particular the members of the Movement for Liberation of Congo (MLC), a former Vice-President of Congo, Jean-Pierre Bemba, and a number of negotiators belonging to fringe opposition groups;

- J. whereas, although the agreement of 31 December 2016 was a major step forward, there remain a number of grey areas, including the organisation and funding of the forthcoming elections (the cost of which has been put at USD 1.2 billion, while the country has a total budget of no more than USD 4 billion); whereas the agreement's implementation is still under discussion; whereas on Monday, 23 January 2017 Étienne Tshisekedi was obliged to leave Kinshasa to undergo a 'medical check-up' in Belgium;

Gabon

- K. whereas, according to the United Nations Development Programme (UNDP), Gabon's human development index (HDI) stood at 0.684 in 2014, which means that it ranks 110th out of 188 countries, and whereas more than half of the people in Gabon live below the poverty threshold despite a relatively high level of per capita GDP;
- L. whereas, in Transparency International's 2015 Corruption Perceptions Index, Gabon is ranked 99th out of 168 countries;
- M. whereas Gabon signed the African Charter on Democracy, Elections and Governance in 2010, but has yet to ratify it;
- N. whereas elections were held in Gabon on 27 August 2016, and whereas an EU observation mission was deployed in the country from 12 July to 30 September 2016 with the consent of the Gabonese authorities; whereas, according to the Ministry of the Interior, the outgoing President, Ali Bongo, polled 49.80 % of the votes, thus securing victory by a mere 5 000 votes; whereas the opposition is contesting the outcome of the election, clashes have occurred in some districts of Libreville, the National Assembly building has been set on fire, demonstrations have taken place and at least six people were wounded in shooting incidents on 31 August 2016;
- O. whereas on 1 September, during an attack by security forces on the headquarters of Jean Ping, two people were killed and a number were injured in what witnesses described as a 'slaughter'; whereas further violence has occurred in the capital and in several other places in the country; whereas the population of Gabon has been deprived of access to the internet and social media; whereas more than 800 people have been arrested in the capital during the post-electoral violence; whereas the opposition claims that at least 50 people have been killed in different parts of the country; whereas a number of African newspapers have reported that French soldiers with positions of responsibility in the Republican Guard took part in the bombing of the headquarters of Jean Ping;
- P. whereas at the beginning of September, despite harbouring doubts about the independence of the country's institutions, the opposition decided to follow proper procedures and bring an action before Gabon's Constitutional Court; whereas that action was rejected by the Constitutional Court on 23 September 2016, and whereas the opposition then brought a second action at the beginning of November to contest once again the results of the presidential election of 27 August 2016;
- Q. whereas, despite the pressure brought to bear on its members, the EU observation mission submitted its report on 12 December 2016 and described the presidential election as opaque and noted 'a lack of transparency in the actions of the bodies responsible for administering the elections, which failed to make available to

stakeholders essential information such as the electoral roll and the list of polling stations'; whereas the main irregularity highlighted by the observation mission was the result obtained by Ali Bongo Ondimba in the province of Haut-Ogooué, the Bongo family's home region, where, according to figures supplied by the Ministry of the Interior, there was a 99.93 % turnout and Mr Bongo gained 95.47% of the votes cast; whereas the mission questioned these results, pointing out that they 'went against the trend identified by the mission on the basis of the results announced by the governors of the country's eight other provinces'; whereas the mission accordingly took the view that 'these anomalies place a question mark over the correctness of the methods used to collate the results and over the final result of the election'; whereas the Constitutional Court made no reference to the issue of fraud in the province of Haut-Ogooué in its judgment of 23 September 2016;

- R. whereas, despite the clear and unequivocal findings of the report, no action has been taken, with the EU appearing to prefer to say nothing following the French authorities' de facto acknowledgment of the inauguration of Ali Bongo as President in late September 2016;
- S. whereas the fall in oil prices and government budget cuts are further exacerbating the economic and social difficulties in both Gabon and the DRC; whereas strike action is increasingly being taken in Gabon by teachers' unions, oil workers, pensioners, post office workers, the judges' union and other groups; whereas the strikers' key grievances include non-payment of bonuses and pensions, denial of civil servant status, interference by the President in the Council of the Judiciary, the release of the remaining 'political prisoners' and closures/buy-outs of oil facilities;
- T. whereas there have been strong calls to protest against the holding of the Africa Cup of Nations (AFCON) in Gabon; whereas on Wednesday, 18 January 2017 young people from the JOUR (United Opposition Youth Group for Resistance) association held a peaceful march in protest against the holding of the 2017 AFCON in Gabon; whereas some of them, including their chair, Marceau Malekou, were charged with public order offences and taken into custody;
- U. whereas France has been deploying troops in Gabon since the country became independent in 1960, under defence agreements concluded in August of that year; whereas, according to the Ministry of the Interior, 350 French troops are currently stationed there (known as the 'éléments français au Gabon' – EFG); whereas on 7 September 2016 the French Government decided to send the second parachute regiment to Libreville, officially to protect French nationals; whereas a new agreement signed in 2010 stipulates that 'the French forces stationed in the Gabonese Republic shall be free to move around the country, including its territorial waters and airspace. That freedom of movement in Gabonese territorial waters shall include stopping and anchoring, irrespective of the circumstances'; whereas the French forces in Gabon are not required to pay taxes or rent, which goes against the normal practice in most countries; whereas the agreement also grants French military personnel stationed in Gabon full immunity against prosecution, including in respect of any deaths caused in the discharge of their duties;
- V. whereas France's shadow has loomed large over its former colony since the country

became independent; whereas the economic cooperation agreement signed in July 1960, one month before Gabon's independence, stipulates that 'France shall continue to provide the Gabonese Republic with the material assistance (...) required in order for it to achieve the economic and social development objectives it has set for itself'; whereas close to 14 000 French nationals currently live in Gabon, and whereas France, which is Gabon's leading economic partner, has some 120 companies (around 200 SME/SMIs) in the country;

- W. whereas, given France's support for the Bongo regime (in particular in the form of military cooperation) and the links that almost all Gabonese politicians have to France, there is good reason to fear that the 'Françafrique' policy will continue, to the detriment of the people of Gabon;
1. Criticises the fact that the situations in the DRC and Gabon, which are unlike, are being dealt with in the same resolution;

Democratic Republic of the Congo

2. Condemns all acts of violence, all violations of human rights and all sexual violence; expresses its solidarity with all the peoples that have suffered from years of conflict; criticises once again the exploitation of the 'ethnic issue', which has cost millions of people in the region their lives and has only served to divide the population;
3. Condemns all forms of intimidation and harassment, including judicial harassment, of human rights defenders, journalists, members of the political opposition and other independent or critical voices; stresses the need to uphold and protect freedom of expression, association and peaceful assembly; calls for the immediate and unconditional release of all persons who have been arbitrarily detained;
4. Notes the agreement concluded on 31 December 2016 between the government and the opposition, which it believes could be a step forward in the process of bringing peace to the country; calls, therefore, for the EU and its Member States to show support for the implementation of the agreement and the holding of elections, in particular by stepping up the provision of financial assistance to the DRC, so that transparent, democratic elections may be held in accordance with the timetable laid down in the agreement; insists that all financial support provided by the EU and its Member States for elections in the DRC must be fully transparent;
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. Is particularly concerned about the situation of women in the country and the crimes and discrimination against them; considers it vital that the relevant authorities and the international community step up their efforts to put a stop to the use of mass rape as a technique of warfare, to ensure access to free public healthcare, in particular for reproductive health, contraception and abortion, and to foster genuine gender equality;
7. Considers, similarly, that the relevant authorities and the international community must prioritise putting an end to the recruitment of child soldiers;

8. 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;
9. 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 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 ensure democratic scrutiny of the activities of foreign transnational companies and by developing its own facilities for exploiting, processing and marketing its commodities, which will require the DRC 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;
10. 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;
11. Calls on the international community, and first and foremost the DRC's 'creditor' countries (in particular 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 fundamental 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;
12. Calls for the EU and its Member States to increase financial support and humanitarian aid to respond to the urgent needs of these population groups; calls for 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 earmarking 0.7% of GNI for development aid and that some have lowered the percentage that they spend on such aid; deplores the fact that Member States are cutting back their involvement in food aid programmes; calls for development aid not to be used to secure or control borders or to repatriate migrants; calls for the aid provided by the EU and the Member States in the DRC to be used, as a priority, to address problems linked to severe inequalities, poverty, chronic malnutrition, access to health and public services, particularly reproductive healthcare, and the achievement of the sustainable development goals; calls, similarly, for food aid to be increased and to be used, as a priority, to buy food from local producers;
13. 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 which apply to them 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 for which they are directly or indirectly responsible;

14. 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 with specific reference to coltan, 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;
15. 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 those policies to be at odds with the right to freedom of movement, asylum rights and, more broadly, the rights of migrants laid down in international conventions;

Gabon

16. Expresses serious concern at the post-electoral crisis in Gabon and the consequences that it might have for the country, the region and the peoples concerned; deplores the fact that, after having called for the results to be made public, France once again acknowledged Ali Bongo as the winner of the elections, despite the conclusions reached by European and international election observers;
17. Condemns all the violence perpetrated following the elections, in particular the breaches of human rights, arbitrary arrests and illegal detentions, and the violations of freedom of the press and freedom of expression;
18. Calls for an immediate end to all violence, human rights violations and political intimidation of civil society and members of the opposition, and for respect for international law and human rights;
19. Calls for an international investigation to be conducted under UN auspices into the elections and the abuses that have ensued, in order to determine how to establish a political dialogue that can bring Gabon out of the current crisis and safeguard the democratic rights of its people;
20. Calls on Gabon to ratify, deposit its instrument of ratification for and comply with the African Charter on Democracy, Elections and Governance;
21. Deplores once again the role and influence that France, the former colonial power, has in Gabon; opposes any continuation of the 'Françafrique' policy in the country; insists that French troops should be withdrawn from Gabon without delay;
22. Takes the view that the problems in Gabon can be resolved only by giving all citizens equal rights, sorting out disputes over fertile farmland, tackling unemployment and poverty, fighting corruption, poverty, inequality and discrimination and promoting social, political and economic reforms to create a free, democratic and stable state; voices particular concern about the situation in schools;

23. Considers that the people's lack of access to the country's natural resources, rising unemployment, worsening social conditions and impoverishment are obstacles to stability and should be absolute priorities for the forthcoming period;
24. Condemns economic, social and political interference in the affairs of third countries resulting from World Bank and IMF structural adjustment plans and the free-trade agreements – officially known as 'economic partnership agreements' – concluded by the EU; stresses that these policies have led to land and resource grabbing, particularly grabbing of oil resources, and economic, social, political and humanitarian crises, forcing large number of people to leave their homes;
25. Calls for the European Union and its Member States properly to apply the principle of Policy Coherence for Development in all their actions vis-à-vis Gabon, in order to ensure that they are properly coordinated and do not undermine the objectives of reducing poverty and achieving the sustainable development goals; condemns the attachment of any conditions to development aid with the aim of externalising the EU's borders and the management of its migration policies;
26. 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 Government of Gabon, the United Nations Secretary-General, the UN Human Rights Council and the ACP-EU Joint Parliamentary Assembly.