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Situation in the Democratic Republic of Congo

European Parliament resolution of 12 September 2013 on the situation in the Democratic Republic of Congo (2013/2822(RSP))

The European Parliament,

- having regard to its previous resolutions,
- having regard to the statements by EU High Representative Catherine Ashton of 30 August 2013 on the situation in North Kivu, and of 7 June 2012 and 10 July 2012 on the situation in eastern Congo,
- having regard to the ACP-EU Joint Parliamentary Assembly resolution on the situation of instability and insecurity in the Great Lakes region and, in particular, in the east of the Democratic Republic of Congo (DRC), adopted at its meeting in Paramaribo (Suriname) from 27-29 November 2012,
- having regard to the Council conclusions of 22 July 2013 on the Great Lakes region, and of 10 December 2012, 19 November 2012 and 25 June 2012 on the situation in the eastern DRC,
- having regard to UN Security Council resolutions 2053 (2012) on the situation in the DRC, 1925 (2010), 1856 (2008) which specifies the mandate of the UN mission in the DRC (MONUSCO) and 2098 (2013) which renewed MONUSCO's mandate,
- having regard to the Report of the UN Secretary-General of 28 June 2013 on the United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo,
- having regard to the Statement by the President of the UN Security Council of 25 July 2013 on the situation on Great Lakes region,
- having regard to the decision of the Peace and Security Council of the African Union (AU) on the situation in the Great Lakes region, particularly in the eastern part of the Democratic Republic of Congo (DRC) at its 393rd meeting held on 28 August 2013,
- having regard to the declarations of the Heads of State and Government of the member states of the International Conference on the Great Lakes Region (ICGRL) of 6 August 2013 and 24 November 2012 on the security situation in DRC,
- having regard to the resolution on the situation in the DRC adopted by the Organisation Internationale de la Francophonie (OIF) at the XIV Summit of Francophone Countries held on 13 and 14 October 2012,
- having regard to the Cotonou Partnership Agreement signed in June 2000,
- having regard to United Nations Security Council resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1960 (2010) on women, peace and security,

- having regard to Article 3 of and Protocol II to the Geneva Convention of 1949, which prohibit summary executions, rape, enforced recruitment and other atrocities,
 - having regard to the International Convention on the Rights of the Child of 20 November 1989, which, in particular, prohibits the involvement of children in armed conflicts,
 - having regard to the Optional Protocol to the International Convention on the Rights of the Child concerning the involvement of children in armed conflicts, which has been ratified by the countries of the Great Lakes region,
 - having regard to the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights,
 - having regard to the African Charter on Human and Peoples' Rights, which was ratified by the DRC in 1982,
 - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas since last July the violence in the eastern DRC has been escalating, with the resumption of hostilities between the M23 and government troops, which has resulted in the loss of thousands of lives, innumerable injuries including attacks on civilians and United Nations peacekeepers; whereas the humanitarian situation remains critical;
 - B. whereas due to the recurrent armed conflict, the Kivu region has suffered atrocities and violence, including looting, sexual and gender-based violence, abductions, and forced recruitment of children by armed groups, and human rights violations, which continue to be a scourge that undermines the efforts of the UN Security Council and regional bodies to put an end to the conflict;
 - C. whereas a UN peacekeeper was killed and 10 others were wounded on 28 August 2013 during an attack on the M23 rebel group in the Kibati heights in North Kivu as MONUSCO supported the Congolese Armed Forces (FARDC) in protecting civilian-populated areas of Goma;
 - D. whereas more than 2.7 million internally displaced people (IDPs) have been forced to flee their homes, including more than 1 million in 2012 alone, and more than 440 000 Congolese refugees have fled to other African countries, with some 6.4 million people in need of food and emergency aid who are now merely surviving in precarious conditions as a result of the recurrent fighting and violations both of their human rights and international humanitarian law in the eastern DRC;
 - E. whereas the non-prosecution by the DRC of those responsible for human rights violations and war crimes promotes the climate of impunity and encourages the perpetration of fresh crimes;
 - F. whereas the negotiations between the rebel groups and the State of the DRC have been interrupted since May 2013; recalling that the M23 rebels who were integrated into the army following a 2000 peace agreement mutinied in April 2012 and that the M23 constitutes one of the dozen armed groups fighting in this resource-rich region;

- G. whereas the 7th summit of the ICGLR started on 5 September 2013 and has called for a reopening and fast conclusion of the peace negotiations;
- H. whereas UN Security Council resolution 2098 (2013) of 28 March 2013 extended until 31 March 2014 the mandate of MONUSCO and created, on an exceptional basis, a specialised ‘intervention brigade’ within the operation’s existing 19 815-strong force;
- I. whereas in 2012 the member states of the ICGLR launched a joint verification mechanism (JVM), aimed at monitoring troop movements in the eastern DRC and deploying the envisaged Neutral International Force;
- J. whereas the UN group of experts has published evidence linking Rwanda to the rebels, and the United States has called on Kigali to end its support; whereas Rwanda has repeatedly denied any ties to the M23;
- K. whereas recourse to sexual violence and the more widespread use of rape as a war weapon have enormous consequences, such as the physical and psychological destruction of victims, and must be regarded as war crimes; whereas national authorities and the international community have largely invested in strengthening the judicial system, especially on the military side, and on encouraging the opening of inquiries and prosecutions on sexual violence; whereas trials have been held but with a lack of execution of the judgments, and in many cases those found guilty are able to escape and little is done to compensate the victims;
- L. whereas it is necessary to deal with the consequences of the conflict, particularly by means of demilitarisation, review of local governance, demobilisation and reintegration of ex-combatants, repatriation of refugees, resettlement of people who have been displaced within their own country, and the implementation of viable development programmes;
- M. whereas the European Union is contributing to the restoration of the justice and security (police and army) sectors and is seeking to make them function well by means of its financial and technical assistance and by training personnel within the framework of the EUSEC RD and EUPOL RD missions;
- N. whereas the issue of illegal exploitation of the country’s natural resources, some of which find their way to other countries, is one of the factors fuelling and exacerbating the conflict in the DRC and remains a source of insecurity for the region as a whole;
- O. whereas rising unemployment, the social crisis, the food crisis, the inadequacy of basic services, the impoverishment of the population and environmental degradation in the DRC are also partly responsible for the instability of the country and the Great Lakes region;
- P. whereas in recent months there has been no progress concerning the draft law on the protection of human rights defenders, repression of human rights activists and journalists in the DRC has increased and they have been arbitrarily arrested and intimidated; whereas no steps have been taken to bring those responsible to justice;
- Q. whereas after the resumption on 9 April 2013 of the appeal trial before the supreme military court concerning the murder in June 2010 of Floribert Chebeya, executive director of the Voice of the Voiceless (VSV) and member of the General Assembly of the World Organisation Against Torture (OMCT), and Fidèle Bazana, member of the VSV, defence

lawyers Peter Ngomo Milambo, Emmanuel Ilunga Kabengele and Regine Sesepe have received threats;

- R. whereas on 7 August 2013, in the village of Kawakolo in Pweto Territory, Katanga Province, Godfrey Mutombo, a member of the non-governmental organisation Libertas, was brutally murdered by members of rebel groups that had been spreading terror in some villages in the north of the province since 2011;
1. Expresses its strong concern about the recent escalation of violence in the eastern DRC, which has serious political, economic, social, humanitarian and security consequences in the DRC and throughout the region which is already fragile and volatile;
 2. Strongly condemns the latest outburst of violence in the eastern DRC, especially the indiscriminate shelling by the armed M23 group, and other armed groups, in particular the Democratic Forces for the Liberation of Rwanda (FDLR), which has caused deaths, injuries and damage among the civilian population; condemns targeted attacks by rebels against MONUSCO, which have killed several people, including a Tanzanian peacekeeper, and injured several others; urges all parties concerned to afford access and protection to humanitarian agencies which are coming to the assistance of the suffering civilian population;
 3. Demands an immediate end to all human rights abuses including the alarming and widespread sexual and gender-based violence (UN Security Council resolution 1820 (2008) of 19 June 2008), and the unfortunate recruitment and use of children by armed forces; expresses its solidarity with the people of the DRC afflicted by the war;
 4. Calls emphatically on all relevant authorities to take immediate action to conduct an impartial, in-depth investigation into all past and present cases of human rights violations, and to cooperate fully with the International Criminal Court; urges that action be taken to ensure that the perpetrators of human rights violations, war crimes, crimes against humanity, sexual violence against women and the conscription of child soldiers are reported, identified, prosecuted and punished in accordance with national and international criminal law;
 5. Strongly condemns all forms of external support to the M23 group and other disruptive forces in the DRC and demands the immediate and permanent cessation of such support;
 6. Supports the mission of the MONUSCO intervention brigade, which is to launch an offensive against the armed groups, including the M23, praises the active steps taken by MONUSCO to implement its mandate, in particular the protection of civilians, and encourages the continuation of these efforts; urges in particular the UN Security Council to take all necessary action in line with Security Council resolution 2098 (2013) to protect civilians in the eastern DRC;
 7. Calls for a thorough investigation by the Expanded Joint Verification Mechanism (EJVM) into the sources of the mortar shells and bombs from DRC territory landing in neighbouring Rwanda; calls for the greater transparency and regularity of EJVM reports;
 8. Emphasises that any direct intervention by the DRC's neighbouring countries can only exacerbate the situation; calls on all regional actors concerned to exercise the utmost restraint and to refrain from any acts or statements that could lead to a further deterioration

of the situation; calls on neighbouring countries to ensure full respect for the sovereignty of the DRC and its territorial integrity;

9. Welcomes the efforts of the member states of the ICGRL, the AU and the UN in their steps and initiatives aimed at seeking a lasting, structural and peaceful political solution to the crisis; calls for the respect of all provisions contained in the peace, security and cooperation (PSC) framework agreement;
10. Calls on the Great Lakes countries, particularly following the commitments made in February 2013 in the framework of the Addis Ababa agreements, to engage in jointly promoting peace, stability and security to enhance regional economic development, paying special attention to reconciliation, respect for human rights, the fight against impunity, the establishment of an impartial judiciary system and better government accountability;
11. Welcomes the Kampala talks for peace in the region held on 5 September 2013 under the auspices of the Chairperson of the ICGLR, Ugandan President Yoweri Museveni, calls on all stakeholders to participate and encourages the Congolese authorities to support dialogue between the country's communities, in particular those affected by the conflict;
12. Calls on the AU and the Great Lakes countries to take further steps to fight the illicit exploitation of natural resources and trade therein, this being one of the reasons for the proliferation and trafficking of arms, which in turn is one of the major factors fuelling and exacerbating conflicts in the Great Lakes region;
13. Calls on the international community, including the EU, the AU and the UN to continue to do everything possible to provide more coordinated and effective aid to people in the eastern DRC and to contribute to efforts to respond to the humanitarian disaster;
14. Welcomes the mobilisation of an additional EUR 10 million by the Commission to deliver urgently needed relief to 2.5 million people in the DRC, which brings EU emergency aid to the DRC and the Great Lakes region to EUR 71 million in 2013, making the EU the country's largest humanitarian donor;
15. Insists that the Government of the DRC complete security sector reforms and calls for efforts to be made both at national and international level to increase the authority of the State and the rule of law in the DRC, particularly in the fields of governance and security, including in close cooperation with the EU military assistance mission (EUSEC) and the EU's police assistance mission (EUPOL), which should be continued in order to consolidate peace and security both in the country and in the Great Lakes region;
16. Encourages the Parliament, the Senate and the President of the DRC, Joseph Kabila, to implement all necessary measures to consolidate democracy and ensure genuine participation by all political forces expressing the will of the Congolese nation in the governance of the country, on the basis of constitutional and legal rules as well as free and fair elections; stresses the need to take account of the recommendations of the EU's 2011 Election Observation Mission and to implement the reforms which are crucial to the continuation of the electoral process, including guaranteeing that local elections will be held;
17. Calls on the Congolese authorities to guarantee in all circumstances the physical and psychological integrity of human rights defenders and to conduct a prompt, thorough,

impartial and transparent investigation in order to identify all those responsible for threatening, attacking or murdering several of these defenders;

18. Stresses the importance of the adoption of long-awaited pieces of legislation, including the law on the protection of human rights defenders and the law on conformity of national law with the Rome Statute;
19. Recommends that during its 24th session the United Nations Human Rights Council adopt a strong resolution re-establishing some form of monitoring mechanism concerning the human rights situation in the DRC, and asking the UN High Commissioner for Human Rights to submit a report on the human rights situation in the DRC;
20. Urges the Congolese authorities to ensure the effective creation of a specialised mixed court to help combat impunity and judge authors of serious violations of human rights and of international humanitarian law in the DRC, including sexual violence against women;
21. Considers that transparent access and control over the natural resources of the DRC and the equitable redistribution of resources and the fair distribution of resources through the State budget are indispensable for the sustainable development of the country; calls, therefore, on the AU and the countries of the Great Lakes region to take further measures to combat illicit exploitation of and trade in natural resources, and on the EU and the whole of the international community to step up cooperation with the DRC in this field;
22. 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 Special Representative on Sexual Violence in Conflict, the UN Security Council and the UN Human Rights Council, and the l'Assemblée Parlementaire Paritaire ACP/UE.