

# ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU 102.039/16/fin

## RESOLUTION<sup>1</sup>

### **on the pre-electoral and security situation in the Democratic Republic of the Congo**

*The ACP-EU Joint Parliamentary Assembly,*

- meeting in Windhoek (Namibia) from 13-15 June 2016,
- having regard to the UN Security Council's resolutions on the DRC, in particular Resolutions 2198 (2015) on renewing the DRC sanctions regime and the mandate of the Expert Group and 2277 (2016), which renewed the mandate of the United Nations Organisation Stabilisation Mission in the DRC (MONUSCO) for a year,
- having regard to the revised Cotonou Partnership Agreement,
- having regard to the African Charter on Human and Peoples' Rights, of June 1981,
- having regard to the African Charter on Democracy, Elections and Governance,
- having regard to the Nairobi Declarations of December 2013,
- having regard to the Peace, Security and Cooperation Framework Agreement for the DRC and the Region, signed in Addis Ababa in February 2013,
- having regard to the report of the UN Group of Experts on the DRC of 12 January 2015,
- having regard to the annual report of the UN High Commissioner for Human Rights, published on 27 July 2015, on the situation of human rights and the activities of the United Nations Joint Human Rights Office in the DRC,
- having regard to the statement of 9 November 2015 by the President of the UN Security Council on the situation concerning the DRC,
- having regard to the UN Secretary-General's reports of 9 March 2016 on the UN Stabilisation Mission in the DRC, and on the implementation of the Peace, Security and Cooperation Framework for the DRC and the Region,
- having regard to the press release of 16 February 2016 issued by the African Union, the United Nations, the European Union and the International Organisation of La

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<sup>1</sup> Adopted by the ACP-EU Joint Parliamentary Assembly on 15 June 2016 in Windhoek (Namibia).

Francophonie on the necessity of an inclusive political dialogue in the DRC and their commitment to support efforts by the Congolese to consolidate democracy in the country,

- having regard to the European Parliament's previous resolutions on the Democratic Republic of the Congo (DRC), notably those of 9 July 2015, 17 December 2015 and 10 March 2016,
  - having regard to the Conclusions of the Council of the EU on the Democratic Republic of the Congo, of 23 May 2016,
  - having regard to the EU Annual Report on Human Rights and Democracy, adopted by the Council of the EU on 22 June 2015,
  - having regard to the statements by the Commission Vice-President and High Representative of the Union for Foreign Affairs and Security Policy and by her spokesperson on the situation in the Democratic Republic of the Congo, in particular those of 25 January 2015 and 12 October 2015,
  - having regard to the local EU statements of 21 October 2015 on the human rights situation in the DRC, and of 19 November 2015 following the launch of the national dialogue in the DRC, respectively,
  - having regard to the joint press statement issued on 2 September 2015 by the Team of International Envoys and Representatives for the Great Lakes region of Africa on elections in the DRC,
  - having regard to the Congolese Constitution of 18 February 2006,
  - having regard to Article 18(2) of its Rules of Procedure,
- A. whereas Joseph Kabila has been the President of the DRC since 2001; whereas the next presidential and legislative elections are scheduled to be held in November 2016 and President Kabila's term of office ends on 20 December 2016; whereas the mandate of the President of the DRC is limited under the Congolese Constitution to only two terms;
- B. whereas on 15 April 2016 the Independent National Electoral Commission (CENI) stated that the process of drawing up a new electoral register would start in July 2016 and could take three years; whereas on 18 March 2016 it announced that it could not organise presidential and legislative elections as planned while, on the contrary, the International Organisation of la Francophonie contends that it would be possible to update the electoral registers in three months;
- C. whereas this situation has prompted accusations by the political opposition in DRC of President Kabila and his Government trying to use administrative and technical means to delay the elections and remain in power beyond the end of their constitutional mandate;
- D. whereas an initial attempt to amend the electoral law of the DRC, particularly Article AP102.039

8, was aborted in 2015 due to strong opposition and mobilisation of civil society; whereas these attempts have caused growing political tension, unrest and violence in the country;

- E. whereas the next presidential and legislative elections are of crucial importance, and their peaceful, transparent and timely conduct would contribute greatly to consolidating the progress that has been made in the DRC over more than a decade;
- F. whereas, in June 2014, the EU sent a follow-up electoral mission to DRC, which pointed to the need to ensure an updated electoral register, conditions for fair competition between candidates, stronger protection of civil liberties, a fair electoral dispute arbitration system and efforts to end impunity;
- G. whereas, on 28 November 2015, President Kabila called for a national dialogue; whereas, subsequently, the African Union appointed former Togolese Prime Minister Edem Kodjo as national political dialogue facilitator; whereas two major opposition groups (G7 and la Dynamique de l'opposition) rejected Mr Kodjo's final conclusions as failing to reflect the current situation on the ground and, to date, still refuse to participate in this dialogue because they consider it to be neither open, nor inclusive, nor democratic, but to be a delaying tactic;
- H. whereas the African Union, the United Nations, the European Union and the International Organisation of La Francophonie have jointly underscored the importance of dialogue and the search for an agreement between political actors that is respectful of democracy and the rule of law, and have urged all Congolese political actors to extend their full cooperation to Edem Kodjo;
- I. whereas in the last few months human rights groups have been repeatedly reporting about the worsening of the human rights situation and freedom of expression and assembly in the country, including the use of excessive force against peaceful demonstrators, journalists, political leaders and others who oppose attempts to allow President Kabila to stay in power beyond the constitutionally mandated two-term limit;
- J. whereas, some acts of repression have resulted in people being killed or injured; whereas in other cases people have been arbitrarily arrested or placed on trial for political motives; whereas press freedom is reported to be limited by threats and attacks against journalists, as established by *Reporters Without Borders and Journalists in Danger*, which has listed 72 cases of attacks on journalists and the media, and by closure of media outlets; whereas the UN and some human rights organisations have stated that a large number of human rights abuses have been perpetrated by state officials and that there has been only limited progress in bringing the leading perpetrators to justice;
- K. whereas the security situation in the DRC continues to deteriorate, especially in the eastern and south-eastern parts of the country, with numerous reported infringements of human rights and international law, including targeted attacks against civilians, extrajudicial executions, kidnappings, recruitment and use of children by armed groups and widespread sexual and gender-based violence; whereas, as regard sexual

violence, the UN has highlighted significant action on the part of the Congolese authorities, including 20 trials in the past months which found 19 army officers guilty of rape;

- L. whereas humanitarian agencies estimate that political instability is plunging the country into chaos and causing its population, already weakened by the different past and present crises, to sink into extreme poverty and insecurity, with 7.5 million people currently in need of assistance; whereas the ongoing conflict and military operations have also caused the internal displacement of 1.5 million and forced 500 000 people to flee the country;
  - M. whereas the 2014-2020 National Indicative Programme for the DRC, with EUR 620 million in funding under the 11th EDF, prioritises strengthening governance and the rule of law, including reforms of the judiciary, police and army;
  - N. whereas the United States of America and the United Kingdom declared on 13 May 2016 that they were envisaging the possibility of coordinating with their European and international partners in applying targeted sanctions to deter those who took part in actions or policies undermining democratic processes or institutions in the DRC;
  - O. whereas access to and exploitation of natural resources continue to play an important role in fuelling the conflicts in DRC and the region;
1. Is deeply concerned by the increasingly unstable situation in the Democratic Republic of the Congo, in a tense pre-electoral context; in this connection, calls on the Congolese authorities to update the voter registry and present without further delay an electoral calendar and a credible and fair budget for the presidential and legislative elections, with full respect for the constitutional timeframe and provisions; notes with satisfaction the willingness of the EU and of the international community to provide support to the Congolese electoral process, if needed, provided that the above-mentioned prerequisites are complied with;
  2. Calls for a successful and timely holding of elections, which will be crucial to the long-term stability and development of the country and the entire region; affirms that the elections should be carried out in full compliance of the letter and the spirit of the Congolese Constitution of 2006, notably Articles 70, 73, 103, 105, 220 and 222, and in accordance with the principles of the African Charter on Democracy, Elections and Governance, which the DRC is urged to ratify without delay; is of the view that the DRC authorities have a clear responsibility in this regard, and a duty to guarantee an environment conducive to transparent, credible and inclusive elections;
  3. Notes President Kabila's initiative to launch a national dialogue and stresses the importance of having an open, inclusive and democratic political dialogue, accepted by all, in order to peacefully agree on the terms of a credible electoral process and calendar;
  4. Calls on the EU and the AU to extend their full cooperation to an inclusive dialogue and search for an agreement between political actors in the DRC that is respectful of

democracy and the rule of law, and to continue to coordinate their efforts in the DRC with other international stakeholders, in particular the UN;

5. Urges the Government of the DRC to make further progress in the democratisation of the country and, to this effect, to actively build on the recommendations included in the final report of the 2011 EU Electoral Observation Mission and in the report on the 2014 follow-up mission; stresses that the nature and amount of EU support for the electoral process in the DRC should depend on the progress made in the implementation of the recommendations included in these reports;
6. Recalls that the Independent National Electoral Commission should be an impartial and inclusive institution with sufficient resources to allow a comprehensive and transparent process;
7. Expresses deep concern at the deteriorating security and human rights situation in the DRC, and in particular at the continuous reports of increasing political violence; insists on the government's responsibility to avoid any deepening of the current political crisis or escalation of violence and to respect and protect the political rights of its citizens, in particular the rights of expression, association and assembly, as these are the basis for a dynamic political and democratic life;
8. Strongly condemns any use of force and the severe restrictions and intimidations faced, notably, opposition members, human rights defenders and journalists ahead of the upcoming electoral cycle; calls for the release of all political prisoners; calls on the Congolese authorities to guarantee the independence of the National Human Rights Commission and to enable it to work entirely independently, giving it the requisite resources;
9. Calls for a thorough and transparent investigation to be launched by the DRC Government and international partners into human rights violations that took place recently notably in the context of election protests, in different parts of the country and into the recent massacres in Benin, in North Kivu; reiterates that there can be no impunity for perpetrators of serious human rights violations, war crimes, crimes against humanity and sexual violence and for those responsible for the recruitment of child soldiers; stresses that the persons responsible for any such acts must be reported, identified, prosecuted and punished in accordance with national and international criminal law;
10. Acknowledges the efforts made by the Congolese authorities in the fight against impunity and in preventing sexual violence and violence against children although considers that progress remains slow; calls on the government to promote gender equality, particularly as regards women on the list of presidential candidates;
11. Reiterates its deep concern regarding the alarming humanitarian situation in the DRC, caused in particular by the violent armed conflicts in the eastern provinces and the influx of some 245 000 Burundian refugees since April 2015; recalls that the neutralisation of all armed groups in this region will strongly contribute to peace and stability; calls on the EU and its Member States to maintain their assistance to the people of the DRC in order to improve the living conditions of the most vulnerable sections of the population;

12. Welcomes UN Security Council Resolution 2277 (2016), which renewed MONUSCO's mandate and strengthened its powers to protect civilians and uphold human rights in the electoral context;
13. Calls on the AU and the EU to ensure a permanent political dialogue between the countries of the Great Lakes region in order to prevent any further destabilisation; regrets that only limited progress has been made in the implementation of the Peace, Security and Cooperation Framework Agreement of February 2013 and calls on all parties to actively contribute to stabilisation efforts;
14. 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; urges the EU institutions to intensify its dialogue with the DRC authorities, in the framework of Article 8 of the Cotonou Agreement, with the objective of obtaining definitive clarifications on the electoral process;
15. Emphasises that, failing this, it will be up to the EU to launch proceedings under Article 96 of the Cotonou Agreement and, in particular, redirect budget support towards civil society and consider targeted sanctions;
16. Highlights the crucial role of the AU in preventing political crises in Central Africa and invites its leaders, notably South Africa, to seek to ensure compliance with the DRC Constitution; urges the EU to use all the diplomatic and economic instruments at its disposal, including the forthcoming signature of the Economic Partnership Agreements, to reach this goal;
17. Welcomes the Congolese authorities' effort to implement the legislation which forbids trading and processing of minerals in areas where they are being illegally exploited, such as those controlled by armed groups; calls on the Congolese authorities to reinforce the implementation of the legislation aimed at putting an end to the illegal exploitation of the DRC's mineral resources and urges the DRC to continue its efforts to comply with the Extractive Industries Transparency Initiative;
18. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council, the European Commission, the Council of the EU, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the African Union, the UN Secretary-General, the UN Human Rights Council and the President, Prime Minister and Parliament of the DRC.