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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on the Democratic Republic of Congo
(2013/2822(RSP))

Charles Tannock, Jan Zahradil, Adam Bielan
on behalf of the ECR Group

**European Parliament resolution on the Democratic Republic of Congo
(2013/2822(RSP))**

The European Parliament,

- having regard to Partnership Agreement 2000/483/EC between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States of the other part, signed in Cotonou on 23 June 2000 and revised successively in 2005 and 2010,
- having regard to the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966),
- having regard to Article 3 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 Democratic Republic of Congo (DRC), Rwanda and other countries of the Great Lakes region,
- having regard to the African Union (AU) Charter on Human Rights and Peoples' Rights, which was ratified by DRC in 1982,
- having regard to United Nations (UN) Security Council resolutions, particularly Resolutions 2098 (2013), 2078(2012), 2076(2012), 2053 (2012), 1925 (2010) and 1856 (2008) on the situation in DRC, which lay down the mandate of the United Nations Mission in DRC (MONUSCO), the Security Council declaration of 2 August 2012 and the monthly reports of the United Nations Secretary-General on this subject,
- having regard to the Pact on Security, Stability and Development in the Great Lakes region, adopted by the Heads of State and Government of the Member States of the International Conference for the Great Lakes region (ICGLR) in Nairobi in December 2006, which entered into force in June 2008,
- having regard to the decision of the African Union's Peace and Security Council of 19 September 2012 on the security situation in the east of DRC,
- having regard to the European Union Guidelines of 2004 for the protection of human rights defenders and the local strategy for the implementation of the Guidelines in DRC, adopted by the heads of mission on 20 March 2010,
- having regard to the mission to reform the security sector, EUSEC RD Congo,

- established in June 2005 (Council Joint Action 2005/355/CFSP of 2 May 2005 on the European Union mission to provide advice and assistance for security sector reform in DRC),
- having regard to Council Joint Action 2009/769/CFSP of 19 October 2009 amending Joint Action 2007/405/CFSP on the European Union police mission undertaken in the framework of reform of the security sector (SSR) and its interface with the system of justice in the Democratic Republic of the Congo (EUPOL RD Congo),
 - having regard to the report of the United Nations Secretary-General of 23 August 2010 on the recent mass rapes committed against civilians by members of armed groups in the eastern part of DRC,
 - having regard to the statement of 27 September 2012 by the President of the European Council, Herman Van Rompuy at the UN High-Level Meeting on the eastern Democratic Republic of the Congo,
 - having regard to the UN Security Council Presidential Statement of 19 October 2012,
 - having regard to the conclusions of the European Union (EU) Council of Ministers of Foreign Affairs of 25 June and 19 November 2012 on the situation in the east of DRC,
 - having regard to the statements of 30 August 2013, 19 July 2013, 7 June 2012, 12 June 2012, 10 July 2012 and 23 November 2012 by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton,
 - having regard to the statement of 22 February 2011 by Andris Piebalgs, European Commissioner for Development, entitled 'DRC: A Step towards Ending Impunity',
 - having regard to the statement of 26 June 2012 by Kristalina Georgieva, European Commissioner responsible for international cooperation, humanitarian aid and crisis response, concerning the deterioration of the humanitarian situation in DRC,
 - having regard to the letter of 21 June 2012 from the Chair of the UN Security Council committee set up by Resolution 1533 (2004) concerning DRC to the President of the UN Security Council submitting the interim report of the group of experts on DRC and the annexes pertaining to it and requesting their publication as a Council document (S/2012/348),
 - having regard to the statements by the Heads of State and Government of the Member States of the ICGLR concerning the security situation in the east of DRC, particularly that of 24 November 2012,
 - having regard to the resolution of the Organisation Internationale de la Francophonie (OIF) adopted at the 14th Summit of Francophone Countries in Kinshasa on 13 and 14 October 2012 on the situation in DRC,
 - having regard to the resolution of 29 November 2012 adopted by the ACP-EU Joint Parliamentary Assembly on the situation of instability and insecurity in the Great Lakes

- region and, in particular, in the east of the Democratic Republic of Congo,
- having regard to Council's conclusions on eastern Democratic Republic of the Congo of 10 December 2012,
 - having regard to the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region signed in Addis Ababa in February 2013,
 - having regard to the Joint Communication to the Council "A strategic Framework for the Great Lakes region" of 19 June 2013,
 - having regard to the statement of 30 August 2013 by the UN Secretary-General Ban Ki-moon condemning the latest bout of violence in the eastern DRC and calling on all parties to engage in the political process that aims to address the causes of the conflict,
 - having regard to the joint call of 02 September 2013 by the United Nations Special Envoy for Africa's Great Lake's region Mary Robinson and the Special Representative of the UN Secretary-General for the DRC and head of the UN mission (MONUSCO) Martin Kobler at a news conference in Goma, DRC,
 - having regard to previous European Parliament resolutions on DRC, including the latest on 13 December 2012 on the situation in the Democratic Republic of the Congo,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas more than 2.7 million internally displaced people (IDPs) have been forced to flee their homes, including more than a 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 that are now merely surviving in precarious conditions as a result of the recurrent fighting and violations of both their human rights and International Humanitarian Law in the eastern DRC;
- B. whereas people's daily life in the eastern DRC has been gradually deteriorating in the past two decades reaching a stage of severe socioeconomic deprivation with poverty spreading across the whole country that ranks 186th out of 187 in the 2012 Human Development Index (HDI);
- C. whereas, since April 2012, elements of the armed forces of DRC (FARDC) have mutinied in the east of the country, more precisely in North Kivu province, and whereas this mutiny quickly mutated into an armed rebellion under the name of the March 23 Movement (M23), calling for the application of the peace agreement signed in Goma on 23 March 2009 by the DRC Government and the armed group known as the National People's Congress (CNDP);
- D. whereas even more acutely since September 2013, the eastern DRC is witnessing renewed intense fighting between the M23, along with other armed groups, that brought repeated clashes with the DRC national forces (FARDC) backed by MONUSCO alongside South African and Tanzanian forces;

- E. whereas this cycle of warfare is in particular linked to the armed confrontation between the rebel groups, M23, the Mai-Mai group, the Democratic Forces for the Liberation of Rwanda (FDLR) and Rwandan Hutu rebels, on the one hand, and the armed forces of DRC (FARDC), on the other hand;
- F. whereas for nearly eighteen months the M23 rebel group has been occupying a large part of North Kivu province, whereas it has established its own administration and whereas this part of the province thus remains outside the full control of the DRC State, causing constant instability and widespread insecurity not only for DRC, but also the neighbouring countries;
- G. whereas the First Congo War (November 1996 to May 1997) and the Second Congo war (August 1998 to July 2003) which preceded the present situation still have a re-emergent impact on current violent events and the country's stability;
- H. whereas the ICGLR Member States have established a joint verification mechanism to monitor troop movements in the eastern DRC and decided to deploy neutral international armed forces to help stabilise the Congolese land, while preventing contagion of the conflict, especially to Rwanda and Uganda;
- I. whereas the UN Security Council has extended until 31 Mars 2014 the mandate of the UN Stabilisation Mission in DRC (MONUSCO), under its Resolution 2098 (2013);
- J. whereas, since the beginning of this armed conflict that has escalated into a war, the eastern DRC has suffered from repeated atrocities characterised by human rights violations and war crimes, such as mass rapes, including rapes of children, torture and massacres of civilians and the forced enrolment of child soldiers;
- K. whereas recourse to sexual violence against civilians, both adults and children, including babies, and the widespread employment of rape as a deliberate instrument of war have enormous consequences such as the physical and psychological destruction of the victims, and constitute war crimes;
- L. whereas the non-prosecution of perpetrators of those human rights violations and war crimes promotes the climate of impunity and encourages the perpetration of new war crimes, thus creating a vicious circle of violence strangulating the DRC;
- M. whereas the European Union is contributing to the restoration of the justice and security (police and army) sectors and 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, and whereas the efficiency of the Union's assistance to DRC should be re-evaluated in light of the continuing degradation of the situation in the east of DRC;
- N. whereas the DRC, and in particular the eastern regions presently under the control of armed paramilitary groups, possesses an abundance of natural resources such as diamonds, copper and coltan, which through illegal mining activities helps to finance and perpetuate the war;
- 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 country's and the Great Lakes region's instability;

1. Remains gravely concerned about the persistent deterioration of the overall situation in the eastern DRC, which has dramatic security, humanitarian, and socioeconomic consequences in DRC and throughout the Great Lakes region;
2. Strongly condemns the latest outburst of violence in the eastern DRC, especially the indiscriminate shelling by the armed group M23 which caused deaths, injuries and damage among the civilian population in the eastern DRC provinces as well as the immediate border area in the Rwandan city of Gisenyi, while a Tanzanian UN peacekeeper also died in one of the attacks;
3. Strongly condemns also all previous attacks by M23 and any other armed rebels on civilians and MONUSCO in the eastern DRC as well as any attempt to internationalise the conflict, while reiterating its never-ending calls for an immediate ceasefire and the renewal of the arms embargo in line with UN Security Council (UNSC) Resolutions 2076 and 2078;
4. Stresses that external support to the M23 or any other armed rebels in DRC by local and/or foreign actors is unacceptable and must be stopped immediately and unconditionally;
5. Reaffirms the inalienable and inviolable right of DRC to demand respect of its sovereignty and territorial integrity;
6. Strongly condemns continuing human rights violations in the eastern DRC and the intolerable suffering inflicted upon the local populations, while calling for thorough and independent judicial inquiries to identify the perpetrators and to hold fair trials at the national or international level to stop impunity and bring justice to the abused or murdered and their families;
7. Calls on all states in the Great Lakes region and all member states of the EU to cooperate fully with the International Criminal Court (ICC) to this end and calls for the immediate execution of international arrest warrants;
8. Welcomes the mobilization of an additional €10 million by the European Commission to deliver urgently needed relief to 2.5 million people in DRC, which brings the EU's emergency aid to DRC and the Great Lakes region to €71 million in 2013, making the EU the country's largest humanitarian donor;
9. Urges the EU, the Government of DRC, the UN agencies and the other members of the international community such as the US, including all non-governmental organisations active in DRC, to closely cooperate in providing aid to people in need in the DRC;
10. Underlines that in order to make the most of available resources at this stage, duplication of work and other inefficiencies must be prevented in disbursing needed aid

in the eastern DRC, and focus should be on immediately life-saving actions such as distributing essential food and survival items, ensuring the protection of civilians and supply of potable water and shelter, and improving accessibility and quality of hygiene, sanitation and medical care, including posttraumatic and psychological support for the victims;

11. Appreciates in this context EU's aid to remote areas of eastern DRC and calls on the European Commission to continue running ECHO Flight airplanes to these isolated villages that can only be reached by air or on foot; considers that the €7 million allocated in 2012 for the EU's humanitarian air service in the country should be at least maintained in the 2014 EDF allocation for DRC;
12. Welcomes also the Kampala talks for peace in the region held on 05 September 2013 under the auspices of the Chairperson of the International Conference for the Great Lakes region (ICGLR), Ugandan President Yoweri Museveni, and reminds the international community of the urgency to duly implement the 11-nation Peace, Security and Cooperation Framework for the DRC and the region signed in Addis Ababa on 24 February 2013 under UN auspices as a comprehensive approach to sustainable peace in the region;
13. Greatly appreciates both the individual and joint efforts of the member states of the ICGRL, the AU, the UN, the US and the EU aimed at seeking a lasting and peaceful political solution to the ongoing severe crisis in DRC;
14. Calls particularly on Baroness Asthon, the EU's HR/VP, Mr Koen Vervaeke, EU Senior Coordinator for the Great Lakes region, Mrs. Mary Robinson, UN Special Envoy for Africa's Great Lakes region, Mr. Martin Kobler, Special Representative of the UN Secretary-General for the DRC and head of MONUSCO as well as Mr Boubacar Diarra, Special Representative of the African Union and Mr Russ Feingold, US Special Envoy for the African Great Lakes region and the DRC as key representatives of the international community involved in the country to keep its problems high on their respective agendas as long as the situation in the eastern part of the country continues to threaten the lives of millions and the overall regional stability;
15. Considers that transparent access to and parliamentary control over the natural resources of DRC as well as equitable redistribution through the State budget of revenue from the legal mining of those resources are preconditions for the sustainability of public policies of the DRC, particularly in the fields of education, health and security; calls, therefore, on the DRC and its neighbours of the Great Lakes region to take more measures to combat illicit exploitation of and trading in natural resources, and on the European Union and the whole of the international community to intensify cooperation with DRC in this field;
16. Calls for efforts at both national and international level to increase the authority of the State and the rule of law in DRC, particularly with respect to good governance, security, and the fight against organised crime, including illegal mining, in close cooperation with the EU military assistance mission (EUSEC) and the police assistance mission (EUPOL), which should be upgraded in numbers and their mandate extended, so that they can effectively contribute to consolidating peace and security in DRC and the Great Lakes region;

17. Encourages the Parliament, the Senate and the President of DRC, Joseph Kabila, to implement all necessary measures to consolidate democracy and ensure genuine participation of 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;
18. Considers that the solution to the lasting problems in the eastern DRC requires first and foremost a political stabilization thereof, particularly by means of demilitarisation, demobilisation and, to the extent possible, reintegration of ex-combatants to the legal workforce as well as repatriation of refugees and resettlement of people who have been displaced back to their own country;
19. whereas return to normality in DRC can only be achieved through national and regional reconciliation, and the necessary preparation of a detailed sustainable development plan for the country, which needs to be coordinated by the DRC Government and implemented under the close monitoring of the international community to ensure tangible results for the Congolese people in the near future;
20. Instructs its President to forward this resolution to the Council and Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the UN Secretary-General, the UN Security Council and the UN Human Rights Council, the UN special representative on sexual violence in armed conflicts, the African Union, the governments of the countries of the Great Lakes region, the President, Prime Minister and Parliament and Senate of the DRC.