



TEXTS ADOPTED

P8_TA(2016)0479

Situation in the Democratic Republic of the Congo

European Parliament resolution of 1 December 2016 on the situation in the Democratic Republic of the Congo (2016/3001(RSP))

The European Parliament,

- having regard to its previous resolutions on the Democratic Republic of the Congo (DRC), in particular those of 10 March 2016¹ and of 23 June 2016²,
- having regard to the statements by the EU Delegation to the Democratic Republic of the Congo on the situation of human rights in the country, particularly those of 23 November 2016 and 24 August 2016,
- having regard to the resolution of the ACP-EU Joint Parliamentary Assembly of 15 June 2016 on the pre-electoral and security situation in the DRC,
- having regard to the EU's local statements of 25 June 2016 on the human rights situation in the DRC, and of 2 August 2016 and 24 August 2016 on the electoral process in the DRC following the launch of the national dialogue in the DRC,
- 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 Democratic Republic of the Congo,
- having regard to the joint press releases of 16 February 2016 and of 5 June 2016 by the African Union, the United Nations, the European Union and the International Organisation of La Francophonie on the necessity of an inclusive political dialogue in the DRC and their commitment to supporting Congolese actors in their efforts towards the consolidation of democracy in the country,
- having regard to the statement of 15 August 2016 by the spokesperson of the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on the violence in the DRC,
- having regard to the EU Council Conclusions on the Democratic Republic of the Congo,

¹ Texts adopted, P8_TA(2016)0085.

² Texts adopted, P8_TA(2016)0290.

of 23 May 2016 and 17 October 2016,

- having regard to the UN Security Council resolutions on the DRC, in particular resolutions 2293 (2016) on renewing the DRC sanctions regime and the mandate of the Group of Experts and 2277 (2016), which renewed the mandate of the UN Stabilisation Mission in the DRC (MONUSCO),
 - having regard to the UN Security Council Press Statements of 15 July 2016 and 21 September 2016 on the situation in the DRC,
 - having regard to the statement of 20 September 2016 by the Co-Presidents of the ACP-EU Joint Parliamentary Assembly calling for calm to resolve the crisis through dialogue and with respect for the Constitution,
 - having regard to the Cotonou Partnership Agreement, signed on 23 June 2000 and revised on 25 June 2005 and 22 June 2010,
 - 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 Constitution of the Democratic Republic of the Congo, adopted on 18 February 2006,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas since 2001 Joseph Kabila has been President of the DRC; whereas President Kabila's term of office is ending 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;
- B. whereas over the past two years President Kabila has been using administrative and technical means to try to delay the election and remain in power beyond the end of his constitutional mandate;
- C. 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, which now seems to have reached an electoral impasse;
- D. whereas in November 2015 President Kabila announced the launch of 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 refused to participate in what they consider to be a non-inclusive and undemocratic dialogue, as well as a delaying tactic;
- E. 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;

- F. 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 therefore 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;
 - G. whereas since January 2015, Congolese security and intelligence officials have clamped down on peaceful activists and members of the opposition and of civil society who oppose attempts to allow President Kabila to stay in power past his constitutionally mandated two-term limit;
 - H. whereas human rights groups repeatedly report on the worsening situation of human rights and freedom of expression, assembly and demonstration in the country in the run-up to elections, including the use of excessive force against peaceful demonstrators, journalists, political leaders and others;
 - I. whereas the ever-increasing level of violence and violations and infringements of human rights and international law, in particular targeted actions and arbitrary arrests, have a negative impact on any efforts to regulate and stabilise the situation in the DRC;
 - J. whereas, in particular, more than 50 people were reportedly killed during demonstrations on 19 and 20 September 2016 in Kinshasa and many others disappeared; whereas members of the LUCHA and Filimbi movements are still being unlawfully detained; whereas press outlets such as Radio France Internationale (RFI) and Radio Okapi have been shut down or jammed; whereas, according to a report by the UN Joint Human Rights Office, 422 human rights violations by police officers and security forces were reported during the demonstrations held between 19 and 21 September 2016;
 - K. whereas humanitarian agencies believe that political instability is plunging the country into chaos and causing its population, already weakened by the various past and present crises, to sink into extreme poverty and insecurity, with more than 5 million people currently in need of food assistance;
 - L. whereas the European Union has stressed that any decision to postpone the elections must be taken within the framework of an inclusive, impartial and transparent political dialogue among Congolese stakeholders before the end of President Kabila's term in December 2016;
 - M. whereas the 2014-2020 National Indicative Programme for the DRC, with EUR 620 million in funding under the 11th European Development Fund, prioritises strengthening governance and the rule of law, including reforms of the judiciary, police and army;
1. Deplores the loss of lives during the demonstrations over the last few weeks and expresses its deepest sympathy to the families of the victims and the people of the DRC;
 2. Is deeply concerned at the increasingly unstable situation in the DRC in a tense pre-electoral context; reminds the authorities of the DRC, and primarily its President, 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. Deplores the failure of the government and the CENI (Independent National Electoral Commission) to hold the presidential election within the constitutional deadline; reiterates its call for a successful and timely holding of elections, in full accordance with the Congolese Constitution and the African Charter on Democracy, Elections and Governance, and insists on the Congolese Government's responsibility to guarantee an environment conducive to transparent, credible and inclusive elections as soon as possible;
4. 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;
5. Urges the EU to take more concrete actions and to immediately launch the procedure under Article 96 of the Cotonou Agreement, and to adopt targeted sanctions, including a visa ban and asset freeze, against the senior officials and armed forces agents responsible for the violent repression of demonstrations and the political impasse which is preventing a peaceful and constitutional transition of power, notably Kalev Mutond, Major General John Numbi, General Ilunga Kampete, Major General Gabriel Amisi Kumba, and General Célestin Kanyama;
6. Urges all political actors to engage in a peaceful and constructive dialogue, to prevent any deepening of the current political crisis and to refrain from further violence and provocations; welcomes the efforts made by the National Episcopal Conference of Congo (CENCO) to forge a wider consensus over a political transition; calls on both the authorities and the opposition to refrain from any action or statement that could further spread unrest; in the meantime, 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;
7. Expresses deep concern about the deteriorating human rights situation and the increased restriction of the political space in the DRC, and in particular the instrumentalisation of the judicial system and the violence and intimidation faced by human rights defenders, political opponents and journalists; calls for the immediate and unconditional release of all political prisoners; asks the authorities to immediately lift all restrictions on the media;
8. Remains deeply concerned about the effective role of the CENI, 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;
9. Calls for a full, thorough and transparent investigation into the alleged human rights violations that took place during the protests to identify those responsible and hold them accountable;
10. Calls on the EU Delegation to continue to closely monitor developments in the DRC and to use all appropriate tools and instruments to support human rights defenders and pro-democracy movements; calls on the VP/HR to consider increasing the mediation capacities of the EU Delegation to cooperate with the African Union in order to support a

more inclusive political dialogue and prevent the deepening of the political crisis and the further spread of violence;

11. Calls for greater involvement of the African Union in ensuring full respect for the Congolese Constitution; calls for a permanent dialogue among the countries of the Great Lakes region in order to prevent any further destabilisation; welcomes in this regard the holding of the International Conference of the Great Lakes Region to assess the situation in the DRC held in Luanda in October 2016;
12. Recalls that peace and security are preconditions for a successful election and a stable political environment; welcomes, in this regard, the renewal of MONUSCO's mandate and the strengthening of its powers to protect civilians and uphold human rights in the electoral context;
13. Reiterates its deep concern regarding the alarming humanitarian situation in the DRC; calls for the EU and its Member States to continue their assistance to the people of the DRC with a view to improving the living conditions of the most vulnerable populations and tackling the consequences of displacement, food insecurity and natural disasters;
14. 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 Government and Parliament of the DRC, the African Union, the ACP-EU Council, the Secretary-General of the UN, and the UN Human Rights Council.