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| European Parliament  2014-2019 |  |

Plenary sitting

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<Date>{30/01/2017}30.1.2017</Date>

<TitreType>JOINT MOTION FOR A RESOLUTION</TitreType>

<TitreRecueil>pursuant to Rule 123(2) and (4) of the Rules of Procedure</TitreRecueil>

replacing the motions by the following groups:

ECR (B8‑0120/2017)

ALDE (B8‑0121/2017)

GUE/NGL (B8‑0122/2017)

S&D (B8‑0123/2017)

EFDD (B8‑0124/2017)

Verts/ALE (B8‑0125/2017)

PPE (B8‑0126/2017)

<Titre>on the rule of law crisis in the Democratic Republic of Congo and in Gabon</Titre>

<DocRef>(2017/2510(RSP))</DocRef>

<RepeatBlock-By><Depute>Mariya Gabriel, Bogdan Brunon Wenta, Michael Gahler, György Hölvényi, Maurice Ponga, Cristian Dan Preda, Anna Záborská, Joachim Zeller, Željana Zovko, Agustín Díaz de Mera García Consuegra, Frank Engel, Ádám Kósa, Adam Szejnfeld, Krzysztof Hetman, Ivo Belet, Paul Rübig, Teresa Jiménez-Becerril Barrio, Fernando Ruas</Depute>

<Commission>{PPE}on behalf of the PPE Group</Commission>

<Depute>Elena Valenciano, Jo Leinen, Norbert Neuser, Cécile Kashetu Kyenge</Depute>

<Commission>{S&D}on behalf of the S&D Group</Commission>

<Depute>Arne Gericke, Charles Tannock, Anna Elżbieta Fotyga, Ryszard Antoni Legutko, Ryszard Czarnecki</Depute>

<Commission>{ECR}on behalf of the ECR Group</Commission>

<Depute>Petras Auštrevičius, Izaskun Bilbao Barandica, Marielle de Sarnez, Javier Nart, Carolina Punset, Pavel Telička, Hilde Vautmans</Depute>

<Commission>{ALDE}on behalf of the ALDE Group</Commission>

<Depute>Marie-Christine Vergiat, Kateřina Konečná</Depute>

<Commission>{GUE}on behalf of the GUE/NGL Group</Commission>

<Depute>Heidi Hautala</Depute>

<Commission>{VERT}on behalf of the Verts/ALE Group</Commission>

<Depute>Isabella Adinolfi, Ignazio Corrao, Piernicola Pedicini, Rolandas Paksas</Depute>

<Commission>{EFDD}on behalf of the EFDD Group</Commission></RepeatBlock-By>

European Parliament resolution on the rule of law crisis in the Democratic Republic of Congo and in Gabon

(2017/2510(RSP))

*The European Parliament*,

– having regard to its previous resolutions on the Democratic Republic of the Congo (DRC),

– 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,

– having regard to the political agreements reached in the Democratic Republic of the Congo (DRC) on 18 October 2016 and 31 December 2016,

– having regard to the statement of 18 December 2016 by the Vice-President of the Commission / High Representative of the European Union for Foreign Affairs and Security Policy (VP/HR), Federica Mogherini, on the failure to reach an agreement in the DRC,

– having regard to the statement of 23 November 2016 by the spokesperson of the VP/HR on current political efforts in the DRC,

– having regard to the Council conclusions of 23 May 2016 and 17 October 2016 on the DRC,

– having regard to the local EU statements 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 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 Organisation 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 annual report of the UN High Commissioner for Human Rights, published on 27 July 2015, on the situation of human rights in the DRC,

– having regard to the UN Secretary-General’s reports of 9 March 2016 on the UN Organisation 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 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 need for 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 Peace, Security and Cooperation Framework Agreement for the DRC and the Region, signed in Addis Ababa in February 2013,

– having regard to the final report of the European Union electoral observation mission (EOM),

– having regard to the joint statement issued on 24 September 2016 by the VP/HR and the Commissioner for International Cooperation and Development, Neven Mimica, following the announcement by the Gabonese Constitutional Court of the official results of the presidential election,

– having regard to the statement on Gabon issued by the VP/HR’s spokesperson on 11 September 2016,

– having regard to the press release issued by the African Union on 1 September 2016 condemning the violence of the post-electoral conflict in Gabon and calling for its peaceful resolution,

– having regard to the EU Annual Report on Human Rights and Democracy in the World in 2014, adopted by the Council of the European Union on 22 June 2015,

– having regard to the 11th European Development Fund 2014-2020 National Indicative Programme, which prioritises strengthening democracy, governance and the rule of law,

– having regard to the resolutions adopted by the ACP-EU Joint Parliamentary Assembly of 18 May 2011 on challenges for the future of democracy and respecting constitutional order in ACP and EU countries, and of 27 November 2013 on the respect for the rule of law and the role of an impartial and independent judiciary,

– having regard to the Memorandum of Understanding signed between the Republic of Gabon and the European Union concerning the EU’s election observation mission (EOM),

– having regard to the Congolese and Gabonese Constitutions,

– 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 African Union’s Declaration on the Principles Governing Democratic Elections in Africa (2002),

– having regard to the UN International Charter of Human Rights,

– having regard to the Cotonou Agreement,

– having regard to Rule 123(2) and (4) of its Rules of Procedure,

A. whereas the rule of law, accountability, respect for human rights and free and fair elections are essential elements of any functioning democracy; whereas these elements have been challenged in some countries of Sub-Saharan Africa, notably the DRC and Gabon, thereby plunging these countries into a lasting period of political instability and violence;

B. whereas, most recently, Ali Bongo, the Gabonese outgoing president, in power since the death of his father, Omar Bongo, in 2009, was declared the winner of the 2016 presidential election; whereas international observers, and in particular the EU EOM, identified clear anomalies in the compilation of the results;

C. whereas Jean Ping, his main contender, immediately challenged and condemned this result; whereas an appeal alleging electoral irregularities and calling for a recount was lodged with the Constitutional Court, who eventually confirmed the result; whereas, however, consideration of the appeal has not dispelled all the doubts surrounding the outcome of the presidential election;

D. whereas Congolese President Joseph Kabila, in power since 2001, has delayed the election and remained in power beyond the end of his constitutional mandate; whereas this has caused unprecedented political tension, unrest and violence across the country;

E. whereas violence escalated following the expiry date of President Kabila’s mandate, causing the death of at least 40 people in clashes between protesters and security forces; whereas, according to the UN, 107 people have been injured or ill-treated and there have been at least 460 arrests;

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 after months of negotiations, the parties to the agreement of 18 October 2016 reached a global and inclusive political agreement on 31 December 2016; whereas this agreement provides for the first peaceful transfer of power in the country since 1960, the putting in place of a transitional government of national unity, the holding of elections by the end of 2017, and the stepping-down of President Kabila; whereas certain members of the opposition have not signed the agreement;

G. whereas in both countries street demonstrations broke out and were violently suppressed, leaving a number of people dead; whereas the authorities have clamped down on members of the opposition and of civil society opposing the power in place; whereas human rights groups continuously report on the worsening situation with regard to human rights and freedom of expression and assembly, including the use of excessive force against peaceful demonstrators, arbitrary arrests and detentions, and politically motivated trials;

H. whereas there has been a serious deterioration in the freedom of the media, which is limited by constant threats and attacks against journalists; whereas media outlets and radio stations have been shut down by the authorities, and restrictions have been put on the internet and social networks;

I. whereas one of the characteristics of democracies is respect for the Constitution, which underlies the state, the institutions and the rule of law; whereas peaceful, free and fair elections in these countries would have contributed greatly to addressing the challenge of democratic progress and alternation of power faced by the Central African region;

J. whereas the 11th European Development Fund 2014-2020 National Indicative Programme prioritises strengthening democracy, governance and the rule of law; whereas both EU and African partners have a strong common interest in the continued development of democracy and the establishment of properly functioning constitutionalism;

1. Deplores the loss of lives during the demonstrations over the last few months in both countries, and expresses its deepest sympathy to the families of the victims and the people of the DRC and Gabon;

2. Is deeply concerned at the increasingly unstable situation in both countries; urges the authorities, and above all the presidents, to abide by their international obligations, to guarantee human rights and fundamental freedoms and to exercise the task of governing with the strictest respect for the rule of law;

3. Strongly condemns all the violence perpetrated in Gabon and the DRC, the breaches of human rights, arbitrary arrests and illegal detentions, political intimidation of civil society and members of the opposition, and the violations of freedom of the press and freedom of expression in the context of the presidential elections; calls for all restrictions on the media to be lifted and for all political detainees to be released;

***Gabon***

4. Considers the official presidential election results to be non-transparent and highly doubtful, which has the effect of calling into question President Bongo’s legitimacy; deplores the fact that the appeal procedure which led to Ali Bongo being declared the winner in the election was conducted in an opaque manner, and that the Constitutional Court failed to take proper account of the irregularities noted in some provinces, notably in Haut-Ogooué, the fiefdom of Ali Bongo; regrets the Constitutional Courts’ refusal to recount the votes and compare the ballots before they were destroyed;

5. Is deeply concerned by the political crisis in Gabon and the unfolding violence between protesters and security forces following the proclamation of the 2016 presidential election;

6. Strongly condemns the intimidation and threats against members of the European Union EOM and the attacks challenging its neutrality and transparency; deeply regrets the fact that, despite the Memorandum of Understanding signed with the Gabonese Government, the EU EOM was granted only limited access to the centralised vote counts in the local electoral commissions (LECs) and at the National Electoral Commission (CENAP) headquarters, and that this prevented the EU EOM from observing key parts of the presidential electoral process;

7. Notes the launch of a national dialogue, as proposed by Ali Bongo, on 14 November 2016; voices reservations, therefore, as to the credibility and relevance of such processes; points out, however, that the leading opposition figure, Jean Ping, is refusing to take part and is keen to launch a national dialogue of his own;

8. Urges the Government of Gabon to conduct a thorough and expeditious reform of the electoral framework, taking account of the recommendations made by the EU EOM, in order to improve it and make it fully transparent and credible; stresses that the Gabonese authorities must guarantee full and sincere cooperation with all relevant national and international stakeholders in order to ensure that the next parliamentary elections are fully transparent and fair and take place in a free, democratic, inclusive and peaceful environment;

9. Calls for an independent and objective investigation into the election-related violence and the allegations of serious violations of human rights and fundamental freedoms, and underlines the need to make sure that all those found responsible are brought to justice; calls, moreover, for the EU, in collaboration with the UN and the African Union, to continue to monitor closely the overall situation in Gabon and to report all cases of violation of human rights and fundamental freedoms; notes the requests for a preliminary inquiry at the International Criminal Court (ICC) into the post-electoral violence;

10. Urges the Council to initiate a consultation process under Article 96 of the Cotonou Agreement as soon as there is a lack of progress in the intensified political dialogue; calls on the Council, if no agreement can be reached within the consultation process, to consider imposing targeted sanctions on those responsible for the post-electoral violence and human rights abuses, and for undermining the democratic process in the country;

***Democratic Republic of the Congo***

11. Deplores the failure of the Congolese Government to hold the presidential election within the constitutional deadline; reiterates its call for all necessary steps to be taken to create an environment conducive to free, fair and credible elections to be held no later than December 2017, in full accordance with the Congolese Constitution and the African Charter on Democracy, Elections and Governance;

12. 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;

13. Welcomes the efforts made by the National Bishops’ Conference (CENCO) to forge a wider consensus over a political transition; takes note of the agreement reached in late December 2016 denying a third term to President Kabila and calling for the election to take place before the end of 2017; reminds all parties of their commitment to this agreement, and therefore encourages them to apply it in all its components and to set out a concrete calendar for the next elections as soon as possible; reminds them of the high stakes involved if they fail to bring about a successful outcome;

14. Urges the Congolese Government to immediately address open questions related to the sequencing of the electoral calendar, its budget and the updating of the electoral register in order to allow free, fair and transparent elections; recalls that the Independent National Electoral Commission should be an impartial and inclusive institution with sufficient resources to allow for a comprehensive and transparent process;

15. Calls for the European Union and its Member States to support the implementation of the agreement and the holding of the electoral process; and calls on all international actors to provide major political, financial, technical and logistical support to the DRC as needed for the elections to take place by December 2017; calls for transparency as regards all the financial support of the European Union and its Member States to the Congolese elections;

16. Urges a full, thorough and transparent investigation into the alleged human rights violations that took place during the protests in order to identify those responsible and hold them accountable;

17. Welcomes the adoption of the EU targeted sanctions, including travel bans and asset freezes, on those responsible for the violent crackdown and for undermining the democratic process in the DRC; calls on the Council to consider extending these restrictive measures in the event of further violence, as provided for in the Cotonou Agreement;

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18. Calls on the UN Human Rights Council to investigate the serious human rights violations which have occurred in both countries recently;

19. Calls on the Congolese and Gabonese authorities to ratify the African Charter on Democracy, Elections and Governance at the earliest opportunity;

20. Calls on the EU Delegation to use all appropriate tools and instruments to support human rights defenders and pro-democracy movements, and to conduct an enhanced political dialogue with the authorities, as enshrined in Article 8 of the Cotonou Agreement;

21. Calls, moreover, for the EU and ACP countries, in collaboration with the UN and the African Union, to continue to monitor closely the overall situation in both countries;

22. Stresses that the situation in Gabon and the DRC poses a serious threat to the stability of the Central African region as a whole; reiterates its support to the African Union in its crucial role in preventing a political crisis in the region and any further destabilisation of the Great Lakes Region;

23. 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 President, Prime Minister and Parliament of the DRC and of Gabon, the Secretary-General of the United Nations, the UN Human Rights Council and the ACP-EU Joint Parliamentary Assembly.