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Subject: Democratic Republic of the Congo
Council conclusions (11 December 2017)

Delegations will find in the annex the Council conclusions on the Democratic Republic of the Congo, adopted by the Council at its 3587th meeting held on 11 December 2017.

Council conclusions on the Democratic Republic of the Congo

1. The holding of credible, transparent, inclusive and peaceful elections should make it possible to overcome the political crisis by allowing a democratic transition in the Democratic Republic of the Congo (DRC) in accordance with its Constitution, which limits the number of presidential terms of office, the New Year's Eve (Saint-Sylvestre) Political Agreement, United Nations Security Council resolution 2348 (2017) and the African Charter on Democracy, Elections and Governance.

2. Following the announcement on 5 November 2017 of the electoral calendar, the EU stresses that the Government and the institutions in charge of organising the elections, especially the Independent National Electoral Commission (CENI), bear primary responsibility for the effective and immediate implementation of measures and actions to ensure that the calendar is adhered to through a credible, legitimate, consensual and inclusive process in accordance with the New Year's Eve Political Agreement. Recalling that the UN Security Council has, together with the African Union, repeatedly called for the swift publication of a credible and consensual electoral calendar, the EU believes that it will be of critical importance, in particular for the legitimacy of the institutions in charge of the transition, to respect the election date which has now been set for 23 December 2018.

3. The EU strongly condemns the human rights infringements and acts of harassment carried out against opposition politicians, representatives of the media and civil society and human rights defenders. Such acts are incompatible with democratic principles and respect for the fundamental freedoms enshrined in public international law. The EU stresses that the Constitution must be respected and that it is a matter of urgency for the Government to fully implement all the measures to ease political tension as provided for in the New Year's Eve Agreement in order to establish credible and inclusive election conditions, reinstate trust between stakeholders and ease political tension, including in particular the release of all political prisoners, an end to unjustified prosecutions, an end to the duplication of political parties, freedom of the press and the reopening of closed media outlets. The EU also calls for the freedom of assembly and of peaceful protest to be respected.

4. Against this backdrop, the EU reaffirms its willingness to support credible and inclusive elections in cooperation with all Congolese actors and their partners, in particular the United Nations, the African Union, the SADC, the ICGLR and the OIF. In carrying out its technical and financial support, the EU will assess the implementation of the measures referred to in the paragraphs above concerning the application of the New Year's Eve Agreement, on which the legitimacy of the transition is founded, as well as respect for human rights and the lifting of restrictions on political space, and the necessary measures to ensure a transparent and inclusive electoral process, the scrupulous application of the new electoral calendar, the publication of a credible budget and a realistic payment plan, the adoption of the requisite electoral law and a reliable update of the electoral register. The EU will work alongside its international partners, in particular in the joint team of election experts, which must have access to the information necessary for it to perform its task of monitoring the implementation of the electoral process, including the full participation of women.

5. The EU joins with the other actors in the international community, in particular the United Nations, in condemning the serious violations and abuses of human rights and fundamental freedoms in the DRC, and the violations of international humanitarian law in Kasai in particular. The EU remains deeply concerned by the worsened security situation in Kasai, Tanganyika and the east of the DRC, which is affecting women and children in particular. It recalls the primary responsibility of the Congolese authorities, in particular the DRC Armed Forces, in protecting populations. In the framework of the resolution on Kasai adopted by the 35th session of the Human Rights Council with the support of the Congolese authorities, the EU will follow with great attention the mission of the team of international experts established by the Office of the High Commissioner for Human Rights. This resolution commits the DRC, as a Human Rights Council member, to granting the experts free and unimpeded access to the documents, territories and persons concerned, and allowing the team to work in accordance with international standards of independence and impartiality.

The EU also welcomes the support of the United Nations in the investigations into the assassination of two Security Council experts who were tragically killed in March 2017, and in bringing the perpetrators to justice.

6. The EU welcomes the key role played by the UN Stabilisation Mission in the DRC (MONUSCO) which has just suffered a heavy loss with the attack on 7 December in North Kivu, an attack which left many dead and injured among the Tanzanian contingent, the Congolese military and civilians. The EU endorses the implementation of resolution 2348, supported by the strategic review in the context of MONUSCO, which seeks in particular to improve the civilian protection arrangements and to strengthen their capacity for ensuring the security of a credible and inclusive electoral process and providing it with logistical support.

7. The EU is alarmed by the dramatic humanitarian situation, which has been worsened by the political crisis. There are currently around 4.1 million displaced people in the DRC, which in October 2017 prompted the United Nations to activate the highest level of emergency response in the DRC. The countries in the region are facing an influx of refugees. Moreover, 7.7 million Congolese are food insecure and 1.9 million children are suffering from severe acute malnutrition. The EU supports an increased international response to this humanitarian situation. It recalls the primacy of respect for humanitarian principles and the need to ensure access to the populations concerned in an increasingly difficult security context.

8. In accordance with previous Council conclusions and in line with the United Nations Security Council statement, the EU reminds political leaders, members of the security forces and legal persons that they are individually responsible in the event of serious human rights violations, incitement to violence, actions or statements that hinder the implementation of the political agreement and the organisation of elections within the specified time-frame, and obstructing a solution to the crisis that is consensual, peaceful and respectful of the aspiration of the Congolese people to elect their representatives.

9. The EU will continue to lend its support to the Congolese people, who are facing serious socio-economic challenges on a daily basis. With a view to a lasting solution to the current economic and budgetary crisis and to a fair and inclusive development, the EU calls for the resumption of dialogue with the international financial institutions in a structured manner, and for improved governance, in particular by combating corruption, money laundering and the diversion of public funds, which are also sources of social, economic and political tensions.

10. The EU calls on all Congolese actors, and above all the Congolese authorities and institutions, to play a constructive role in the electoral process, and welcomes the support of external partners in this respect. It also recalls the importance of the role of civil society and women in particular.

A solution to the crisis which is peaceful and respectful of the spirit of consensus of the New Year's Eve political agreement and of the aspiration of the Congolese people to elect their representatives will be decisive in defining relations between the DRC and the EU.
