

## ***Political stalemate & worsening security crisis in the DR Congo***

*How should the European Union respond?*



European Network for Central Africa - EurAc

December 2016

# Introduction

Since the publication of the European Network for Central Africa (EurAc)'s last report<sup>1</sup> in June 2016 regarding the current pre-electoral crisis, the situation in the Democratic Republic of Congo (DRC) continues to be extremely unsettled as a result of tensions between the different political groups, tensions that have been accompanied by the brutal and unrelenting repression of dissenting voices. Indeed, in June 2016, EurAc had already expressed its concerns regarding the possibility of concluding the current electoral cycle<sup>2</sup> within the constitutional timeframes. For the presidential elections, which still today are the focus of most of the current tensions, this would have required the elections to be called on 19 September and actually held on 27 November, with President Kabila's term ending on 20 December. As of today, none of this has happened and it is now certain, in view of the multiple delays that have marked the process, that the election of a new president in 2016 is entirely compromised. Moreover, now as in June, following President Kabila's recent message to the Congolese people in his State of the Nation speech of 15 November, it still seems entirely reasonable **to doubt the will of the current President to retire at the end of his second term, on the evening of 19 December.**

What is more, besides the persistent criticism regarding the lack of independence of the Independent National Electoral Commission (*Commission Electorale Indépendante Nationale* - CENI) and the Constitutional Court, numerous obstacles still stand in the way of the preparation of credible, free and peaceful elections. Various opposition groups do not recognize the legitimacy of the agreement signed on 18 October (2016) following the national political dialogue, which, amongst other things sets the date for the next elections for April 2018. The *Rassemblement* opposition platform<sup>3</sup> is now advocating the setting up of a 'special regime' to manage post-19 December, where the continuation of Joseph Kabila as president, under certain conditions, appears less and less unlikely.<sup>4</sup> Moreover, the violent crackdown on the protests of 19 and 20 September, with a reported 50 dead and many others injured or disappeared,<sup>5</sup> and more generally the **growing restrictions on freedom of expression, assembly, association, but also on the right to protest and the freedom of the press**, are increasingly limiting the capacity for expression and action of civil society, the media and opposition parties. This shrinking of the democratic space, which seriously jeopardises the fundamental rights of the Congolese people, has increased markedly as the deadline of 19 December approaches. Finally, growing public discontent linked to economic difficulties and to financial misconduct, which is stifling employment and the economy as a whole,<sup>6</sup> is now more than ever testing the Congolese people's tolerance and patience towards those in power.

The violent and deadly events of September 2016 have opened the eyes of a number of European states which had previously shown a certain reluctance or even opposition to expressing their growing concern to the DRC government but also to sending a strong message to those responsible for violence

---

<sup>1</sup> EurAc, Elections in danger and political crisis in the DRC. Is the European Union up to the security and democratic challenges?, June 2016

<sup>2</sup> By electoral cycle, we refer to the third cycle since the adoption of the new Constitution in 2006, which started in 2014 and should lead to the organisation by 2016 of 11 (direct and indirect) elections at local, provincial and national levels.

<sup>3</sup> The *Rassemblement*, created during the Conclave held in Genvat in Belgium on 8 and 9 June 2016, brings together several opposition parties. The president of the Council of Elders is Etienne Tshisekedi, long-standing opposition figure and president of the Union pour la Démocratie et le Progrès Social UDPS party. « Le conclave de Bruxelles exige la tenue de la présidentielle en RDC avant la fin de l'année », *Radio Okapi*, 10 June 2016

<sup>4</sup> "Document submitted to CENCO: Jean-Marc Kabund contradicts Félix Tshisekedi ", *Politico.cd*, 28 November 2016

<sup>5</sup> Office of the High Commissioner for Human Rights (OHCHR), *DRC: Zeid warns of deteriorating situation, urges accountability for deadly clashes*, 22 September 2016

<sup>6</sup> Jason Stearns, *Just what Kabila did not need: a bad economy*, Congo Research Group, 19 April 2016

and abuse. The conclusions of the Foreign Affairs Council last October 17,<sup>7</sup> which reinforced those adopted in May 2016<sup>8</sup>, allowed for increased pressure to be put on the regime, in particular by reiterating the readiness of the European Union (EU) to set in train the implementation of ‘individual restrictive measures against those responsible for serious human rights violations, those who promote violence and those who would try to obstruct a consensual and peaceful solution to the crisis that respects the aspiration of the people of the DRC to elect their representatives’.<sup>9</sup> The EU’s High Representative Federica Mogherini was invited to ‘initiate work to this end’. Although no action has yet been taken in this regard, it would seem that the EU is finally ready to announce targeted sanctions against several senior officials and members of the Congolese security forces responsible for violent repression and human right violations at the next Foreign Affairs Council meeting on 12 December.

As the DRC’s main partners and in the face of this situation and the risks it poses for the country and the region, **the EU and its Member States must continue to affirm their commitment to democracy and the defense of fundamental rights in the DRC and thus increase the pressure on the Congolese authorities**. This political stalemate and crisis could rapidly degenerate and lead to violence on a large scale, in particular on 19 and 20 December when it is feared large demonstrations could take place throughout the country, in which the Congolese people will be the first victims. The EU has everything to lose from a major new security and humanitarian crisis in the DRC, which could also extend to other Central African countries. Indeed, if a peaceful solution, which respects the rights of the Congolese and is accepted by all, is not found, a dramatic deterioration of the security situation as was recently seen in Burundi or in Congo-Brazzaville, is to be feared, which in the case of DRC would inevitably lead to a destabilization of the whole region.

With this new position statement, EurAc wishes to draw **the attention of European political decision-makers**, at all levels of power, to the gravity and the risks of the situation in the DRC. The next step is to provide them with **action plans**, on the one hand for the adoption of strong and urgent measures to prevent this crisis leading to a serious escalation of violence and a regional security crisis, and on the other to support the electoral process in such a way as to bring the country out of the current stalemate (see *Recommendations*). These action plans stem from an **assessment of the current political situation** and the security risks in the DRC (see *Part I*), and the **responses that the EU and its Member States have provided so far and those that they should strengthen** in order to prevent a further escalation of violence and new abuses in the DRC (see *Part II*).

---

<sup>7</sup> European Union Council for Foreign Affairs, Council Conclusions on the Democratic Republic of Congo, 17 October 2016

<sup>8</sup> European Union Council for Foreign Affairs, Council Conclusions on the Democratic Republic of Congo, 23 May 2016

<sup>9</sup> European Union Council for Foreign Affairs, Council Conclusions on the Democratic Republic of Congo, 17 October 2016

# Recommendations

The political and security crisis in the DRC and the question of applying targeted sanctions by the EU will thus be debated again in the upcoming Council meeting, providing yet another perfect opportunity for the EU to demonstrate its firm commitment to supporting democracy and the protection of human rights in the region, values that constitute the true added value of European cooperation compared to the approach of the DRC's other international partners. It will also be a crucial moment to try to avoid a new serious and large-scale security and humanitarian crisis in the Great Lakes region.

In light of this worsening political and security crisis, EurAc therefore calls on European Ministers of Foreign Affairs, who will meet at the next Foreign Affairs Council on 12 December, and the High Representative of the EU Federica Mogherini, to take concrete steps to prevent a further escalation of violence and new abuses in the DRC. We therefore call on European representatives to:

## On a political and diplomatic level

- **Publicly announce that the EU will follow up on the** measures announced in the most recent conclusions of the EU Foreign Affairs Council of 17 October 2016,<sup>10</sup> and will indeed apply **individual sanctions** – including visa bans and assets freezes – against senior Congolese officials and security force officers responsible for violent repression and human rights violations, and/or against those who incite to violence or stand in the way of a solution to the crisis that is consensual, peaceful and respectful of the aspiration of the Congolese people to elect their representatives;
- **Convey** more strongly the **refusal of the EU to see President Kabila run for a** third term. The EU must clearly and forcefully communicate to the Congolese government its concern that the articles of the Congolese constitution that enshrine the principle of democratic change of government, such as the number and duration of authorized presidential mandates, or even the method of holding presidential elections (Articles 70 and 220) be effectively and fully respected, and in a timely manner, and that failure to do so will have significant consequences for EU-Congo relations;
- Recognizing the impasse in the national political dialogue, which ended on 17 October with the signing of an agreement on 18 October, an agreement rejected by some of the opposition parties, and so as to respect the desire expressed in the Conclusions of the Council of 17 October to see all the major political families and civil society, including CENCO<sup>11</sup>, seek the necessary compromises, **communicate** in a much stronger and more coherent way to the Congolese Government and the opposition **about the need to work with CENCO in their efforts to mediate the main areas of disagreements**, so as to find, through dialogue, a way out of the crisis and **a new agreement acceptable to all, which copperfastens several key elements**, such as:
  - the setting up of an inclusive transitional government that brings together representatives of the Presidential majority and from different opposition groups;
  - a realistic electoral calendar for the organization of a presidential election in 2017;
  - guarantees that President Joseph Kabila will not seek to run for a third term;
  - guarantees that the Constitution will not be changed;
  - guarantees that a referendum will not be called in order to change the Constitution;

---

<sup>10</sup> European Union Council for Foreign Affairs, Council Conclusions on the Democratic Republic of Congo, 17 October 2016

<sup>11</sup> *Idem*

- guarantees that the independence of CENI will genuinely be monitored;
  - the creation of a monitoring committee made up of independent actors from all political parties and also from civil society, in order to ensure that the decisions provided for in this agreement are effectively abided by.
- **Request that the EU's High Representative for Foreign Affairs travel to the DRC as soon as possible in order to defend this common position before the highest Congolese authorities.** This visit should also contribute to strengthening the political role of the EU Delegation to the DRC, which, under Article 8 of the Cotonou Agreement, has the mandate to conduct a dialogue with the Congolese authorities with a view to supporting the objectives of its development policy in the country. That dialogue should make it possible to challenge the Congolese presidency regarding the importance of respecting the Constitution and human rights. More broadly, the dialogue should aim to support the holding of free, inclusive, transparent, credible and peaceful elections, within the constitutional timeframes;
  - **Beyond any reasonable doubt with regard to the involvement of Congolese security service agents (ANR, PNC, Presidential Guard, FARDC), immediately trigger the mechanisms for enhanced political dialogue provided for in the Cotonou Agreement (enhanced Article 8 and consultations under Article 96),** with the possibility of a suspension of all aid programmes, except for humanitarian and emergency actions in direct support of the population or support to political transition and a way out of the crisis;
  - **Use the Support Programme for Reform of the Justice Sector in the DRC (PARJ),** funded as part of the 11<sup>th</sup> European Development Funds (EDF), as a lever to strengthen the EU's political dialogue with the Congolese authorities regarding the importance of establishing an impartial and independent judiciary system in the DRC. In the absence of rapid, significant and satisfactory progress on the matter, the EU must eventually consider suspending its financial support for the DRC's Justice Sector.

## **On the level of the protection of human rights and fundamental freedoms**

- **Communicate** in a strong and coherent manner the **EU's dedication and determination to defend the rights and freedoms** of Congolese citizens, such as the freedom of expression, association, assembly, and the freedom of the press; reiterate its strong **condemnation of the prohibition on peaceful protests, and the policy of arresting and detaining** political opponents, human rights defenders, and members of civil society; and continue to demand the **immediate and unconditional release of all prisoners of conscience**, as well as the dropping of all charges pending against them; forcefully **condemn** the closing down or jamming the signals of media outlets like RFI and Radio Okapi, the intimidation and harassment of national and international journalists, and **demand** the immediate re-opening of RFI.

## **On the security level**

- **Communicate** that the EU has a **zero tolerance policy** towards **the excessive use of force and incitement to violence** by Congolese security forces and army officers who currently receive training or any other kind of support, in particular financial, from the EU or its member states; **be prepared to reduce this financial support** if these agents are found to be responsible for excessive use of force or incitement to violence;

- **Encourage the UN Peacekeeping Mission in Congo (MONUSCO) to comply with its obligations enshrined in UN Security Council Resolution 2277**, in particular Article 29 b)<sup>12</sup> and Article 35 i) a)<sup>13</sup> and further develop its human, logistical and technical capacity in order to ‘ensure, within its area of operations, effective protection of civilians under threat of physical violence [...] in the context of elections’;
- **Use its diplomatic influence** to call on Member States of the **United Nations Security Council**, in particular those permanent or temporary members who are also EU Member States, to set up an **independent investigation into the massacres in Beni and Lubero**, one that will not encroach upon local community conflict resolution initiatives, but which would instead supplement them.

### **On the level of technical support for the electoral process**

- **Reiterate** its willingness to collaborate with international partners in order to ensure a **clear and comprehensive plan is put in place to finance the Congolese elections** and to communicate this plan widely, provided there is a credible timeline and clear political will to go ahead with the elections, so that a lack of resources is not an obstacle to constitutionally mandated elections.

---

<sup>12</sup> Article 29 b), UN Security Council Resolution 2277: contribute to “stabilization through the establishment of functional, professional, and accountable state institutions, including security and judicial institutions, and through support to the creation of an environment conducive to peaceful, credible and timely elections reducing the risk of instability, including open political space, and promotion and protection of human rights”.

<sup>13</sup> Article 35 i) a), UN Security Council Resolution 2277: “Ensure, within its area of operations, effective protection of civilians under threat of physical violence, including by deterring, preventing and stopping armed groups from inflicting violence on the populations, paying particular attention to civilians gathered in displaced and refugee camps, humanitarian personnel and human rights defenders, with a focus on violence emerging from any of the parties engaged in the conflict, as well as in the context of elections”.

# Part I – “Glissement”, political stalemate and repression: assessment of the current political situation

## **Tensions, wheeling and dealing, and power struggles: the perilous strategy of those in power with regard to the electoral process**

With his State of the Nation address to the Congolese people on 15 November, President Kabila continued to fuel doubts regarding his true intentions, not addressing the crucial question of his running for a potential third term and simply recalling his wish to respect the Constitution ‘in all its provisions’.<sup>14</sup> This speech was perceived by many Congolese and international observers as less than conciliatory, being both incendiary and provocative and even threatening towards part of the opposition and showing reluctance to accept that the National Conference of Bishops (CENCO) should continue to play its role as a mediator in trying to find a solution of political compromise to the crisis.

According to some sources on the ground, when mentioning respect for the Constitution, Present Kabila may only in fact have been referring to Article 70 and the ruling of the Congolese Constitutional Court of 11 May 2016, which interprets it as authorizing the incumbent President to remain in power in the event of it not being possible to hold the Presidential Election within the timeframes stipulated in the Constitution, thus also conferring a certain legitimacy on Joseph Kabila’s holding onto power if the presidential election is postponed beyond 2016.<sup>15</sup> Similarly, the Constitutional Court was once again requested on 17 September by the CENI to judge the legality of the postponement of the elections to April 2018, which is one of the provisions found in the agreement signed on 18 October resulting from the national dialogue. The 17 October decision of the Court, although handed down by an insufficient quorum of 5 of the 7 judges required, approves the postponement of the elections and thus authorizes President Joseph Kabila to remain in office.<sup>16</sup>

What is more, pursuant to another provision of the agreement requesting the appointment of a new Prime Minister from the opposition, the current Prime Minister Matata Ponyo handed in his resignation on 14 November (2016) and the new Prime Minister, Samy Badibanga, ex-member of the *Union pour la Démocratie et le Progrès Social* (UDPS), ‘self-excluded’ from the party in 2011 according to the UDPS<sup>17</sup> and currently affiliated to the party UDPS et Alliés, was finally appointed on 17 November (2016). This ‘surprise’ appointment is perceived by some members of the so-called ‘radical’ opposition as a strategy on the part of those in power to deliberately oust Vital Kamerhe of the *Union pour la Nation Congolaise* (UNC), a signatory to the 18 October agreement, who everybody expected to be the new Prime Minister but was finally judged “*homme trop fort*”, with a significant electoral base, and therefore potentially a threat to President Kabila’s power. The nomination of Samy

---

<sup>14</sup> President Joseph Kabila’s State of the Nation address, *Internet website of the DRC Presidency*, 15 November 2016: ‘To those who are concerned day in day out about my political future, I would like to say, while thanking them, that the Democratic Republic of Congo is a constitutional democracy and all relevant questions pertaining to its institutions and those that drive them are satisfactorily regulated by the Constitution. Never having been violated, the Constitution will continue to be respected, in all its provisions.’

<sup>15</sup> “DRC: Joseph Kabila authorised to remain in power if presidential elections are postponed”, *Le Monde*, 11 May 2016.

<sup>16</sup> “DRC: the Constitutional Court authorises CENI to publish a new electoral timeline”, *Radio Okapi*, 17 October 2016

<sup>17</sup> “The UDPS maintains its red card regarding 19 December and calls the agreement of 18 October a threat to democracy”, *Actualité.cd*, 28 novembre 2016

Badibanga was also seen by some as a way of dividing and weakening the UDPS or by others as a possibility for finally bringing the two camps closer together, Sami Badibanga still having, according to some, close links with Felix Tshisekedi, the son of the traditional opposition figure Etienne Tshisekedi.

### **The ambiguity of the strategy adopted by the opposition**

The *Rassemblement* had finally refused to participate in the national political dialogue convened by Joseph Kabila, which began on 1<sup>st</sup> September 2016 in Kinshasa and was facilitated by the African Union (AU) and Edem Kodjo, thus tainting the dialogue with a lack of inclusiveness.

Following the Luanda Summit of 26 October, and in order to respond to visible pressure put on President Kabila by his neighbours, President Sassou Nguesso of Congo-Brazzaville and the Angolan President Dos Santos, who are worried about a destabilisation of the DRC, CENCO was called on to play a mediator role and bring together the signatories to the 18 October agreement, as well as opposition members who rejected the agreement like the *Rassemblement* and the G7, around a new compromise that might permit a way out of the crisis. From the discussions conducted in mid-November with members of *Rassemblement*, and according to the latest statement by the UDPS,<sup>18</sup> it would seem that this movement is now open to a possible political compromise with Joseph Kabila and the Presidential Majority, seeking to establish a possible dialogue between Joseph Kabila and Etienne Tshisekedi to define a new 'consensual management of the country after 19 December' and suggesting that a possible agreement regarding President Kabila's remaining in power, under certain conditions and during a transitional period, is conceivable.<sup>19</sup>

In this compromise, the *Rassemblement* advocates a 12-month transition period from 20 December 2016 with the establishment of a new transitional government, in which the movement will assume the leadership and whose members will be drawn from the ranks of the signatories of the 18 October agreement and from the *Rassemblement*.<sup>20</sup> According to them, it is possible to carry out the voter registration process in March/April 2017 and to hold elections before the end of 2017. The fate of Joseph Kabila remains unclear, with some members of the opposition maintaining that he could potentially continue as Head of State, though under certain conditions and guarantees. These would thus allow for the regulation of the transitional period: that is, that the party in power will not be allowed to attempt to change the constitution, nor call a constituent referendum or put forward Joseph Kabila as a candidate for the next elections. According to them, CENI will have to be totally reconstituted, as will the *Conseil Supérieur de l'Audiovisuel et de la Communication* (CSAC). Political measures aimed at reducing tensions will need to be taken, such as the release of prisoners of conscience and the dropping of legal proceedings against opponents.

### **Worrying shrinkage of the democratic space: the repression of dissident voices and human rights violations**

As frequently reported by the United Nations Joint Human Rights Office in the DRC (UNJHRO),<sup>21</sup> the violent repression of the demonstrations of 19 and 20 September, and more generally the growing restrictions on the freedom of expression, association and assembly, but also on the right to protest and the freedom of the press, are violations of the Congolese people's fundamental rights. These practices are intensifying in the run up to the 19 December deadline.

---

<sup>18</sup> "DRC: the *Rassemblement* proposes a 12-month transition and presidential elections in September 2017", Radio Okapi, 28 November 2016

<sup>19</sup> *Idem*

<sup>20</sup> *Idem*

<sup>21</sup> UNJHRO, Main trends in human rights violations during the month of October 2016, 15 November 2016



Following a visit in mid-July of the UN High Commissioner for Human Rights Zeid Ra'ad Zeid Al-Husseini<sup>22</sup> who had strongly denounced the arbitrary arrest and detention of political prisoners,<sup>23</sup> and further to a meeting between President Kabila and a delegation of the citizen movement *Lutte pour le Changement* (Lucha) on 18 August (2016), some 'de-tensioning' measures, such as the release of several political prisoners,<sup>24</sup> were conceded by those in power.

In spite of this, human rights violations and the repression and intimidation of dissenting voices in opposition parties,<sup>25</sup> civil society and the media, continue to increase as the 19 December deadline approaches. Since 19 and 20 September, a decree by the authorities bans demonstrations in the capital,<sup>26</sup> and various meetings organized by the *Rassemblement* on 5 and also 19 November were not authorized in view of this decision, which, according to the UN, violates international law. The launch of the awareness-raising campaign #ByeByeKabila by the Lucha and Filimbi citizen movements and by the youth leagues of the *Rassemblement* opposition grouping and the *Mouvement de Libération du Congo* (MLC) could not take place on Saturday 26 November, the police having been deployed all over Kinshasa in order to deter them.<sup>27</sup> Members of Lucha are still in prison in Goma,<sup>28</sup> as are human rights activists, individuals who participated in peaceful protest or political activities, and political opponents. Human Rights Watch has published an up-to-date list of 29 people who are still to this day in detention in Kinshasa, Goma and Lubumbashi.<sup>29</sup> Recently, members of the opposition were abused, arrested and detained by the Congolese authorities. Intimidation, arbitrary arrest and detention carried out in secret by the National Intelligence Agency services continue to be observed and remain of grave concern.<sup>30</sup>

Even as this report was being finalised, on 5 December 2016, the signal of the international radio station *Radio France Internationale* (RFI) is still blocked in Kinshasa. The signal of the United Nations radio Radio Okapi has been jammed, as has that of *Radio Télévision Belge Francophone* (RTBF).<sup>31</sup> Although denounced by the international community in recent weeks,<sup>32</sup> the intimidation of national and international journalists continues, evidenced by one of the latest government acts of signing a decree that 'modifies the regulations on the broadcasting of foreign media in the DRC and which gives a deadline of 12 December for these media to comply'.<sup>33</sup>

---

<sup>22</sup> "DRC: end of the visit of the UN Commissioner for Human Rights", *RFI*, 22 July 2016

<sup>23</sup> OHCHR, Opening remarks by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at a press conference during his mission to the Democratic Republic of Congo, 21 July 2016

<sup>24</sup> Such as Fred Bauma, Yves Makwambala and Christopher Ngoy released on 29 August ("DRC: Fred Bauma, Yves Makwambala et Christopher Ngoy have been released", *Radio Okapi*, 29 August 2016) and Bienvenu Matumo, Victor Tesongo, Héritier Kapitene, Godefroy Mwanabwato and Jean de Dieu Kilima on 30 August 2016 (Facebook post from the official account of Lucha RDC, 1 September 2016)

<sup>25</sup> Human Rights Watch, Arrests, Beatings, Oppositions Leaders' Homes Vandalized, 21 November 2016

<sup>26</sup> The UN points to a violation of international law, *RFI*, 4 November 2016

<sup>27</sup> "DRC: The 'Bye bye Kabila' campaign stifled from its first day", *RFI*, 26 November 2016

<sup>28</sup> Lucha, Already 15 days since 3 Lucha activists were unjustly detained in Goma. Communiqué n° Lucha/03116 8 November 2016

<sup>29</sup> Human Rights Watch, DR Congo: Political prisoners in detention, updated 16 November 2016

<sup>30</sup> Human Rights Watch, Congolese Authorities Should Release All Political Prisoners, 16 November

<sup>31</sup> Human Rights Watch, Wave of Arrests and Crackdowns on Media Ahead of Protests, 18 November

<sup>32</sup> "The blocking of RFI and Radio Okapi in DRC: unanimous condemnation", *RFI*, 7 November 2016

<sup>33</sup> "DRC: a decree sets up new rules for the broadcasting of foreign media", *RFI*, 15 novembre 2016

# Part II – Response of the European Union

## Response of the EU since the conclusions of the EU Council in May 2016

By 23 May 2016, the European Union had finally succeeded in bringing together the different and sometimes divergent positions of its 28 members and in speaking with one voice, reaching conclusions that called on the authorities ‘to create, as a matter of urgency, the conditions necessary to hold free, transparent, inclusive and peaceful elections, in particular presidential and legislative elections’.<sup>34</sup> Thus the EU was calling on the different groups to join the national dialogue facilitated by Edem Kodjo, while denouncing the obstacles to fundamental freedoms and recalling the ‘individual responsibility of all stakeholders’ and the consequences they will face if those freedoms are not respected.<sup>35</sup> That statement finally marked a welcome turnaround and showed a willingness on the part of Europe to be more involved. Nevertheless it remained superficial in being deliberately cautious, and the different recommendations have not been acted upon by the Congolese authorities.

The recent confrontations of 19 and 20 September in Kinshasa opened the eyes of a number of European States which had so far shown a certain reluctance or even opposition to expressing their growing concern to the DRC government but also to sending a strong message to those responsible for violence and abuse. Following the reaction of the French Minister for Foreign Affairs Jean-Marc Ayrault, calling for individual sanctions by the EU,<sup>36</sup> several other European countries, including Belgium and the United Kingdom, followed suit and publicly expressed their condemnation of these abuses, calling on the EU to impose sanctions. Shortly afterwards, EU foreign affairs officials also responded publicly,<sup>37</sup> adding a new reference to the individual responsibility of Congolese senior officials from the justice and security services.

Finally, the conclusions of the Council of 17 October<sup>38</sup> are decisive: adopted on the same day as the signing of the agreement resulting from the political dialogue and facilitated by the African Union and the decision of the Congolese Constitutional Court that approves the postponement of the elections to April 2018, they underline above all the EU’s desire to see presidential and legislative elections held ‘as soon as possible in 2017’. They recognise the importance of the work undertaken by CENCO and call on all political groups to seek ‘compromises [...] underpinned by a very broad popular consensus’. They increase once again the pressure on the Congolese authorities, in particular regarding the thorny issue of applying ‘individual restrictive measures’, finally deciding to apply them to those ‘responsible for serious human rights violations, those who promote violence and those who would try to obstruct a consensual and peaceful solution to the crisis, one that respects the aspiration of the people of the DRC to elect their representatives’ and to mandate the EU High Representative, Federica Mogherini, to initiate work to this end. This pressure is also reinforced by the threat of suspending ‘the EU’s commitment to new programmes for reform of the police and justice’<sup>39</sup> if an environment conducive to dialogue, elections and a peaceful and democratic transition is not assured.

EurAc welcomes the action of the European Parliament, when it recently spoke out on several occasions regarding the implementation of targeted sanctions: during a plenary debate on 5 October<sup>40</sup>;

---

<sup>34</sup> European Union Council for Foreign Affairs, Council Conclusions on the Democratic Republic of Congo, 23 May 2016

<sup>35</sup> *Idem*

<sup>36</sup> “France says time to act on Congo, EU sanctions possible”, *Reuters*, 4 October 2016

<sup>37</sup> European External Action Service, On the acts of violence in the Democratic Republic of the Congo, 19 September 2016

<sup>38</sup> European Union Council for Foreign Affairs, Council Conclusions on the Democratic Republic of Congo, 17 October 2016

<sup>39</sup> *Idem*

<sup>40</sup> European Parliament, Situation in the Democratic Republic of Congo (debate), 5 October

during a press conference organised by the Group of the Progressive Alliance of Socialists & Democrats about the ‘massacres in Beni, the violence in the North Kivu region and the political instability in the DRC’ on 11 October;<sup>41</sup> and even more strongly via the adoption of a resolution on 1st December 2016,<sup>42</sup> supported by the different groups. The resolution stresses in particular the need to implement targeted sanctions against those responsible for violent repression and human rights violations in the pre-electoral context. It is perfectly timed to give a new and final impetus before the discussions of the Foreign Affairs Council of 12 December, which should ultimately lead the EU to take concrete action and to ramp up pressure on the Congolese regime.

## Abbreviations

**ANR** National Intelligence Agency (DRC)

**AU** African Union

**CENCO** National Conference of Bishops (DRC)

**CENI** Independent National Electoral Commission

**CSAC** High Council for Audiovisual Media and Communication (DRC)

**DRC** Democratic Republic of Congo

**EDF** European Development Funds

**EurAc** European Network for Central Africa

**EU** European Union

**FARDC** Armed Forces of the DRC

**G7** Group of 7 opposition parties

**LUCHA** Lutte pour le Changement

**MLC** Mouvement de Libération du Congo/Movement for the Liberation of Congo

**MONUSCO** United Nations Stabilization Mission in the Democratic Republic of Congo

**PARJ** Programme d’Appui à la Réforme de la Justice en RDC (Support Programme for Reform of the Justice Sector in the DRC)

**PNC** Congolese National Police

**RFI** Radio France International

**RTBF** Radio Télévision Belge Francophone

**S&D** Group of the Progressive Alliance of Socialists and Democrats in the European Parliament

**UDPS** Union pour la Démocratie et le Progrès Social (Union for Democracy and Social Progress)

**UN** United Nations

**UNC** Union pour la Nation Congolaise (Union for the Congolese Nation)

**UNJHRO (BCNUDH)** United Nations Joint Human Rights Office in the Democratic Republic of the Congo

---

<sup>41</sup> Group of the Progressive Alliance of Socialists & Democrats in the EP, S&D press release on the massacres in Beni, situation in North Kivu, DRC, with Fred Bauma (Lucha), 11 October 2016

<sup>42</sup> European Parliament, Situation in the Democratic Republic of Congo, 1 December 2016

The **European Network for Central Africa** (EurAc) is made up of 39 member organisations from civil society of 11 European countries. These organisations work on and in the Great Lakes region. They support civil society organisations in Burundi, the Democratic Republic of Congo and in Rwanda in their efforts to promote peace, the defence of human rights and development.

EurAc focuses on advocacy towards European institutions and decision-makers around three priority themes for the Great Lakes Region: (1) peace and security; (2) democratisation; and (3) natural resource management. Across these themes, better governance and the strengthening of non-State actors as an alternative source of power are the priority axes of our advocacy.