

114TH CONGRESS
2D SESSION

S. RES. 485

Urging the Government of the Democratic Republic of the Congo to comply with constitutional limits on presidential terms and fulfill its constitutional mandate for a democratic transition of power in 2016.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 2016

Mr. FLAKE (for himself, Mr. COONS, Mr. ISAKSON, Mr. DURBIN, Mr. RUBIO, Mr. MURPHY, Mrs. SHAHEEN, and Mr. MARKEY) submitted the following resolution; which was referred to the Committee on Foreign Relations

JULY 14, 2016

Reported by Mr. CORKER, with an amendment and an amendment to the preamble and an amendment to the title

SEPTEMBER 13, 2016

Considered, amended, and agreed to with an amended preamble and an amendment to the title

RESOLUTION

Urging the Government of the Democratic Republic of the Congo to comply with constitutional limits on presidential terms and fulfill its constitutional mandate for a democratic transition of power in 2016.

Whereas the United States and the Democratic Republic of the Congo (“DRC”) have a partnership grounded in economic development, investment, and mutual interests in security and stability, and marked by efforts to address the protracted humanitarian crisis facing the DRC;

Whereas in 2006, the Government of the DRC adopted a new constitution with a provision limiting the President to two consecutive terms;

Whereas the constitution requires that elections be held in time for the inauguration of a new president on December 19, 2016, when the current presidential term expires;

Whereas events in the DRC over the last year and a half have called into serious question the commitment of the Government of the DRC to hold such elections on the required timeline, and President Joseph Kabila has not publicly committed to stepping down at the end of his term;

Whereas security and intelligence officials of the DRC have arrested, harassed, and detained peaceful activists (such as Fred Bauma and Yves Makwambala), members of civil society, political leaders, and others, and international and domestic human rights groups have reported on the worsening of the human rights situation in the DRC;

Whereas there are 12 presidential elections slated to take place on the continent of Africa by the end of 2017, and what transpires in the DRC will send an important message to leaders in the region;

Whereas President Barack Obama spoke with President Kabila on March 31, 2015, and “emphasized the importance of timely, credible, and peaceful elections that respect the Constitution of the DRC and protect the rights of all DRC citizens”;

Whereas, on March 30, 2016, the United Nations Security Council unanimously adopted Resolution 2277, which expresses deep concern with “the delays in the preparation of the presidential elections” in the DRC and “increased

restrictions of the political space in the DRC” and calls for ensuring “the successful and timely holding of elections, in particular presidential and legislative elections on November 2016, in accordance with the Constitution”;

Whereas many observers have expressed concern that failure to move ahead with elections in the DRC could lead to violence and instability inside the DRC, which could reverberate throughout the region;

Whereas, on June 23, 2016, the Department of the Treasury imposed sanctions against General Céléstin Kanyama, the Congolese National Police (PNC) Provincial police commissioner for Kinshasa, the capital city of the DRC; and

Whereas the Department of the Treasury noted that these sanctions send a “clear message that the United States condemns the regime’s violence and repressive actions, especially those of Céléstin Kanyama, which threaten the future of democracy for the people of the DRC”: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) expresses concern with respect to the failure
3 of the DRC to take actions required to hold elections
4 in November 2016 as required by the Constitution
5 of the DRC;

6 (2) recognizes that impunity and lack of effective
7 rule of law undermine democracy, and that the
8 arrest and detention of civil society activists and the
9 harassment of political opponents close political
10 space and repress peaceful dissent;

1 (3) reaffirms its support for democracy and
2 good governance in sub-Saharan Africa;

3 (4) calls on the Government of the DRC and all
4 other parties to respect the Constitution of the DRC
5 and to ensure a free, open, peaceful, and democratic
6 transition of power as constitutionally required;

7 (5) urges the Government of the DRC to dem-
8 onstrate leadership and commitment to elections by
9 accelerating concrete steps towards holding elections,
10 including voter registration and protecting partisan
11 political speech and activities;

12 (6) encourages the Government of the DRC and
13 all other relevant parties to engage now in a focused,
14 urgent discussion to advance the electoral process
15 and reach consensus rapidly on the way forward by
16 establishing a detailed electoral calendar for all elec-
17 tions and enabling the candidate selection and cam-
18 paign process; and

19 (7) urges the President of the United States, in
20 close coordination with regional and international
21 partners, to—

22 (A) continuously verify that such necessary
23 technical dialogue occurs and proceeds in a time
24 and manner required to ensure the conduct of
25 timely elections;

1 (B) use appropriate means to ensure these
2 objectives, which may include imposition of ad-
3 ditional targeted sanctions on individuals or en-
4 tities responsible for violence and human rights
5 violations and undermining democratic proc-
6 esses in the DRC at any point in the process;
7 and
8 (C) continue United States policy with re-
9 spect to providing support for the organizing of
10 free, fair, and peaceful national elections.

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