

Calendar No. _____

114TH CONGRESS
2^D SESSION**S. RES. 485**

To encourage the Government of the Democratic Republic of the Congo to abide by constitutional provisions regarding the holding of presidential elections in 2016, with the aim of ensuring a peaceful and orderly democratic transition of power.

 IN THE SENATE OF THE UNITED STATES

JUNE 9, 2016

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

_____ (legislative day, _____), _____

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

[Strike out all after the resolving clause and insert the part printed in *italic*]

[Strike the preamble and insert the part printed in *italic*]

RESOLUTION

To encourage the Government of the Democratic Republic of the Congo to abide by constitutional provisions regarding the holding of presidential elections in 2016, with the aim of ensuring a peaceful and orderly democratic transition of power.

Whereas the United States Government has supported and will continue to support the principle that the people of

the Democratic Republic of the Congo (in this resolution referred to as “the DRC”) should choose their own government in accordance with their constitution and all relevant laws and regulations;

Whereas the constitution of the DRC 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, on March 30, 2016, the United Nations Security Council adopted Resolution 2277, which called upon the Government of the DRC and its national partners, including the CENI (Independent National Electoral Commission), “to ensure a transparent and credible electoral process, in fulfillment of their primary responsibility to create propitious conditions for the forthcoming elections : : : scheduled for November 2016 in accordance with the Constitution” and urged the Government of the DRC and all relevant parties to ensure an electoral environment conducive to a “free, fair, credible, inclusive, transparent, peaceful, and timely electoral process, in accordance with the Congolese constitution”;

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 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 set an important example for the leaders of those countries; and

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 central Africa's Great Lakes region: Now, therefore, be it

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)~~ *urges the Government of the DRC and all*
 3 *other relevant parties to engage in a credible, inde-*
 4 *pendently monitored, and technical dialogue to reach*

1 consensus on a way forward on establishing a de-
2 tailed electoral calendar and organizing elections;

3 ~~(2) urges the Government of the DRC to re-~~
4 ~~spect the constitution of the DRC and, as constitu-~~
5 ~~tionally required, to ensure a free, open, peaceful,~~
6 ~~and democratic transition of power;~~

7 ~~(3) expresses its solidarity with the people of~~
8 ~~the DRC to choose their own government in an at-~~
9 ~~mosphere free of violence, threats, and intimidation~~
10 ~~by the government or other parties, including the re-~~
11 ~~lease of Fred Bauma and Yves Makwambala;~~

12 ~~(4) commits to maintain vigilance and scrutiny~~
13 ~~of the electoral process in the DRC, to help ensure~~
14 ~~that all United States Government activities con-~~
15 ~~tribute fully and robustly to the above-mentioned ob-~~
16 ~~jectives; and~~

17 ~~(5) pledges to examine continuously the use of~~
18 ~~all available and appropriate means to ensure these~~
19 ~~objectives, including the imposition of targeted sanc-~~
20 ~~tions on individuals or entities responsible for vio-~~
21 ~~lence and human rights violations and undermining~~
22 ~~democratic processes in the DRC.~~

23 *That the Senate—*

24 *(1) expresses concern with respect to the failure*
25 *of the DRC to take actions required to hold elections*

1 *in November 2016 as required by the Constitution of*
2 *the DRC;*

3 *(2) recognizes that impunity and lack of effective*
4 *rule of law undermine democracy, and that the arrest*
5 *and detention of civil society activists and the harass-*
6 *ment of political opponents close political space and*
7 *repress peaceful dissent;*

8 *(3) reaffirms its support for democracy and good*
9 *governance in sub-Saharan Africa;*

10 *(4) calls on the Government of the DRC and all*
11 *other parties to respect the Constitution of the DRC*
12 *and to ensure a free, open, peaceful, and democratic*
13 *transition of power as constitutionally required;*

14 *(5) urges the Government of the DRC to dem-*
15 *onstrate leadership and commitment to elections by*
16 *accelerating concrete steps towards holding elections,*
17 *including voter registration and protecting partisan*
18 *political speech and activities;*

19 *(6) encourages the Government of the DRC and*
20 *all other relevant parties to engage now in a focused,*
21 *urgent discussion to advance the electoral process and*
22 *reach consensus rapidly on the way forward by estab-*
23 *lishing a detailed electoral calendar for all elections*
24 *and enabling the candidate selection and campaign*
25 *process; and*

1 (7) *urges the President of the United States, in*
2 *close coordination with regional and international*
3 *partners, to—*

4 (A) *continuously verify that such necessary*
5 *technical dialogue occurs and proceeds in a time*
6 *and manner required to ensure the conduct of*
7 *timely elections;*

8 (B) *use appropriate means to ensure these*
9 *objectives, which may include imposition of ad-*
10 *ditional targeted sanctions on individuals or en-*
11 *tities responsible for violence and human rights*
12 *violations and undermining democratic processes*
13 *in the DRC at any point in the process; and*

14 (C) *continue United States policy with re-*
15 *spect to providing support for the organizing of*
16 *free, fair, and peaceful national elections.*

Amend the title so as to read: “A 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.”.