

115TH CONGRESS
2D SESSION

S. RES. 386

Urging the Government of the Democratic Republic of the Congo to fulfill its agreement to hold credible elections, comply with constitutional limits on presidential terms, and fulfill its constitutional mandate for a democratic transition of power by taking concrete and measurable steps towards holding elections not later than December 2018 as outlined in the existing election calendar, and allowing for freedom of expression and association.

IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2018

Mr. FLAKE (for himself and Mr. BOOKER) submitted the following resolution;
which was referred to the Committee on Foreign Relations

RESOLUTION

Urging the Government of the Democratic Republic of the Congo to fulfill its agreement to hold credible elections, comply with constitutional limits on presidential terms, and fulfill its constitutional mandate for a democratic transition of power by taking concrete and measurable steps towards holding elections not later than December 2018 as outlined in the existing election calendar, and allowing for freedom of expression and association.

Whereas the United States people have a strong relationship with the people of the Democratic Republic of the Congo (DRC) and a strong commitment to the principles of democracy and adherence to the rule of law;

Whereas, in 2006, the Government of the DRC adopted a new constitution that limited the President to two consecutive five-year terms, which for President Joseph Kabila expired on December 19, 2016;

Whereas President Kabila swore to uphold the constitution of the DRC as part of his oath of office;

Whereas the constitutionally required elections have not yet taken place;

Whereas citizens of the Democratic Republic of Congo have repeatedly demanded that their constitutional right to elect a new President after two terms be upheld and that President Kabila must therefore step down;

Whereas, on December 31, 2016, the National Episcopal Conference of Congolese Bishops mediated a political agreement between the ruling coalition and main opposition parties under which President Kabila is prohibited from running for a third term, constitutional changes which would extend the President's time in office are prohibited, and elections were to be held before the end of 2017;

Whereas, on March 31, 2017, the United Nations Security Council adopted Resolution 2348, which called for a "swift implementation" of the December 2016 political agreement, including "peaceful, credible, inclusive and timely elections no later than December 2017, leading to a peaceful transition of power";

Whereas, on June 21, 2017, the United National Security Council adopted Resolution 2360, which stressed "the importance of the DRC and its national partners taking all necessary steps to accelerate preparations for the elections without further delays";

Whereas, on November 5, 2017, the Congolese electoral commission released a calendar that would delay elections until at least December 23, 2018, while noting numerous “constraints” that could impact respect of this calendar;

Whereas the failure to hold constitutionally required elections has increased political uncertainty, violence, and instability inside the DRC, and the United Nations Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator said that amid the political stalemate, “conflict is rapidly spreading across the country and in appalling ways, even in a country blighted by violence and insecurity for decades”;

Whereas political space in the DRC continues to be heavily restricted, as evidenced by arrests and detention of members of the political opposition, democratic activists, and journalists, and by restrictions on fundamental freedoms such as speech and assembly; and

Whereas opposition have been targeted, arrested, harassed, and violently attacked by security forces: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) expresses concern that the Government of
3 the Democratic Republic of the Congo failed to hold
4 elections in 2016 as required by the Constitution
5 and later failed to fulfill its political commitment to
6 hold elections in 2017;

7 (2) expresses concern that the growing security,
8 humanitarian, and human rights crisis in the DRC

1 is exacerbated by the lack of a duly elected leader-
2 ship;

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

8 (4) calls on the Government of the DRC to
9 complete concrete steps towards holding elections,
10 including—

11 (A) issuance of district-level voter registration
12 figures;

13 (B) completion of any legislation to enable
14 redistricting;

15 (C) fulfillment of the constitutionally required step of “calling the electorate”;

17 (D) publication of the final list of presidential and parliamentary candidates; and

19 (E) holding presidential, parliamentary,
20 and provincial elections by December 23, 2018;

21 (5) calls on the opposition to take all steps possible within the DRC to support and promote immediate free, fair, and inclusive elections; and
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1 (6) urges the President of the United States, in
2 close coordination with regional and international
3 partners, to—

4 (A) use appropriate means to provide ap-
5 propriate electoral assistance to support the or-
6 ganization of credible elections as soon as pos-
7 sible; and

8 (B) use appropriate means to deter further
9 electoral calendar slippage and abuses against
10 the Congolese people, including consideration of
11 targeted sanctions against high-level DRC offi-
12 cials, including close associates of President
13 Kabila responsible for further delay or impedi-
14 ment to elections or otherwise maintaining
15 President Kabila's rule beyond the constitu-
16 tion's two-term limit should any of the election
17 benchmarks fail to be met.

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