

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the preamble.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. FLAKE

Viz:

1 Strike the preamble and insert the following:

Whereas the people of the United States 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 DRC 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 insta-

bility 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, despite contributions in billions of dollars in development, peacekeeping, humanitarian, and diplomatic support from the United States and the international community over the past two decades, persistent insecurity has plagued the DRC and a perpetual humanitarian crisis is devolving rapidly further as a result of President Kabila’s continued effort to maintain the presidency;

Whereas the natural wealth of the DRC is monopolized by a narrow few and enabled by endemic corruption, regional proxy conflict, and poor governance, which together have promoted insecurity and resulted in rates of internal displacement, disease, and mortality approaching the highest in the world;

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 Congolese state security forces have repeatedly responded to peaceful protestors with violence including assaults on Catholic communities;

Whereas American Michael Sharp and Swede Zaida Catalán, members of the United Nations Group of Experts, were assassinated in 2017 while investigating reports of atrocities by state security forces in the Kasai region, and there has been little effort made by the Government of

the DRC to cooperate with any independent investigation into these murders; and

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