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February 4, 2016

Dear Secretary Kerry:

I am writing to express deep concern about the situation in the Democratic Republic of the Congo (DRC) where President Joseph Kabila will reach his constitutional term limit this year but has delayed taking the steps necessary to schedule and hold a presidential election. Continued delay, and public perceptions that President Kabila is clinging to power, have created a very real risk of violent upheaval or even renewed warfare.

For the past year and a half President Kabila appears to have maneuvered to avoid national elections in November 2016, with the goal of evading the Constitution's term limits. Initially he proposed a constitutional revision and then a three year census to prolong his presidency, moves that drew parliamentary opposition and provoked public demonstrations that were brutally suppressed. Since then he has delayed steps necessary to prepare for the election. Kabila's critics have described his effort to cling to power as *glissement* (sliding or slipping away).

In addition to procedural delay, Kabila increasingly appears to be undermining the democratic process by closing political space. While he has proposed "dialogue" to resolve the issues that he himself has created, opposition members widely view this as a cynical attempt to muddy the waters surrounding his apparent intent to violate constitutional term limits. He has also moved to suppress free expression. Just this week *Reporters Without Borders* reported that the DRC's Communications Ministry shut down two television channels owned by former Katanga Governor Moise Katumbi, who resigned from Kabila's party last September.

With the clock running out on the possibility of a free election, the U.S. and other international partners must act now to avert another disaster in Central Africa, which would compound the ongoing crises in Burundi and Central African Republic. Over the past year both you and President Obama have personally delivered strong messages urging Kabila to comply with the DRC Constitution. It now appears, however, that Kabila does not intend to hold the election unless he understands that failure to do so will bring serious consequences for him and his inner circle.

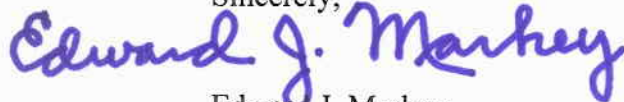
I believe that the best way to persuade President Kabila to change course is by clearly and unequivocally communicating the following three points to him:

- (1) He should immediately, clearly, and publicly state that he will not remain in power once his term ends this year.
- (2) Provided there is verified, on-the-ground progress towards a free and fair national election this year, including an end to the current efforts to close political space and crack down on peaceful dissent, the U.S. and international partners will help fund the electoral process, and encourage increased private investment.
- (3) If he fails to meet clear benchmarks required to hold a free and fair national election this year then the U.S. and other partners will implement sanctions. Such sanctions should include targeted visa denials and asset freezes under the Executive Order on the DRC of July 8, 2014, review and reduction of bilateral and multilateral security and economic aid going through the Government, and discouragement of private investment.

For the past fifteen years President Kabila has been instrumental to the DRC's path from war to relative stability, but that very stability is now threatened by his apparent intent to defy his country's constitutional foundation. It is imperative to persuade him that the DRC's stability, as well as his own legacy, depends on a democratic transfer of power this year. Since this is the first time that the DRC has faced a requirement to transfer executive power democratically it will be very important to assure President Kabila that he will be able to most effectively serve his country as a senior statesman after the constitutional expiration of his presidency.

Today's dangerous turmoil in neighboring Burundi is a warning of what could happen in the DRC. The population of the DRC is seven times Burundi's, and ripple effects of violent upheaval or renewed civil war there will reverberate in Burundi, Rwanda, and beyond. It is critical that we act now to avoid this possibility by pushing the DRC's leaders to deliver on the constitutional guarantee that the DRC will have its first ever democratic transfer of power this year.

Sincerely,



Edward J. Markey