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Burundi's Political Crisis

name redacted

Analyst in African Affairs

name redacted

Analyst in African Affairs

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Summary

This report provides context on the political crisis in Burundi, which has sparked a refugee influx into neighboring states and prompted international concerns about instability. The evolving situation has implications for U.S. efforts to promote peace and stability in the Great Lakes region of Central Africa. It may also impact whether Burundian troops continue to participate in the U.S.-supported regional military operation in Somalia aimed at countering the Al Qaeda-linked group Al Shabaab. Other potential issues for Congress may include the authorization, appropriation, and oversight of any new U.S. funding in support of humanitarian aid, stabilization, and/or civilian protection efforts in Burundi and neighboring countries.

The Obama Administration has portrayed its approach to Burundi as an example of its policy to seek to prevent “mass atrocities” abroad, and of its opposition to efforts by some African presidents to violate legally established term limits. Despite Burundi’s small size and what some may view as marginal importance to U.S. foreign policy, several senior U.S. officials have traveled to Burundi in 2014 and 2015 and expressed serious concerns about human rights violations and the country’s political trajectory.

The proximate cause for the current crisis was President Pierre Nkurunziza’s decision to run for a third term in office, which he won in July 2015, although Burundi’s governance and development challenges run far deeper. Nkurunziza’s third term bid contravened a landmark peace deal, known as the Arusha Accords, credited with ending Burundi’s 1990s-early 2000s civil war. The July vote was marred by violence and an opposition boycott. There have been targeted assassinations in subsequent months, as well as reports of over 200 extra-judicial killings, many attributed to the security forces. Successive regional and United Nations-led mediation efforts have stalled, prompting debate over whether greater international intervention is needed.

Burundi is one of the poorest countries in the world. As in neighboring Rwanda, its population includes a majority Hutu community (estimated at 85%) and minority Tutsi (14%) and Twa (1%) communities. Much of Burundi’s post-colonial history has been characterized by political instability, military interference in politics, and ethnic violence. Inter-ethnic tensions persist, although opposition to Nkurunziza spans the ethnic divide and has split the Hutu-led ruling party and Hutu senior officers in the military. In the mid-2000s, following the Arusha Accords, Burundi saw relative stability. However, the country’s experience of inclusive democracy was short, and decision-making by top political actors is shaped by their past experience as combatants. Elections in 2010 were marred by political violence and an opposition boycott. In their aftermath, the government harassed and jailed prominent opposition, civil society, and media leaders.

U.S. bilateral aid for Burundi, totaling an estimated \$46 million in FY2015, is overwhelmingly focused on health and food aid, although additional funds were allocated in FY2015 for elections support and conflict mitigation efforts. The United States has also provided significant military assistance to build Burundi’s capacity to conduct counterterrorism and peacekeeping operations since 2007, when Burundi began contributing troops to the then-newly created African Union Mission in Somalia (AMISOM). Such aid has been administered by both the State Department and the Department of Defense (DOD). DOD programs have been conducted under legislation enacted by Congress over the past decade that authorizes DOD to train and equip foreign militaries for counterterrorism, including P.L. 113-291 (Section 2282), P.L. 112-239 (Section 1203), P.L. 112-81 (Section 1207[n]), and P.L. 109-163 (Section 1206).

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Introduction

Burundi's political crisis has sparked new concerns about stability in a region already facing substantial humanitarian and security challenges. In July 2015, President Pierre Nkurunziza—in office since 2005—was elected to a third term in office, despite domestic and international criticism that his candidacy violated a landmark peace agreement. Nkurunziza's third-term bid sparked divisions in the ruling CNDD-FDD¹ party, an attempted (and ultimately unsuccessful) military coup in May 2015, and a boycott of the elections by most opposition parties. Ongoing turmoil, including several high-profile assassinations in August, over 200 reported extra-judicial killings since April, and mass arrests, has led at least 210,000 Burundians to flee to neighboring states.²

Several top opposition leaders have regrouped in Addis Ababa, Ethiopia, where the African Union (AU) is headquartered, to collectively call for Nkurunziza's removal, contending that he has exceeded his term limit.³ Since September, several Burundian military officers have defected—some with military equipment—raising government concerns that exiled opposition, civil society activists, and dissident military commanders could or already have joined together to plot an armed assault on Burundi.⁴

In early November, amid growing international concern over the potential for widespread attacks on civilians, possibly along ethnic lines, several government officials publicly used ethnically divisive rhetoric that harkened back to Burundi's 1993-2003 civil war.⁵ Some of the terms used also seemed to purposefully reference the Rwandan genocide.⁶ However, some analysts have cautioned against drawing parallels to the 1994 genocide, noting that atrocity prevention efforts should consider the political roots of the Burundi conflict and suggesting that widespread violence in that country would more likely target perceived political opposition instead of a specific ethnic group.⁷

Observers have expressed concern that an armed conflict in Burundi could draw in neighboring states and/or non-state actors elsewhere in the conflict-torn Great Lakes region.⁸ Particular attention has focused on neighboring Rwanda, which has, at times, appeared to threaten direct military intervention and has a history of proxy interventions in the region.⁹ Already strained

¹ CNDD-FDD stands for the National Council for the Defense of Democracy-Forces for the Defense of Democracy.

² Statement by the U.N. High Commissioner for Human Rights Zeid Ra'ad Al Hussein on Burundi via videolink to the U.N Security Council, November 9, 2015; U.N. High Commission for Refugees, "Burundi Situation: Displacement of Burundians into neighbouring countries," November 15, 2015.

³ See, e.g. Eric Topona, "Burundi opposition alliance sets president ultimatum to resign," Deutsche Welle online, August 21, 2015.

⁴ Trevor Analo, "Concern over divisions as top army commander goes missing," *The East African*, October 3, 2015.

⁵ Africa Center for Strategic Studies, *Burundi: A Critical Juncture*, November 8, 2015.

⁶ In a November 3 speech, Burundian Senate President Reverien Ndikuriyo used the Kirundi word for work, "kora", which many analysts see as a code word used to incite Rwanda's 1994 genocide. He used terms like "pulverize" and "exterminate" in reference to the opposition and further recalled Rwanda's genocide, in which Tutsis were labeled "cockroaches," when he said people who opposed a government campaign to disarm the opposition would be "sprayed like cockroaches." See, e.g. Ludovica Iaccino, "Burundi hears echoes of anti-Tutsi hate speech that sparked Rwanda genocide," *IBTimes UK*, November 9, 2015.

⁷ See, e.g. Kate Cronin-Furman and Michael Broache, "Should we be using the G-word in Burundi?" *The Washington Post*, November 15, 2015.

⁸ The Great Lakes in Africa region is comprised of DRC, Rwanda, Burundi, and Uganda.

⁹ In May, Rwandan Foreign Minister Louise Mushikiwabo said, "While we respect Burundi's sovereignty in addressing internal matters, Rwanda considers the safety of innocent populations as regional and international responsibility"; See (continued...)

relations between Burundi and Rwanda have grown increasingly tense, with Burundi accusing Rwanda of aiding rebels—a claim Rwanda has denied.¹⁰ Successive regional and United Nations (U.N.) mediation efforts have failed to coalesce, with either the government or opposition rejecting various mediators as biased. Burundi's neighbors also appear divided over what course of action to take, with Rwanda more vocally critical of Nkurunziza and warning of the potential for genocide, while others appear more inclined to treat the crisis as an internal issue for Burundi.

The East African Community (EAC)¹¹—a regional grouping to which Burundi belongs—has backed Ugandan President Yoweri Museveni as the mediator for Burundi, but talks to date have not advanced. In response to international concern over the potential for widespread violence, the U.N. Security Council passed a resolution on November 12 aimed at bolstering international mediation efforts and “contingency planning” by the U.N and the AU. Debate continues over how the U.N., the AU, the United States, and the European Union (EU) can or should use targeted sanctions to address the crisis, particularly in support of internationally backed mediation efforts.

A protracted crisis could have implications for several issues in which Members of Congress have expressed interest, including stability in Central Africa. Assistant Secretary of State for African Affairs Linda Thomas-Greenfield has said that progress in Central Africa “is fragile and at great risk,” adding that in Africa, “this is the region that I am most concerned about.”¹² A crisis in Burundi could also have implications for U.S. efforts to promote democracy and good governance as well as for the future of Burundi's participation in the U.S.-backed AU military operation in Somalia (AMISOM), which is fighting an Al Qaeda-linked terrorist organization, Al Shabaab.¹³ Additional issues for Congress may include the authorization, appropriation, and oversight of any new U.S. humanitarian assistance or multilateral stabilization efforts.

The situation in Burundi also has implications for two policy initiatives of the Obama Administration: first, an effort to prevent “mass atrocities” abroad, and second, opposition to efforts by some African presidents to extend their time in office beyond legally established term limits. The term limits issue is particularly salient in Central Africa, where Rwanda, the Republic of Congo, and the Democratic Republic of Congo (DRC) and may alter presidential mandates.¹⁴

(...continued)

e.g., Ludovica Iaccino, “Burundi Coup: What do neighboring countries think of Nkurunziza's third term bid?” *International Business (IB) Times*, May, 13, 2015. Some analysts assess that Rwandan proxy intervention is possible.

¹⁰ See, e.g., BBC, “Burundi's Nyamitwe accuses Rwanda of training rebels,” October 1, 2015; Thierry Vircoulon, “Insights from the Burundian Crisis (I): An Army Divided and Losing its Way,” International Crisis Group, October 2, 2015.

¹¹ The East African Community comprises Burundi, Kenya, Rwanda, Tanzania, and Uganda.

¹² Assistant Secretary Linda Thomas-Greenfield testimony before the House Foreign Affairs Subcommittee on Africa, Global Health, and Human Rights, October 22, 2015.

¹³ With over 5,000 soldiers deployed, Burundi is the second-largest troop contributor to AMISOM after Uganda. As discussed below, U.S. military assistance to Burundi has been extensive since AMISOM first deployed in 2007.

¹⁴ See, VOA Online, “Congo Opposition Leader Claims Victory on Low Referendum Turnout,” October 26, 2015; Agence France Presse, “Burundi, Rwanda, and now Congo; Another African President Set to Change Term Limit Rules,” July 18, 2015; see also CRS Report R43166, *Democratic Republic of Congo: Background and U.S. Relations*, by (name redacted)

Controversy over Nkurunziza's Candidacy

The controversy over Nkurunziza's candidacy stems, in part, from a dispute over its legality—although opposition is also motivated by anger at poor governance, corruption, the government's handling of land claims, and other issues. Burundi's constitution states that the president "is elected by universal direct suffrage for a mandate of five years renewable one time." A government proposal to revise the constitutional provision was narrowly defeated in parliament in 2014. The president's supporters have since argued that because Nkurunziza was indirectly elected to his first term, in 2005, he has a right to stand for reelection. The constitutional court upheld this argument in May 2015, amid allegations from one judge, who fled the country, that he and others had been threatened and intimidated.¹⁵ The Arusha Accords, signed in 2000 and credited with ending a decade-long civil war, stated that "no one may serve more than two presidential terms."¹⁶ The CNDD-FDD, a former rebel movement, was not signatory to the Accords—it signed a separate peace deal in 2003, later converting into a political party—and Nkurunziza's supporters argue that the constitution supersedes the Accords.

Context

Burundi is one of the world's poorest countries. It is landlocked, has few natural resources, and its economy is largely agricultural. Its history has been marked by political instability, military interference in politics, and ethnic violence. Like neighboring Rwanda, Burundi is majority ethnically Hutu (estimated at 85%) with minority Tutsi (14%) and Twa (1%) communities. Unlike in Rwanda, Tutsis dominated the political elite and military officer corps for decades after independence. Over 100,000 Hutus were massacred in state-backed killings in 1972. The assassination by Tutsi military officers of Burundi's first democratically elected and first Hutu president in 1993 set off a decade-long civil war among the Tutsi-dominated military, Hutu-led rebel groups, and Tutsi militias, in which some 300,000 people were killed. Instability has also been fed by zero-sum contests for political power, high population density that fuels competition over land (i.e., access to food and income), and spillover from conflicts in Rwanda and DRC.¹⁷

In 2000, the government—then led by Pierre Buyoya, a Tutsi military officer who had taken power in a coup—and over a dozen other parties signed a landmark set of peace agreements known as the Arusha Accords. Although these did not immediately end the conflict, they were credited with laying the groundwork for greater stability and political inclusiveness over the past decade. The Accords instituted, notably, a requirement for "ethnic balance" in the government and military, which incentivized political coalition-building and reduced Hutu-Tutsi tensions.¹⁸ They also set a clear two-term limit on the presidency. The two main Hutu-led rebel groups—Nkurunziza's CNDD-FDD and Agathon Rwasa's National Liberation Forces (FNL) coalition—did not sign the Accords, but they later agreed to disarm and became political parties. Ex-combatants were integrated into the security forces. Civil liberties expanded as new private media and associations were created. A constitution adopted by referendum in 2005 formalized a 60%-40% split between Hutus and Tutsis in state posts.

Under the CNDD-FDD-led government, Hutus have been integrated into the Burundian state, while the quota system has ensured that Tutsis are proportionately over-represented in the

¹⁵ The Guardian, "Senior Burundi Judge Flees Rather Than Approve President's Candidacy," May 4, 2015.

¹⁶ The text of the Accords is accessible at <http://www.issafrika.org/AF/profiles/Burundi/arusha.pdf>.

¹⁷ Land disputes, generational and intra-family tensions, economic needs, and personal score-settling underlie reportedly long-running and pervasive local-level violence. See Marc Sommers, *Adolescents and Violence: Lessons from Burundi*, Institute of Development Policy and Management (Netherlands), May 2013.

¹⁸ On the successes, challenges, and shortcomings of the Arusha process, see Howard Wolpe, *Making Peace After Genocide: Anatomy of the Burundi Peace Process*, U.S. Institute of Peace, March 2011.

government and military and thus, theoretically, protected. Peaceful elections in 2005 ended a transition period, and Nkurunziza, a Hutu former rebel leader, became president. With international support (including substantial U.S. training), the military transitioned from being a source of instability into a more professional and cohesive force. These developments contributed to a near-elimination of explicit ethnic enmity from political discourse.

However, the country did not experience many years of inclusive democracy. Nkurunziza's reelection in 2010 was marred by an opposition boycott and by significant political violence, which continued into subsequent years. Following the 2010 vote, the government increasingly restricted the activities of opposition parties, civil society, and independent media. Some analysts assert that former combatants loyal to Nkurunziza form a "parallel chain of command" within the police and national intelligence service (known as the SNR) responsible for targeted killings and other abuses.¹⁹ Since 2014, elements of the security forces have reportedly armed the CNDD-FDD youth wing, the Imbonerakure ("those who see far"), which is implicated in violence and intimidation targeting the party's opponents.²⁰ During and after the 2010 elections, *Imbonerakure* members were implicated in attacks on opposition FNL members. News reports in 2015 suggest the *Imbonerakure* may be specifically targeting Tutsis in some areas.²¹ Since June, the *Imbonerakure* has also reportedly worked with government forces like the SNR, police, and military to obstruct refugee flows into neighboring countries.²²

In the lead-up to the 2015 elections, opposition supporters accused the government of manipulating the judiciary and electoral institutions for partisan gain.²³ An opposition boycott of legislative elections held on June 29 cleared the way for institutional dominance by the ruling CNDD-FDD, which won 77 out of 100 directly elected legislative seats. The opposition coalition led by former rebel commander Agathon Rwasa—previously viewed as a top Nkurunziza rival—won 21 seats, despite Rwasa having called for a boycott. Rwasa initially rejected the results from both polls but the FNL ultimately took up its seats in parliament and Rwasa became the deputy speaker of parliament on July 30, further dividing the opposition.

Opposition leaders have sought to forge cross-ethnic coalitions, but their parties remain weak and divided. Divisions may be partly attributable to historic frictions within Burundi's political class, and between former combatants and longtime politicians. The government also repeatedly sought to "dispossess opposition leaders of their political parties and appropriate sympathetic factions."²⁴

¹⁹ International Crisis Group, *Burundi: Bye-Bye Arusha?* October 2012; see also Human Rights Watch (HRW), "Burundi: Spate of Arbitrary Arrests, Torture," August 6, 2015. The State Department's human rights report on Burundi states that "the intelligence service and the police tended to be influenced directly by, and responsive to, the CNDD-FDD." *Country Reports on Human Rights Practices for 2014*, released June 25, 2015.

²⁰ See HRW, *World Report*, January 2015; *World Politics Review*, "Political Violence Tests Burundi's Stability Ahead of Elections," January 16, 2015; *Final Report of the Group of Experts on the Democratic Republic of the Congo*, January 12, 2015, U.N. doc. S/2015/19; IRIN, "Burundi: Looming Polls Raise Burundi's Risk Profile," April 17, 2014.

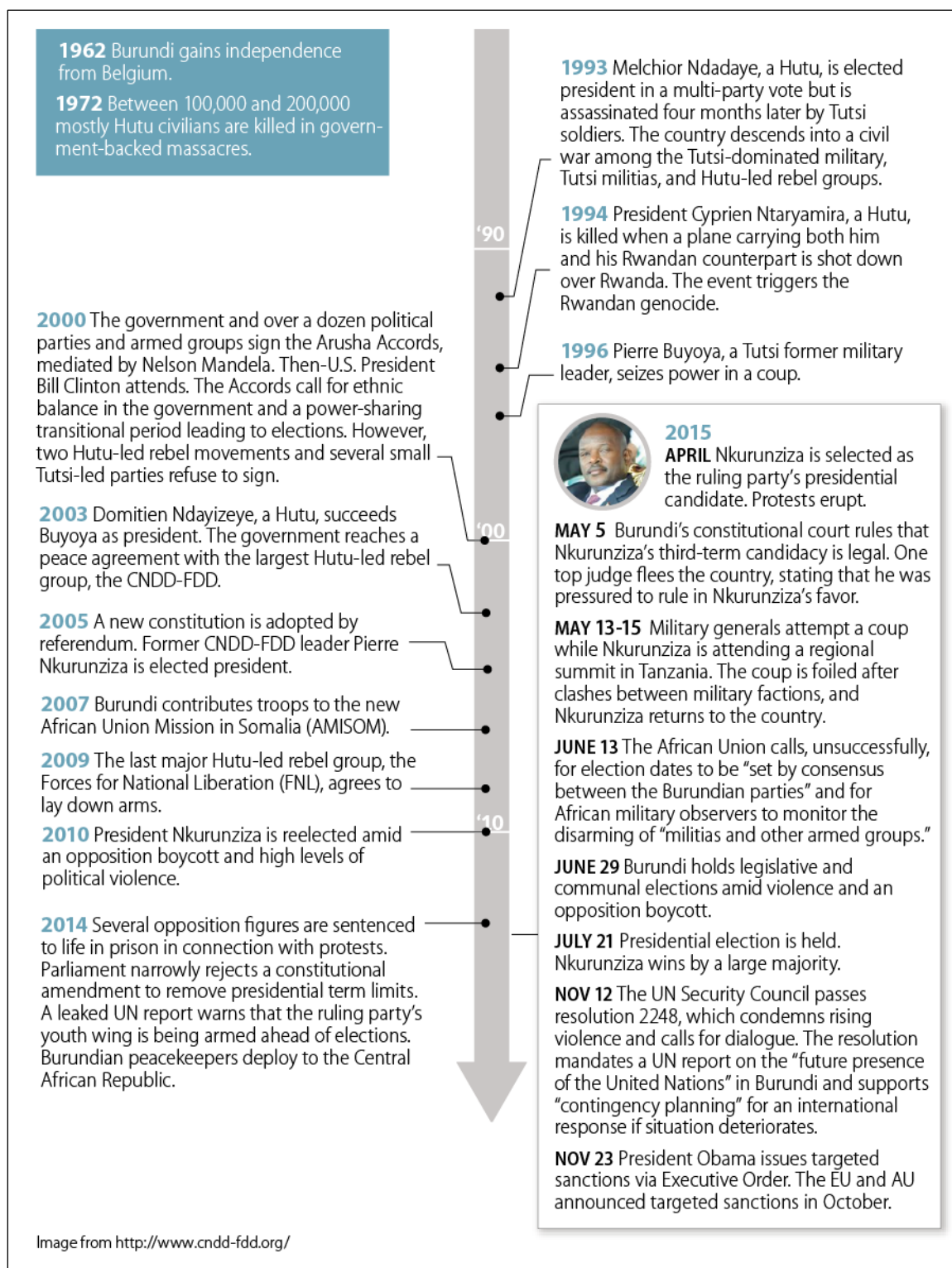
²¹ See, e.g., Elsa Buchanan, "Burundi genocide fear: Government youth militia Imbonerakure threatens to kill Tutsi refugees," *IB Times UK*, May 19, 2015.

²² See Refugees International, "'You are either with us or against us': Persecution and Displacement in Burundi," November 18, 2015.

²³ *Report of the Secretary-General on the United Nations Office in Burundi*, January 19, 2015, U.N. doc. S/2015/36.

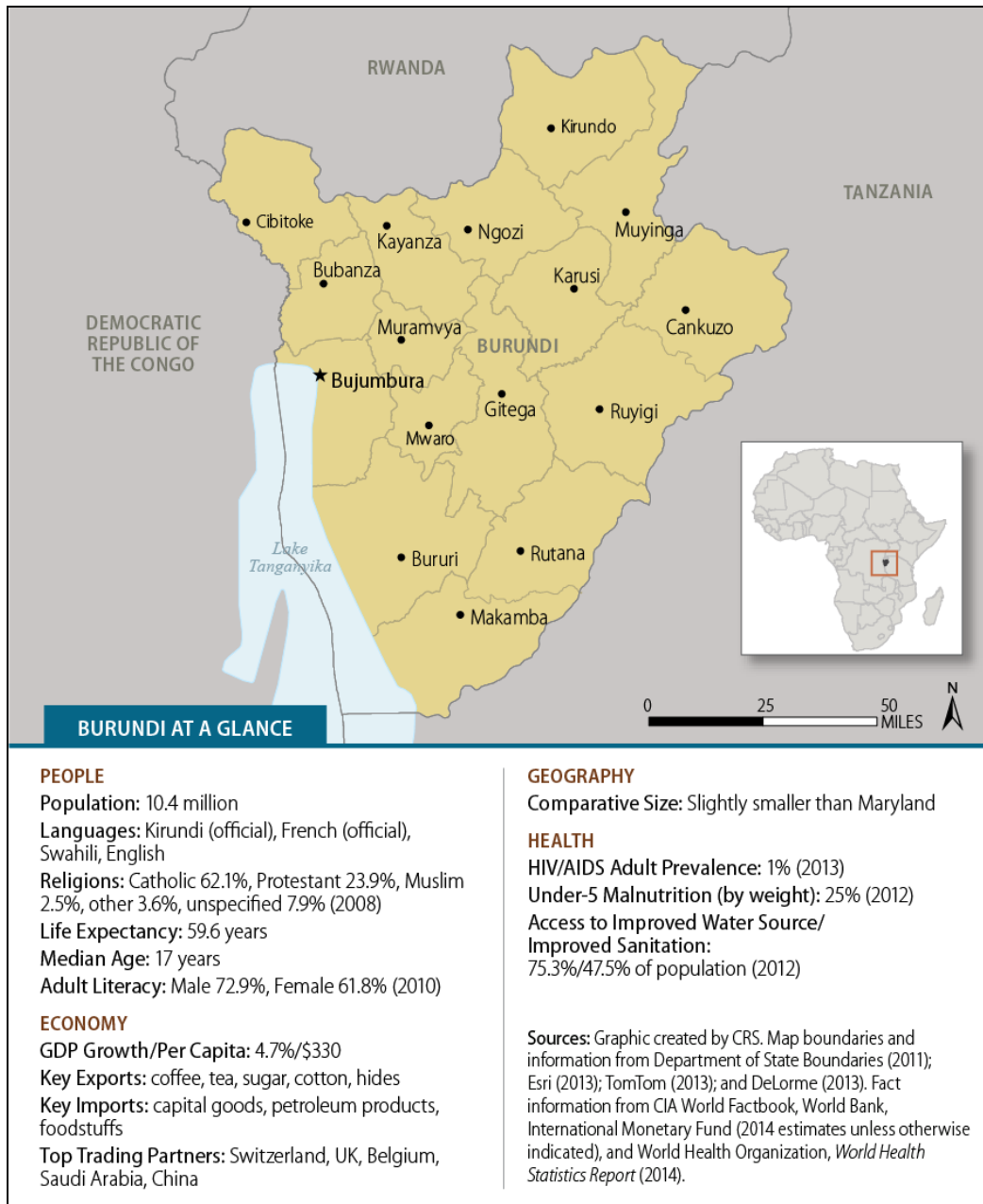
²⁴ International Foundation for Electoral Systems (IFES), "Civic Education for Free and Fair Elections in Burundi," April 16, 2015.

Figure I. Burundi Timeline



Source: Graphic created by CRS.

Figure 2. Burundi at a Glance



A Budding Conflict?

Observers have increasingly expressed fears that the political stand-off could lead to war. U.N. human rights experts have warned of the potential for “a major conflict of regional proportions” and is facing a “tipping point” for a return to widespread violence.²⁵ In early July, one of the

²⁵ U.N. Office of the High Commissioner for Human Rights, “Burundi: U.N. experts call for determined Security Council action to prevent mass violence in the Great Lakes region,” July 16, 2015; see also U.N. News Centre, “Burundi experiencing ‘deep political crisis’ with hundreds dead since April, Security Council told,” November, 9, (continued...)

leaders of a failed May 2015 coup, Gen. Leonard Ngendakumana, called for fellow regime opponents “to make Pierre Nkurunziza understand that he must leave and then that we are prepared to do it by force, by organizing a military force.”²⁶ He also asserted that supporters of the coup attempt were behind a spate of grenade attacks. (Several members of the would-be junta have been apprehended, but the whereabouts of the main coup leader, former military chief of staff and national intelligence chief Gen. Godefroid Niyombare, are unknown. Ngendakumana claimed in a media interview that Niyombare remains in Burundi.) The coup leaders included several generals who had fought alongside Nkurunziza when the ruling CNDD-FDD was itself a rebel movement (in the 1990s-early 2000s), underscoring the extent to which the ruling party and military are divided over the president’s third term. On July 10, the Burundian military claimed to defeat an incursion of unidentified armed rebels who had reportedly entered Burundi from Rwanda. Ngendakumana claimed that the assailants were loyal to the coup leaders.²⁷

In early November, the government increasingly employed divisive rhetoric in public statements amid escalating violence, prompting international condemnation.²⁸ In particular, the government announced a November 7 deadline for the opposition to surrender their arms, after which Nkurunziza said they would “be taken as criminals and be prosecuted according to the anti-terrorism law and be dealt with as enemies of the nation.”²⁹ In a November 3 speech about the looming deadline, the Burundian Senate President Reverien Ndikuriyo, a close Nkurunziza ally, said, “... on this issue, you have to pulverize, you have to exterminate—these people are only good for dying. I give you this order, go!” underscoring concerns that Burundi may be at a critical juncture.³⁰

Opposition and civil society leaders, many of whom are either in hiding or in exile, reject government allegations that they are aligned with the coup leaders or support efforts to form an armed movement. At the same time, they, too, have hardened their tone. Prominent opposition party leaders have regrouped in Addis Ababa under the banner of a “National Council with the objective of preserving the gains from the Arusha Accords and the rule of law in Burundi,” also known as CNARED.³¹ While CNARED has said it favors an internationally backed inclusive dialogue, CNARED Chairman Leonard Nyangoma has also stated, “The population organized around CNARED is ready to topple the dictatorship.”³² International leaders have called for “an inclusive and genuine inter-Burundian dialogue”³³ to resolve the political crisis and escalating violence, but dialogue over Burundi’s political future may struggle to address Nkurunziza’s role. The opposition has called for his resignation and the leader of a key civil society coalition has stated that any “national unity” government would need to exclude Nkurunziza.³⁴

(...continued)

2015.

²⁶ Reuters, “Burundi Coup General Says Force Only Way to Oust President,” July 6, 2015.

²⁷ Reuters, “Burundi President Faces Emerging Armed Rebellion as Vote Looms,” July 13, 2015.

²⁸ The Associated Press, “Son of Human Rights Activist Killed in Burundi, Alarm Grows,” November 6, 2015.

²⁹ Reuters, “Amid crisis, Burundi president sets deadline to give up guns,” November 2, 2015

³⁰ Africa Center for Strategic Studies, *Burundi: A Critical Juncture*, November 8, 2015.

³¹ “Déclaration solennelle pour se réunir au siège de l’Union africaine en vue de créer un Conseil national pour le respect des Accords d’Arusha et de l’état de droit au Burundi,” July 15, 2015; CRS translation.

³² Eric Topona, “Burundi opposition alliance sets president ultimatum to resign,” *Deutsche Welle online*, August 21, 2015.

³³ U.N. News Centre, “Condemning Increasing Violence in Burundi, Security Council Unanimously Adopts Resolution 2248 (2015), States Intention to Consider ‘Additional Measures’,” November 12, 2015.

³⁴ Voice of America (VOA) Online, “Burundi Group Rejects Nkurunziza to Head Unity Government,” July 26, 2015.

Multiple factors contribute to the potential for conflict. In the near-term, salient dangers include the role of the *Imbonerakure* and other armed militias as well as divisions within the security forces, which have not yet overtly fractured along political or ethnic lines but could be reaching a breaking point.³⁵ Some observers have also expressed concern about the increase in ethnically divisive speech and ethnic violence, noting Burundi's history of ethnic massacres and assassinations. Extremists on both sides may well have an incentive to portray their opponents as ethnically motivated. Yet, opposition to Nkurunziza spans the ethnic divide and has split the Hutu-led CNDD-FDD as well as Hutu military officers. For example, the May 2015 failed coup was led by a Hutu, Gen. Godefroid Niyombare.

Dynamics in the turbulent Great Lakes region may also contribute to the threat of conflict. Internal conflicts in DRC have long fueled regional instability and created safe havens for Burundian combatants.³⁶ Further, some observers fear that Rwanda's Tutsi-led government could be drawn into a conflict in Burundi if one erupts, which could potentially lead to further ethnic polarization.³⁷ Of particular concern to Rwanda is the Democratic Forces for the Liberation of Rwanda, or FDLR, an insurgency group founded by Hutu extremists implicated in the Rwandan genocide that is active in eastern DRC. In May, the Rwandan Foreign Ministry expressed concerns about "increasing reports of unrest and violence targeting unarmed civilians" and about "reports of links to FDLR," in Burundi, though the Burundian government denied any FDLR connection.³⁸ Tens of thousands of Burundians—many of them Tutsi³⁹—have fled to Rwanda since April, and relations between the two countries have deteriorated since the start of the current crisis.⁴⁰ Nonetheless, in November, a group of U.N. and international experts cautioned that though "Rwanda could intervene militarily in Burundi under the pretext of hunting down the FDLR," further government crackdowns on dissidents, particularly those in the military, were the more imminent concern and could lead to another coup attempt.⁴¹

International Responses

Regional leaders have expressed concern about the implications of Burundi's crisis for regional stability, although they appear divided over the appropriate response. In early July, the EAC and the AU called for a post-election "government of national unity."⁴² Both groups were highly

³⁵ Thierry Vircoulon, "Insights from the Burundian Crisis (I): An Army Divided and Losing its Way," International Crisis Group, October 2, 2015.

³⁶ Congolese territory reportedly hosts elements of the Burundian military, the *Imbonerakure*, and Burundian insurgents, including an FNL faction and a separate, unidentified group that reportedly entered northwestern Burundi in late 2014. *Final Report of the Group of Experts on the Democratic Republic of the Congo*, January 12, 2015, op. cit.

³⁷ See, e.g., Filip Reyntjens, "Scenarios for Burundi," Institute of Development Policy and Management, April 2015.

³⁸ Rwandan Ministry of Foreign Affairs, "Rwanda expresses serious concern over Burundi deteriorating situation," May 4, 2015; Ivan R. Mushiga, "Burundi: Rwanda will 'talk' to Burundi Over FDLR After Current Crisis," *AllAfrica*, November 21, 2015.

³⁹ Reuters, "Rwanda Alarmed by Burundi Unrest as Refugees Stream In," May 5, 2015.

⁴⁰ Rwandan-Burundian tensions had risen since 2014, when each country blamed the other for dead bodies found in a lake at their shared border. See Reuters, "Burundi Says 40 Corpses Found in Lake Were Rwandans," October 14, 2014.

⁴¹ Inter-Agency Standing Committee, "Alert, Early Warning and Readiness Report Map," Outlook Period November 2015-2016.

⁴² "Communiqué: 3rd Emergency Summit of Heads of State of the East African Community on the Situation in Burundi," July 6, 2015; "Communiqué of the Peace and Security Council of the African Union (AU), at its 523rd Meeting on the Situation in Burundi," July 9, 2015.

critical of the election process, as was a U.N. Security Council-mandated election observation mission.⁴³

The EAC has the regional lead on negotiations to start an inclusive dialogue and in July appointed Ugandan President Yoweri Museveni to renew political talks between the government and the opposition.⁴⁴ Some observers question Museveni's credibility and focus, noting that he has been in power since 1986, repealed Uganda's constitutional term limits in 2005, and will seek re-election in 2016.⁴⁵

Tanzania and South Africa are both key players in Burundi, having mediated the Arusha Accords. Tanzania also hosts tens of thousands of Burundian refugees (some of whom fled decades ago), is a key economic partner, and hosts the EAC (and, thus, recent emergency talks seeking to defuse the Burundi crisis). During Burundi's civil war, Tanzania was supportive of Hutu political claims, and it has been seen as a backer of the CNDD-FDD.

Among Central and East African leaders, Rwanda's President Paul Kagame has been most openly critical of Nkurunziza. On May 9, he stated, "If your own citizens tell you we don't want you to lead us, how do you say I am staying whether you want me or not?"⁴⁶ In November, Kagame questioned Nkurunziza's leadership and warned that violence in Burundi could spiral into war or even genocide.⁴⁷ Rwanda also hosts a number of Burundian dissidents, and has been accused of backing Burundian insurgents linked to the May 2015 failed coup attempt.⁴⁸ There are also reports that armed groups may be recruiting refugees in Rwanda.⁴⁹

On October 17, the AU Peace and Security Council issued a communique endorsing EAC-led efforts to begin the dialogue, while also calling for additional human rights observers and military experts, and agreeing to launch an "in-depth investigation on the violations of human rights and other abuses ... for the purposes of enabling the Council to take additional measures."⁵⁰ The Council also decided to "impose targeted sanctions" on those who perpetuate violence, but did not designate specific individuals, and called for expedited contingency planning for an AU military deployment if the violence worsens. A small number of AU human rights observers and military experts are reportedly in place, but are operating with limited mobility due to security and government restrictions.

On November 12, the U.N. Security Council unanimously adopted Resolution 2248 in response to mounting international concern over instability and possible atrocities. The resolution mandates the U.N. Secretary-General to report to the U.N. Security Council on options for a "future presence of the United Nations in Burundi" and supports U.N. and AU "contingency planning" to enable an international response should the situation deteriorate further.⁵¹ The

⁴³ EAC election observers did not find the July 21 presidential election credible. The U.N. Electoral Observation Mission in Burundi (MENUB) concluded that the June 29 elections were neither credible nor free. The AU and other international actors suspended planned electoral observation missions citing a non-conducive electoral environment.

⁴⁴ Prior to the July 21 presidential vote, talks were mediated by representatives of the United Nations (U.N.) Secretary General and, from July 15-18, the government of Uganda, but these did not deliver an agreement.

⁴⁵ Cara Jones and Orion Donovan-Smith, "How the West Lost Burundi," *Foreign Policy*, August 28, 2015.

⁴⁶ News of Rwanda, "Step Down, Kagame Tells Nkurunziza," May 9, 2015.

⁴⁷ Reuters, "Rwandan President warns of escalating violence in Burundi," November 8, 2015.

⁴⁸ Elsa Buchanan, "Burundi: Who are the armed rebels supported by the country's exiled dissidents?" *International Business Times*, July 16, 2015.

⁴⁹ Al Jazeera, "Burundi refugees lured to join rebel group," July 24, 2015.

⁵⁰ AU Peace and Security Council 551st Meeting Communique, Addis Ababa, Ethiopia, October 17, 2015.

⁵¹ U.N. News Centre, "Condemning Increasing Violence in Burundi, Security Council Unanimously Adopts Resolution (continued...)"

Security Council has yet to specify what these contingency plans may include, but some observers read the resolution as a potential first step toward the authorization of either a regional or U.N. peacekeeping force.⁵² The resolution does not authorize targeted sanctions, but does state the Security Council's "intention to consider additional measures against all Burundian actors whose actions and statements contribute to the perpetuation of violence and impede the search for a peaceful solution."⁵³

The EU, Burundi's top bilateral donor, imposed sanctions on three government officials and a former general in October 2015.⁵⁴ It is also reviewing its development aid to Burundi, and has reduced in-country staff. The Obama Administration has repeatedly criticized Nkurunziza's candidacy and government restrictions on political freedoms, and has expressed mounting concern about the potential for violence (see "'U.S. Policy and Aid" below).

U.S. Policy and Aid

Obama Administration officials had publicly urged Nkurunziza not to seek reelection and have condemned his third term as well as violence and threats of violence on all sides.⁵⁵ On July 24, Secretary of State John Kerry criticized "President Nkurunziza's violation of the Arusha Agreement and use of undemocratic means to maintain power through an electoral process that was neither credible nor legitimate." After Nkurunziza's inauguration, the State Department warned that the situation was "increasingly volatile" called for "comprehensive and inclusive dialogue," saying that dialogue "represents the best path forward to resolving the insecurity which has plagued Burundi since President Nkurunziza's decision to run for a third-term in contravention of the Arusha Peace and Reconciliation Agreement."⁵⁶ And on October 22, Assistant Secretary Thomas-Greenfield said that "Nkurunziza's pursuit of a third term caused the current volatile crisis."⁵⁷ U.S. officials have engaged the region in support of the EAC-led mediations efforts and called for participation from "both the governing party and peaceful representatives of the broad Burundian political opposition and even broader civil society."⁵⁸

The Administration has taken a number of steps to respond to the crisis. On November 23, President Obama signed an Executive Order aimed at individuals who threaten peace and security, undermine democratic institutions, and commit human rights abuses and designated four individuals—two government officials, and two former military officers who participated in the failed May 2015 coup.⁵⁹ On October 30, President Obama revoked Burundi's eligibility for U.S.

(...continued)

2248 (2015), States Intention to Consider 'Additional Measures'," November 12, 2015.

⁵² Reuters, "Troops could be sent to Burundi if violence worsens: diplomats," November 11, 2015

⁵³ U.N. News Centre, "Condemning Increasing Violence in Burundi, Security Council Unanimously Adopts Resolution 2248 (2015), States Intention to Consider 'Additional Measures'," November 12, 2015.

⁵⁴ VOA Online, "EU Slaps Sanctions on 4 Burundians," October 2, 2015.

⁵⁵ See, e.g., State Department, "U.S. Condemns Violence in Burundi," July 10, 2015; and John Kerry, "Burundi's Elections Process," State Department press statement, July 24, 2015, where

⁵⁶ State Department, "Urgent Need for Political Dialogue in Burundi," August 20, 2015.

⁵⁷ Assistant Secretary Linda Thomas-Greenfield testimony before the House Foreign Affairs Subcommittee on Africa, Global Health, and Human Rights, October 22, 2015.

⁵⁸ Assistant Secretary Linda Thomas-Greenfield testimony before the House Foreign Affairs Subcommittee on Africa, Global Health, and Human Rights, October 22, 2015.

⁵⁹ White House, "Executive Order—Blocking Property of Certain Persons Contributing to the Situation in Burundi," November 23, 2015.

trade preferences under the African Growth and Opportunity Act (AGOA, which Congress reauthorized on June 29, 2015, in P.L. 114-27), citing the government's failure to make progress on "establishing the rule of law and political pluralism" as well as the worsening violence.⁶⁰ On July 2, 2015, the Administration publicly announced the suspension of some—but not all—security assistance programs.⁶¹ Assistance to the police was suspended and U.S. military training within Burundi is on hold, but some assistance has continued to Burundian peacekeepers in multilateral missions in Somalia and CAR.⁶² The State Department has announced "targeted measures," including U.S. visa restrictions, against individuals implicated in violence against civilians, but has not named anyone publicly.⁶³ On November 5, in response to "escalating violence in Burundi and dangerous, irresponsible rhetoric," U.S. Permanent Representative to the United Nations, Ambassador Samantha Power said, "The United States will support the region and our partners in the international community so that those who commit or incite violence are held accountable."

The Obama Administration has publicly characterized its approach to the situation in Burundi as an example of its policy to elevate the prevention of "mass atrocities" as a core tenet of U.S. foreign policy, and of its opposition to efforts by some African presidents to extend their time in office beyond established term limits.⁶⁴ U.S. Special Envoy for the Great Lakes region of Central Africa (SEGL) Thomas Perriello called Burundi a "cautionary tale" to other leaders in the region approaching the end of their term, and said Nkurunziza's decision to run "served as a trigger, opening old wounds from its civil war and creating dire economic conditions."⁶⁵ In public speeches about the Administration's atrocity-prevention efforts in March and April 2015, Under Secretary of State Sarah Sewall referred to Burundi at length, stating that the Administration's monitoring and planning for the risk of atrocities had produced "a broad diplomatic engagement and programmatic strategy that was operationalized by our embassy in Bujumbura."⁶⁶ In October, SEGL Perriello said that the Administration's interagency "Atrocities Prevention Board" has been seized with Burundi for over a year. He added, "We will do everything we can to support the people of Burundi and prevent mass atrocities," including "contingency planning" and support for "additional efforts by the AU in this regard."⁶⁷

When Burundian officials used divisive rhetoric in early November, President Obama responded in a November 14 video, telling Burundi's leaders that "now is the time to put aside the language of hate and division" and to seek dialogue.⁶⁸ Ambassador Power, who is closely associated with

⁶⁰ White House, "Message to the Congress: Notification to the Congress on AGOA Program Change," October 30, 2015.

⁶¹ State Department, "The United States Urges Dialogue, Announces Additional Suspension of Assistance," July 2, 2015.

⁶² Assistant Secretary Linda Thomas-Greenfield testimony before the House Foreign Affairs Subcommittee on Africa, Global Health, and Human Rights, October 22, 2015.

⁶³ State Department, "U.S. Deeply Regrets Burundi's Disregard for the Arusha Agreement," April 25, 2015.

⁶⁴ The Administration has identified the prevention of mass atrocities as a U.S. "core national security interest and a core moral responsibility" for which it has committed to using the U.S. government's "full arsenal of tools," including diplomatic, financial, intelligence, law enforcement, and, in some cases, military capabilities. See U.S. government, <http://www.humanrights.gov/dyn/issues/atrocity-prevention.html>.

⁶⁵ SEGL Thomas Perriello, "Central Africa: U.S. Envoy Underlines Need to Respect Term Limits," *AllAfrica*, September 28, 2015.

⁶⁶ Remarks at the Council on Foreign Relations, op. cit.; and at the Chicago Council on Global Affairs, April 24, 2015.

⁶⁷ SEGL Thomas Perriello testimony before the House Foreign Affairs Subcommittee on Africa, Global Health, and Human Rights, October 22, 2015.

⁶⁸ VOA Online, "Obama to Burundi's Leaders: Halt Rhetoric, Hold Talks," November 14, 2015.

the atrocity-prevention initiative, has visited Burundi twice since early 2014—most recently in March 2015 as part of a U.N. Security Council delegation—and also denounced divisive rhetoric from Burundian officials by saying that “such dangerous speech and the President’s call for a widespread, indiscriminate security crackdown exacerbate an already volatile situation and risk inciting even greater violence.”⁶⁹ She called on the government to begin political dialogue to end to “the climate of fear in the country.” In response, Burundian officials have accused the U.S. officials of trying to interfere in Burundi.⁷⁰

The Administration has also placed particular emphasis on what it terms to be a violation of the Arusha Accords, which contained a clear two-term limit on the presidency. U.S. involvement in Great Lakes peace initiatives has been extensive, and President Bill Clinton attended the signing of the Arusha Accords in Tanzania in 2000. The CNDD-FDD was not a signatory to the Accords—it signed a separate cease-fire in 2003—and Nkurunziza’s supporters argue that the constitution supersedes the Accords. In October, SEGL Thomas Perriello stated that Nkurunziza’s decision to run “violated the strict two-term limit that was part of the Arusha Agreement” and was the “primary cause” of the government’s “deliberate and often repressive efforts to consolidate and extend power” that led to the current crisis.⁷¹ Further, the Accords play a role in U.S. efforts to address Burundi’s crisis. On October 22, SEGL Perriello said, “Some in the region believe that the Arusha Agreement should not be considered sacrosanct ... we believe its preservation is paramount as stakeholders work to resolve this crisis.”⁷²

U.S. bilateral aid funding for Burundi, which was estimated at \$46 million in FY2015, is focused on health programs, food aid, and military professionalization.⁷³ Using regionally and centrally managed funds, the Administration programmed at least \$14 million in additional funding in 2014-2015 to support the electoral process and conflict-mitigation efforts, in part as a result of atrocities-prevention efforts.⁷⁴ The State Department has requested \$43.8 million in its FY2016 *Congressional Budget Justification* for foreign operations, including \$2 million for new governance programs that would “support locally based solutions to the two primary drivers of conflict identified by a USG assessment: manipulation of vulnerable youth and unclear and complex land tenure rights.”

Since FY2006, the United States has also provided at least \$200 million to build the capacity of the Burundian military to participate in AMISOM, the U.N. peacekeeping operation in the Central African Republic (CAR), and counterterrorism efforts.⁷⁵ These programs are administered by both the State Department and the Department of Defense (DOD), under multiple legal authorities. Such funding is in addition to the bilateral aid budget and is not reflected in the Administration’s annual request for Burundi.

⁶⁹ U.S. Mission to the United Nations, “Statement on Violence and Disturbing Rhetoric in Burundi,” November 5, 2015.

⁷⁰ See, e.g., Presidential Advisor Willy Nyamitwe’s comments on Twitter: “#Burundi: We have our fingers crossed expecting @AmbassadorPower to leave office next year so #Burundi will be left alone at peace,” November 21, 2015.

⁷¹ SEGL Thomas Perriello, “Burundi in Crisis,” *The World Post*, October 1, 2015.

⁷² SEGL Thomas Perriello testimony before the House Foreign Affairs Subcommittee on Africa, Global Health, and Human Rights, October 22, 2015.

⁷³ State Department, *Congressional Budget Justification (CBJ) for Foreign Operations*, FY2016.

⁷⁴ U.S. Agency for International Development (USAID), response to CRS query, February 2015. Under Secretary of State Sewall (Remarks at the Council on Foreign Relations, op. cit.) stated that the atrocities-prevention process “galvanized over \$7 million in State and USAID funds to address the risks identified in the assessment.”

⁷⁵ CRS calculation based on State Department and Defense Department congressional notifications and State Department responses to CRS queries.

Much of the military assistance to Burundi has been funded through the State Department's Peacekeeping Operations (PKO) account, with some components administered under the U.S. Africa Contingency Operations Training & Assistance (ACOTA) program and others considered part of U.S. bilateral aid for Somalia.⁷⁶ PKO-funded programs are generally implemented by contractors. Additional DOD assistance is administered under authorities enacted by Congress in annual defense authorization measures since FY2006.⁷⁷ A complete picture of U.S. security assistance provided to Burundi since FY2006 is difficult to compile because much of it is not disaggregated by country recipient. This may pose challenges for congressional oversight of the U.S. security relationship with Burundi.

Outlook and Issues for Congress

The current situation in Burundi is volatile, and the full impact of the crisis remains to be seen. A negotiated political settlement that would avert a major spike in violence may still be possible if the government, opposition, and civil society groups return to negotiations. Conversely, an escalation of conflict would reverse years of progress and pose a threat to neighboring states—particularly if security forces factions fight each other, if internally displaced person (IDP) and refugee flows increase, and/or if armed groups mobilize across borders.

Congress has shaped U.S. policy toward Burundi through its authorization and appropriation of U.S. assistance and through its oversight activities. The U.S. response to the current turmoil may raise policy and/or funding considerations for Congress. The House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations held a hearing on the situation in Burundi on July 22, 2015 as well as a hearing on political, security, and humanitarian challenges in the Great Lakes region of Central Africa on October 22, 2015. Congress has also enacted legislation, appropriated funding, and held many prior hearings aimed at promoting peace and security in the Great Lakes region.⁷⁸ Potential issues for Congress include the following:

U.S. Security Assistance and Implications for Burundi's Multilateral Military Deployments.

Members may weigh the potential implications of the evolving situation for U.S. military aid, specifically support for Burundi's deployments to AMISOM in Somalia and to U.N. peacekeeping operations, including in CAR. Congress may also consider what contingency plans the Administration may have for Burundi's role in AMISOM if Burundi's military were to fracture and/or become more directly involved in the crisis at home. (Burundian troops comprise almost a fifth of AMISOM's military force.) There is a separate question of the extent to which Burundi's government will remain committed to its foreign deployments if it perceives a significant threat to domestic stability.

⁷⁶ The Administration has requested that Congress appropriate \$115 million in PKO funding for Somalia in FY2016, of which an unspecified portion is designed to "bolster AMISOM's operational effectiveness" through support to troop contributors. State Department *CBJ*, op. cit. ACOTA funding is not requested on a country-specific basis.

⁷⁷ These include DOD's "global train and equip" authority, recently codified in permanent law as 10 U.S.C 2282 by §1205 of the FY2015 National Defense Authorization Act or NDAA (P.L. 113-291), which repealed §1206 of the FY2006 NDAA, and which authorizes DOD to train and equip foreign military forces for counterterrorism. Burundi has also benefitted from Section 1207(n) of the FY2012 NDAA (P.L. 112-81) and Section 1203 of the FY2013 NDAA (P.L. 112-239), which authorize DOD to build the capacity of foreign militaries serving in AMISOM. Burundi has received more than \$58 million in bilateral assistance for its participation in AMISOM under these authorities, in addition to a portion of the more than \$63 million provided jointly to Burundi and Uganda for the mission.

⁷⁸ See CRS Report R43166, *Democratic Republic of Congo: Background and U.S. Relations*, by (name redacted) specifically the section titled "Congressional Actions."

Burundi's trajectory may prompt some Members to call for additional restrictions on U.S. military assistance, either to try to force a change in the government's behavior or to dissociate the United States from an abusive regime. Others may argue that progress on military reform since the early 2000s, and the view of some analysts that the military has the potential to act as a stabilizing and inclusive institution, merit continued engagement and support—even if the military appears increasingly fractured. Some may further consider whether counterterrorism and/or regional peacekeeping goals—or other considerations, such as executive branch flexibility in determining funding allocations—outweigh concerns. Finally, ending or restricting U.S. and other donor support to Burundian troops serving in Somalia and CAR could have unintended consequences for Burundi. To date, European-funded salaries, U.S. training, and the absorption of a large number of potentially restive troops constitute significant financial and political benefits that have arguably contributed to domestic stability.⁷⁹

Congress has also enacted laws that require the State Department and DOD to vet foreign security forces for gross human rights violations prior to providing them with certain types of U.S. training and equipment.⁸⁰ Allegations of abuses by Burundi's military—reportedly including units that have served in Somalia—reportedly prevented certain units from passing such vetting in 2015.⁸¹ However, vetting challenges do not, in and of themselves, necessarily lead to the blanket termination of bilateral military cooperation.

Contingency Plans and a Potential Regional Intervention. Members may wish to consider what implications a potential multilateral intervention in Burundi may have on existing security cooperation with the country's military, as well as what role the United States might play in providing financial support for such an intervention. Contingency planning by the U.N., the AU, the EAC, and other actors for an intervention could generate new requests for or modifications to U.S. security assistance. Congress may also explore the potential role that specific regional forces might play in Burundi, such as the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) or the AU's as yet untested East Africa Standby Force. Specific issues for the East Africa Standby Force may include, for example, a reconfiguration of the force's composition, since Burundi is a troop contributor. For MONUSCO, changes to the Mission's composition could impact operations in DRC. Any modification of MONUSCO's mandate would require a U.N. Security Council resolution as well as congressional notification for U.S. contributions. U.N. deliberations could, alternatively, move toward the potential authorization of a new mission for Burundi, which would have implications for U.S. assessed contributions for U.N. peacekeeping. Members may also evaluate potential implications for humanitarian assistance to the region.

Sanctions. Congress has specifically authorized travel and financial sanctions through legislation in response to some conflict situations in Africa.⁸² The executive branch can also impose targeted

⁷⁹ See, e.g., Elizabeth Dickinson, "For Tiny Burundi, Big Returns in Sending Peacekeepers to Somalia," *The Christian Science Monitor*, December 22, 2011.

⁸⁰ See CRS Report R43361, "*Leahy Law*" Human Rights Provisions and Security Assistance: Issue Overview, coordinated by (name redacted) .

⁸¹ On February 6, 2015, the U.S. State Department expressed concern at "reports implicating Burundian security forces in the extra-judicial killing of at least two dozen members of a rebel group after they surrendered in Cibitoke Province in early January." Similar allegations were detailed in HRW, "Burundi: Summary Executions by Army, Police," February 12, 2015. Senior military officers, including one who reportedly served with AMISOM, have also been implicated in arming the *Imbonerakure*. See Africa Confidential, "Terms of Abuse," April 11, 2014.

⁸² For example, Section 1284 of P.L. 112-239, the FY2013 NDAA, authorized sanctions against any persons determined to be providing significant support to a Congolese rebel movement known as the M23.

sanctions under existing laws, including via executive order.⁸³ As mentioned above, the Administration designated four individuals for targeted sanctions on November 23 via Executive Order. The State Department has also imposed U.S. travel restrictions on some individuals implicated in violence against civilians in Burundi. Congress may consider whether additional sanctions are warranted, and in what circumstances, as events in Burundi continue to unfold. For example, if targeted killings continue, Congress may weigh the likely effectiveness of sanctions as a response against other options, such as peacekeeping efforts by the AU or the U.N.

Oversight of U.S. Atrocity-Prevention Efforts. As mentioned above, the Administration has portrayed Burundi as a key focus of its efforts to prevent and respond to “mass atrocities” overseas. Despite early U.S. efforts to prevent atrocities in Burundi, observers’ concern over the potential for atrocities has continued to escalate, underscoring the inherent challenges for the U.S. government and others in determining prevention measures and assessing their impact. Some Members of Congress support the Administration’s emphasis on such efforts as a core tenet of U.S. foreign policy. For example, S.Res. 413, which passed the Senate during the 113th Congress, affirms that it is in the U.S. “national interest” to seek to prevent mass atrocities. Others may be concerned that such efforts are impractical, are costly, or distract from other U.S. policy priorities.

U.S. Democracy Promotion. Congress may seek to examine the impact of, and resources devoted to, U.S. democracy promotion in Burundi and elsewhere on the continent. The Obama Administration’s Africa strategy emphasizes support for democratic institutions,⁸⁴ but U.S. aid funding allocated for democracy and governance programs in Africa has decreased since FY2010 as other development goals—such as promoting health and economic growth—have been prioritized. The Administration did not request any bilateral democracy-related aid funding for Burundi in FY2015, but it has identified other means to fund elections support and programs seeking to prevent violence. In this context, Congress may consider the scale, balance, and objectives of the Administration’s FY2016 bilateral aid request for Burundi.

In light of Nkurunziza’s decision to run for a third term in office, Members of Congress may also consider the following issues: whether the Administration efforts promoting the respect of term limits in Africa have been effective and evenly applied; how these efforts have been perceived on the continent; and what priority term limits merit, given other democratic shortfalls on the continent.

Author Contact Information

(name redacted)
Analyst in African Affairs
f[redacted]@crs.loc.gov 7-....

(name redacted)
Analyst in African Affairs
f[redacted]@crs.loc.gov 7-....

⁸³ See U.S. Department of the Treasury, Office of Foreign Assets Control, “Sanctions Programs and Country Information,” at <http://www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx>.

⁸⁴ White House, *U.S. Strategy Toward Sub-Saharan Africa*, June 2012.

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