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# Burundi's Electoral Crisis: In Brief

**Alexis Arieff**

Analyst in African Affairs

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## Summary

This report provides context surrounding the ongoing political crisis in Burundi and analysis of U.S. policy and related issues for Congress. President Pierre Nkurunziza's efforts to run for a third term in office have sparked large domestic protests, a refugee influx into neighboring states, international condemnation, and—as of May 13—a military coup attempt. How the situation evolves may have implications for U.S. efforts to promote democracy and good governance in Africa, and for whether Burundian troops will continue to participate in U.S.-supported regional military operations in Somalia, which are aimed at countering the Al Qaeda-linked group Al Shabaab. The events of May 13 raise the question of whether the State Department will apply a provision in FY2015 foreign aid appropriations legislation (Division J of P.L. 113-235) prohibiting certain types of aid to any country in which the military has overthrown an elected government. Additional issues for Congress may include the authorization, appropriation, and/or oversight of any new U.S. funding in support of humanitarian aid or regional stabilization efforts.

Burundi, a small country in Central Africa, 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. In the early 2000s, Burundi emerged from a decade-long, multi-faction civil war, fought largely along ethnic lines, in which as many as 300,000 people were killed. In the wake of a landmark peace accord signed in 2000, Burundi has seen relative stability. However, the country's experience of inclusive democracy has been short, and many top political actors are former combatants. Elections in 2010 were marred by political violence and an opposition boycott, and the government has harassed and jailed prominent opposition, civil society, and media leaders.

The Obama Administration has portrayed its approach to Burundi's political stand-off as an example of its policy to seek to prevent “mass atrocities,” and of its opposition to efforts by some African presidents to extend their time in office beyond existing term limits. Despite Burundi's small size and what some may view as marginal importance to U.S. foreign policy, senior U.S. officials have traveled there over the past year, openly criticized Nkurunziza's candidacy, and expressed concerns about human rights violations and the country's political trajectory. The State Department and U.S. Agency for International Development (USAID) have also identified about \$14 million in funding over the past year to support the elections process and conflict-mitigation efforts, equivalent to a nearly 50% increase over the U.S. bilateral aid budget (\$30 million in FY2014). U.S. bilateral aid for Burundi is overwhelmingly focused on health and food aid.

Since 2007, when Burundi began contributing troops to the then-newly created African Union Mission in Somalia (AMISOM), the United States has provided significant military assistance to build Burundi's capacity to conduct counterterrorism and peacekeeping operations. Such aid is in addition to the bilateral aid allocations referenced above. U.S. military assistance to Burundi has been administered by both the State Department and the Department of Defense (DOD). DOD programs have been conducted under legislative authorities enacted by Congress over the past decade that allow DOD to build the capacity of foreign militaries for counterterrorism purposes, and particularly those countries contributing troops to AMISOM. Relevant legislation includes 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), as amended.

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## Introduction

International concerns about instability in Burundi have risen in connection with President Pierre Nkurunziza's desire to run for a third term in office in elections scheduled for June 2015. His candidacy was officially announced on April 25 and sparked large protests in the capital, Bujumbura. These were met by violent police repression. On May 13, while Nkurunziza was attending an emergency regional summit in Tanzania aimed at defusing the electoral crisis, a top military commander, General Godefroid Niyombare, announced that he was ousting the president and forming a transitional regime. Speaking from outside the country, Nkurunziza rejected the announcement. It is unclear whether the military and other security forces will unite behind the coup attempt, and if so, whether and when power may be transferred to civilians. If the security forces are not united, or if Nkurunziza stages a return, further violence appears likely.

Some observers are particularly concerned that Nkurunziza's growing authoritarianism and reelection bid have undermined principles of power-sharing and ethnic balance that are seen as having helped stabilize Burundi since the end of a decade-long civil war in the early 2000s. There is also a potential for turmoil in Burundi to draw in neighboring states and/or non-state actors based elsewhere in the region. At least 50,000 Burundians have reportedly fled to neighboring states since early April 2015. U.N. agencies warned on April 27 that "in a worst case scenario, 350,000 people could be in need of humanitarian assistance within six months."<sup>1</sup>

A protracted crisis could have implications for several issues of potential interest to Congress. These include stability in the Great Lakes region of Central Africa; long-running U.S. efforts to promote democracy and good governance in Africa; human rights concerns and the impact of U.S. efforts to prevent "mass atrocities"; and the future of Burundi's participation in U.S.-backed regional military operations in Somalia and in the U.N. peacekeeping operation in the Central African Republic. Additional issues for Congress may include the authorization, appropriation, and oversight of any new U.S. funding for humanitarian aid or regional stabilization efforts.

The events of May 13 may also raise the question of whether the U.S. State Department will apply Section 7008 of the FY2015 Department of State, Foreign Operations, and Related Programs Appropriations Act (Division J of P.L. 113-235), which prohibits certain types of aid—including military aid—to the government of any country in which the military has overthrown a "duly elected government." Executive branch determinations have varied regarding the applicability of similar provisions in past years in connection with military seizures of power in African countries, depending on the circumstances and the nature of the government overthrown.

As this report discusses, multiple factors contribute to the potential for conflict in Burundi. In the near-term, salient dangers include divisions within the state security forces and the role of the ruling CNDD-FDD<sup>2</sup> party's youth wing, the *Imbonerakure* ("those who see far"), which has long been implicated in violence and intimidation against political opponents. Some commentators have emphasized the potential for ethnic violence between Burundi's Hutu majority and Tutsi minority. Hardliners in both communities may well seek to mobilize support—both in Burundi

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<sup>1</sup> U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA), "Flash Update 1—Elections Crisis in Burundi and Regional Impacts," April 27, 2015.

<sup>2</sup> CNDD-FDD stands for the National Council for the Defense of Democracy-Forces for the Defense of Democracy.

and in neighboring countries such as Rwanda—by playing on fears grounded in Burundi's history of ethnically motivated massacres and assassinations. At the same time, Burundian politics have shifted in the past decade. Opposition to Nkurunziza spans the ethnic divide and has split the Hutu-led CNDD-FDD. The current situation highlights a power struggle among members of the Hutu majority: Gen. Niyombare and President Nkurunziza are both Hutu and are former comrades-in-arms from when the CNDD-FDD was a rebel force.

## Context

Burundi is one of the world's poorest countries. It is landlocked with few natural resources, and its economy is largely agricultural. As in neighboring Rwanda, Burundian society includes a majority Hutu population (estimated at 85%) and minority Tutsi (14%) and Twa (1%) communities. Unlike in Rwanda, Tutsis dominated the military and political elite after independence. Burundi's history has been marked by political instability, military interference in politics, and ethnic violence. Instability has been fed by zero-sum contests for political power, high population density that heightens competition over access to land (i.e., to food and income), and the spillover of conflicts from Rwanda and the Democratic Republic of Congo (DRC).

In the early 2000s, Burundi emerged from a decade-long, multi-faction civil war involving the then-Tutsi-dominated military, Tutsi-led militias, and Hutu-led rebel groups. Some 300,000 people were reportedly killed, on top of previous cycles of interethnic massacres. The Arusha Accords, signed in 2000, instituted, among other things, a requirement for "ethnic balance" in the government and military, which incentivized political coalition-building and reduced Hutu-Tutsi tensions. Arusha also set a clear two-term limit on the presidency. The two largest Hutu-led rebel groups—the Forces for the Defense of Democracy (FDD, which later became the CNDD-FDD) and the National Liberation Forces (FNL)—did not sign the Accords, but they subsequently agreed to lay down arms and become political parties. Former rebel combatants were integrated into the security forces. Civil liberties expanded as new private media and associations were created. A new constitution was adopted by referendum in 2005. It formalized an ethnic quota system, requiring a 60%-40% split between Hutus and Tutsis in government posts. These developments contributed to a near-elimination of explicit ethnic enmity from political discourse.

Peaceful elections in 2005 ended a transition period, and Nkurunziza, a Hutu former rebel leader, became president. With international support, the military transitioned from being a key source of instability into a more professional and cohesive force. However, the country has not experienced many years of inclusive democracy. Nkurunziza's reelection in 2010 was marred by an opposition boycott and by significant political violence that continued into 2012.<sup>3</sup> The government has also harassed and jailed prominent opposition, civil society, and media leaders.

The controversy over Nkurunziza's candidacy stems, in part, from a dispute over its legality. Burundi's constitution states that the president "is elected by universal direct suffrage for a mandate of five years renewable one time." Opposition and civil society activists interpret this provision to mean that Nkurunziza, who is finishing his second term, cannot be reelected. A government proposal to revise the constitutional provision was narrowly defeated in parliament in

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<sup>3</sup> See Human Rights Watch (HRW), *"You Will Not Have Peace While You Are Living": The Escalation of Political Violence in Burundi*, May 2, 2012. The CNDD-FDD party nominally heads a coalition that includes the historically Tutsi-dominated Union for National Progress (UPRONA) party. However, it has been accused of manipulating and dividing UPRONA since 2014.

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 be stand for reelection. The constitutional court upheld this argument in early May 2015, amid reports that judges had been threatened.

**Figure 1. Burundi at a Glance**

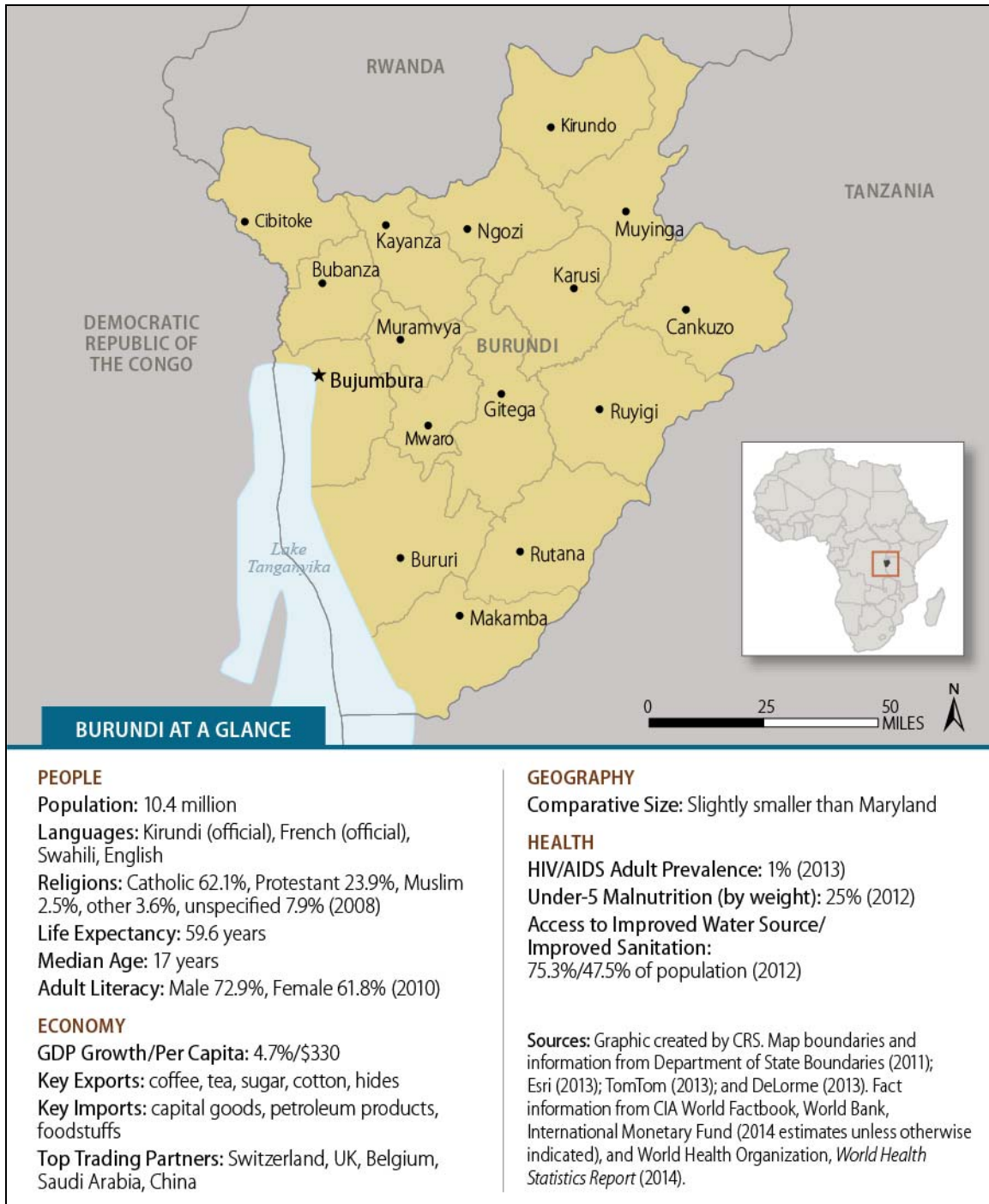
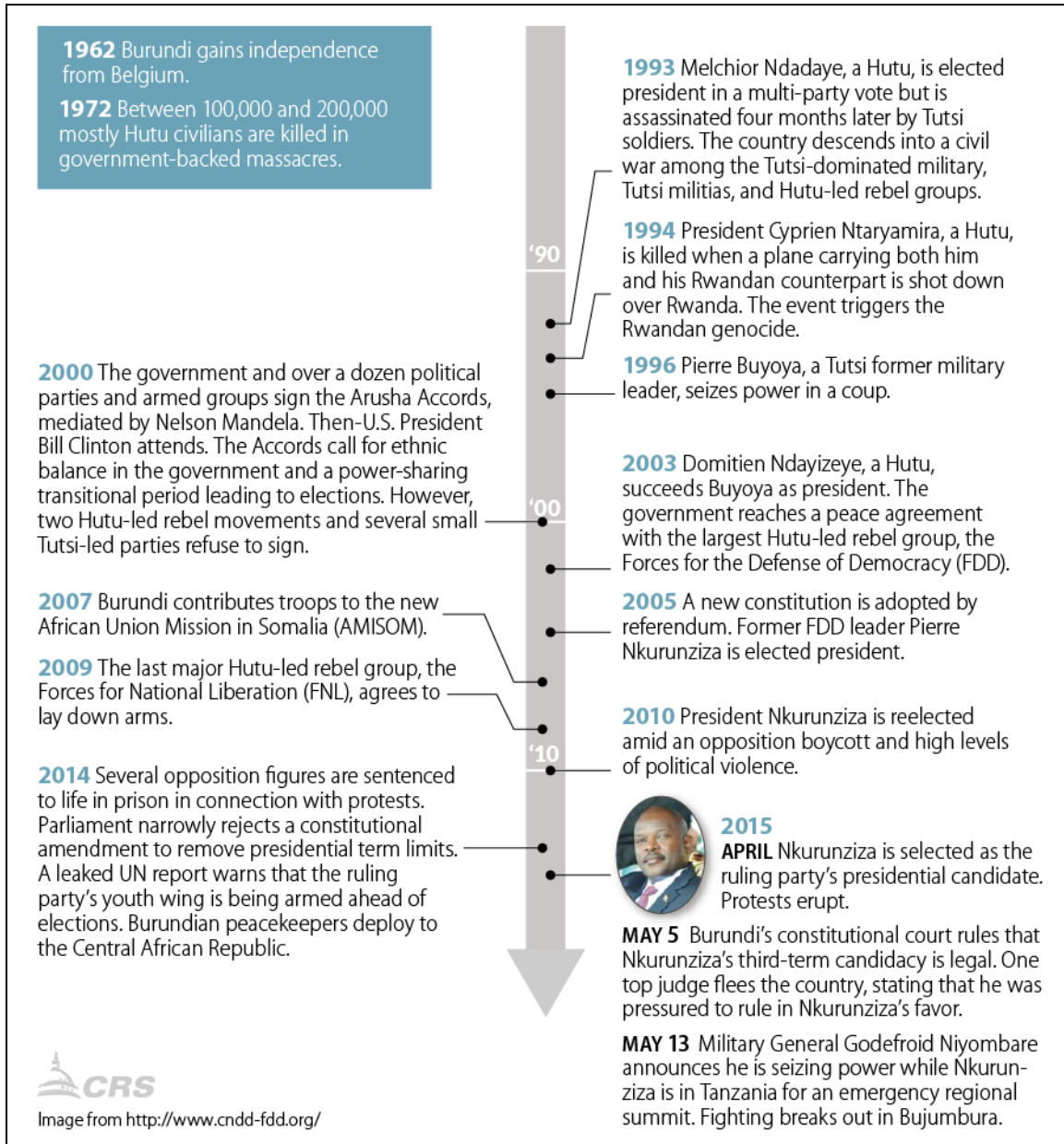


Figure 2. Burundi Timeline



## Potential Drivers of Violence

**Political Power Struggle in the Lead-Up to Elections.** Electoral competition in the past decade has shifted the political landscape from one of Hutu-Tutsi contestation towards a struggle within the Hutu majority. Two of the leading political parties in Burundi, the ruling CNDD-FDD and the opposition FNL, are Hutu-led former rebel movements, and their supporters have engaged in cycles of tit-for-tat violence since 2010. Conflict within the ruling party is also evident, as segments of the CNDD-FDD, including some former combatants, oppose the president's

reelection bid.<sup>4</sup> The CNDD-FDD reportedly remains popular in rural areas, but Nkurunziza's personal popularity may be waning.<sup>5</sup>

In a possible sign that Nkurunziza's supporters are concerned about his ability to win an open contest, criminal cases have been brought against civil society leaders, opposition figures, and journalists.<sup>6</sup> Elements of the military and internal security forces have reportedly armed the CNDD-FDD youth wing, the *Imbonerakure*, which has long been implicated in violence and intimidation targeting the party's opponents.<sup>7</sup> During and after the last national elections, in 2010, *Imbonerakure* members were implicated in attacks against members of the Hutu-led FNL. In 2015, news reports have indicated that *Imbonerakure* members are especially targeting Tutsis.<sup>8</sup>

Opposition parties have sought to forge cross-ethnic coalitions, but the opposition generally remains weak and divided. Several leading figures, both Hutu and Tutsi, have been prevented from registering as candidates due to criminal cases against them. Some have accused the government of manipulating the judiciary and electoral institutions for partisan gain.<sup>9</sup> Opposition divisions may be partly attributable to historic frictions within Burundi's political class, and between former combatants and longtime politicians. Also at issue are government efforts to "dispossess opposition leaders of their political parties and appropriate sympathetic factions."<sup>10</sup>

**Security Force Divisions.** Police have reportedly led the violent response to demonstrations in Bujumbura to date, sometimes clashing with members of the military who have been deployed to the streets since late April. Both the police and the national intelligence service (or SNR after its French acronym) are viewed as heavily influenced by individuals favorable to the CNDD-FDD and/or to Nkurunziza personally. Some analysts argue that former combatants loyal to Nkurunziza constitute a "parallel chain of command" that has been implicated in targeted killings and other abuses since at least 2010.<sup>11</sup> Even these networks appear to be divided, as evidenced in early 2015 by the escape from prison of a former CNDD-FDD commander and key Nkurunziza rival, reportedly facilitated by security officers.<sup>12</sup>

<sup>4</sup> Yolande Bouka, "A House Divided in Burundi: Rifts at the Heart of the Ruling Party," Institute for Security Studies, April 2, 2015. The article notes long-suspected ideological differences between the CNDD-FDD's former armed wing and civilian members of the party, along with more recently reported tensions among former CNDD-FDD combatants. In February 2015, the head of the powerful national intelligence service, Gen. Godefroid Niyombare, was dismissed, reportedly for drafting a memo advising Nkurunziza not to pursue a third term. Dozens of CNDD-FDD members signed onto a letter in March urging the president not to run.

<sup>5</sup> Recent survey results suggest that a majority (62%) of Burundians are in favor of a two-term limit on the presidency and that support for term limits has increased significantly since 2012. Afro-Barometer, "Une majorité de Burundais soutiennent la limitation des mandats présidentielles à deux," January 2015.

<sup>6</sup> Over the past year, a key civil society leader, Pierra Claver Mbonimpa, and a veteran broadcast journalist, Bob Rugurika, were each jailed in connection with their reporting on alleged abuses by the security forces.

<sup>7</sup> 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.

<sup>8</sup> See, e.g., Al Jazeera online, "As Elections Approach, Burundians Fear a Return to War," April 23, 2015.

<sup>9</sup> *Report of the Secretary-General on the United Nations Office in Burundi*, January 19, 2015, U.N. doc. S/2015/36.

<sup>10</sup> International Foundation for Electoral Systems, "Civic Education for Free and Fair Elections in Burundi," April 16, 2015.

<sup>11</sup> International Crisis Group, *Burundi: Bye-Bye Arusha?* October 2012; see also HRW, "You Will Not Have Peace While You Are Living," op. cit. The State Department's latest (2013) annual 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."

<sup>12</sup> BBC Online, "Burundi Dissident Radjabu on 'Easy Prison Break,'" March 10, 2015.



Many observers view the military, which underwent rebel and ethnic integration in the 2000s, as well as donor-supported downsizing, as more professional and cohesive than the police and SNR. Military troops deployed to Bujumbura have reportedly protected civilian protesters from attacks by the police. The defense chief of staff stated in early May that the military would remain “loyal,” and that it will also refuse to be “used for political ends.”<sup>13</sup> Military commanders are evidently divided over Nkurunziza’s candidacy, however, and unit cohesion may be tested if protests continue.<sup>14</sup> The military’s record has improved compared to its pre-Arusha predecessor force, which was associated with coups d’état and ethnic violence. U.S. training programs and European Union-funded salary benefits for Burundian soldiers serving in AMISOM may have fostered intra-military trust and professionalization, along with the experience of serving together in life-threatening situations abroad.<sup>15</sup> At the same time, recent allegations of serious human rights abuses by Burundian troops, both in Somalia and at home, suggest shortfalls related to discipline and command-and-control.<sup>16</sup>

**Ethnic Tensions.** Inter-ethnic massacres are a key feature of Burundi’s post-colonial history, fostering deep-seated existential fears among both Hutus and Tutsis.<sup>17</sup> Mutual mistrust has also been fed by regional dynamics, including the Rwandan genocide in 1994 (which targeted Tutsis and politically moderate Hutus) and periodic violence in eastern DRC targeting ethnic communities of Rwandan and Burundian origin. Explicit ethnic tensions have been less apparent in Burundi over the past decade, as Hutus have been integrated into the state, while the quota system has ensured that Tutsis are proportionately over-represented in the government and military and thus, theoretically, protected. As noted above, some commentary on the current crisis has focused on reported *Imbonerakure* and other state-backed threats against Tutsis, while other observers argue that political competition among Hutus may be more explosive. Overall, ethnic violence cannot be ruled out, as hard-liners reportedly wield influence in both communities.

**Socioeconomic Tensions.** Disputes over land, generational and family divisions, economic needs, and personal score-settling underlie reportedly long-running and pervasive local-level violence in Burundi.<sup>18</sup> Poverty and food insecurity are widespread, raising the stakes of competition over access to scarce resources such as food, land, and revenue-generating opportunities. The return of Burundian refugees displaced during the civil war and in prior iterations of ethnic violence has caused tensions in rural areas, and the adjudication of conflicting claims over land restitution is very sensitive. Some analysts contend that the government has attempted to exercise greater political and ethnic control over the national commission charged with resolving competing land claims related to refugee returns, and that these efforts have created further tensions.<sup>19</sup>

<sup>13</sup> AFP, “Burundi: le chef d’état-major de l’armée garantit la loyauté des militaires aux autorités,” May 4, 2015.

<sup>14</sup> Reuters, “Analysis—Burundi’s Patchwork Army Faces Test to Keep the Peace,” April 30, 2015.

<sup>15</sup> See, e.g., Statement of General David M. Rodriguez, U.S. Army Nominee, Commander, U.S. Africa Command, to the Committee on Senate Armed Services, February 14, 2013; see also *The East African*, “AMISOM Relief as EU Releases \$1b for Security,” July 19, 2014.

<sup>16</sup> Human Rights Watch reports have implicated Burundian troops in sexual violence in Somalia, and in killing dozens of insurgent fighters who had reportedly surrendered after entering Burundi from DRC in December 2014. See “*The Power These Men Have Over Us*”: *Sexual Exploitation and Abuse by African Union Forces in Somalia*, September 2014; and Lewis Mudge/HRW, “The Executioner’s Bill,” *Foreign Policy*, March 26, 2015.

<sup>17</sup> René Lemarchand, *Burundi: Ethnic Conflict and Genocide* (Woodrow Wilson Center Press/Cambridge University Press: Cambridge, 1996).

<sup>18</sup> See Marc Sommers, *Adolescents and Violence: Lessons from Burundi*, Institute of Development Policy and Management (Netherlands), May 2013.

<sup>19</sup> See International Crisis Group, *Fields of Bitterness (II): Restitution and Reconciliation in Burundi*, February 2014; (continued...)

In Burundi's small economy and traditionally structured, largely rural society, youth have few opportunities to seek legitimate social advancement, potentially rendering involvement in political patronage and criminality more attractive. Frustration with Burundi's justice system, which is widely viewed as partisan and ineffective, may also spur individual or communal retribution in lieu of institutional adjudication of disputes. Moreover, perceptions of economic unfairness and a lack of justice may contribute to anti-government sentiment.<sup>20</sup>

**Regional Dynamics.** In the lead-up to the elections, thousands of Burundians have fled across the border to Rwanda. Some observers fear that Rwanda's Tutsi-led government could be drawn into a conflict in Burundi if one erupts, which could lead to further polarization, for example, if Rwanda were perceived to be protecting Tutsi communities in particular.<sup>21</sup> Rwandan-Burundian diplomatic tensions have risen since 2014, when each country blamed the other for dozens of dead bodies found in a lake along their shared border.<sup>22</sup>

Internal conflicts in DRC have also long fueled regional instability and created safe havens for Burundian combatants. 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.<sup>23</sup> A Rwandan-origin insurgent group, the Democratic Forces for the Liberation of Rwanda or FDLR, which was founded by ethnic Hutus involved in the Rwandan genocide, is also active in eastern DRC. Rwandan officials allege that FDLR combatants are infiltrating Burundi amid the current crisis.<sup>24</sup>

## U.S. Policy

Obama Administration officials have publicly urged Nkurunziza not to seek reelection, called on all sides to abjure violence, and criticized the government's restriction of political freedoms. The State Department has announced that it is considering "targeted measures," including U.S. visa restrictions, against individuals implicated in violence against civilians.<sup>25</sup> On May 11, prior to the putsch by Gen. Niyombare, the U.S. Ambassador to Burundi indicated support for an election delay.<sup>26</sup> To date, the State Department has not made a determination with regard to Section 7008 of P.L. 113-235, regarding whether a "coup" has taken place that would trigger aid restrictions.

U.S. officials have placed particular emphasis on respect for the Arusha Peace Accords, which were signed in 2000 and are credited with helping to end the civil war.<sup>27</sup> The Accords stated that

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(...continued)

Jillian Keenan, "The Blood Cries Out," *Foreign Policy*, March 2015.

<sup>20</sup> Sommers, op. cit.

<sup>21</sup> See, e.g., Filip Reyntjens, "Scenarios for Burundi," Institute of Development Policy and Management, April 2015; Reuters, "Burundi on Knife Edge over President's Possible Third-Term Run," April 23, 2015.

<sup>22</sup> *Wall Street Journal*, "Burundi and Rwanda Deny Responsibility for Bodies Found in Border Lake," October 15, 2014.

<sup>23</sup> *Final Report of the Group of Experts on the Democratic Republic of the Congo*, January 12, 2015, op. cit.

<sup>24</sup> Bloomberg, "Burundi's Ex-Intelligence Chief Announces Coup Amid Protests," May 13, 2015.

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

<sup>26</sup> AFP, "EU, US Calls For Burundi Election Delay," May 11, 2015.

<sup>27</sup> U.S. involvement in Great Lakes peace initiatives has been extensive, and then-President Bill Clinton attended the signing of the Arusha Accords in Tanzania.

“no one may serve more than two presidential terms.”<sup>28</sup> The ruling CNDD-FDD was not a signatory to the Accords—it signed a separate peace deal in 2003—and Nkurunziza’s supporters argue that the constitution supersedes the Accords. In February 2015, then-U.S. Special Envoy for the Great Lakes region of Central Africa, former Senator Russell Feingold, stated that the United States was “not making a legal argument” with regard to Burundi’s constitution, but that Nkurunziza’s “legacy will not be the same ... if he runs again and violates Arusha.”<sup>29</sup>

The U.S. Permanent Representative to the United Nations, Ambassador Samantha Power, has visited Burundi twice in the past year—most recently in March 2015 as part of a U.N. Security Council delegation. On April 29, she stated that, “Today we see a Burundi seized by fear and at severe risk of deadly violence. But today we also see a Burundi that still has the time and means to correct course and get back on the path of progress.”<sup>30</sup> U.S. Assistant Secretary of State for Democracy, Human Rights, and Labor Tom Malinowski traveled to Burundi on April 30, where he warned that the country’s “very complicated and difficult history” means that the current situation is like a pot that “risks boiling over” if no effort is made to deescalate tensions.<sup>31</sup>

Starting in early 2014, the Obama Administration has publicly characterized 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 extend their time in office beyond existing term limits.<sup>32</sup> 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.<sup>33</sup> 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.”<sup>34</sup>

## **U.S. Aid**

U.S. bilateral aid funding for Burundi, which totaled \$30 million in FY2014 (latest available), is focused on health programs, food aid, and military professionalization.<sup>35</sup> The Administration did not request that Congress appropriate any bilateral democracy-related aid specifically for Burundi in FY2015. However, using regionally and centrally managed funds, the Administration has

<sup>28</sup> The text of the Accords is accessible at <http://www.issafrica.org/AF/profiles/Burundi/arusha.pdf>.

<sup>29</sup> Deputy Assistant Secretary of State for African Affairs David Gilmour made similar points in public remarks the same month. Feingold remarks at the U.S. Institute of Peace, February 24, 2015; Gilmour remarks during “Burundi’s 2015 Elections: Perspectives, Priorities, and Preparations at Three Months Out,” The Wilson Center, Washington DC, February 27, 2015.

<sup>30</sup> U.S. Mission to the United Nations, “Ambassador Power on the Situation in Burundi,” April 29, 2015.

<sup>31</sup> Reuters, “United States Says Burundi Risks Boiling Over If Political Opposition Stifled,” April 30, 2015.

<sup>32</sup> Under Secretary of State Sarah Sewall, “Preventing Mass Atrocities: Progress in Addressing an Enduring Challenge,” remarks at the Council on Foreign Relations, Washington DC, March 30, 2015; Remarks by then-U.S. Special Envoy for the Great Lakes Russell Feingold at the U.S. Institute of Peace, February 24, 2015.

<sup>33</sup> See U.S. government, <http://www.humanrights.gov/dyn/issues/atrocity-prevention.html>; and remarks by Under Secretary of State Sewall at the Council on Foreign Relations, op. cit.

<sup>34</sup> Remarks at the Council on Foreign Relations, op. cit.; and at the Chicago Council on Global Affairs, April 24, 2015.

<sup>35</sup> State Department, *Congressional Budget Justification (CBJ)*, Foreign Operations, FY2016.

programmed at least \$14 million to support the electoral process and conflict-mitigation efforts, in part as a result of atrocities-prevention efforts.<sup>36</sup> The Administration is proposing in FY2016 to increase bilateral aid to \$43.8 million, including \$2 million for new governance programs. These 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.”<sup>37</sup>

Since FY2006, the United States has also provided tens of millions of dollars to build the capacity of the Burundian military to participate in the African Union Mission in Somalia (AMISOM), U.N. peacekeeping operations (notably in the Central African Republic), and regional counterterrorism efforts.<sup>38</sup> Relevant programs are administered by both the State Department and the Department of Defense (DOD), under multiple legal authorities. Funding is in addition to the bilateral aid budget.

Much of the military assistance to Burundi has been provided 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 to Somalia.<sup>39</sup> 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. These include DOD’s so-called “Section 1206” authority, recently codified in the FY2015 National Defense Authorization Act or NDAA (P.L. 113-291) as Section 2282 of Title 10, U.S.C., 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.

## Potential Issues for Congress

Congress has enacted legislation, appropriated funding, and held many hearings aimed at promoting peace and security in the Great Lakes region, which includes Burundi.<sup>40</sup> Congress has also 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 could raise policy and/or funding considerations for Congress. Several potential overarching issues for Congress are discussed below.

***U.S. Security Assistance and Implications for AMISOM.*** Members may weigh the potential implications of a protracted crisis, and/or a legal determination that a “coup” has taken place, for U.S. military aid, including support for Burundi’s deployments to Somalia and the Central

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<sup>36</sup> U.S. Agency for International Development (USAID), response to CRS query, February 2015. Under Secretary of State Sewall (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.”

<sup>37</sup> State Department, *Congressional Budget Justification (CBJ)*, Foreign Operations, FY2016.

<sup>38</sup> CRS calculation based on State Department and Defense Department congressional notifications, and State Department responses to CRS queries as of September 2014.

<sup>39</sup> 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.

<sup>40</sup> See CRS Report R43166, *Democratic Republic of Congo: Background and U.S. Policy*, specifically the section titled “Congressional Actions.”

African Republic (CAR). The Administration considers support for AMISOM to be a top foreign policy priority in Africa.<sup>41</sup> This prioritization is likely to have implications for its willingness to suspend or terminate military aid to Burundi, even if such aid is a potential point of policy leverage. There is a separate question of whether Burundi's government will remain committed to its foreign deployments if it perceives a significant threat to domestic stability.

A complete picture of U.S. security assistance provided to Burundi since FY2006 is difficult to compile because most of it is provided through either regional or Somalia-focused programs and is not disaggregated by country recipient. This may pose challenges for congressional oversight of the U.S. security relationship with Burundi.

Burundi's trajectory may prompt some Members to call for restrictions on U.S. security assistance, either to try to force a change in the Burundian government's behavior or to dissociate the United States from an abusive regime. Others may argue that military progress since the early 2000s, and the view of some analysts that the military has the potential to act as a stabilizing and inclusive institution, may merit continued professionalization training and support. 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. Currently, salary benefits and the absorption of a large number of potentially restive troops constitute a significant financial and political benefit that is arguably conducive to Burundi's domestic stability.<sup>42</sup>

Congress has also enacted laws that require the State Department and DOD to vet foreign security forces for potential human rights violations prior to providing them with certain types of U.S. assistance.<sup>43</sup> Recent allegations of abuses by Burundi's military—reportedly including units that have served in Somalia—have reportedly prevented certain units from passing such vetting.<sup>44</sup> However, vetting challenges do not necessarily lead to the suspension of overall cooperation. For example, on April 22, 2015, the U.S. Embassy in Burundi publicly reassured Burundians that the temporary departure of U.S. contracted trainers to allow time for human rights vetting did not affect the overall U.S. government commitment to a “robust and mutually beneficial security cooperation partnership” with Burundi's government.<sup>45</sup>

**U.S. Democracy Promotion.** Congress may seek to examine the impact of, and resources devoted to, U.S. democracy promotion in Burundi. The Obama Administration's strategy toward Sub-

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<sup>41</sup> See, e.g., testimony of Assistant Secretary of State for African Affairs Linda Thomas-Greenfield, before the Senate Foreign Relations Committee, Subcommittee on African Affairs, hearing on Somalia, October 8, 2013.

<sup>42</sup> See, e.g., Elizabeth Dickinson, “For Tiny Burundi, Big Returns in Sending Peacekeepers to Somalia,” *The Christian Science Monitor*, December 22, 2011.

<sup>43</sup> See CRS Report R43361, “*Leahy Law*” *Human Rights Provisions and Security Assistance: Issue Overview*, coordinated by Nina M. Serafino.

<sup>44</sup> 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.

<sup>45</sup> Embassy of the United States of America in Burundi, “Security Cooperation between the Governments of the United States and Burundi,” April 22, 2015.

Saharan Africa emphasizes support for democratic institutions.<sup>46</sup> U.S. officials have focused particular attention on preventing some African presidents, including Nkurunziza, from violating term limits (with reference to the Arusha Accords, in the case of Burundi). Congress has periodically addressed such issues in Africa-focused hearings.<sup>47</sup> At the same time, U.S. funding allocated for the promotion of democracy and governance in Africa has decreased since FY2010 as other U.S. aid goals—such as promoting health and economic growth—have been prioritized.

As mentioned above, the Administration did not request any bilateral democracy-related aid funding for Burundi in FY2015, but it has identified other mechanisms to fund elections support and programs seeking to prevent violence. In light of these allocations, Congress may consider the scale, balance, and objectives of the Administration's FY2016 bilateral aid request for Burundi, which includes \$2 million for governance-related programs.

Regarding the Administration's policy of supporting respect for existing term limits among African presidents, Members of Congress may examine whether executive branch efforts have been effective and evenly applied, and how these efforts have been perceived within Africa. There is a separate but related question of whether the third-term issue merits prioritization and emphasis over other democratic shortfalls on the continent.

**Sanctions.** With regard to some conflict situations in Africa, Congress has specifically authorized travel and financial sanctions through legislation.<sup>48</sup> The executive branch can also impose targeted sanctions under existing laws, as it has with several African countries, including via executive orders.<sup>49</sup> The State Department has warned that it may impose U.S. travel restrictions on individuals implicated in violence against civilians in Burundi, but it has not, to date, publicly threatened financial sanctions. Congress may consider whether additional sanctions are warranted, and in what circumstances, as events in Burundi continue to unfold.

**Oversight of U.S. Atrocity-Prevention Efforts.** As mentioned above, the Administration has portrayed Burundi as a key example of its efforts to prevent and respond to “mass atrocities” overseas. Some Members of Congress support the Administration's emphasis on such efforts as a key tenet of U.S. foreign policy. For example, S.Res. 413, which passed the Senate during the 113<sup>th</sup> 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. Some observers who support the atrocities-prevention concept have critiqued a perceived lack of transparency regarding the Administration's interagency “Atrocities Prevention Board,” and some have criticized the Administration for not requesting legislative appropriations to support the Board or its activities.<sup>50</sup>

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<sup>46</sup> White House, *U.S. Strategy Toward Sub-Saharan Africa*, June 2012.

<sup>47</sup> See, for instance, “Examining the U.S. Policy Response to Entrenched African Leadership,” an April 18, 2012, hearing by the Senate Foreign Relations Committee, Subcommittee on African Affairs.

<sup>48</sup> For example, Section 1284 of P.L. 112-239, the FY2013 National Defense Authorization Act, authorized sanctions against any persons determined to be providing significant support to a Congolese rebel movement known as the M23.

<sup>49</sup> 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>.

<sup>50</sup> Jared Genser, “Preventing Atrocities Now—and in the Future,” *Washington Post*, April 24, 2015.

## **Outlook**

The crisis in Burundi is far from settled, and its impact remains to be seen. A peaceful resolution may still be possible, for example if Nkurunziza withdraws his candidacy or if the government, military, and opposition negotiate a consensual way forward. Conversely, a return to conflict would reverse years of progress in Burundi and pose a threat to neighboring states, for example if factions of the security forces fight each other, if refugee flows increase, or if armed groups mobilize across borders. Members of Congress may seek to examine the root causes of the current impasse, the degree to which it threatens regional stability, and the potential role of the United States in addressing it, including through unilateral and/or multilateral channels.

## **Author Contact Information**

Alexis Arieff  
Analyst in African Affairs  
aarieff@crs.loc.gov, 7-2459