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Burundi's Political Crisis: In Brief

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Summary

This report provides context on the political crisis in Burundi, which is rooted in President Pierre Nkurunziza's decision to run for a third term in 2015, in violation of a landmark peace accord. The crisis has spurred a low-intensity conflict and serious human rights violations, sparking a refugee influx into neighboring states and undermining Burundi's hard-won stability following a civil war in the 1990s. Coinciding with a parallel stand-off over term limits in neighboring Democratic Republic of Congo (DRC), the situation in Burundi has implications for longstanding U.S. efforts to promote peace in central Africa's Great Lakes region. 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. Additional potential issues for Congress include the authorization, appropriation, and oversight of any new U.S. funding in support of humanitarian aid, stabilization, and/or civilian protection efforts.

Nkurunziza's ultimately successful third-term bid provoked large protests, an opposition boycott, and a failed military coup d'état in 2015. Since then, regime hardliners have cracked down on dissent, while some opposition figures have sought to mobilize an armed rebellion from outside the country. Many civil society, independent media, and political opposition groups now operate either clandestinely or in exile. Tit-for-tat assassinations have targeted prominent figures on both sides of the political divide. The security forces and ruling party youth wing have been implicated in politically motivated killings, disappearances, torture, and sexual violence. The military, previously viewed as a successful model of post-conflict ethnic integration and donor-backed professionalization, appears increasingly fractured. Already one of the world's poorest countries, Burundi has seen its economy contract due to instability, government policies, and donor aid restrictions. Food insecurity has expanded and the health system has been badly weakened.

A worst-case scenario in Burundi, which could involve a return to civil war, large-scale atrocities, intractable ethnic polarization, and/or a spillover of conflict into the tense surrounding region, has not materialized. Yet international mediation efforts aimed at achieving a political settlement and averting a full-blown crisis have stalled. One reason is that key regional leaders now appear inclined to view Nkurunziza's continued tenure as preferable to alternatives. The next round of elections, slated for 2020, could spark new violence, particularly if Nkurunziza runs again. The president, a former rebel leader, remains popular, by many accounts, among his rural ethnic Hutu constituency. Opposition nonetheless spans Burundi's ethnic divide between majority Hutu (estimated at 85% of the population) and minority Tutsi (estimated at 14%) communities—notably splitting the Hutu-led ruling party. Ruling party efforts to amend the constitution to further undo principles of power-sharing and ethnic balance could also prove destabilizing.

The 114th Congress held multiple hearings to examine the situation in Burundi and trends in the wider Great Lakes region. Congress has also influenced U.S. policy toward Burundi through its authorization and appropriation of foreign aid. The full extent of the Trump Administration's approach to Burundi and the region remains to be seen, but statements by U.S. Permanent Representative to the U.N. Nikki Haley suggest some degree of continuity with the Obama Administration's emphasis on human rights concerns and regional diplomatic engagement. The Trump Administration's FY2018 budget proposal would decrease bilateral health and economic assistance for Burundi, along with funding for global humanitarian and food aid programs of which Burundi has been a recipient. The Administration has not announced plans to alter a 2015 Executive Order that authorizes targeted sanctions in Burundi, or the 2015 suspension of Burundi's eligibility for trade benefits under the African Growth and Opportunity Act (AGOA). U.S. logistical support for Burundian troops serving in Somalia has also continued, along with a suspension of U.S. pre-deployment training and equipment programs within Burundi.

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Introduction

The unresolved political crisis in the tiny central African nation of Burundi is among several threats to stability and humanitarian welfare in the turbulent Great Lakes region of central Africa. In 2015, President Pierre Nkurunziza—age 53, in office since 2005—was reelected to a third term, despite domestic and international criticism that his candidacy violated a landmark peace agreement signed in 2000. Nkurunziza's third-term bid sparked divisions in the ruling party, an attempted military coup, and an elections boycott by most opposition parties. Since then, more than 400,000 Burundians have fled to neighboring states as refugees, while over 200,000 are reportedly displaced internally. The majority of Burundi's refugees are reportedly children.[1]

Regional efforts to broker talks between the government and opposition have stalled, and East African leaders in 2017 have voiced growing acceptance of Nkurunziza's continued tenure and opposition to Western sanctions. Burundi's government has effectively blocked a United Nations (U.N.) Security Council-authorized police deployment to monitor abuses against civilians, and has restricted the movement of U.N. and African Union (AU) human rights observers.[2]

Congress has influenced U.S. policy toward Burundi through its authorization and appropriation of foreign aid and through oversight. Several Members have expressed concern about the situation in Burundi, its impact on the region, and its implications for longstanding U.S. efforts to promote stability and democratic governance on the continent.[3] Of particular concern to some is the potential impact on Burundi's participation in the AU Mission in Somalia (AMISOM), which is fighting the Al Qaeda-linked group Al Shabaab.[4] Burundi is the second-largest troop contributor, and U.S. military assistance has been extensive since AMISOM deployed in 2007.

The full picture of the Trump Administration's approach to Burundi remains to be seen. As U.S. officials weigh policy options, they may examine the impact and effectiveness to date of U.S. and European Union efforts to isolate key actors viewed as fueling instability, through tools such as targeted sanctions, aid restrictions, and regional diplomatic outreach. The new Administration's emphasis on national security as its top foreign policy priority may suggest a reduced emphasis on the types of human rights and democracy concerns that drove U.S. engagement in Burundi in 2014-2016.[5] The Administration's FY2018 budget proposal would also decrease bilateral health and economic aid for Burundi, along with funding for global humanitarian and food aid programs of which Burundi has been a recipient. Statements by U.S. Permanent Representative to the U.N. Nikki Haley decrying human rights violations nonetheless suggest some continuity with the previous Administration's Burundi policy (see "U.S. Policy and Aid").

The Obama Administration framed its approach to Burundi through two stated policy initiatives: an effort to prevent "mass atrocities" abroad, and a principled opposition to efforts by some African presidents to abrogate or circumvent legally established term limits. Some Members of Congress have supported such policies with regard to Burundi and more broadly. In the 114th

[1] UNICEF, *Burundi and Great Lakes Situation and Response, January-June 2017*.
[2] The police mission was authorized in U.N. Security Council 2303 (2016).
[3] See, e.g., Senate Foreign Relations Committee, Africa Subcommittee, Hearing on U.S. Sanctions Policy in Sub-Saharan Africa, June 8, 2016; Hearing on U.S. Policy in Central Africa, February 10, 2016; and Hearing on the Political and Security Crisis in Burundi, December 9, 2015; and House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, Hearing on Africa's Great Lakes Region: A Security, Political, and Humanitarian Challenge, October 22, 2015, and Hearing on the Unfolding Crisis in Burundi, July 22, 2015. The Great Lakes region centers on DRC, Rwanda, Burundi, Uganda, and Tanzania.
[4] See, e.g., Senate Armed Services Committee, Hearing on U.S. Central Command, U.S. Africa Command, and U.S. Special Operations, March 8, 2016.
[5] See Secretary of State Rex Tillerson's written statements to Congress on the FY2018 Budget Request, June 2017.

Congress, the House passed H.Res. 310, which called on the Obama Administration's interagency Atrocities Prevention Board to pay "particular regard" to certain "troubled countries," including Burundi, and the House and Senate each passed resolutions urging respect for constitutional term limits in neighboring Democratic Republic of Congo (DRC). The 115th Congress may assess the future prospects for, effectiveness of, and resources devoted to such policies.

Figure 1. Burundi at a Glance

Comparative Size: Slightly smaller than Maryland
Population: 11.1 million
Languages: Kirundi (official), French (official), English (official, but not widely spoken), Swahili
Religions: Catholic 62.1%, Protestant 23.9%, Muslim 2.5%, other 3.6%, unspecified 7.9% (2008)
Adult Literacy: Male 88.2%, Female 83.1%
Life Expectancy: 57.1 years
Median Age: 17 years
HIV/AIDS Adult Prevalence: 1%

GDP (% Growth / Per Capita): -1% / $325
Key Exports: coffee, tea, sugar, cotton, hides
Key Imports: capital goods, petroleum products, foodstuffs
Top Trade Partners: Kenya, Saudi Arabia, Germany, Pakistan, D.R. Congo, Belgium, Uganda
% Children Underweight (moderate + severe): 29% (2012)
Access to Improved Water / Sanitation: 76% / 48% (2015)

Source: Map created by CRS using data from the Department of State (2011) and ESRI, TomTom, and DeLorme (2013). Figures from CIA World Factbook, International Monetary Fund, and U.N. Children's Fund (UNICEF); 2016 estimates unless otherwise indicated.

Context

Burundi is among 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. High population density has fueled grassroots

conflict over land (i.e., access to food and income), which has been complicated by cyclical waves of displacement. Tanzania has notably hosted hundreds of thousands of Burundian refugees since the 1970s. Conflict in Burundi has spilled over into eastern Democratic Republic of Congo (DRC), where Burundian armed factions have long been active.

Burundi, like neighboring Rwanda, is majority Hutu (estimated at 85%), with minority Tutsi (estimated at 14%) and Twa (1%) ethnic communities, but the two countries' political histories are in some ways mirror-images. Tutsis dominated Burundi's government and military after independence. Over 100,000 Hutus were massacred in state-backed killings in 1972, and in 1993, Burundi's first democratically-elected and first Hutu president was assassinated by Tutsi military officers. This set off Burundi's decade-long civil war, in which some 300,000 people were killed. During the same time period, a Hutu extremist government next door orchestrated the 1994 Rwandan genocide, killing some 800,000 Tutsis and moderate Hutus.

In 2000, Burundi's 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. Former Member of Congress Howard Wolpe played a role in the talks as a U.S. Presidential Envoy to the region, and then-President Bill Clinton attended the signing.[6] Although the civil conflict did not immediately end, the Accords created a framework for greater stability and political inclusiveness. They instituted a two-term limit on the presidency and a requirement for "ethnic balance" in the government and military. This incentivized coalition-building and seemed to reduce overt Hutu-Tutsi tensions. The two largest Hutu-led rebel groups—the National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) and National Liberation Forces (FNL)—later agreed to disarm and became political parties. Civil society groups and private media outlets proliferated.

A new constitution adopted by referendum in 2005 formalized a 60%-40% Hutu-Tutsi quota system for state posts. This paved the way for greater inclusion of the long-marginalized Hutu population, while ensuring the proportional over-representation of Tutsis and thus, theoretically, their protection. Elections in 2005 formally capped a post-conflict political transition. Nkurunziza, a Hutu former rebel leader, became president. Under a special transitional electoral system, he was elected by members of parliament instead of by citizens (which later became the basis of his assertion that his 2015 candidacy was constitutional). Hutu rebel combatants were integrated into the military, which—with substantial donor assistance—transitioned from being a key source of instability into a more professional and cohesive force.

Violence remained a prominent feature of Burundian politics, however, while high-level corruption became a "serious problem."[7] With broader political participation, the thrust of electoral competition moved from historic Tutsi-Hutu rivalry toward a more populist intra-Hutu rivalry. This played out within the CNDD-FDD, as well as between the CNDD-FDD and security forces on the one hand, and opposition groups—including the Hutu-led FNL—on the other. Ex-combatants loyal to Nkurunziza reportedly formed a "parallel chain of command" within the police and intelligence service, charged with carrying out targeted killings and intimidation.[8] Opposition parties boycotted the 2010 elections, in which Nkurunziza was handily reelected and the CNDD-FDD expanded its control over state institutions. The government subsequently increasingly restricted the activities of opposition parties, civil society, and independent media.

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[6] See Wolpe, *Making Peace After Genocide: Anatomy of the Burundi Peace Process*, U.S. Institute of Peace, 2011.
[7] State Department, Country Reports on Human Rights Practices for 2016, "Burundi."

[8] International Crisis Group (ICG), *Burundi: Bye-Bye Arusha?* 2012; Human Rights Watch (HRW), *"You Will Not Have Peace While You Are Living": The Escalation of Political Violence in Burundi*, 2012, and *Burundi: Spate of Arbitrary Arrests*, Torture, 2015.

Burundi Timeline

1962 Burundi gains independence from Belgium.

1972 Over 100,000 mostly Hutu civilians are killed in state-backed massacres.

1993 Melchior Ndadaye, a Hutu, is elected president in a multi-party vote but is assassinated four months later by Tutsi soldiers. The country descends into a civil war.

1994 President Cyprien Ntaryamira, a Hutu, is killed when a plane carrying him and his Rwandan counterpart is shot down over Rwanda. The event triggers the Rwandan genocide.

1996 Pierre Buyoya, a Tutsi former military leader, seizes power in a coup.

2000 The government and over a dozen other parties sign the Arusha Accords, mediated by Nelson Mandela. Then-U.S. President Bill Clinton attends.

2003 Domitien Ndayizeye, a Hutu, succeeds Buyoya as president. The government reaches a peace agreement with the largest Hutu-led rebel group, the CNDD-FDD.

2005 A new constitution is adopted by referendum. Former CNDD-FDD leader Pierre Nkurunziza is elected president.

2007 Burundi deploys troops to the new African Union Mission in Somalia (AMISOM).

2009 The last major Hutu-led rebel group, the Forces for National Liberation (FNL), lays down arms and becomes a political party.

2010 President Nkurunziza is reelected amid an opposition boycott and high levels of political violence.

2014 Several opposition figures are sentenced to life in prison. Parliament narrowly rejects a constitutional amendment to remove presidential term limits. A leaked U.N. report warns that the ruling party's youth wing is being armed ahead of elections. Burundian peacekeepers deploy to the Central African Republic.

2015

Apr Nkurunziza is selected as the ruling party's presidential candidate. Protests erupt.

May 5 Burundi's constitutional court rules that Nkurunziza's third-term candidacy is legal. One top judge flees the country, stating that he was pressured to rule in Nkurunziza's favor.

May 13-15 A coup attempt by dissident generals is foiled by loyalist troops.

Jun 13 The African Union (AU) criticizes pre-election conditions and calls for African military observers.

Jun 29 Burundi holds legislative and communal elections amid violence and an opposition boycott.

Jul 21 Presidential election is held. Nkurunziza wins by a large majority.

Nov 23 President Obama issues targeted sanctions via Executive Order, following sanctions designations by the European Union (EU).

2016

Jan The AU reverses a decision to send 5,000 peacekeepers to Burundi.

Mar-Apr The EU suspends some aid to the Burundian government.

Apr The International Criminal Court (ICC) announces examination of human rights violations. In response, Burundi withdraws from the ICC (in October), becoming first country in the world to do so.

May U.N. report accuses Rwanda of supporting Burundian rebels. Kagame denies allegations.

Jul-Aug U.N. Security Council Resolution 2303 authorizes a police force to monitor the violence. Burundi rejects the deployment as a violation of sovereignty.

Sep U.N. Human Rights Council independent investigation reports crimes against humanity.

2017

Feb Latest round of mediated talks organized by the East African Community (EAC) breaks down.

May Participants in government-led "national dialogue" back the removal of presidential term limits and ethnic quotas. Nkurunziza announces commission to draft changes to the Constitution.

Jun U.N. Commission of Inquiry reports that National Intelligence Service, police, and *Imbonerakure* continue to engage in widespread and systematic abuses of a "particularly cruel and brutal nature."

The Political Crisis: Impact and Responses

In advance of the 2015 elections, the CNDD-FDD split over the issue of Nkurunziza's candidacy, with several leading figures (including top military commanders) signaling objections. Large demonstrations erupted in the capital, Bujumbura, and other cities following Nkurunziza's nomination in April 2015. After a failed coup attempt by senior military officers in May 2015, the government purged the army of suspected opponents. Holdovers from the largely Tutsi pre-civil war army were reportedly initial targets, followed by suspected ruling party dissidents, including officers who had fought alongside the president in the CNDD-FDD rebellion.[9] Security services arrested, attacked, and intimidated protesters, civil society, and independent media, which the government accused of supporting the coup.

An ensuing election boycott by most opposition parties cleared the way for dominance by Nkurunziza and the CNDD-FDD, which won 77 out of 100 directly-elected legislative seats. Despite supporting the boycott, an opposition coalition between long-time former governing party UPRONA (Tutsi-led) and the Hutu-led former rebel FNL party won 21 seats. After the FNL decided to take up its seats, leader Agathon Rwasa—previously seen as a key Nkurunziza rival—became the Deputy Speaker of Parliament, further dividing the opposition. All but three of the UPRONA representatives elected under the coalition declined to participate in the government.

Political and security conditions have deteriorated since the election. Armed groups, some led by CNDD-FDD dissidents, have emerged, stoking state repression of the opposition and embroiling the country in a low intensity conflict.[10] Elements in both government and opposition camps have reportedly used violence, including extrajudicial killings, assassinations, grenade attacks, and torture. On the pro-government side, the internal security forces have reportedly worked with the CNDD-FDD youth wing, the *Imbonerakure* ("those who see far"), to target perceived political opponents.[11] The *Imbonerakure* and security forces have also reportedly attacked and extorted money from civilians attempting to flee the country, and have targeted refugees outside of Burundi's borders.[12] According to U.N. human rights officials, the *Imbonerakure* have employed sexual violence as a deliberate intimidation tactic, explicitly promoting the rape of women from the opposition so "that they give birth to *Imbonerakure*."[13] In June 2017, U.N. investigators accused the national intelligence service, police, and *Imbonerakure* of crimes against humanity.[14]

Tit-for-tat killings suggest a widening rift in the army, previously viewed as a triumph of post-conflict integration. In April 2017, the International Crisis Group characterized the army as

[9] International Crisis Group (ICG), *Burundi: The Army in Crisis*, April 2017.
[10] See, e.g., *Jeune Afrique*, " 'Pourquoi nous avons décidé de passer à l'action': Godefroid Niyombare livre sa version du coup d'État de 2015 au Burundi," May 15, 2017.
[11] According to U.N. investigators and independent human rights groups, the Burundian security services have reportedly armed and trained *Imbonerakure* units, and human rights monitors allege that elements of the *Imbonerakure* regularly surveil and detain individuals despite having no formal power of arrest. See, e.g., HRW, "Burundi: Attacks by Ruling Party Youth League Members," January 19, 2017, and "Burundi: Intelligence Services Torture Suspected Opponents," July 7, 2016; *Final Report of the Group of Experts on the Democratic Republic of the Congo*, January 12, 2015, U.N. doc. S/2015/19; and IRIN, "Burundi: Looming Polls Raise Burundi's Risk Profile," April 17, 2014.
[12] See U.N. High Commissioner for Refugees (UNHCR), "Running from Rape in Burundi," *UNHCR Tracks*, May 6, 2016; Refugees International, *Women and Girls Failed: The Burundian Refugee Response in Tanzania*, December 2015; Amanda Sperber, *Fleeing Burundi Won't Protect You from Its Government, Foreign Policy*, November 4, 2016.
[13] U.N. Office of the High Commissioner for Human Rights (UNOHCHR), "Grotesque rape chants lay bare campaign of terror by Burundi militia," April 18, 2017; HRW, *Burundi: Gang Rapes by Ruling Party Youth*, July 27, 2016.
[14] UNOHCHR, *Burundi: Persistence of serious human rights violations in a climate of widespread fear*, Commission of Inquiry on Burundi, June 15, 2017; see also *Report of the United Nations Independent Investigation on Burundi*, U.N. doc. A/HRC/33/37, September 20, 2016.

"impoverished and ethnically and politically polarized" and "reforming around a loyalist hard core."[15] Some Burundian civil society activists assert that ruling party hardliners are deliberately attempting to weaken the army so that it can no longer serve as a national institution protective of the civilian population.[16]

Since late 2015, according to U.N. investigators, "the level of overt violence has declined, [but] the overall level of oppression and control over the society has increased…. Burundian society is becoming more and more repressive [and] less tolerant of dissent."[17] A number of critical civil society groups and media outlets have either been explicitly banned or operate under severe restrictions or from exile; in December 2016, the government banned Burundi's oldest human rights organization, League Iteka. The government has remained defiant in the face of international criticism, withdrawing from the International Criminal Court (ICC) and rejecting proposed U.N. and AU peacekeeping or monitoring forces. It has also restricted the movements of AU and U.N. observers.[18]

The crisis has caused growing ethnic polarization, as elites on both sides have appealed to hardline sentiment and existential fears. Ruling party figures reportedly have denounced a supposed Tutsi plot to return to a Tutsi-dominated state, which they portray as backed by neighboring (Tutsi-led) Rwanda.[19] Others have used ethnically divisive rhetoric harkening back to Burundi's civil war or the Rwandan genocide.[20] In August 2016, the U.N. Special Adviser on the Prevention of Genocide voiced concern at "inflammatory statements made by public officials that could constitute incitement to violence."[21] At the same time, reports suggest that security forces continue to crack down on perceived opponents of Nkurunziza regardless of ethnicity, and that attacks have often targeted members of the Hutu-led FNL (as during the 2010-2015 period).[22]

Poverty and food insecurity have long been widespread in Burundi, where previous cycles of displacement and land disputes have fueled grassroots tensions. Since 2015, political tensions, population displacements, cuts to donor aid, and government macroeconomic and border control policies have deepened humanitarian challenges. A shortage of foreign exchange, a dramatic depreciation of the Burundian franc, and fuel shortages have crippled business. The El Niño weather pattern also negatively impacted Burundi's agricultural production—and thus, food security—in 2015-2016, by causing late, irregular, and insufficient rainfall.[23]

The economy contracted by nearly 4% in 2015 and further by 1% 2016, according to the International Monetary Fund.[24] Food prices increased dramatically in 2016, while 8% of Burundians were chronically malnourished.[25] The government has cut funding for healthcare and other services in its own budget, causing drug shortages, while annual malaria cases have spiked. The World Health Organization reports that the number of Burundians requiring humanitarian aid

[15] ICG, *The Army in Crisis*, op. cit.
[16] *The Guardian*, "Fears grow in Burundi as executions and desertions undermine army," April 29, 2016.
[17] *Report of the United Nations Independent Investigation on Burundi*, U.N. doc. A/HRC/33/37, September 20, 2016.
[18] See *Report of the Secretary-General on Burundi*, February 23, 2017, U.N. doc. S/2017/165.
[19] ICG, *Burundi: anatomie du troisième mandat*, May 20, 2016.
[20] Africa Center for Strategic Studies, *Burundi: A Critical Juncture*, November 8, 2015; Associated Press, "Burundi youth militia compares opposition to live in video," May 30, 2017.
[21] Statement by Adama Dieng, United Nations Special Adviser on the Prevention of Genocide on the situation in Burundi, August 24, 2016.
[22] HRW, *Burundi: Attacks by Ruling Party Youth League Members*, op. cit.
[23] U.N. Food and Agriculture Organization, "Burundi - Situation report December 2016."
[24] IMF, Global Economic Outlook database, April 2017.
[25] World Food Program, "Burundi," at http://www1.wfp.org/countries/burundi; Reuters, "Food prices drive Burundi inflation up to yearly 9.6 pct in December," January 18, 2017.

has tripled since early 2016.[26] Burundi has restricted foreign aid and charity activity by placing tight controls on local and foreign organizations' finances, forcing them to keep their accounts in foreign currency in the central bank, with high administrative fees and deposit requirements.[27] Such actions may be partly motivated by a demand for hard currency as reserves shrink—amid cuts in donor budget support—as well as by fears of external influence.

Stalled Regional Dialogue and Political Outlook

The East African Community (EAC)—a regional grouping to which Burundi belongs—has attempted since 2015 to facilitate a political process that could avert a more acute and destabilizing crisis.[28] Former Tanzanian President Benjamin Mkapa serves as "facilitator" of the inter-Burundi dialogue under the auspices of EAC "mediator" Ugandan President Yoweri Museveni. Talks have foundered, however, amid disagreements between the government and opposition over who may participate. The government refuses to attend talks that include the main exiled opposition coalition (CNARED, after its French acronym), which it accuses of involvement in the May 2015 coup attempt. In CNARED's absence, talks between the government, ruling party, and a handful of opposition members have been dismissed by the opposition and many observers as a "monologue" rather than a dialogue.[29]

Despite such criticisms—and the EAC's prior assessment that Nkurunziza's 2015 reelection "fell short of the principles and standards for holding free, fair, peaceful, transparent and credible elections"[30]—Mkapa stated in December 2016 that those continuing to question Nkurunziza's legitimacy are "out of their mind," and that "it is the people who have given legitimacy to the government."[31] During a meeting of the EAC in May 2017, Museveni and Tanzanian President John Magufuli called on the European Union (EU) to lift its aid restrictions and targeted sanctions.[32] These statements riled the opposition; CNARED leaders called for Mkapa's replacement in December 2016 and denounced the statements at the EAC. In a sign of internal divisions, however, some CNARED members attended consultations with Mkapa in January.

In late 2015, the Burundian government launched its own National Commission for Inter-Burundi Dialogue (CNDI), notionally tasked with surveying public opinion through town halls. Opposition members and civil society groups—many of which were reportedly excluded from participating—criticized the initiative as a stage-managed effort to legitimize the regime. The CNDI final report, issued in May 2017, asserts that "the majority of Burundians consulted support the suppression of the presidential term limit and stand for the amendment of the constitution."[33] Within hours of the release, Nkurunziza established a commission on constitutional amendments, which is due to submit its recommendations at the end of 2017. In late 2016, Nkurunziza hinted

[26] WHO. "Burundi Humanitarian Response Plan 2017". Accessed July 23, 2017.

[27] UNOHCHR, "Burundi: UN Experts raise alarm at growing repression of NGOs and human rights defenders," February 6, 2017.

[28] The EAC comprises Burundi, Kenya, Rwanda, Tanzania, and Uganda.

[29] Reuters, "Burundi Peace Talks Open in Tanzania With Opposition Criticism," May 21, 2016.

[30] *The East African Community Election Observation Mission to the Presidential Election of 21 July 2015 in the Republic of Burundi: Preliminary Statement*, July 23, 2015.

[31] *Iwacu*, "Mkapa: 'Burundi government is legitimate,'" December 19, 2016.

[32] In early 2016, citing dissatisfaction with Burundi's level of commitment to "democratic principles and values," the EU suspended direct financial support to the Burundian government, including budget support. It has continued funding emergency humanitarian aid and other projects "to ensure access to basic services for the population." (European Council, "Burundi: EU closes consultations under Article 96 of the Cotonou agreement," March 14, 2016.)

[33] *Iwacu*, "No Term Limit, Amend Constitution' Says Commission for National Dialogue," May 13, 2017.

that he would seek a fourth term in 2020, stating: "if the Burundian people decide to change the constitution according to their wishes, I will follow their decision."[34]

International Responses

The outbreak of violence in 2015 triggered concerns that an armed conflict in Burundi could draw in neighboring states and/or non-state actors in the region. Particular attention has been focused on Rwanda, which seemed to threaten direct military intervention at the time and has a history of proxy interventions in the region. Rwanda has also hosted many prominent Burundian dissidents and civil society activists who have fled into exile since mid-2015. Tensions have continued to rise as Burundi has repeatedly accused Rwanda of aiding rebels—a claim Rwanda has denied, though humanitarian groups and U.N. sanctions monitors in 2015 documented evidence of rebel recruitment from refugee camps in Rwanda, and of Rwandan military training and support.[35] In 2017, Rwanda has appeared to distance itself from the Burundi crisis in advance of its own presidential election in August.[36]

Regional leaders have expressed concern about the implications of Burundi's crisis for regional stability, but disagreements over the appropriate course of action have precluded a coherent response. In October 2015, the AU Peace and Security Council (PSC) threatened targeted sanctions on those found to perpetuate violence, but it has yet to designate specific individuals. In December 2015, following the release of an AU report alleging "pervasive and systematic" human rights abuses, the PSC authorized the deployment of a 5,000-strong peacekeeping force known as the African Prevention and Protection Mission in Burundi (MAPROBU).[37] However, after Burundian authorities pledged to treat any intervention as an invasion, AU heads of state reversed course on the deployment, instead deciding to send human rights and military observers. The observers have yet to fully deploy amid reported disputes over their autonomy.[38]

In November 2015, the U.N. Security Council unanimously adopted Resolution 2248, calling for an end to the violence and stating that it would "consider additional measures"—a possible reference to sanctions—against those contributing to violence.[39] Security Council Resolution 2303, adopted in July 2016, authorized the deployment of up to 228 U.N. police officers to Burundi to observe security conditions and support human rights monitors—under a U.N. political mission, not a peacekeeping operation.[40] Burundian officials rejected the deployment—which in practice would require government consent—as a violation of sovereignty, and it has not moved forward. In a Presidential Statement in July 2017, the Security Council stated its "intention to *pursue* targeted measures against all actors… who threaten the peace and security of Burundi." The Council has yet to authorize a multilateral sanctions regime, however.

In December 2015, the U.N. Human Rights Council passed Resolution S-24/1, calling on the Office of the U.N. High Commissioner for Human Rights (UNOHCHR) to dispatch a team of

[34] *Radio France Internationale*, "Burundi's Nkurunziza mulls fourth term in 2020," December 30, 2016.
[35] Refugees International, *Asylum Betrayed: Recruitment of Burundian Refugees in Rwanda*, December 14, 2015; *Final report of the Group of Experts on the Democratic Republic of the Congo*, May 23, 2016, U.N. doc. S/2016/466. In May 2016, the Congolese government also accused Rwanda of recruiting former M23 rebels to oust Nkurunziza. See *IRIN News*, "Is Rwanda stirring rebellion in Burundi?" May 4, 2016.
[36] *The East African*, "What next for Rwanda and Burundi relations?" January 2, 2017.
[37] AU African Commission on Human and People's Rights, *Report of the Delegation of the African Commission on Human and People's Rights on its Fact-Finding Mission to Burundi, 7-13 December 2015*, December 13, 2015.
[38] Agence France-Presse (AFP), "Just a quarter of agreed AU observers in Burundi," June 23, 2016.
[39] U.N. Security Council Resolution 2248 (2015).
[40] U.N. Security Council Resolution 2303 (2016).

experts to Burundi to investigate alleged human rights abuses.[41] In a report released in September 2016, the experts stated that they "cannot exclude" that crimes against humanity had been committed.[42] The report, which also found that violations were "committed primarily by State agents and those linked to them," prompted Burundi to suspend cooperation with OHCHR. In October 2016, the Human Rights Council passed resolution 33/24, establishing a Commission of Inquiry (COI) to investigate human rights abuses committed during the crisis, "including on their extent and whether they may constitute international crimes."[43] The government of Burundi has refused to cooperate with the COI and denied entry to its members. Based on interviews with Burundians in exile and other research, the COI in June 2017 reported a "feeling of deep and widespread fear" and "particularly cruel and brutal" human rights violations, many attributable to state security forces, at times aided by *Imbonerakure*.[44]

The European Union (EU), Burundi's top bilateral donor, imposed travel bans and asset freezes on three government officials and a former general in October 2015.[45] In March 2016, the EU suspended direct financial support, including development aid, to the government of Burundi. AU funding had reportedly accounted for 20% of Burundi's budget.[46] The EU also suspended funds for wages paid to Burundian troops in AMISOM.[47] The government of Burundi condemned the move and threatened to withdraw from the mission. In 2017, Burundi and the AU reached an agreement whereby troops have been paid through a private Burundian bank rather than through a direct deposit of donor funds to the central bank.[48] Burundi rescinded its threat to withdraw, and the first such payment was made in May 2017, followed by a new troop rotation into Somalia.[49]

The EU aid restrictions, along with EU and U.S. targeted sanctions, have sparked debate over the relative merits of isolating versus engaging the Burundian government. Such policies have been framed as efforts to deter atrocities and incentivize political concessions in the interest of peace. Ruling party leaders in Burundi, however, have leveraged what they portray as a Western plot to undermine a legitimate African government—in cahoots, they suggest, with donor-friendly Rwanda—to mobilize domestic and regional support. Burundian officials have regularly claimed that foreign powers, including Belgium and France, seek to overthrow the government. In June 2017, the government issued an official statement accusing the EU of having financed and participated in "attempted regime change," a possible allusion to the May 2015 coup attempt.

U.S. Policy and Aid

In 2017, U.S. diplomats at the United Nations have expressed serious concern with human rights violations in Burundi, with a particular focus on abuses attributed to government forces. U.S. officials have also expressed diplomatic support for the EAC mediation led by Mkapa. In April 2017, U.S. Permanent Representative to the U.N. Nikki Haley accused the Burundian government

[41] U.N. Human Rights Council Resolution S-24/1 (2015).
[42] *Report of the United Nations Independent Investigation on Burundi*, U.N. doc. A/HRC/33/37, op. cit.
[43] U.N. Human Rights Council Resolution 33/24 (2016).
[44] UNOHCHR, *Burundi: Persistence of serious human rights violations in a climate of widespread fear,* op. cit.
[45] European Council, "Burundi: The EU Adopts Sanctions Against 4 Individuals," October 1, 2015; for names, see *Enforcement of European Union Sanctions (Republic of Burundi) Regulations,* issued November 6, 2015.
[46] *Iwacu*, "Summit of surprises," May 29, 2017.
[47] Per an AU-EU agreement, the EU funds AMISOM troop allowances (among other expenses) through a system of reimbursement for troop contributing countries, including Burundi.
[48] Chris Suckling and Jordan Anderson, "Reported troop-payment deal between AU and Burundi indicates hurdles for likely AMISOM transition into UN peacekeeping mission," IHS Jane's Intelligence Weekly, January 23, 2017.
[49] *Shabelle Media Network*, "Burundi to pay salary for its peacekeepers in Somalia," June 6, 2017.

of "using human rights violations to stifle dissent."[50] This followed a U.S. statement at the U.N. Human Rights Council that, while acknowledging "efforts at destabilization by the armed opposition" called on the Burundian government to "take responsibility for its actions" and to "end extrajudicial killings, enforced disappearances, arbitrary arrests, unknown places of detention, and torture with impunity."[51] The statement also criticized new legal restrictions on non-governmental organizations in Burundi, noted "significant restrictions" on opposition political parties, and expressed support for the Mkapa mediation as "a critical avenue to reach a peaceful resolution to the current standoff." Such statements suggest some degree of U.S. policy continuity with the Obama Administration, although it is possible that various U.S. policies and aspects of their implementation remain under interagency review.

For its part, the Obama Administration portrayed its approach to the Burundi crisis as rooted in a broader effort to prevent "mass atrocities" abroad, and in its opposition to moves by some African presidents to abrogate or circumvent legally established term limits. Administration officials urged Nkurunziza not to seek reelection in 2015 and condemned the circumstances of his electoral victory.[52] The Administration subsequently backed EAC-led efforts to mediate an inclusive dialogue.[53] U.S. officials expressed support for initial AU plans (from which the AU subsequently retreated) for a military intervention to protect civilians, and later for a U.N. police force and AU human rights monitors (neither of which fully materialized).

The Obama Administration also took steps to isolate key figures whom they viewed as seeking to destabilize Burundi, in an effort to deter abuses and apply pressure for political concessions. Such moves were undertaken unilaterally, albeit with some apparent coordination with the EU, amid a reported lack of consensus on Burundi in the U.N. Security Council. In November 2015, shortly after the EU undertook a similar step, President Obama signed Executive Order (E.O.) 13712, authorizing targeted financial sanctions against individuals who threaten peace and security, undermine democratic institutions, or commit human rights abuses in Burundi.[54] President Obama designated eight individuals—four state security officials, three dissident security commanders who participated in the 2015 coup attempt, and one civilian opposition leader—under the E.O. Also in 2015, President Obama revoked Burundi's eligibility for U.S. trade preferences under the African Growth and Opportunity Act (AGOA, reauthorized in P.L. 114-27).[55]

The Trump Administration's FY2018 budget request proposes a sharp decrease in bilateral aid to Burundi, among various other countries, under what the Administration has portrayed as an effort to cut costs, achieve greater efficiencies, and focus resources on top policy priorities. Global Health Program funding for Burundi would decrease from $30 million in FY2016 (latest available data) to $13 million in FY2018; $1.3 million in economic aid would be eliminated; and the global Food for Peace (FFP) program under P.L. 480, which provided $18.7 million in food aid to Burundi in FY2016, would end entirely. The FY2016 figures do not encompass additional emergency humanitarian aid provided to Burundi and Burundian refugees; aid funding allocated

[50] Nikki Haley, "An Unprecedented Step on Human Rights," op-ed, CNN.com, April 19, 2017.
[51] U.S. Permanent Mission to the U.N. and Other International Organizations in Geneva, "U.S. Statement at the Interactive Dialogue with the Commission on Burundi," March 13, 2017.
[52] 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.
[53] Testimony of Special Envoy Perriello before the Senate Foreign Relations Committee, February 10, 2016.
[54] "Executive Order—Blocking Property of Certain Persons Contributing to the Situation in Burundi," November 23, 2015. This followed the State Department's announcement in April 2015 of U.S. visa restrictions against unnamed individuals implicated in violence against civilians. All four EU designees are included in the U.S. designations.
[55] White House, "Message to the Congress: Notification to the Congress on AGOA Program Change," October 30, 2015. See CRS In Focus IF10149, *African Growth and Opportunity Act (AGOA)*, by Brock R. Williams.

from regional and global programs, starting in FY2014, in support of atrocity prevention; or regional security assistance programs.

Since FY2006, the United States has allocated some $300 million in security assistance for Burundi, most of it intended to support the military's counterterrorism and peacekeeping capabilities.[56] Such funding has largely been provided through regionally and centrally managed programs, and is not reflected in the State Department's annual bilateral budget request for Burundi. The top sources of this assistance have been: 1) the State Department's Peacekeeping Operations (PKO) account, with some funds provided under the U.S. Africa Contingency Operations Training and Assistance (ACOTA) program and others budgeted as U.S. bilateral aid for Somalia; and 2) Defense Department-administered training and equipment provided under authorities enacted by Congress in annual defense authorization measures since FY2006.[57]

In mid-2015, the Obama Administration announced the suspension of several security assistance programs for Burundi. Assistance to the police ceased due to implication in political repression, while U.S. military training within Burundi (including ACOTA pre-deployment aid to AMISOM contingents) was suspended due to security concerns.[58] Funding for International Military Education and Training (IMET), under which foreign military officers travel to the United States, has continued. U.S. advisory support within Somalia to Burundian troops deployed under AMISOM has also been maintained, and some transfers of equipment have also occurred.[59]

Burundi is subject to certain aid restrictions in FY2017 and prospectively in FY2018 under the Trafficking Victims Protection Act of 2000 (TVPA, Division A of P.L. 106-386), as amended, due to its Tier 3 (worst) ranking by the State Department in 2016 and 2017. President Obama invoked his authority to waive such restrictions for FY2017, asserting that such aid "would promote the purposes of the Act or is otherwise in the national interest of the United States."[60] President Trump's approach to the designations remains to be seen.

Outlook and Issues for Congress

President Nkurunziza currently appears likely to seek to remain in office beyond 2020, which could lead to increased political tensions and violence. Critical flashpoints could arise as early as the end of 2017, when the government's commission on constitutional amendments is due to render its findings. Burundi's outlook at this time appears bleak: continued violent repression and

[56] CRS calculation based on analysis of Defense Department and State Department congressional notifications, State Department annual congressional budget justifications, and State Department responses to CRS queries. This figure in some cases assumes proportional allocation of assistance notified for multiple AMISOM troop contributing countries at a time, and may not be comprehensive. It does not include U.S. funding for airlifting Burundian troops into the Central African Republic in 2013-2014, carried out under Section 506(a) of the Foreign Assistance Act, as amended.

[57] Notably, §1207(n) of the FY2012 National Defense Authorization Act or NDAA (P.L. 112-81) and §1203 of the FY2013 NDAA (P.L. 112-239) authorized the Defense Department to build the capacity of foreign militaries serving in AMISOM. In connection with its AMISOM deployment, Burundi has also received training and equipment for counterterrorism purposes under DOD's "global train and equip" authority, codified as 10 U.S.C 2282 under the FY2015 NDAA (P.L. 113-291) and subsequently as 10 U.S.C. 333 under the FY2017 NDAA (P.L. 114-328).

[58] State Department, "United States Urges Dialogue, Announces Additional Suspension of Assistance," July 2, 2015.

[59] For example, in April 2016, the Obama Administration notified Congress of a planned transfer via the Excess Defense Articles (EDA) program of six Mine Resistant Ambush Protected (MRAP) vehicles to the Burundian Defense Forces for use in AMISOM "as well as in similar operations in the future." The notification stated further that the equipment would be restored to operational condition using State Department-administered PKO funds.

[60] "Presidential Determination – Foreign Governments' Efforts Regarding Trafficking in Persons," September 27, 2016. See CRS Report R42497, *Trafficking in Persons: International Dimensions and Foreign Policy Issues for Congress*, by Liana W. Rosen.

spiraling poverty at present, with risks of wider conflict and civil unrest in the future. The opposition's internal divisions and weak organizational capacity will likely impede its ability to present a united front on the terms or content of any future negotiations. Endemic corruption has made the contest to control state resources a high-stakes, zero-sum game, which appears likely to remain the case. In the absence of competitive political space, more parties may turn to violent tactics including guerrilla combat, as some already have. Many key political figures, including Nkurunziza himself, are former combatants.

Burundi presents a challenge for U.S. policymakers seeking to work with regional leaders to promote respect for democratic norms and the protection of civilians from state-backed abuses. The AU and EAC appear unable or unwilling to pressure Burundi's government to respect constitutional term limits or power-sharing arrangements. A lack of regional condemnation of a similar term limits crisis in the Democratic Republic of Congo, combined with successful moves by incumbents to remove or bypass term limits in countries such as Uganda, Rwanda, Gabon, and Republic of Congo (Brazzaville), arguably decrease Nkurunziza's incentives to negotiate and may bolster his claims to legitimacy. The rift between regional leaders, who have grown more tolerant of Nkurunziza, and that of donors, who remain highly critical, has inhibited a unified international approach and could prove damaging to U.S. leverage in other African contexts.

The evolving U.S. response to the situation in Burundi may raise several issues for Congress. As Congress considers the Trump Administration's FY2018 aid budget proposals, Members may examine the scope and impact of funding for health, conflict mitigation, and humanitarian relief in Burundi. Congress has also regularly enacted provisions in aid appropriations measures that reflect criticism of Rwandan involvement in neighboring conflicts. The Consolidated Appropriations Act, 2017 (P.L. 115-31, Division J, §7042) requires the Secretary of State to report that governments in the Great Lakes region are "not facilitating or otherwise participating in destabilizing activities in a neighboring country" prior to providing certain military aid.

The effectiveness of U.S. democracy promotion and atrocity-prevention efforts in Burundi may be of interest to some Members. The extent of the Trump Administration's prioritization of both objectives has been subject to widespread scrutiny.[61] Some observers view the Administration as seeking to exclude democracy and human rights as core U.S. foreign policy interests, although statements by Ambassador Haley may suggest otherwise with regard to Burundi. In the context of congressional oversight of U.S. diplomatic engagements in Africa, Members may consider arguments for and against efforts to isolate key Burundian leaders internationally, as well as any efforts to allay the government's claims of unfair Western persecution.

In light of the Burundian military's internal divisions and polarization, Congress may continue to examine the U.S. security assistance that has supported Burundi's deployments in Somalia (where its troops make up a quarter of the authorized total for AMISOM) and the Central African Republic. A statement by Secretary of State Tillerson on Burundi's National Day on July 1, 2017, cited "the positive impact its troops have had in Somalia," but human rights issues and security conditions are likely to continue to pose policy and practical constraints on military aid. Abuse allegations have also dogged the Burundian contingent in CAR.[62] Congressional deliberations may include potential contingency plans in case of a Burundian withdrawal from either mission.

[61] See, e.g., Ted Piccone, "Tillerson Says Goodbye to Human Rights Diplomacy," Brookings Institution, May 5, 2017.

[62] In June 2016, the U.N. decided not to renew Burundi's police contingent in CAR due to alleged human rights violations by police forces within Burundi. More recently, alleged involvement in abuses at home has reportedly prevented certain Burundian military officers from being appointed to the U.N. operation in CAR, while Burundian troops deployed there have reportedly been implicated in sexual abuse and exploitation.

Author Information

Alexis Arieff
Specialist in African Affairs

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