

**The Fletcher School of
Law and Diplomacy**

May 2015

**Mass Atrocity Prevention in the Twenty-First Century: Assessing the Risk for
Violence in Burundi and Examining Options for US Government Policy**

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Master's Thesis
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Submitted May 5, 2015 – Tufts University

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Part One – Conflict Analysis

Introduction

In the lead up to Burundi's second election since the end of the civil war, the country is experiencing a political crisis that has the potential to become violent. Recent developments in the past year and a half have increased the power of the ruling party, lessened democratic space, and heightened fears among the population. Burundi's history of mass violence, combined with the presence of violence during the 2010 election cycle, has alerted US policymakers, international officials, and members of the atrocity prevention community. In seeking to understand the level of threat today in Burundi and assess the US's response, it is important to explore two primary questions – is Burundi at risk of experiencing mass atrocities and what actions should US government policymakers take to mitigate and prevent whatever level of risk exists?

The atrocity prevention community, including policymakers, academics, and activists has grown exponentially in the past decade and a half. Following the international failures to prevent mass violence in both Bosnia and Rwanda in the early 1990s, there was consensus among members of the international community that the system was not working. Since the NATO intervention in Kosovo, there have been new doctrines, frameworks, monitoring mechanisms, and policy instruments developed to deal with these types of situations.

There is still no exact definition of what amounts to an “atrocity.” The definitional debate surrounding the term “genocide” has plagued scholars and policymakers alike. The term mass atrocity seeks to refer to a broader group of crimes that target civilians in widespread and systematic ways. Some scholars attach a numerical threshold of civilian deaths during a certain time period, but others point to the class of legal crimes including genocide, crimes against humanity, and war crimes, or other factors such as intent, scale, targeted groups, and acts.

According to Scott Straus, the term “mass atrocity” is “emerging as the dominant alternative, broader standard than genocide” for the prevention community.¹ He defines mass atrocity as a broad range of kinds of violence with three components crimes including crimes

¹ Scott Straus, “Identifying Genocide and Related Forms of Mass Atrocity,” Working Paper, October 7, 2011, United States Holocaust Memorial Museum, Washington, D.C., p. 19

against humanity, ethnic cleansing, and war crimes. Mass atrocities differ from the crime of genocide, as they do not necessarily have specific intent or purpose and may not meet the target or scale criteria.² When thinking of scale, one must consider indicators of extent: “whether substantial portions of a target group are subject to violence, whether the violence is organized and systematic, whether the violence is spread out geographically, and whether the capacity exists to inflict such levels of violence.”³ In reference to mass atrocities, this paper defines the term as a class of crimes, including genocide, crimes against humanity, and war crimes, that are primarily perpetrated against civilians in a widespread and systematic manner, but do not necessarily require intent or a specific target group. Mass killing is often equated with atrocities, but it is in fact narrower. For the purposes of this paper, mass atrocity encompasses a broader set of crimes, such as those considered crimes against humanity that are not necessarily killing.

When discussing prevention, it is important to distinguish between atrocity prevention and a broader agenda of conflict prevention. Mass atrocities constitute distinct types of crimes and can occur during armed violence or peacetime. This implies that any framework to address atrocity prevention should not conflate the two. Secondly, conflict prevention stems from the field of conflict resolution, which takes a non-violent approach to stopping violence. In contrast, because atrocity crimes are so egregious and power dynamics wherever they are occurring may be severely unbalanced, the use of force may be necessary in order to stop violence.⁴ In *A Strategic Framework for Mass Atrocity Prevention*, the Australian Civil-Military Centre and Oxford Institute for Ethics, Law and Armed Conflict point to scholar Lawrence Woocher’s description of what such a framework should entail. Woocher argues that “any framework for the prevention of mass atrocities needs to incorporate a longer-term approach aimed at reducing the risk of armed conflict, and a shorter-term approach with two prongs: one aimed at preventing peacetime atrocities and the other aimed at preventing the commission of atrocities by those engaged in armed conflict.”⁵

This paper seeks to accomplish three goals. Firstly, it will provide a historical review of Burundi’s major episodes of mass violence and an analysis identifying the patterns and trends of

² Straus (2011), p. 21

³ Straus (2011), p. 5

⁴ Ruben Reike, Serena Sharma and Jennifer Walsh, “A Strategic Framework for Mass Atrocity Prevention,” Australian Civil-Military Centre and Oxford Institute for Ethics, Law and Armed Conflict, March 2013, p. 2

⁵ Reike, Sharma, and Walsh (2013), p. 2

violence, as well as conditions that were present that allowed for mass atrocities to be committed. Secondly, this paper will discuss the evolution of risk assessment and early warning systems and tools available to policymakers to prevent and respond to mass atrocities. *Part Two* will also address the creation of the Obama Administration's Atrocities Prevention Board and what that entails concerning an atrocity prevention policy. Lastly, the potential for violence or atrocities in Burundi today will be considered, in the context of the country's previous episodes of mass violence and recent developments ahead of the 2015 presidential election which be held on June 26. This paper will also examine the US government's prevention efforts in Burundi.

Although the current political crisis in Burundi has garnered the attention of high-level US policymakers and international officials, this paper argues that the level of threat is lower than perceived and does not constitute a risk of mass atrocities. Despite the country's history of mass violence, the saliency of ethnicity has decreased and the makeup of Burundi's institutions has drastically changed impacting the capacity for widespread mobilization. Since the end of the civil war, violence in Burundi has taken a different form; the ruling party's youth wing has committed low-scale political violence, along political party divisions rather than ethnic lines. This type of violence is more likely to be prevalent surrounding the upcoming 2015 election, rather than widespread mass atrocities.

In order to reduce this type of violence, the US government should develop longer-term strategies within an atrocities prevention framework to strengthen democratic institutions, support Burundian opposition groups and civil society organizations, and dissuade the president and ruling party from enacting authoritative policies. These approaches lessen the potential for both mass atrocities and other forms of violence by promoting broader development and institution building long before violence is imminent. While short-term, targeted interventions may be successful in preventing or lessening the impact of immediate violence around acute events, they fail to engage a comprehensive approach to preventing mass atrocities in the long-term.

Background

One of the primary focuses of this paper seeks to explore the conditions that were present in Burundi's past that allowed for mass atrocities to occur during several distinct and significant

episodes of mass violence, ultimately culminating in civil war. In order to address this question, it is important to understand the legacy of colonization, the historical significance of ethnicity, Burundi's political structures and transitions, and the country's history of violence. This section seeks to provide background on important historical events and identify factors that triggered and contributed to violence, as well as create a narrative that attempts to capture the major grievances and memories of both Hutus and Tutsis in Burundi.

Prior to colonization, Burundi was a kingdom, said to be a political entity "comparable to European states in the early nineteenth century," governed by a strong monarch and organized by social class.⁶ According to scholar Peter Uvin, the king was "neither Hutu nor Tutsi – he embodied the nation."⁷ The king ruled different groups, defined along lineage and clan groups, which existed in a socio-political hierarchy.⁸ The Ganwa were part of the elite class that ruled the population with the king; Tutsis occupied a position closer to the ruling class, tending to be in the upper to middle socio-economic levels of society. Hutus are the majority group, making up about 85 per cent of the population. Tutsis make up the remaining 15 percent, while the Twa constitute less than one percent of the population.⁹ Despite the Tutsis elevated status, the Ganwa occupied the space between the king and the population, serving as the "intermediate princely class."¹⁰ Scholar Filip Reyntjens writes that the presence of this intermediate class mitigated conflict between Hutus and Tutsis prior to colonization, because the king and Ganwa were separated from the rest of the population.¹¹ While Burundi's monarchy and system of governance was "inclusive [and] more stable" than in neighboring Rwanda, a similar historical debate exists around questions relating to race, ethnicity, and social division.

Scholars of ethnic violence often point to both Burundi and Rwanda as classic examples of group-based conflict. Violence between ethnic groups is commonly viewed through the lens of ancient, deep-seeded hatred, resulting from fundamental differences between groups of people. This approach is often simplistic and shortsighted, particularly in societies, such as Burundi, in which ethnic groups have lived together peacefully prior to some form of catalyst,

⁶ Jean-Pierre Chrétien (2003), "The Great Lakes of Africa: Two Thousand Years of History," New York: Zone Books, p. 291 (FROM NOELS PAPER)

⁷ Peter Uvin, "Life After Violence: a people's story of Burundi," London: Zed (2009) p. 7

⁸ Uvin (2009), p. 7

⁹ Filip Reyntjens (1995), "Burundi: Breaking the Cycle of Violence," *Minority Rights Group International*, p. 7

¹⁰ Reyntjens (1995), p. 7

¹¹ Reyntjens (1995), p. 7

whether it be colonization, discrimination, or outright violence. A key concept to understanding ethnic violence in Burundi concerns whether there are tangible differences between Hutus and Tutsis or whether these identities have been socially constructed, adapted over time, and politically manipulated. By exploring colonization, transition to independence, and political structures that remained in place until the outbreak of civil war in the 1993, understanding the saliency of ethnicity and how it changed through different periods of time will shed light on conditions that allowed for mass atrocities to occur.

In Burundi, ordinary Tutsis traditionally held slightly higher societal status, owning land and animals, while Hutus were pastoralists. It is often suggested that these groups were somewhat fluid, as one could move between groups by obtaining property such as cattle. A Minority Rights Group International report states, “Both Hutu and Tutsi speak the same language and cannot be separated along territorial lines. However, the polarization of the conflict and the use of indiscriminate violence have subordinated other identities and entrenched ethnic boundaries.”¹² As Filip Reyntjens points out, the presence of the Ganwa class separated the real elite from the rest of the population and “relations between ordinary Tutsi and Hutu were on an equal footing, and intermarriage was common.”¹³ Slight divisions did exist between Tutsis historically; according to expert Rene Lemarchand, “two principal lines of cleavage emerged: one based on the long-standing sociocultural division between Hima and Banyaruguru, the other on regional identifications.”¹⁴ The monarchy system was seen to be the “only source of legitimacy to which both Hutu and Tutsi could relate in any meaningful fashion,” therefore able to contain ethnic tensions.¹⁵

First German (1890-1916) and then Belgian (1916-1962) colonizers further cemented these categories by favoring the Tutsi minority and inserting them into official positions of power. In 1863, an English scholar named John Hanning Speke theorized in his *Journal of the Discovery of the Source of the Nile* that an “aristocratic race” in line with European lineage existed in the area of Rwanda and Burundi.¹⁶ According to Nowel Twagiramungu, “Belgian

¹² Reyntjens (1995), p. 7

¹³ Reyntjens (1995), p. 7

¹⁴ Rene Lemarchand (1994), “Burundi: Ethnic Conflict and Genocide,” Washington, DC: Woodrow Wilson International Center for Scholars, p. 81

¹⁵ Reyntjens (1995), p. 7

¹⁶ Noel Twagiramungu, Forthcoming. “Burundi” in ed. Bridget Conley-Zilkic, “How Mass Atrocities End” (Cambridge: Cambridge University Press) Page numbers not available yet.

colonizers used pseudo-scientific measurements to validate the alleged biological evidence pertaining to Tutsi and Hutu as different races,” and Tutsis were favored because they allegedly resembled the Caucasian race more with attributes concerning height and face shapes.

While the basic social structure remained the same as it was before colonization, the Belgians changed the system by making all relations between groups “more rigid, unequal, and biased against Hutu.”¹⁷ The state, led by the King and Tutsis, began to intervene more in people’s affairs by imposing taxes, legislation, and compulsory labor on Hutus.¹⁸ During this time, marginalization and discriminatory policies persisted, compounding Hutu grievances.

After gaining independence in 1962, Burundi was ruled by the monarch, Mwami Mwambutsa IV, who attempted to incorporate a constitutional parliament with representation of both Hutus and Tutsis.¹⁹ He was soon overthrown by his son and the idea of a ethnically mixed representative (although not equal) government disappeared. Although Union pour le Progrès National (UPRONA), the nationalist party that led the independence movement, was originally comprised of members from all ethnic groups, divisions between Tutsis and Hutus grew during the period of instability before, during, and after the independence movement. In 1966, a group of the elite Tutsi-Hima, associated with the southern part of the country and led by Major Michel Micombero, staged a coup and declared themselves the rulers of Burundi. This event marked the start of almost three decades of military rule, as well as continued a political structure based on minority rule by an select few (Tutsi elite), rather than a system of majority rule with minority rights and protections.

Successive military regimes dominated by Tutsis often violently cracked down on various Hutu uprisings, while the government controlled all aspects of society; the favoring of Tutsis in the political, economic, security, and judicial sectors further widened the gap between the ethnic groups and stirred unrest among Hutus. Scholar Peter Uvin explains the Tutsi government’s tendency to resort to violence when he writes that the “ruling elite represented a very narrow social base. It thus could not use an ethnic-social discourse to legitimize its position

¹⁷ Uvin (2009), p. 8

¹⁸ Peter Uvin, “Ethnicity and Power in Burundi and Rwanda: Different Paths to Mass Violence,” *Comparative Politics* 31 (1999): p. 255

¹⁹ “Burundi: Conflict Profile,” Insight on Conflict, last updated March 2014, <http://www.insightonconflict.org/conflicts/burundi/conflict-profile/>

and faced a more permanent (and often violent) challenge.²⁰ Several particularly severe episodes of mass violence and atrocities occurred in 1972, 1988, and the early 1990s. Each of these events built upon the last and contributed to a variety of factors, which perpetuated further violence. For Hutus, historical grievances, individual and collective memory associated with trauma, and fear for survival enabled an environment conducive to uprising and mobilizing revolt. Tutsi elites feared being overthrown, repressed, and punished for past treatment of Hutus, which furthered their incentive to use force and maintain their ruling position. A historical overview of these episodes of mass violence will be provided so that trends and patterns can be identified.

Mass Violence in 1972

In the late 1960s, the Tutsi government conducted a series of purges of Hutus in the military and government, cementing their majority control. Following an alleged coup attempt in 1965 in which Hutu gendarmerie and army soldiers sought to overthrow the Tutsi elite, the government systematically disposed of Hutu military officers and politicians. Subsequently, another major purge was conducted in 1969 following rumors of another Hutu-led coup attempt.²¹ Due to uncertainty and speculations about threats to Tutsi power, the ruling Tutsi-Hima group felt threatened and vulnerable. As Peter Uvin mentions, the ruling Tutsi elite were a minority and therefore could not turn to the majority of the population to support their rule. This created a dynamic in which the ruling party favored its dominant ethnic group, other Tutsis, and was constantly attempting to tighten its grip on power. This strategy proved to be sustainable for only so long and gave rise to opposition from Hutus. It is important to note that this type of dynamic not only heightens existing grievances and paranoia, but also creates an environment for other events to occur. As mentioned earlier, ethnic identities are more easily manipulated and relations between once friendly groups are seen in black and white when rumors concerning violence and control circulate. In this type of atmosphere, statements and actions may be misinterpreted, groups may react and overact impulsively, and violence may be used at a much

²⁰ Uvin (1999), p. 258

²¹ Rene Lemarchand, The Burundi Killings of 1972, Online Encyclopedia of Mass Violence, June 27, 2008, p. 4

lower threshold. In this political climate, a Hutu-led rural insurrection in 1972 triggered attacks against Tutsis civilians and massive repression by the Tutsi government in response.²²

The rebellion, led by a group of radical Hutu insurgents that had fled to Tanzania during the purges of the late 1960s, spread to other provinces within hours.²³ Beginning in the southern part of the country, the attacks spread to Bujumbura in the west and Cankuzo in the east, ultimately killing an estimated 3,000 Tutsis.²⁴ Tutsi civilians, as well as Hutus who refused to participate in the violence, were attacked by small groups of armed men. While the attacks against Tutsis civilians were horrific, they were seemingly indiscriminate and unorganized, especially when compared to the counter-action of the government.²⁵

In response to the attempted Hutu rebellion, the government army expanded its purge to all sectors of civilian society and allegedly killed more than 150,000 Hutus.²⁶ Other accounts point to a total of 100,000 people killed, resulting in 150,000 refugees and 2,000,000 internally displaced persons.²⁷ Noel Twagiramungu describes the military's efforts as a "systematic, methodic, and brutal pogrom meant to "decapitate the Hutu leadership".²⁸ Hutu soldiers and gendarmerie were killed, as well as students and teachers in primary, secondary, and technical schools.²⁹ The killing quickly spread to target "all Hutu suspected to have taken part in the rebellion," which resulted in the killing of "almost every educated Hutu."³⁰ Although violence against Tutsis was somewhat limited to small segments of the southern, western, and eastern regions, the government conducted a massive campaign throughout the country. Expert Marc Sommers, writes that Hutus with at least a year of secondary education were primarily targeted and the "class of 'educated' Burundian Hutu – the entire membership of what was perceived as the Hutu elite – was virtually wiped out: they were either killed or they became refugees."³¹ Unlike the crimes perpetrated in neighboring Rwanda, ethnicity was not used to mobilize violence in this context. Because Tutsis were in power and ruled a majority Hutu population, the

²² Lemarchand (2008), p. 2

²³ Lemarchand (2008), p. 2

²⁴ Twagiramungu, (forthcoming), page numbers not available yet

²⁵ Lemarchand (2008), p. 6

²⁶ Peter Uvin (1999), p. 258

²⁷ Twagiramungu, (forthcoming), page numbers not available yet

²⁸ Twagiramungu, (forthcoming), page numbers not available yet

²⁹ Lemarchand (2008), p. 5

³⁰ Lemarchand (2008), p. 91

³¹ Marc Sommers (2013), "Low Horizons: Adolescents and Violence in Burundi," *UNICEF*

government claimed it was fighting extremists and referred to the violent killing sprees as “events” rather than blatantly referring to attacks against Hutus.³²

Many scholars have debated whether the mass violence in 1972 amounted to genocide. Some authors, such as Rene Lemarchand, refer to the killing as “selective genocide,” and see them as the “cataclysmic event which lies at the root of the Hutu-Tutsi conflict.”³³ Lemarchand goes so far to insinuate that “peace-makers,” those working in the field of conflict resolution, have been unsuccessful in Burundi due to their failure to recognize the 1972 genocide as the “central issue that underlies civil strife in both Rwanda and Burundi.”³⁴ In terms of the legal definition of genocide as defined in the 1948 Convention on the Prevention and Punishment of Genocide, it seems blurry whether or not the ruling party and military had the intention of exterminating all Hutus in Burundi. Due to the history of relations between Tutsis and Hutus, maintaining the status quo in terms of political structure and power dynamics was more important than an all out extermination of one group. In response to the Hutu uprising, the military repressed Hutu leadership and those loosely suspected of participating in the rebellion, in order to instill fear and deter another uprising. If the goal was to get rid of all Hutus, what led the government to end the two-month killing spree at 100,000 people? Regardless of whether the 1972 killings constituted genocide or not, the episode arguably had a similar impact on victims in terms of trauma, memory, and fear. Mass atrocities that were committed in 1972 are indeed an extremely important lens from which to view subsequent historical developments, but I am skeptical about the usefulness or efficacy of this label. More important than designating the event in somewhat precise but arbitrary legal terminology, this event and its implications were used as both ammunition for retaliation by Hutus and an excuse for further repression by Tutsis.

According to Marc Sommers, the mass killings of 1972 had severe implications for Burundi’s population, particularly in two ways. Firstly, the violence instilled fear in the population, which in turn, ended up becoming a motivation for further violence. Secondly, the violence encouraged “the transformation of ethnic violence into acts of self-defense.”³⁵ Due to fear and uncertainty of the future, each group pre-emptively attacked the other, “to avoid the fate

³² Uvin (1999), p. 258

³³ Rene Lemarchand, “Genocide in the Great Lakes – Which Genocide? Whose Genocide?,” *African Studies Review* 41 (1998): p. 5

³⁴ Lemarchand (1998), p. 5

³⁵ Sommers (2013), p. 7

they [thought was] awaiting them.”³⁶ These implications contributed significantly to the cycle of violence that occurred over the next several decades and how each episode was and continues to be perceived and remembered by both Tutsis and Hutus. Both Sommers and Uvin document how this fear transgressed generations, even if younger Burundians had not experienced violence directly. Hutus and Tutsis had different narratives about the events of 1972 and “accordingly, Burundian civilians were able to validate violent attacks against members of the opposite ethnic group by considering them proactive measures to prevent a return to 1972-style violence.”³⁷ The presence of such fear allowed for the political manipulation of ethnicity, which increased the capacity for groups to commit mass atrocities.

Mass Violence in 1988

Following a similar pattern of the outbreak of violence in 1972, Hutu violence against Tutsis triggered a massive, disproportional response by the Tutsi army in 1988. This section seeks to address three questions: what triggered violence in 1988, what factors contributed to atrocities occurring, and why was it less severe and contained than previous violence in 1972? Building from existing ethnic tensions and experiences during the massacre of Hutus in 1972, rumors about another impending military crackdown circulated in the northern part of the country, near the Rwandan border where Burundian refugee camps were located.³⁸ To quell the rumor and appease the fear of Hutus in the area, the national government engaged in activities and facilitated a trip to the region. Noel Twagiramungu writes, “It was in this ambivalent context that a dispute between Hutu peasants and a wealthy Tutsi...turned violent.”³⁹

This disagreement sparked gunfire, which prompted those in neighboring villages to assume the army was “back again to wipe out the Hutu people.”⁴⁰ As noted previously, in a context of heightened ethnic tensions, fresh memories of past violence, and overall fear for survival, groups often make assumptions and react compulsively in perceived danger. Peter Uvin writes,

³⁶ Sommers (2013), p. 7

³⁷ Sommers (2013), p. 8

³⁸ Twagiramungu, (forthcoming), page numbers not available yet

³⁹ Twagiramungu, (forthcoming), page numbers not available yet

⁴⁰ Twagiramungu, (forthcoming), page numbers not available yet

“In Burundi the most prevalent motive for violence is fear. People in both ethnic groups are deeply afraid of being attacked and attack first, in “defensive attack,” to avoid the fate they think is awaiting them. For Hutu peasants the fear of a repetition of 1972 is still a strong cause of preemptive violence, and indeed one observes in most accounts of recent violence that rumors of imminent attacks by the army caused them to strike first.”⁴¹

Hundreds of Hutu peasants mobilized at the local level, attacking Tutsis with any small-scale weapons available to them, such as machetes or farming equipment. In response, the government army intervened, slamming the uprising and killing an estimated 12,000 people, which resulted in 60,000 refugees and 25,000 internally displaced persons.⁴² According to Noel Twagiramungu, the number of people killed and displaced during this time, which he refers to as “peasants’ uprising followed by army’s reprisals,” was significantly less than the violence in 1972.⁴³ Parallel to the events of 1972, the government’s response was disproportionate to the violence committed by Hutus, but may have been proportional to the perceived threat. Since the 1972 attempted rebellion, the government feared losing power and was concerned with the safety of all Tutsis if they did not use force to maintain order, therefore perpetuating the need to utilize violence.⁴⁴

Shifts in Power from 1990-1993

Pierre Buyoya came to power by coup in 1987 and led Burundi as president in the third installment of military regimes since independence. Although he was head of state during the mass killing that occurred in 1988, Buyoya, a moderate Tutsi, began to take steps towards democratization in 1990. Peter Uvin notes that exact reasons for undertaking political reform during this time are unclear, but important factors include “international pressure after the end of the cold war...together with the realization after the 1988 and 1989 events that a strategy of rule based solely on oppression could not continue indefinitely.”⁴⁵ Previous episodes of violence

⁴¹ Uvin (1999), p. 263

⁴² Twagiramungu, (forthcoming), page numbers not available yet

⁴³ Twagiramungu, (forthcoming), page numbers not available yet

⁴⁴ Uvin (1999), p. 263

⁴⁵ Uvin (1999), p. 261

forced the ruling party to contemplate the sustainability of ruling by fear, violence, and oppression. Preceding the first democratic elections, the government pushed forward a campaign composed of three elements: national unity propaganda, reconciliation, and equal distribution of political positions.⁴⁶ The first democratic election took place in 1993 and the Hutu-dominated Front for Democracy in Burundi (FRODEBU) party came into power, electing Melchoir Ndadaye as president. However, even with changes from some of these reforms, the army remained predominantly Tutsis, with most soldiers and almost all officers being Tutsi.⁴⁷ Shortly after the election in October, low-level Tutsi government soldiers assassinated the first Hutu leader and the country spiraled into deep turmoil.

The assassination of President Ndadaye resulted in a spontaneous uprising by Hutus across the country. Concentrated in the central and northeastern part of the country, thousands of Tutsis were killed, following a similar pattern of violence as seen in 1972 and 1988. The majority Tutsi military intervened, once again, and killed an estimated 50,000-100,000 Hutus following the coup.⁴⁸ According to Noel Twagiramungu, other sources estimate that 200,000 people were killed in total, including at least 40,000 Tutsis.⁴⁹

Civil War

Resulting from a political compromise between FRODEBU and UPRONA, Cyprien Ntaryamira was appointed to the presidency but his time in office was cut short. Ntaryamira was accompanying Juvénal Habyarimana, president of Rwanda, when their plane was shot down on April 6, 1994. This event ultimately triggered the genocide in neighboring Rwanda, and had severe implications in Burundi. While the two countries are distinct and certainly experienced very different types and paths to violence in the second half of the twentieth century, the two conflicts are inextricably linked. As Filip Reyntjens pointedly wrote in 1995, “crises in the two countries have indeed tended to be mutually reinforcing. As there are Hutu and Tutsi, be they

⁴⁶ Uvin (1999)

⁴⁷ Reyntjens (1995), p. 12

⁴⁸ Uvin (1999)

⁴⁹ Twagiramungu, (forthcoming), page numbers not available yet

indigenous or displaced in the whole subregion...no country can be seen in isolation from this broader environment, which moreover [was] saturated with weapons.”⁵⁰

Noel Twagiramungu identifies two major implications that the genocide in Rwanda had on Burundi. He writes,

“On the one hand, the shocking images of Tutsi slaughtered by their Hutu neighbors in Rwanda served as a post-hoc justification of the October coup, and Tutsi armed gangs emerged spontaneously in Bujumura with a self-imposed mandate of preventing ‘another Rwanda’ in Burundi. On the other hand, after the Rwanda Patriotic Front (RPF) defeated and forced into exile the Hutu army in July 1994, a former aide to Ndadaye, Leonard Nyangoma, used the human and logistic resources of the defeated Rwandan army to form a Hutu rebellion in Burundi called Conseil National pour la defense de la Democracy (CNDD).”⁵¹

For Tutsis, fear of losing control of the state and being subsequently repressed was compounded by the genocide unfolding in Rwanda. This led to the development Tutsi militia groups that were seen as necessary to protect the Tutsi population if the government army was overtaken or if Hutus took control of the state. Additionally, as Noel Twagiramungu writes, the CNDD, one of the main armed groups during the war and today’s ruling party in Burundi, strengthened itself by using resources associated with Hutus in Rwanda.

Following the death of President Ntaryamina on April 6, 1994, Sylvestre Ntibantunganya, a Hutu from the FRODEBU party, took power and attempted to maintain the representative, multi-party government. The security situation deteriorated rapidly, as other parties refused to participate in the government and new parties started to emerge. The presence of the newly formed Tutsi militia groups instigated violence and the FDD (military force of the CNDD party) “began a guerilla war, attacking both soldiers and Tutsi civilians.”⁵² It is estimated that more than 300,000 people, mostly civilians, were killed in Burundi’s civil war.

⁵⁰ Reyntjens (1995), p. 6

⁵¹ Twagiramungu, (forthcoming), page numbers not available yet

⁵² “International Commission of Inquiry for Burundi: Final Report,” United States Institute for Peace, January 13, 2004, p. 24

Efforts towards peace negotiations were led by Tanzania, with support from neighboring countries and the Carter Center, a US non-governmental organization.⁵³ The first meetings began in 1996 and took four years for an agreement to be reached in 2000. Although the Arusha Peace and Reconciliation Agreement for Burundi was signed in August 2000, agreement was not reached on several key issues such as leadership of a transitional government, ceasefire arrangement, and makeup of the armed forces.⁵⁴ Due to these outstanding issues, several key actors such as the CNDD-FDD and others did not sign the agreement, resulting in the continuation of hostilities until elections in 2005, and even after. Following several interim agreements, CNDD-FDD ran in the 2005 elections and won the majority of seats at the municipal and national level. In August 2005, the National Assembly and Senate elected Pierre Nkurunziza, former rebel leader of CNDD-FDD turned politician, as president.⁵⁵

Trends and Patterns of Violence

In analyzing the major violent events in Burundi's history, several trends can be identified. Firstly, certain events had the capacity to trigger a disproportionate response from the government army. Immediately prior to massive government repression, conditions existed in which Hutus were motivated to take up arms and attack local Tutsi leaders and civilians. In response to the Hutu uprisings and violence against Tutsis, the government military "was sent in to restore order and indiscriminately killed vastly more people in retaliation."⁵⁶ This cycle was present in the larger episodes of mass violence in 1972, 1988, and 1993, but was also apparent in lower-scale instances.

While scholars have debated the roots of conflict in Burundi and other situations of ethnic violence, fear and uncertainty of the future was a major contributing factor.⁵⁷ In each instance, one group was afraid that history would repeat itself and that they were in danger of being attacked. It was in this context of pervasive fear that ethnic identity was politically manipulated

⁵³ Patricia Daley, "The Burundi Peace Negotiations: An African Experience of Peace-Making," *Review of African Political Economy* 34 (2007): p. 338

⁵⁴ Daley (2007), p. 345

⁵⁵ Daley (2007), p. 347

⁵⁶ Uvin (1999)

⁵⁷ David Lake and Donald Rothchild, "Containing Fear: The Origins and Management of Ethnic Conflict," *Nationalism and Ethnic Conflict* 21 (2001)

and used to mobilize violence. The capacity of the government army to repress and attack a high number of civilians rested upon the link between fear and ethnic divisions.

Although much of the violence in Burundi's past was linked to responses by the government military to local and regional uprisings, ordinary Burundians were also perpetrators at the communal level. Marc Sommers notes, "communal violence – the direct involvement of ordinary people in violence – has played a major role, too. In 1972, 1988 and 1993 (among other years), violence first emerged at the communal level, carried out by simple citizens."⁵⁸ As described above, the major crackdowns against Hutus, although disproportionate, were provoked by communal-level violence against Tutsi civilians, either local representatives or ordinary members of the community.

Ethnicity has been an obvious factor in Burundi's violent past, but it is important to identify its exact role. Conflict between ethnic groups is commonly viewed through the lens of ancient, deep-seeded hatred, resulting from fundamental differences between groups of people. Before the outbreak of civil war in 1993, Tutsis utilized denying ethnicity as a political tool to maintain control over the majority Hutu population. Given the commonalities between Hutus and Tutsis and the divisions exacerbated by colonization, the differences in ethnic groups essentially denoted social class. Peter Uvin writes, "ethnic difference constitutes the dividing line between the haves and have-nots. Popular discontent therefore focalized primarily along ethnic lines. A combination of brutal oppression and the denial of ethnicity were the elite's prevalent tools to perpetuate its hold on power." While ethnicity was an important factor in mobilizing and increasing the capacity of people and institutions to commit violence in 1972, 1988, 1993, and during the civil war, its role, which will be discussed in *Part Three*, has taken a different form.

Burundi's political structure and the post-independence government's inability to employ any type of multi-party, representational system remained a constant factor contributing to violence during the second half of the twentieth century. As referenced previously, Burundi's system of monarchy seemed to be the only legitimate source of governance acceptable to all ethnic groups. Following colonization and independence, each attempt by the government to reform and invite other parties, mostly delineated along ethnic lines, to participate, precipitated massive episodes of violence (late 1960s political changes leading to 1972 violence, early 1990s reform leading to 1993 violence and civil war).

⁵⁸ Sommers (2013), p. 8

Additionally, the fact that one party controlled virtually all institutions and most parts of society, can be seen as a key trend during this time. Arguably one of the most important state institutions, the military, was predominately Tutsi and controlled by the Tutsi elite. Despite any reform efforts concentrated at the National Assembly or political party level, relinquishing total power and moving towards actual transformation would have meant changes in the distribution of groups within the army and those in senior-level positions.

End of War to Today

With the last major armed group signing a peace agreement in 2008 and transitioning into the National Forces of Liberation (FNL), the armed conflict finally ended in 2009, nine years after the Arusha peace agreement was signed and four years after the CNDD-FDD took power. Although civil war had ended, violence continued but targeted different people and took different forms. This section seeks to explore how and why violence has occurred since the civil war, what forms it has taken, and whether any major events have provoked violence similar or different to episodes in Burundi's past.

After 2009, violence has primarily been politically motivated, targeting opposition group members and their relatives, many of whom were former enemies during the civil war. Since it has only been six years since the FNL transitioned into a political party, the most notable event around which violence has occurred was the election in 2010. According to data recording conflict events since 2010 by the Armed Conflict Location & Event Data Project (ACLED), the highest spikes in violence occurred in May, June, and July 2010 (during the election), and during February and March 2014.⁵⁹ This data will be discussed, alongside major political events that have occurred in Burundi since the end of the war.

The 2010 election period, which took place from May to September, was a unique time in Burundi's history, because it was the first popular vote election held since the end of the 12-year civil war. The primary contenders, the National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) and the National Forces of Liberation (FNL), were once united in fighting against the government during Burundi's civil war. During the lead up to

⁵⁹ "Conflict Trends (No. 30), Real-Time Analysis of African Political Violence," Armed Conflict Location & Event Data Project, September 2014

the 2010 election, CNDD-FDD utilized its youth wing, known as the Imbonerakure, to intimidate and commit violence against opposition leaders and supporters.⁶⁰ All opposition parties boycotted the election on account of violence, voter intimidation, and fraud, resulting in the uncontested presidential win of CNDD-FDD's Pierre Nkurunziza.

Before and during the election, Kirundo in northern Burundi and Kinama and Kanyosha, communes in the capital, experienced especially high levels of violence. Beginning in late 2008 and early 2009, the Imbonerakure became increasingly militarized and heightened intimidation of opposition groups in Kirundo, which in turn led FNL and FRODEBU to strengthen their youth wings. Other political parties have utilized youth wings to commit violence in the past. UPRONA's youth wing, the Rwagasore Youth Revolutionaries, were involved in atrocities that occurred in 1972.⁶¹ The increased tensions and threats led to low-scale fistfights and scuffles between CNDD-FDD and FNL youth wings. Following the uptick in violence, CNDD-FDD began to arrest FNL members during summer 2009 in order to prevent the opposition group from holding meetings. CNDD-FDD also imposed laws on convening and demonstrating in order to restrict the group's activities. In response to the repression, FNL often tried to fight back. Police and CNDD-FDD officials frequently fled the scene when the Imbonerakure instigated violence and perpetrators were rarely held responsible.⁶²

In Kinama, violence erupted in October 2009 when the mother of a prominent FNL leader was killed. The incident led to a grenade attack in November and was followed by arrests of FNL members for painting a party logo in early 2010. Although the Imbonerakure perpetrated the majority of attacks, the police were heavily biased and only arrested FNL members. While CNDD-FDD members continued to threaten and intimidate opposition supporters through notes and text messages, politically motivated murders and attacks increased in January 2010.⁶³ The Imbonerakure assassinated and committed non-fatal attacks against opposition leaders. Opposition groups reportedly perpetrated symbolic violence, such as destroying CNDD-FDD party offices and burning flags, but the ruling party was responsible for the majority of abuses including arbitrary arrests, torture, and politically motivated attacks and killings.

⁶⁰ "We'll Tie You Up and Shoot You," Human Rights Watch, May 2010

⁶¹ Willy Nindorera, "The CNDD-FDD in Burundi: The path from armed to political struggle," Berghof Foundation, 2012

⁶² "We'll Tie You Up and Shoot You," Human Rights Watch, May 2010

⁶³ "We'll Tie You Up and Shoot You," Human Rights Watch, May 2010

From May to September 2010, the Imbonerakure reportedly went door-to-door during the voting period to threaten opposition members and demand support for CNDD-FDD.⁶⁴ Violence increased dramatically in June when a series of approximately 100 grenade attacks, most likely committed by CNDD-FDD and opposition parties, occurred in the lead up to the presidential vote on the 28th. The bombings resulted in a low number of casualties but a substantial amount of injuries; the indiscriminate nature of the attacks also contributed to spreading fear and terror throughout the country.

Although President Pierre Nkurunziza and other CNDD-FDD officials made statements discouraging violence and promoting accountability, impunity was and remains rampant. In Burundi's long history of mass episodes of violence, both Tutsis and Hutus acted as perpetrators, and members of either group were prosecuted. More recently, both Human Rights Watch and International Crisis Group documented reports of CNDPP-FDD police and military training the Imbonerakure in 2009, particularly in Makamba, the southern part of the country. Inflammatory slogans and wartime rhetoric, such as "eat them!" and "burn in the fire," were reportedly used to build momentum during the trainings.⁶⁵ HRW also alleged that the National Intelligence Service distributed weapons to CNDD-FDD supporters, as well as the youth wing.

Given the country's history of large-scale violence and the most recent violence surrounding the 2010 election, many members of the international community are paying close attention to Burundi in advance of the upcoming election beginning in May 2015 and continuing through June. Since the 2010 election, there have been several developments concerning freedom of speech and assembly and the targeting of both political opposition members and human rights defenders that have alerted Burundi and conflict experts. Despite the worrying signs, the dynamics that existed and contributed to mass atrocities in Burundi's past have changed. Factors such as the saliency of ethnic divisions, minority control of the government and military, and lack of international attention were key to creating conditions that lead to severe and widespread violence. In today's context, which will be expanded on in *Part Three*, it seems more likely that lower-scale political violence will occur around the upcoming elections, rather than mass atrocities. This type of analysis and projection should be considered and incorporated into developing policy approaches to preventing violence in Burundi.

⁶⁴ "We'll Tie You Up and Shoot You," Human Rights Watch, May 2010

⁶⁵ "Burundi: Ensuring Credible Elections," International Crisis Group, February 2010

Part Two – Assessing Risk and Developing Tools

In the aftermath of Rwanda and Bosnia in the mid-1990s, policymakers and practitioners working on conflict prevention, mitigation, and response came to the realization that the system was not working. Although both countries had UN peacekeeping missions on the ground, the troops were unable to protect civilians and mass slaughter ensued. In this environment of failure and disbelief, there was a push for reflection and reform. Several initiatives, such as the UN Brahimi and Zeid reports, and the reports on UNPROFOR in Srebrenica and UNAMIR in Rwanda, sought to analyze the current systems in place and account for their failures. In the midst of these efforts, several other crises evolved that experienced mass atrocities, including Kosovo, Liberia, Sierra Leone, and Sudan, among many others.

Borne out of an effort to avoid another situation like Srebrenica, NATO intervened in Kosovo, conducting a campaign of air strikes without gaining prior UN Security Council authorization to use force. Because the intervention, in collaboration with ongoing diplomatic efforts, stopped and averted future atrocities, it was deemed “illegal though excusable” by the international community.⁶⁶ In contemporary conflicts, the NATO intervention was an example of the international community acting on the moral responsibility to protect and save civilians from imminent mass slaughter.

Following the events in Kosovo, the Canadian International Commission on Intervention and State Sovereignty (ICISS) published a report in 2001 that laid the groundwork for the development of the doctrine known as the Responsibility to Protect (R2P). The commission wrote that R2P embodied “the idea that sovereign states have a responsibility to protect their own citizens from avoidable catastrophe – from mass murder and rape, from starvation – but that when they are unwilling or unable to do so, that responsibility must be borne by the broader community of states.”⁶⁷ In 2005, the concept of R2P was “unanimously embraced” at the UN World Summit and the UN Secretary General has subsequently published a series of papers

⁶⁶ Ian Johnstone, “The Power of Deliberation: International Law, Politics and Organizations,” (Oxford University Press: 2011), p. 69

⁶⁷ International Commission on Intervention and State Sovereignty, “The Responsibility to Protect,” December 2001, p. XII

discussing the doctrine, implementation, and available tools.⁶⁸ Since then, the norm has evolved but still refers to obligations to protect populations from the four most serious crimes: genocide, war crimes, ethnic cleansing, and crimes against humanity. The political doctrine encompasses three pillars:

1. Individual states have the responsibility to protect their own populations
2. The international community has the responsibility to assist and build capacity for states to protect their own populations
3. The international community has the responsibility to take collective action if a state is unwilling or unable to protect its populations⁶⁹

It was in this context that academics and policymakers, especially those that were in decision making positions during the conflicts in the 1990s, coalesced into a loose community of people interested in finding better ways to approach situations in which genocide and mass atrocities occur or may occur. In the early 2000s, policymakers began to attempt to understand underlying risks for violence, identify triggers and warning signs, and develop an array of tools that could be used to respond to the escalation of violence and the resulting human toll. Efforts during this time employed a response-focused approach, with little emphasis on prevention. Immediately following the 2003-2005 height of the violence in Darfur, the anti-genocide advocacy movement began to grow. Mobilizing around the conflict in Darfur, several student-driven groups and advocacy organizations emerged, including the Save Darfur Coalition, Genocide Intervention Network, Students Taking Action Now: Darfur (STAND), and the Enough Project. According to scholar Bridget Conley-Zilkic, the leaders of these advocacy groups were “all influenced by this growing tide of research and policy, and emphatic that it could be brought to bear on a case where people's lives were immediately at risk.”⁷⁰

⁶⁸ Madeleine K. Albright and Richard S. Williamson, “The United States and R2P: From Words to Action,” United States Institute of Peace, United States Holocaust Memorial Museum, Brookings Institution (2013), p. 13

⁶⁹ United Nations General Assembly, “Implementing the responsibility to protect: Report of the Secretary-General,” January 12, 2009

⁷⁰ Bridget Conley-Zilkic, email message to author, April 22, 2015.

This section aims to explore two primary questions: how have the frameworks for assessing risk developed since the conflicts during the 1990s, and what new tools are available to US policymakers to monitor, prevent, and respond to mass atrocities?

Assessing Risk

Social science research on the subject genocide and mass atrocities has been used in two forms: risk assessment, which looks at underlying conditions in a country, and early warning assessment, which seeks to identify triggers at certain points in time that may indicate that mass violence is imminent. Expert Birger Heldt explains that risk assessments “identify the underlying (and thus slow moving) conditions that put states at risk for genocide and politicide” and help create a “watch list” of countries at risk, while early warning models “identify which among countries at risk, that are about to experience violence at a certain moment in time.”⁷¹

Understanding the difference between risk assessment and early warning is important for both academic study and practitioners. Several influential empirical studies were conducted in the 1990s and 2000s that sought to test the relevance of certain factors contributing to genocide and how this information could be used for predicting the onset of violence.

Beginning in 1994, the Central Intelligence Agency’s Directorate of Intelligence funded a project in which a group of academics were to identify risk factors for political instability and “develop models that can accurately assess the relative vulnerability of countries worldwide to the onset of instability.”⁷² Originally known as the State Failure Task Force, the Political Instability Task Force (PITF) included scholars and researchers that built a dataset by collecting unclassified open source data on four types of conflict since 1955: revolutionary wars, ethnic wars, adverse regime changes, and genocides and politicides.⁷³

The PITF continues to update the dataset by gathering information from a limited number of international media sources about violent incidents and campaigns in which five or more

⁷¹ Birger Heldt, “Mass Atrocities Early Warning Systems: Data Gathering, Data Verification, and Other Challenges,” *Genocide Prevention Advisory Network Conference* (2012), p. 14

⁷² Jack Goldstone et al. (2010), “A Global Forecasting Model of Political Instability,” available at: http://isites.harvard.edu/fs/docs/icb.topic700749.files/Goldstone_et_al_Global_Model_Forecast_Pol_Inst_Typescript_2005.pdf

⁷³ Goldstone et al. (2010)

civilians are deliberately killed in a country that is experiencing unrest, except in cases where the US has alleged committed the act or is the perceived target. Coding is conducted through a computer-assisted process – a computer keyword search is used to pull relevant news articles and human coders input data relating to “who did what to whom, where, and when, along with a brief text description of the event, a citation for the source article(s), and where relevant, comments from the coder.”⁷⁴ The PITF’s research found four factors to be the most statistically significant relating to the onset of instability: regime type, infant mortality, neighboring states experiencing armed civil or ethnic conflict, and state-led discrimination.⁷⁵

Barbara Harff conducted a study in 2003, funded by the PITF, that explored factors such as previous violence, elite characteristics, regime type, and international context and how they affected the likelihood of genocide or politicide occurring.⁷⁶ She analyzed 37 cases of genocide or politicide between 1955 and 2001 and identified six risk factors that were present for almost all cases and statistically significant: “political upheaval excluding prior genocides, prior genocides, ideological orientation of the ruling elite, regime type, ethnic character of ruling elite, and trade openness.”⁷⁷ Harff’s work was the first published forecasting model, but only focused on instances of genocide and politicide, if another form of political instability was already occurring. Jay Ufelder and Benjamin Valentino later expanded Harff’s conception of violent events to include a broader set of state-sponsored mass killing events.⁷⁸

Building on Harff’s work, Ufelder and Valentino (2008) conducted an empirical study to identify trends and risk factors for mass killing. They defined mass killing as “any event in which the actions of state agents result in the intentional death of at least 1,000 noncombatants from a discrete group in a period of sustained violence.”⁷⁹ Although their research only looked at mass killing, rather than the broader range of acts that could be considered atrocities, and only the state as the perpetrators, they came across several interesting findings, which both affirmed and further developed Harff’s research. Related to timing, Ufelder and Valentino found that mass

⁷⁴ Jay Ufelder, “A Useful Data Set on Political Violence that Almost No One is Using,” Dart-Throwing Chimp blog, June 10, 2014, Available at: <https://dartthrowingchimp.wordpress.com/2014/06/10/a-useful-data-set-on-political-violence-that-almost-no-one-is-using/>

⁷⁵ Goldstone et al. (2010)

⁷⁶ Barbara Harff, “No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955,” *The American Political Science Review* 97 (2003): p. 57

⁷⁷ Harff (2003), p. 66

⁷⁸ Jay Ufelder, “Forecasting Onsets of Mass Violence,” prepared for the Northeast Political Methodology Meeting, May 4, 2012, p. 1

⁷⁹ Jay Ufelder and Benjamin Valentino (2008), “Assessing Risks of State-Sponsored Mass Killing”

killing almost always occurs during episodes of political instability, and that it usually begins either at the same time or within a few years of the onset of instability.⁸⁰ Similar to Harff, they also found that weak states (those that experience higher infant mortality rates), governments that already have discriminatory policies and preferences, and regimes that undergo several leadership changes before a period of instability are more likely to perpetrate mass killing against a country's population.⁸¹ It is important to note that Ufelder and Valentino allude to the fact that infant mortality rates can reflect a variety of different things. They explain that this figure can shed light on a country's wealth and how that wealth is used and distributed for government institutions to execute policy.⁸² Ufelder and Valentino found that stronger states that devoted more resources to spending on public goods were less likely to commit mass killing against civilians.

Each of these studies has contributed to various frameworks that academics, policymakers, and non-governmental organizations use for early warning and to determine countries at-risk for genocide and mass atrocity. The National Intelligence Council started publishing the Atrocities Watchlist (AWL) in 1999, a classified report distributed to select offices across several government agencies. The list of at-risk countries was compiled using a combination of statistical modeling and expert opinions. The Genocide Prevention Task Force cited a mixed review for the usefulness of the AWL, as some users who were interviewed explained that it rarely offered any new cases or value-add.⁸³ Since academic research on assessing risk and forecasting future violence has developed, how have these mechanisms and frameworks been improved? It must be noted that only some of the work in this area is available for public audiences. For analysis purposes, it is difficult to gain an idea about what types of frameworks have been used and are being developed by various US government agencies, as much of this work is classified. This section only addresses publically available academic work or government released information.

Since Barbara Harff's study in 2003, research and development of early warning mechanisms have begun to improve. In research involving the comparison of one case of

⁸⁰ Ufelder and Valentino (2008), p. 8-9

⁸¹ Ufelder and Valentino (2008), p. 15-16

⁸² Ufelder and Valentino (2008), p. 15

⁸³ Genocide Prevention Task Force (2008), "Preventing Genocide: A Blueprint for US Policymakers" United States Holocaust Memorial Museum, The American Academy of Diplomacy, and the Endowment of the United States Institute of Peace

atrocities to another, a general list of common risk factors has been identified. While there is some variation among scholars, recent work by the Australian Civil-Military Centre and the Oxford Institute for Ethics, Law and Armed Conflict points to seven main risk factors: presence of armed conflict, economic and/or social instability and crisis, exclusionary ideology, authoritarian government, leadership and elite manipulation, group-dynamics and psychological ‘conformity effects,’ and a history of previous atrocities.⁸⁴ The first step in this field of research was identifying these types of common factors that were apparent in past cases of genocide or mass atrocities. This research was important, but put forth a broad list of at-risk countries that may experience genocide and atrocities, rather than providing useful information on exactly when violence of this type could occur. By comparing cases of atrocities to broader cases of instability, rather than other cases of atrocities, newer research is improving because it focuses on what distinguishes cases of atrocities, and seeks to identify triggers in windows of opportunity, based on the specific context. Researcher Chad Hazlett explains that improved forecasting models should identify “different variables [that] are useful for determining *when* genocide will occur rather than *if* genocide will occur during a political instability event.”⁸⁵ More recent frameworks identify several other key indicators that may signal the onset of atrocities such as shocks, level of organization and mobilization, and the presence of an imminent emergency.⁸⁶ When distinct stages in the lead up to mass violence or atrocities can be identified, different prevention strategies can be adopted to target specific risks.

Ufelder was later hired by the US Holocaust Museum to develop a public early warning system for countries at risk of atrocities. Amidst assessing the feasibility of developing such system, he pointed to somewhat of a shortcoming in both Barbara Harff’s and his and Benjamin Valentino’s previous models. Because the previous models focused on mass killing within the broader context of political instability, the system was conditional on the occurrence of “civil war or adverse regime change...[including] reversals of democracy, contested state break-ups, and collapses of central state authority.”⁸⁷ Although models have shown that the threat of mass atrocity statistically increases during armed conflict, both genocide and crimes against humanity

⁸⁴ Reike, Sharma, and Walsh (2013), p. 6

⁸⁵ Chad Hazlett, “New Lessons Learned? Improving Genocide and Politicide Forecasting,” United States Holocaust Memorial Museum, 2011

⁸⁶ Reike, Sharma, and Walsh (2013), p. 6

⁸⁷ Ufelder (2012), p. 1

can take place during peacetime, meaning civil war is not necessarily a precondition. In order to improve statistical modeling and forecasting atrocities, Ufelder explains, “For anticipating onsets of mass killing on their own, however, a conditional model will only provide a partial forecast for most cases, one of two terms in a product: the risk of instability, and the risk of mass killing, conditional on the occurrence of instability. To provide a complete forecast, we need either to estimate both terms in that product or to abandon the conditional design.”⁸⁸ In a joint initiative between the US Holocaust Museum and the Dickey Center for International Understanding at Dartmouth College, Ufelder is currently developing an improved risk assessment system that combines both quantitative and qualitative analysis.

Pre-Existing Tools

Following the tide of new research in terms of risk assessment and early warning, US policymakers, as well as UN officials and those from other governments, have developed tools to mitigate risks and prevent violence. While a host of multilateral options and international approaches have been developed and the US can influence action through mechanisms such as the UN Security Council or other intergovernmental organizations, this paper will primarily focus on unilateral approaches by the US. The tools available to US policymakers to prevent and respond to mass atrocities are dependent on several factors including who the perpetrators are, the US’s leverage and relationship with the government where the atrocities are occurring, and the range of other actors involved.

The UN Secretary General’s report on “Responsibility to protect: timely and decisive response” offers a variety of coercive and non-coercive measures individual states and the international community as a whole can take to prevent violence and protect populations from atrocities. Many of the general recommendations are available to the US to utilize. In terms of unilateral, non-coercive action, the US has the ability to facilitate various forms of dispute settlement between parties before violence reaches a high-intensity level. Through negotiation,

⁸⁸ Ufelder (2012), p. 1

mediation, arbitration, or other peaceful means, the US may have leverage to act as an influential third party.⁸⁹

As a set of second-level options, there are more intrusive measures that fall short of military intervention, which requires a UN Security Council resolution. Such measures include both “carrot and stick” approaches, in terms of diplomatic and economic actions. Depending on the US’s relationship with a certain country, providing positive incentives may be useful in contributing to violence and atrocities prevention. Examples of positive incentives include developing new trade agreements, increasing foreign aid, or forgiving debt.⁹⁰ To take a more traditional “stick” approach, the government has the ability to take diplomatic action such as withdrawing ambassadors and closing embassies to send a strong message. This approach may be useful if a government with close ties to the US is the perpetrator. On the other hand, maintaining a presence in a country may be a deterrent for perpetrators to commit violence, depending on the situation. For example, in April 1994 in Rwanda, Hutu extremists murdered ten Belgian peacekeepers in an attempt to scare away the UN and any foreign governments with missions in the country. Scholar Matthew Krain points to this negative aspect of diplomatic disengagement and argues that some stick approaches are not sufficient in raising the costs for a regime to perpetrate genocide. Krain writes “neither diplomatic [sanctions or engagement] will be effective in slowing or stopping the killing...diplomatic sanctions merely reduce the flow of information without credibly signaling intent or commitment, while diplomatic engagement does not challenge perpetrators.”⁹¹

An additional coercive measure that falls short of the use of force includes comprehensive or targeted sanctions. As possible types of sanctions, scholar George Lopez cites “freezing financial assets,” “suspension of credits, aid and loans available to the national government,” “denying access to overseas financial markets and especially banks,” “flight and travel bans,” and “denial of visa, travel and educational opportunities.”⁹² It is thought that when carefully crafted and combined with other tools, sanctions can be effective in terms of isolating

⁸⁹ United Nations General Assembly, “Implementing the responsibility to protect: report of the Secretary-General,” January 12, 2009

⁹⁰ United Nations Secretary-General, “Responsibility to protect: timely and decisive response,” July 25, 2012

⁹¹ Matthew Krain, “The effects of diplomatic sanctions and engagement on the severity of ongoing genocides or politicides,” *Journal of Genocide Research* 16 (2014), p. 25

⁹² George A. Lopez, “Tools, Tasks and Tough Thinking: Sanctions and R2P,” *Global Centre for the Responsibility to Protect*, October 3, 2013

actors and convincing senior members to defect or change their behavior. Sanctions can be constructed to target specific regime officials that are committing crimes, members of the leadership's inner circle, or the government as a whole. It is important for sanctions to be easily adaptable or reversible in cases where senior officials defect or change their course of action.⁹³

It is generally thought that economic sanctions provide a useful tool for preventing, deterring, or coercing action, however, some research indicates otherwise. In response to comprehensive trade sanctions developed in the 1990s and perceived as ineffective, producing corruption, and harmfully destructive causing humanitarian crises and other severe implications for civilian populations, so-called "smart," targeted sanctions were developed.⁹⁴ Scholar Daniel Drezner argues that newly constructed smart sanctions have solved the political problems that comprehensive sanctions created, but may not be as effective in producing envisioned policy results, such as preventing or stopping the perpetration of violence.⁹⁵ He concludes that smart sanctions are a more humane policy tool, but are "less promising in coercing the target government into making concessions," compared to comprehensive trade sanctions.⁹⁶ Ultimately, because targeted sanctions are a relatively new option, there is not enough evidence to decisively comment on their effectiveness, especially in situations of mass atrocity prevention.

As a last resort, military action can be considered a tool for preventing and responding to mass atrocities. The unilateral use of force is costly, controversial, and in the case of mass atrocities, often too late if violence has already begun.

Creation of the Atrocities Prevention Board

On the 60th anniversary of the UN General Assembly's adoption of the Convention for the Prevention and Punishment of the Crime of Genocide, the Genocide Prevention Task Force (GPTF) published its report, "Preventing Genocide: A Blueprint for US Policymakers," in 2008. The task force, chaired by Secretary Madeleine Albright and Secretary William Cohen, was a joint project between the United States Holocaust Memorial Museum, The American Academy

⁹³ Lopez (2013)

⁹⁴ Daniel Drezner, "Sanctions Sometimes Smart: Targeted Sanctions in Theory and Practice," *International Studies Review* 13 (2011): p. 98

⁹⁵ Drezner (2011), p. 97

⁹⁶ Drezner (2011), p. 102

of Diplomacy, and the United States Institute of Peace. The goal of the report was to “identify practical steps to enhance the capacity of the US government to prevent and respond to genocide and mass atrocities.”⁹⁷ Citing the lack of a comprehensive, interagency policy framework to respond to atrocities, the report offered concrete recommendations to the US government in five areas: early warning, early prevention, preventative diplomacy, employing military options, and international action.⁹⁸

The report identified a host of recommendations for government actors including the Executive, Congress, and various agencies such as the State Department, Department of Defense, USAID, and the Intelligence Community. Although the GPTF offered diverse suggestions, a main component of the recommendations revolved around the idea of creating an “atrocities prevention committee.” The committee would be an interagency mechanism responsible for guiding government-wide policy, coordinating the flow of information and options for action across agencies, and heightening the priority of atrocities prevention.

Building upon several recommendations outlined in the GPTF report, President Obama issued the “Presidential Study Directive on Mass Atrocities,” known as PSD-10, in August 2011. PSD-10 deemed preventing mass atrocities as a core national security interest and called for the creation of an interagency atrocities prevention board.⁹⁹ The directive also incorporated an element of moral imperative stating, “America’s reputation suffers, and our ability to bring about change is constrained, when we are perceived as idle in the face of mass atrocities and genocide.”¹⁰⁰ The statement called for a better system for interagency cooperation and coordination so that a wide range of options for atrocities prevention could be considered before options were limited and action became too costly.

Over the next nine months, the National Security Advisor was tasked with leading an interagency study to create such a mechanism and to explore how various government agencies could play a unique role in support the board. This study resulted in President Obama launching

⁹⁷ Genocide Prevention Task Force (2008)

⁹⁸ Genocide Prevention Task Force (2008)

⁹⁹ Presidential Study Directive on Mass Atrocities, PSD-10, August 4, 2011, available at: <https://www.whitehouse.gov/the-press-office/2011/08/04/presidential-study-directive-mass-atrocities>

¹⁰⁰ Presidential Study Directive on Mass Atrocities (2011), PSD-10

the Atrocities Prevention Board (APB) during a speech at the US Holocaust Memorial Museum in April 2012.¹⁰¹

Operating for almost three years now, the APB's organizational structure, process, and work to-date are relatively unknown to the public, as most of its work is classified. A handful of news articles and reports have provided insight on the APB, including a paper by former government civil servant Jim Finkel who was involved in the PSD-10 study and the APB's first year of meetings. The APB has purposefully maintained a discrete profile due to the sensitive nature of these issues, but many NGOs and other parts of government have expressed dissatisfaction that the board's work is not more transparent. Many groups believe that if the APB shares some of its successful policy responses, the board will gain institutional credibility, have more standing to request funding from Congress, and generally be seen in a more positive light.

The APB is led by the special adviser for multilateral affairs at the National Security Council and made up of senior level officials from eleven government agencies "including the Departments of State, Defense, Treasury, Justice, and Homeland Security; the Joint Staff; USAID; the US Mission to the UN; the Office of the Director of National Intelligence; the Central Intelligence Agency; and the Office of the Vice President."¹⁰² Samantha Power, who was the first chair of the APB and extremely influential in the PSD-10 review and creation of the board, selected interagency representatives based on her personal connections to people committed to atrocities prevention. John Norris and Annie Malknecht write,

"In many ways, the APB was an unusual creation. In terms of process, it functions in the same fashion as scores of other inter-agency policy committees established over the years...where representatives from different government departments come together to hash out mutual policy concerns at a senior level. Yet, what made the APB unusual was that it was given a formal name, a formal mandate by the president through an executive review, and a high profile rollout."¹⁰³

¹⁰¹ Peter Baker, "U.S. Sets New Sanctions Against Technology for Syria and Iran," *The New York Times*, April 23, 2012

¹⁰² John Norris and Annie Malknecht, "Atrocities Prevention Board: Background, Performance, and Options," Center for American Progress, June 13, 2013, p.6

¹⁰³ Norris and Malknecht (2013), p.6

Working-level staff meet once a week in the “sub-APB” meeting and focus on mainstreaming an atrocities prevention lens throughout government. Assistant-secretary level representatives from each member agency meet once a month and the APB principal members meet four times a year to discuss specific cases. In the quarterly meetings, an intelligence briefing starts off the meeting to “drive a substantial policy conversation regarding a country of potential concern.”¹⁰⁴

While the APB’s portfolio is classified, public sources, including the fact sheet published by the White House, indicate that it has contributed to policy decisions on cases such as the Lord’s Resistance Army, Burma, and Kenya. According to the White House, the APB has contributed positively in these situations, through deploying civilian experts to develop and advise counter-violence strategies and support peacebuilding and reconciliation programs. According to Finkel,

“The Board has played a significant role in focusing policy attention on the plight of Burma’s Rohingya; has contributed to discussions aimed at reducing the risk of violence during Kenya’s recent parliamentary election; and has launched an effort aimed at better understanding the potential drivers of atrocities elsewhere in Africa and to mitigate that risk by working with local US officials and others.”¹⁰⁵

In addition, the US government has utilized different approaches such as imposing new types of sanctions, sending interagency conflict analysis teams for information gathering, blocking travel and immigration for alleged perpetrators, enacting legislation offering financial rewards for tips on the whereabouts of major international humanitarian law violators, and implementing atrocity prevention focused training for military, diplomats, other government analysts.¹⁰⁶ Because policy approaches have involved a wide-range of actors, including the Departments of Treasury and Justice whom may have not been involved in atrocities prevention work previously, the APB has been successful in raising the profile and drawing in senior level officials to remain seized of the issues.

¹⁰⁴ Norris and Malknecht (2013), p.9

¹⁰⁵ Jim Finkel (2014), “Atrocity Prevention at the Crossroads: Assessing the President’s Atrocity Prevention Board After Two Years,” Center for the Prevention of Genocide at the United States Holocaust Memorial Museum, pg. 6

¹⁰⁶ The White House, “Fact Sheet: The Obama Administration’s Comprehensive Efforts to Prevent Mass Atrocities Over the Past Year,” May 1, 2013, pg. 6

Finkel and others cite that the APB has been less successful in crisis situations where atrocities are already occurring, such as in Syria, Central African Republic, and South Sudan.¹⁰⁷ In terms of Syria, the APB has raised the profile of atrocities being committed, drafted policy recommendations, and has been involved in post-conflict accountability options.¹⁰⁸ Although the APB has spent considerable energy working on Syria, the atrocities continue and may have only gotten worse. The facts on the ground and the deterioration of the situation beg the question of whether the policy approaches applied to Syria have been effective or sufficient. Efforts towards the crises in Central African Republic and South Sudan produce a similar sentiment.

In response to some of the board's criticisms, one could argue that the APB was created to monitor at-risk countries and kick start prevention activities, as is implied by the board's very own name. Almost two years ago, Samantha Power explained in an interview, "The APB is oriented more to ensure that were modest interventions of, and shows of leadership by, the US and rallying other countries or pushing at the UN for something – that that will never fall through the cracks, I think, with this mechanism in place, because there's a way to go directly to the President"¹⁰⁹ Many other policymakers have argued that the "APB is really better positioned to deal with crises that are over the horizon or for which there are warning signs rather than ones that are directly unfolding."¹¹⁰ The board very well may be better equipped to address situations that are on the verge of escalation, rather than cases mid-crisis and further unraveling. If this is the case, the public and other parts of government should be informed on what the board can and cannot do, in order to manage expectations. Regardless, it may be difficult to deem such a mechanism a "success," when more than 210,000 people have been killed in Syria during the APB's lifetime.

Because of this dichotomy, many current and past members, as well as others working on these issues, "concede that its track record is mixed."¹¹¹ Finkel identifies three major challenges facing the APB at its inception that remain today, including issues of funding, vying for attention

¹⁰⁷ Finkel (2014), pg. 1

¹⁰⁸ Norris and Malknecht (2013), p.17

¹⁰⁹ "Remarks by Ambassador Samantha Power at POLITICO's Women Rule Event," Politico, November, 21, 2013

¹¹⁰ Norris and Malknecht (2013), p.17

¹¹¹ Finkel (2014), pg. 1

among the various foreign policy actors in the US government, and managing both good and bad expectations.¹¹²

New Tools

One of the purposes of creating the APB was to assess and build upon the tools available to US government officials and to congregate the senior-level leaders with access to those tools to discuss current situations and those at-risk for atrocities occurring. After launching the APB, the administration published a fact sheet document outlining the new tools available for preventing and responding to atrocities and how they had been employed during the first year of the APB's work. The APB itself was established to coordinate an interagency process to monitor at-risk countries and prevent violence from escalating and atrocities from occurring, as well as raise the profile of atrocity prevention across the US government.

Strong emphasis was placed on improving existing early warning systems, such as the AWL, detailed above. This approach to monitoring countries was to be strengthened by incorporating a "more formal and structured expert survey" and "a number of regular NGO lists and academic publications."¹¹³ In addition to forecasting tools, the administration established the first-ever National Intelligence Estimate on the Global Risks of Mass Atrocities and Prospects for International Response to be published annually by the Director of National Intelligence and National Intelligence Council. The purpose of an NIE is to provide "the US intelligence community's most authoritative and coordinated written assessment of a specific national-security issue."¹¹⁴

In terms of action, the fact sheet built upon several existing financial, diplomatic, and strategic tools. Elevating the role of the Department of the Treasury in responding to leaders who commit atrocities, the US government "[imposed] financial sanctions, export controls and travel bans to isolate, inhibit, and weaken those who enable or perpetrate atrocities," in countries such

¹¹² Finkel (2014), pg. 2

¹¹³ Finkel (2014), pg. 14

¹¹⁴ Greg Bruno and Sharon Otterman (2008), "National Intelligence Estimates," Council on Foreign Relations, available at: <http://www.cfr.org/iraq/national-intelligence-estimates/p7758>

Democratic Republic of Congo, Syria, and Iran.¹¹⁵ New ways of targeting sanctions were developed to specifically address human rights abusers. During his speech at the US Holocaust Museum in April 2012, President Obama detailed new type of financial sanctions that would target authoritarian governments that use technology to commit human rights abuses against opposition members.¹¹⁶ The new sanctions were placed on both Syrian and Iranian government officials, as well as technology companies that assist governments in tracking down dissidents. The expansion of sanction programs indicates a shift in considering who is eligible to be placed under sanctions. Targeting technology companies, in addition to officials and regimes that are using different tactics, signals a broader view and recognition of the different types of ways atrocities can be committed, especially with advances made in technology.

Another tool identified was the ability to deploy civilian experts from the Department of State and USAID in response to crisis situations. Known as “civilian surge capabilities,” experts from offices such as the Bureau of Conflict and Stabilization Operations and the Bureau for Democracy, Conflict and Humanitarian Assistance would be available to be deployed to crisis situations on short notice. This tool involves having a roster of experts identified and the ability to disperse funds quickly and outside of the usual bureaucratic funding cycle.

Atrocities risk assessments and prevention tools were also developed for military planning and training, building from the Mass Atrocity Response Operations Handbook (MARO), which was developed by the Carr Center for Human Rights Policy at Harvard Kennedy School and the US Army Peacekeeping and Stability Operations Institute in 2010.¹¹⁷ Throughout 2012, the Department of Defense integrated approaches to responding to mass atrocities into policies and planning, as well as established its first-ever doctrine on mass atrocity response operations.¹¹⁸

After the previous discussion of atrocity-specific prevention and reviewing the various tools identified as available to policymakers, a bigger question arises: are the tools, approaches, and strategies identified by the US specifically designed for atrocities prevention? What distinguishes this set of tools for a broader agenda of conflict prevention or a human rights

¹¹⁵ The White House, Fact Sheet (2013), pg. 2

¹¹⁶ Baker (2012), *The New York Times*

¹¹⁷ Sarah Sewall, Dwight Raymond, and Sally Chin, “Mass Atrocity Response Operations: A Military Planning Handbook,” Harvard Kennedy School and the US Army Peacekeeping and Stability Operations Institute, 2000

¹¹⁸ The White House, Fact Sheet (2013), pg. 6

approach to foreign policy? Based on research about the effectiveness of sanction-type activities, a heavy emphasis on diplomatic, financial, and isolation tactics may not be an appropriate response for atrocity crimes, while they may be more effective in broader conflict prevention or negotiation strategies. Additionally, depending on the activities of the civilian experts deployed, this may not target the specific risk factors, triggers, and windows of opportunity that are proven to be distinct for mass atrocities. In contrast, the Obama administration seems to be honing in on atrocities prevention training for specific policymakers and practitioners, including State Department diplomats and military personnel. Additionally, creating a common language of atrocities prevention and emphasizing education is an obvious first step. While these types of actions may not have a direct, immediate impact on unraveling situations, they contribute to an overall shift in the US government to prioritize these issues, understand the differences and nuances, and at least start thinking of developing innovative, collaborative, and tailored ways to respond.

Defining Success

As is the case in much of conflict prevention work, proving success is difficult and nebulous. Demonstrating that a program or action was successful in making an event not occur implies some degree of speculation. Bridget Conley-Zilkic writes, “Atrocities prevention implies a negative goal...engaging countries around a prevention agenda means getting locked into the basic logical trap of trying to prove that something would have happened if action had not been undertaken. This is always going to be a weak argument.”¹¹⁹ Therefore, in assessing prevention, it is important to emphasize contribution, rather than attribution.

Historically, programs that address real-time crises receive more support and funding than prevention focused efforts. For example, allocating funds to assist 1.7 million Syrian refugees living in Turkey, many without food, water, and shelter, appears to be more pressing and directly cost-effective than running a radio program in Liberia that promotes non-violence. The difficulty in advocating for atrocities prevention is shifting the current reactive, short-term

¹¹⁹ Bridget Conley-Zilkic, “A Challenge to Those Working in the Field of Genocide Prevention and Response,” *SUR – International Journal on Human Rights* (2012), p. 44

approach to a forward-looking, long-term perspective. In order to avoid the 3.9 million Syrian refugee crisis in total, or at least minimize these numbers and the number of similar events, preventive measures should be taken to ensure security and development long before a situation reaches the level of a crisis. Even if progress is made in shifting this temporal perspective, tensions may always exist between responding to a crisis and investing in prevention efforts.

After the recent efforts by the Obama Administration, where do US atrocity prevention efforts stand today, and how do they compare to an ideal atrocity prevention policy? The presidential study and subsequent creation of the APB has resulted in several policy changes contributing to atrocity prevention efforts. Firstly, the interagency structure has contributed to government-wide information sharing, as well as reports and intelligence inquiries specific to atrocities risks. This mechanism is designed so that senior policymakers are aware of at-risk countries and can address policy options in high-level discussions. Expanding the range of members, the APB also expands its toolbox by bringing in agencies such as the Departments of Treasury and Justice, which may have not been previously involved in prevention efforts.

Information-sharing, elevating atrocities prevention discussions, and involving a broader set of actors contributes to another goal of an atrocities prevention policy – institutionalizing atrocities prevention at multiple levels, such as for both working-level staff and senior-level officials within various government agencies and US military troops deployed around the world in potential conflict areas. The recent development of DOD’s atrocity prevention doctrine and training sessions for Foreign Service Officers and other personnel work towards institutionalizing atrocities prevention as a top foreign policy priority.

In addition, the APB has delegated responsibility to the other government actors to implement prevention activities around certain events that may be potential hotspots for violence. For example, civilian experts were deployed to Kenya in 2013 to help prepare for the election and train local leaders in violence prevention and mitigation. These types of targeted interventions highlight the current short-term approach that centers on specific events and windows of opportunity.

While all of these efforts are important, the current approaches lack a longer-term strategy with action-oriented policies for specific at-risk cases. An atrocity prevention policy should indeed encompass targeted actions that contribute to reducing immediate, acute violence around certain events. But, to achieve more sustainable results and lessen the longer-term risk of

atrocities, a more holistic and comprehensive approach must be developed. Efforts should focus on addressing the risk factors contributing to the potential for atrocities, such as weak governance structure and discriminatory policies, rather than the triggers only. Policy tools that mitigate the risk for atrocities long before violence is imminent have a better chance of being effective.

When looking at the case of Burundi, both contributions and shortcomings of the US government's approach to atrocities prevention can be highlighted. In terms of contributions, recent statements and visits to the country by high-level officials have indicated to the ruling party that influential international actors are watching. No one can claim that there is a lack of information or that senior-level officials are not aware of the situation. These efforts have also raised the profile of the situation in Burundi in the international media. Additionally, interagency collaboration has led to some degree of program implementation on the ground, although it is difficult to assess the contribution of this without further details.

In terms of shortcomings, one can observe how the prevention policy lacks a longer-term approach. US government activities have centered around the election period, for good reasons, but are likely to cease shortly after and will fail to have a lasting impact on the underlying risk factors. Once this period passes and Burundi moves out of the spotlight, it is not likely that there will be repercussions for the government of Burundi's actions, creating no incentives for longer-term change.

Part Three – Burundi Today

Is Burundi at risk for violence today; and if so, what form is violence likely to take? Is there a risk for mass atrocities in particular? Based on Burundi's history of violence and the potential window of opportunity ahead of and during the upcoming election, the situation would make a compelling case for the US government to test its recently developed atrocity prevention mechanisms and strategies.

Current Conflict Analysis Since 2010

Since President Nkurunziza and CNDD-FDD were selected by lawmakers to hold office in 2005 and then elected in 2010, there has been a monopoly on power and a tightening grip on state control. The single party domination has led to lessening of political space that has affected many parts of society in Burundi. Firstly, opposition parties have been repressed and targeted through intimidation, violence, and legal means. The analysis of 2010 election violence in *Part One* above demonstrates a coordinated effort to repress opposition groups, rather than sporadic instances of violence. Most opposition groups boycotted the election on account of fraud and use of coercive tactics, allowing the CNDD-FDD to win unchallenged. Aside from violent tactics, the Interior Minister announced that opposition groups must be acknowledged as official candidates for the 2015 election and then will only be allowed to campaign for a two-week period, while the CNDD-FDD does not have any campaigning restrictions.¹²⁰ To justify the limitations on opposition groups and discount their concerns, the government recalls war-time dynamics and claims that extremists threaten the country's stability. CNDD-FDD spokesman Onésime Nduwimana stated, "we believe that there are people hiding among the opposition who would go to extremes and who wish for a state of chaos in Burundi that could propel them to leadership positions in a transitional government."¹²¹

Members of the media and civil society, such as journalists and human rights defenders, have been increasingly targeted through violence and intimidation, and jailed for "threatening

¹²⁰ Esdras Ndikumana, "Burundi opposition under threat as elections approach," *Agence France-Presse*, October 11, 2014

¹²¹ Dirke Köpp and Eric Topona, "Violence sparks alarm ahead of Burundi polls," *Deutsche Welle*, January 12, 2015

national security.” In June 2013, President Nkurunziza approved legislation cracking down on the media. The new law forced journalists to reveal sources for all stories, imposed fines, and prohibited any topics that would “undermine national security.”¹²² Topics in the purview of national security include national defense, public safety, state security, and the local currency. Rights groups such as Reporters Without Borders, Human Rights Watch, and Amnesty International criticized the bill for severely restricting freedom of information. The arrest of prominent human rights defender, Pierre-Claver Mbonimpa, in May 2014 further demonstrates this trend. Mbonimpa, founder and president of the Association for the Protection of Human Rights and Detained Persons (APRODH), was charged with threatening state security for discussing on a radio show the allegations of the military arming and training the Imbonerakure. Prior to his imprisonment, the human rights defender faced intimidation, harassment, and being labeled as an “opposition mouthpiece.”¹²³ Additionally, the Bujumbura Court of Appeals took action against Isidore Ruffykiri, President of the Burundi Bar Association, for allegedly using words “contrary to the rules, state security, and public peace.”¹²⁴ In response to statements made in defense of a client and at a press conference criticizing the President’s constitutional reform policies, the court moved to disbar Ruffykiri in January 2014.

In line with growing restrictions on the media and human rights defenders, the government passed the Law on Public Gatherings in December 2013. The piece of legislation created limits for the duration of public demonstrations, held organizers legally responsible for actions during events, and allowed for government officials to monitor public meetings and have the authority to cancel events “if they determine there is a risk to public order.”¹²⁵ Not only have these actions directly targeted certain actors in Burundi, they have also instilled fear in the population, restricting freedom of association, assembly, and speech. On March 8, 2014, police alleged that Solidarity and Democracy Movement (MSD) members were using a jogging club as a front to hold an illegal demonstration.¹²⁶ The situation turned violent and several MSD members were arrested. Two weeks later, the Interior Minister suspended MSD activities for

¹²² “Burundi enacts media law that reporters say curbs press freedoms,” Reuters, June 4, 2013

¹²³ “When Pierre Claver Mbonimpa is Jailed, All Burundians Are At Risk,” Human Rights Watch, June 3, 2014

¹²⁴ “The UIA Protests Against Disbarment of Mr. Isidore Ruffykiri, Bujumbura Bar President,” Union Internationale des Avocats, February 4, 2013

¹²⁵ United Nations Security Council, Report of the Secretary-General on the United Nations Office in Burundi, January 20, 2014

¹²⁶ “Burundi, May 2014 Monthly Forecast,” Security Council Report, May 1, 2014, available at: http://www.securitycouncilreport.org/monthly-forecast/2014-05/burundi_4.php

“incitement to violence and acts of revolt,” and 21 members were sentenced to life imprisonment.¹²⁷

In early April 2014, a confidential cable from the UN political mission, United Nations Office in Burundi (BNUB), was leaked to the media. The cable contained information alleging the military’s role in arming the Imbonerakure with weapons and distributing uniforms in January and February, explicitly naming two senior generals.¹²⁸ Consequentially, the government expelled the BNUB chief security advisor, after it had requested in February that the mission’s mandate only be extended through the end of the year.

The political climate indicates a lessening of political space for opposition members, the media, and certain civil society groups, but the context and other internal and external factors are also important to assess the risk for future violence in Burundi. When considering Burundi’s past, the stability of its neighboring countries, and the state of the population’s status, three elements are important to note. Firstly, the CNDD-FDD’s recruitment of ex-combatants into the Imbonerakure demonstrates the limitations of the DDR process, although Burundi is lauded as somewhat of a success story for demobilization and reintegration. Disengaged, former ex-combatants that may be easy to recruit into the Imbonerakure and incited to commit violence pose a serious risk. Scholar Stef Vandeginste writes,

“Despite an ongoing generalised war fatigue, these many desperate persons are at the same time victims of structural violence but also constitute a potential supply of acute violence. The most vulnerable groups, also those who are most easily subjected to manipulation, include former PMPA (*Partis et Mouvements Politiques Armés*) combatants, demobilised soliders, former urban military members and FNL members who are highly uncertain about their fate in the next months to come. They all live in an environment where arms remain widely spread, including in uncontrolled arms caches.”¹²⁹

¹²⁷ Security Council Report (May 2014)

¹²⁸ Security Council Report (May 2014)

¹²⁹ Stef Vandeginste , “Burundi strategic conflict assessment – Burundi 2010: The Elections No One Can Afford to Lose,” February 2009

While a significant percentage of fighters completed DDR, weapons remain and are circulated freely throughout the country. Ex-combatants' willingness to join the Imbonerakure and take up arms is linked to the lack of economic opportunity and sustainable livelihoods.¹³⁰

Secondly, regional conflict dynamics play an influential role in Burundi's conflict. The ongoing conflict in the Democratic Republic of Congo facilitates further arms smuggling into Burundi. Some Burundians have joined the ranks of rebel groups fighting in neighboring DRC and return home militarized and in possession of weapons.¹³¹ Pierre-Claver Mbonimpa, who was arrested in May 2015, made allegations that some members of the Imbonerakure underwent paramilitary training in DRC by officials in Burundi's army.¹³²

Lastly, lack of accountability and the history of violence in Burundi may be contributing factors to future instability. Continuing impunity and the government's failure to hold perpetrators responsible contributes to the cycle of violence. Human Rights Watch notes that the government's apathy towards investigating violent incidents signals to the opposition that the military and police will not protect them. This perception increases the security dilemma and causes opposition groups to heavily focus on their own security.¹³³

As early as November 2014, opposition groups were calling for voter registration to be delayed, citing irregularities and increasing violence. Due to "rising criminality" and "targeted attacks across the country," UPRONA spokesman Tacien Sibomana explained that a legitimate voter registration process could not be conducted in such conditions.¹³⁴ Pierre-Claver Mbonimpa, head of APRODH, explained, "searches were conducted for the sole purpose of terrorizing and intimidating opposition members."¹³⁵

There are debates as to whether President Nkurunziza can legally run for an additional term. The constitution sets term limits to two five-year periods, but the CNDD-DD claims that President Nkurunziza was selected by the legislature in 2005, making 2010 the only time he was elected into office by popular vote. In early March 2015, the Catholic Church in Burundi came out against Nkurunziza running for a third term, stating "All the constitution provisions about the

¹³⁰ "Analysis: Upcoming polls to test Burundi's fragile peace," IRIN, November 2009

¹³¹ International Crisis Group (2010)

¹³² Bernard Bankukira, "Burundi Headed for Election Turmoil as Ruling Party Allegedly Arms Youth Wing," *Inter Press Service*, May 27, 2014

¹³³ "We'll Tie You Up and Shoot You," Human Rights Watch, May 2010

¹³⁴ "Burundi opposition calls for postponement of voter registration," Reuters, November 23, 2014

¹³⁵ Köpp and Topona (2015), *Deutsche Welle*

President's terms are very clear: no President can lead the country more than two terms of five years each."¹³⁶ Despite calls in opposition by both local and international groups, the CNDD-FDD held a party congress on April 25 and declared Nkurunziza as the party's candidate to run in the presidential election on June 26.¹³⁷

In the weeks leading up to this announcement, an estimated 12,000 Burundians have fled to neighboring Rwanda (about 9,521 people) and the Democratic Republic of Congo (about 2,740) citing threats, torture, and fear of violence.¹³⁸ IRIN reports that refugees "said they had fled for fear of the Imbonerakure, the youth wing of the president's party, widely described as a militia and a law unto itself."¹³⁹ Anecdotal evidence cites arms being distributed to the group and allegations of opposition supporters being disappeared, many feared tortured or killed.

Opposition groups have organized protests and demonstrations, only to be repressed by the government and threatened with further action. In response to a demonstration held on April 17, Burundi's Defense and Security Ministers warned that the army could be called in to stabilize the protests. Defense Minister General Pontien Gacyubwenge said, "At the request of the Supreme Commander (the president) or another authority, I am ready to accompany the other security actors in resisting the detractors of peace, and together seek peace for the people of Burundi."¹⁴⁰ Burundi's Security Minister also noted that the "forces of order and the administration will take all necessary measures to punish and bring justice to the perpetrators, instigators of these calls for uprisings."¹⁴¹ The following day, more than 65 protestors had been arrested and charged with "participation in an insurrectionary movement."¹⁴²

A Risk for Mass Atrocities?

Based on the recent political developments since the 2010 election, there is no doubt Burundi is moving further away from democracy. Exercising autocratic tendencies, President

¹³⁶ Patrick Nduwimana, "Burundi Catholic Church says incumbent president not allowed a third term," *Reuters*, March 7, 2015

¹³⁷ "Burundi president to run for third term despite protest," *Al Jazeera*, April 25, 2015

¹³⁸ Ignatius Ssuuna, "How fragile is Burundi's peace?" *IRIN*, April 22, 2015

¹³⁹ Ssuuna (2015), *IRIN*

¹⁴⁰ "Burundi warns army could be called out over protests," *Agence France-Presse*, April 20, 2015

¹⁴¹ "Burundi warns army could be called out over protests," *Agence France-Presse*, April 20, 2015

¹⁴² "Burundi charges protesters with rebellion," *Al Jazeera*, April 19, 2015

Nkurunziza is implicated in election violence, cracking down on the media and civil society leaders, and arguably violating the constitution to serve for a third term. The current situation obviously endangers democratic principles and certain groups of people, but is there a risk for future violence and if so, to what scale? This final section seeks to provide an informed speculation on the risk for atrocities in Burundi and assess US approaches for preventing violence.

Given recent events during the month of April, most notably Nkurunziza's candidacy announcement, the fleeing of tens of thousands Burundians across the border into Rwanda, and threats to call in the military to stabilize protests, violence appears to be likely. Additionally, if Nkurunziza stays in power for another five years, and then tries to amend the constitution to run again, there is a risk for even more severe violence in 2020. These developments, compounded with the fact that the CNDD-FDD has continued to consolidate power since the 2010 election, may increase the potential that violence is more severe and widespread than what occurred before and during the last election. In 2010, most violence took the form of politically motivated killings, allegedly committed by members of the Imbonerakure, and clashes with police during political protests and demonstrations. As illustrated by the recent flow of refugees, there is undoubtedly a climate of fear. It is difficult to gauge whether increased fear and experiences during the last election will encourage or dissuade people from participating in opposition activities. If people are more likely to engage in protests and demonstrations, the Imbonerakure may target more people with intimidation and violence.

Although some form of violence before and during the election seems likely, it is important to distinguish whether there is a risk for mass atrocities. The historical analysis in *Part One* identifies the trends and conditions under which atrocities were committed during major episodes of violence in Burundi's past. Since the end of the civil war, many of these dynamics have changed including the saliency of ethnic divisions, minority control of the government and military, and increased international attention, resulting in the risk of mass atrocities to be less likely.

An authoritative governance system still exists in Burundi, but a minority group no longer dominates the government, all of its institutions, and all aspects of society. Ethnicity is no longer used as a political function to maintain power the way it was during the second half of the twentieth century. While reconciliation between Tutsis and Hutus will take several generations

and memories of the civil war are still fresh, divisions between political parties at least, are not among ethnic lines. The emphasis on consociationalism during the Arusha Peace Agreement has proven to be somewhat successful. Expert Stef Vandeginste writes, “It is generally acknowledged that this approach has – at least temporarily – been quite successful. Today, political competition in Burundi no longer coincides with ethnic cleavages. Furthermore, the dominant party CNDD-FDD, while rooted in a Hutu rebel movement, is no longer perceived as an exclusive Hutu party.”¹⁴³ Alternatively, political divisions have taken the form of intra-ethnic struggles for power. The decreased saliency of ethnicity and the fact that violence is more associated now with the process of democratization decreases the potential for mass atrocities.

In terms of government, institutions, and society control, the minority group is no longer the dominant power repressing the majority group. Following independence, elite Tutsis enacted discriminatory and exclusionary legislation against Hutus, which contributed to the various uprisings and outbreaks of violence. The military was almost fully controlled by Tutsis, so it was more easily used to repress Hutus, in the climate of ethnic tensions. Furthermore, within the past few days, senior level officers within the military have called on Nkurunziza and CNDD-FDD to respect the constitution, indicating a division between the military and the ruling party. These signs point to the fact that the military and some of the security forces may be less likely to participate in using force to repress protesters.¹⁴⁴ With the political and institutional changes following the Arusha Peace Accords, the dynamic between the military and the ruling party has shifted, making the possibility for atrocities less likely.

Following the genocide in neighboring Rwanda, Burundi caught the attention of the international community and became a hotspot for conflict prevention and peacebuilding programs run by NGOs and international NGOs. The UN, African Union, and various western governments appointed special representatives to support and oversee the peace process, as well as regional powers, such as Tanzania. NGOs such as International Alert, Search for Common Ground, the San Egidio Community, Action Aid, Christian Aid, Oxfam, and others all played a

¹⁴³ Stef Vandeginste, “Power-Sharing, Conflict and Transition in Burundi: Twenty Years of Trial and Error,” *Africa Spectrum* 44 (2009): p. 75

¹⁴⁴ Ken Opalo, “Five things you should know about the political crisis in Burundi,” *The Washington Post*, May 3, 2015

role during the civil war and many organizations have continued to work in the country since.¹⁴⁵ Because many international actors have heavily invested in conflict prevention in Burundi, it is under the spotlight, as these organizations refuse to see the country fail and revert back to violence. Additionally, there is arguably increased international attention on fragile states, as compared to the 1970s-1990s during which previous episodes of mass violence occurred.

Based on the role of ethnic identities in Burundi's past, the history of mass violence, and the government's recent activities, there is a legitimate concern that mass atrocities may occur. However, social and institutional dynamics have changed greatly since the end of the civil war and different conditions exist today. Society is divided more by political affiliation rather than ethnicity, limiting the capacity for ethnicity to be used as a motivator for violence. The majority ethnic group controls the government, but consociational requirements from the Arusha Peace Accords have diversified the country's institutions. Additionally, political violence due to the democratization process is more likely, as was apparent during the last election cycle.

US policymakers may have started closely monitoring the situation in Burundi as early as fall 2013, if not earlier. US Ambassador to the UN Samantha Power visited the country in April 2014 to meet with government officials, members of the opposition parties, students, and civil society. Her messages focused on lessening political space and ensuring a free, fair, and transparent election. As the election grows nearer, more US officials and other international figures such as the UN Special Adviser on Genocide and the High Commissioner for Human Rights have warned about the risk for violence and have called for peaceful elections. Recent warnings have been more deliberate and have condemned actions of the government. Such activities can be seen as diplomatic efforts to prevent violence. Certain US government agencies may be working with local partners to implement various types of conflict prevention programs. Without having full knowledge of all US efforts towards Burundi, a question arises: do these efforts correspond to the perceived risk, and what will be their impact?

In the short-term, condemnation, pressuring the government, and implementing violence prevention efforts at the local level may be effective. The US, and the larger international community, has a tendency to center efforts on a trigger event or window opportunity, and then lose focus. While triggering events, such as elections, are focused on for a reason, short-term

¹⁴⁵ Lennart Wohlgemuth, "Reflecting on Peace Practice Project, Case Study: NGOs and Conflict Prevention in Burundi," Collaborative Learning Projects, November 2000

approaches may not be effective in decreasing the potential for atrocities and mass violence in the long-term. These types of targeted activities around discrete events should be part of a larger, longer-term strategy of engaging with a country that shows indicators that signal a risk for atrocities. In Burundi, the main problems stem from the ability of the CNDD-FDD to run business as usual. There have been minimal implications for the government's participation in intimidation and political violence, lessening of democratic space, and facilitation of impunity. The US's current approach in Burundi may contribute to preventing violence in 2015, but the same factors and indicators are likely to exist, if not become worse, during the next election in 2020.

In conclusion, the risk of mass atrocities occurring during the upcoming election cycle is low but there is a high risk for some degree of politically motivated violence. In order to reduce and end the potential of future atrocities occurring in Burundi, the current US framework for developing policy approaches must expand to become more sustainable and consider an extended timeline. Violence around certain events may be prevented or reduced, but the risk for atrocities over time can only be mitigated through development and more comprehensive approaches. Rather than undertaking relatively ad-hoc activities only around flashpoint activities, the US should consider longer-term strategies that impact Burundi's system of governance, development, and overall security in a sustainable way.

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