

Country/entity	Burundi
Region	Africa (excl MENA)
Agreement name	Loi du 21 novembre 2003 portant amendement à la Constitution de Transition du 28 octobre 2001
Date	21 Nov 2003
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict Burundian Civil War (1993-2005) The conflict had an ethnic base between Hutu and Tutsi populations, and is one of a set of regionally connected conflicts also addressed in the Great Lakes process. Since independence in 1972, the Burundian political landscape has been polarised and marked by ethnic-based tensions, political assassinations and large-scale violence. For the following two decades, three Tutsi military regimes associated with the Union for National Progress (UPRONA) ruled the country. During these military dictatorships, numerous waves of mass violence resulted from the attempts of various opposition rebels groups to destabilise the three regimes, and the regimes' use of violence to repress these attempts. Despite a wave of hope in the early 1990's, Burundi entered a decade-long civil war in 1993 following the assassination of Burundi's first democratically elected president, Melchior Ndadaye, from the ethnically-Hutu Front for Democracy in Burundi (FRODEBU) by Tutsi opposition in the military. In 1998 the Arusha Peace Talks commenced and in August 2000, international pressure resulted in the signing of the Arusha Peace and Reconciliation Agreement for Burundi. However, the National Council for the Defense of Democracy (CNDD) did not sign. Additionally, and Party for the Liberation of Hutu People (Palipehutu) did not participate in negotiations. These outsiders continued sporadic violence until 2008. In 2015, a new wave of political violence is taking place after President Nkurunziza, from the CNDD-FDD which has been in power since 2005, won a contested third-mandate. Close Burundian Civil War (1993-2005)
Stage	Framework/substantive - comprehensive
Conflict nature	Government
Peace process	Burundi: Arusha and related peace process
Parties	The law had been adopted burundian legislative institutions. It had been specifically past by Domitien NDAYIZEYE (the then President of Burundi) and seen and ratified by the seal of the republic, the Minister of Justice and Attorney general Fulgence DWIMA BAKANA

Third parties

-

Description

The agreement is law amending the 2003 transitional constitution. It mostly provides for modifications in the structure and power-sharing arrangements of the transitional legislative bodies.

Agreement document

[BI_031121_Constitution_de_transition_du_28_octobre_2001_amendment_tr.pdf \(opens in new tab\)](#) | [Download PDF](#)

Agreement document (original language)

[BI_031121_Constitution_de_transition_du_28_octobre_2001_amendement.pdf \(opens in new tab\)](#)

Groups**Children/youth**

No specific mention.

Disabled persons

No specific mention.

Elderly/age

No specific mention.

Migrant workers

No specific mention.

Racial/ethnic/ national group	<p>Groups→Racial/ethnic/national group→Rhetorical</p> <p>Page 1, PROMULGATION, Article 1: Article 103 is amended as follows: The National Union Transition Government is composed of at least twenty-six members. The fully representative National Union Transition Government is composed of the representatives of the political parties and armed political movements who are signatories of the ceasefire agreement, in order to promote cohesion and unity amongst the people of Burundi, taking into account the different ethnic and political groups in the country and in accordance with the Arusha Agreement for Peace and Reconciliation in Burundi.</p> <p>Groups→Racial/ethnic/national group→Substantive</p> <p>Page 2, PROMULGATION, Article 3: Article 134 is amended as follows: ... The Office of the Transition National Assembly will include the President, two Vice-Presidents, a General Secretary and as many Deputy-General Secretaries as needed. It should be representative of the politico-ethnic distribution of the political groups participating in the Arusha Agreement for Peace and Reconciliation in Burundi. The President and the First Vice-President of the Transition National Assembly must come from two different political groups.</p> <p>Page 2, PROMULGATION, Article 4: Article 141 is amended as follows: The Transition Senate is appointed by the President of the Republic, the Vice-President of the Republic and the Office of the Transition National Assembly, with due regard to the distribution of political, ethnic and religious groups. It consists of: ... 2. Three persons of Twa ethnicity 3. At least two citizens from each province, from different ethnic groups, co-opted to the Transition National Assembly, and outside it. In all circumstances the Senate will be ethnically and politically representative.</p>
Religious groups	<p>Groups→Religious groups→Rhetorical</p> <p>Page 2, PROMULGATION, Article 4: Article 141 is amended as follows: The Transition Senate is appointed by the President of the Republic, the Vice-President of the Republic and the Office of the Transition National Assembly, with due regard to the distribution of political, ethnic and religious groups...</p>
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

**Political
institutions (new or
reformed)**

Governance→Political institutions (new or reformed)→Temporary new institutions

Page 1, Article 1:

Article 103 is amended as follows:

The National Union Transition Government is composed of at least twenty-six members. The fully representative National Union Transition Government is composed of the representatives of the political parties and armed political movements who are signatories of the ceasefire agreement, in order to promote cohesion and unity amongst the people of Burundi, taking into account the different ethnic and political groups in the country and in accordance with the Arusha Agreement for Peace and Reconciliation in Burundi.

Page 1-2, Article 2:

Article 133 is amended as follows:

Assuming the support of members of the Transition National Assembly for the Transition Senate in line with the provisions of article 141, the Transition National Assembly is made up as follows:

1. Members of the National Assembly elected on June 29, 1993. Any vacant seats will be occupied by a replacement member with a useful function.
2. Four members appointed by each of the participating parties, or parties and armed political movements who are signatories to a ceasefire agreement but do not have a seat by virtue of the 1993 elections, including those who already hold a seat. However, the number of seats available to the parties and armed political movements who are signatories to the Ceasefire Agreements will be as specified in those agreements.
3. The 28 civilian representatives currently members of the National Assembly.
4. Those nominated members currently sitting in the National Assembly, outwith those elected in 1992.
5. However, the members or replacement members outside the National Assembly, are entitled to take back their seat for sixty days following the establishment of the Transition National Assembly. After this date they will be given priority as replacements.
6. The allocations resulting from the Arusha Agreement for Peace and Reconciliation in Burundi must be guaranteed by co-optation by the Office of the National Assembly, the President and the Vice-President of the Republic.

The National Assembly members co-opted to the Transition Senate will not be replaced.

Page 2, Article 3:

Article 134 is amended as follows:

The Internal Regulations of the Transition National Assembly are those of the National Assembly elected in 1993, until such time as they are duly amended.

The National Assembly will hold its first full session on the first working day following the seventh day after its inauguration. The agenda will include the election of the Office of the National Assembly.

The Office of the Transition National Assembly will include the President, two Vice-Presidents, a General Secretary and as many Deputy-General Secretaries as needed. It should be representative of the politico-ethnic distribution of the political groups participating in the Arusha Agreement for Peace and Reconciliation in Burundi. The President and the First Vice-President of the Transition National Assembly must come from two different political groups.

The President and the other members of the Office of the Transition National Assembly are elected until the legislative elections to be held during the transition period.

However their duties during the transition period may cease, as determined by the internal regulations of the Transition National Assembly.

Page 2, Article 4:

Article 141 is amended as follows:

Elections	No specific mention.
Electoral commission	No specific mention.
Political parties reform	<p>Governance→Political parties reform→Other political parties reform</p> <p>Page 1-2, Article 2:</p> <p>Article 133 is amended as follows:</p> <p>Assuming the support of members of the Transition National Assembly for the Transition Senate in line with the provisions of article 141, the Transition National Assembly is made up as follows:</p> <ol style="list-style-type: none"> 1. Members of the National Assembly elected on June 29, 1993. Any vacant seats will be occupied by a replacement member with a useful function. 2. Four members appointed by each of the participating parties, or parties and armed political movements who are signatories to a ceasefire agreement but do not have a seat by virtue of the 1993 elections, including those who already hold a seat. <p>However, the number of seats available to the parties and armed political movements who are signatories to the Ceasefire Agreements will be as specified in those agreements.</p> <p>...</p> <ol style="list-style-type: none"> 4. Those nominated members currently sitting in the National Assembly, outwith those elected in 1992.
Civil society	No specific mention.
Traditional/religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	No specific mention.

Political power sharing

Power sharing→Political power sharing→Executive coalition

State level

Page 1, Article 1:

Article 103 is amended as follows:

The National Union Transition Government is composed of at least twenty-six members.

The fully representative National Union Transition Government is composed of the representatives of the political parties and armed political movements who are signatories of the ceasefire agreement, in order to promote cohesion and unity amongst the people of Burundi, taking into account the different ethnic and political groups in the country and in accordance with the Arusha Agreement for Peace and Reconciliation in Burundi.

Power sharing→Political power sharing→Proportionality in legislature

State level

Page 1-2, Article 2:

Article 133 is amended as follows:

Assuming the support of members of the Transition National Assembly for the Transition Senate in line with the provisions of article 141, the Transition National Assembly is made up as follows:

...

2. Four members appointed by each of the participating parties, or parties and armed political movements who are signatories to a ceasefire agreement but do not have a seat by virtue of the 1993 elections, including those who already hold a seat.

However, the number of seats available to the parties and armed political movements who are signatories to the Ceasefire Agreements will be as specified in those agreements.

Page 2, Article 3:

Article 134 is amended as follows:

...

The Office of the Transition National Assembly will include the President, two Vice-Presidents, a General Secretary and as many Deputy-General Secretaries as needed. It should be representative of the politico-ethnic distribution of the political groups participating in the Arusha Agreement for Peace and Reconciliation in Burundi. The President and the First Vice-President of the Transition National Assembly must come from two different political groups.

Page 2, Article 4:

Article 141 is amended as follows:

The Transition Senate is appointed by the President of the Republic, the Vice-President of the Republic and the Office of the Transition National Assembly, with due regard to the distribution of political, ethnic and religious groups.

It consists of:

1. The former Heads of State
2. Three persons of Twa ethnicity
3. At least two citizens from each province, from different ethnic groups, co-opted to the Transition National Assembly, and outside it.

In all circumstances the Senate will be ethnically and politically representative.

Territorial power sharing

No specific mention.

Economic power sharing	No specific mention.
-------------------------------	----------------------

Military power sharing	No specific mention.
-------------------------------	----------------------

Human rights and equality

Human rights/RoL general	No specific mention.
---------------------------------	----------------------

Bill of rights/similar	No specific mention.
-------------------------------	----------------------

Treaty incorporation	No specific mention.
-----------------------------	----------------------

Civil and political rights	No specific mention.
-----------------------------------	----------------------

Socio-economic rights	No specific mention.
------------------------------	----------------------

Rights related issues

Citizenship	No specific mention.
--------------------	----------------------

Democracy	No specific mention.
------------------	----------------------

Detention procedures	No specific mention.
-----------------------------	----------------------

Media and communication	No specific mention.
--------------------------------	----------------------

Mobility/access	No specific mention.
------------------------	----------------------

Protection measures	No specific mention.
----------------------------	----------------------

Other	No specific mention.
--------------	----------------------

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

**Security
Guarantees** No specific mention.

Ceasefire Security sector→Ceasefire→Ceasefire provision
Page 1, Article 1:
Article 103 is amended as follows:
The National Union Transition Government is composed of at least twenty-six members.
The fully representative National Union Transition Government is composed of the representatives of the political parties and armed political movements who are signatories of the ceasefire agreement, in order to promote cohesion and unity amongst the people of Burundi, taking into account the different ethnic and political groups in the country and in accordance with the Arusha Agreement for Peace and Reconciliation in Burundi.

Page 1-2, Article 2:
Article 133 is amended as follows:
Assuming the support of members of the Transition National Assembly for the Transition Senate in line with the provisions of article 141, the Transition National Assembly is made up as follows:
...
2. Four members appointed by each of the participating parties, or parties and armed political movements who are signatories to a ceasefire agreement but do not have a seat by virtue of the 1993 elections, including those who already hold a seat.
However, the number of seats available to the parties and armed political movements who are signatories to the Ceasefire Agreements will be as specified in those agreements.

Police No specific mention.

Armed forces No specific mention.

DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	<p>Page 1, Article 1: Article 103 is amended as follows: The National Union Transition Government is composed of at least twenty-six members. The fully representative National Union Transition Government is composed of the representatives of the political parties and armed political movements who are signatories of the ceasefire agreement, in order to promote cohesion and unity amongst the people of Burundi, taking into account the different ethnic and political groups in the country and in accordance with the Arusha Agreement for Peace and Reconciliation in Burundi.</p> <p>Page 1-2, Article 2: Article 133 is amended as follows: Assuming the support of members of the Transition National Assembly for the Transition Senate in line with the provisions of article 141, the Transition National Assembly is made up as follows: ... 2. Four members appointed by each of the participating parties, or parties and armed political movements who are signatories to a ceasefire agreement but do not have a seat by virtue of the 1993 elections, including those who already hold a seat. However, the number of seats available to the parties and armed political movements who are signatories to the Ceasefire Agreements will be as specified in those agreements.</p>
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.

Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	<p>Page 1, Article 1:</p> <p>Article 103 is amended as follows:</p> <p>The National Union Transition Government is composed of at least twenty-six members. The fully representative National Union Transition Government is composed of the representatives of the political parties and armed political movements who are signatories of the ceasefire agreement, in order to promote cohesion and unity amongst the people of Burundi, taking into account the different ethnic and political groups in the country and in accordance with the Arusha Agreement for Peace and Reconciliation in Burundi.</p>

Implementation

UN signatory	No specific mention.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.
International mission/force/similar	No specific mention.
Enforcement mechanism	No specific mention.
Related cases	No specific mention.

Source	Institute of Development, Policy and Management, Burundi Resources: https://www.uantwerpen.be/
---------------	---
