Peace Agreement Access Tool PA-X https://www.peaceagreements.org/

Country/entity Burundi

Region Africa (excl MENA)

Agreement name Accord de Partage de Pouvoir au Burundi

Date 6 Aug 2004

Agreement status Multiparty signed/agreed

Interim Yes

arrangement

Agreement/conflict Intrastate/intrastate conflict

level

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 n 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 (CNND) 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 - partial

Conflict nature Government

Peace process Burundi: Arusha and related peace process

Parties

Signatories Parties of Arusha Peace Agreement and Ceasefire Agreements: Abasa, Anadde (listed but not signed), CNDD, CNDD-FDD (listed but not signed), FNL-ICANZO, FRODEBU, FROLINA, Green Party, INKINZO (listed but not signed), KAZA-FDD, PALIPE AGAKIZA, PARENA (listed but not signed), PIT, PL, PRP (listed but not signed), PSD (listed but not signed), RADDES (listed but not signed), RPB, UPRONA (listed but not signed) Parties Non Signatories (of aforementioned agreements): ALIDE (listed but not signed), MRC (listed but not signed), NADDEBU, PACONA (listed but not signed), PADER, PAJUDE,

PPDRR, RUSANGI, SONOVI, UPD

President of the Republic of Burundi: Domitien Ndayizeye

Third parties

Witnesses:

Facilitator of Burundi Peace Process, Representative of African Union, UN Representative

Description

This agreement deals with the power-sharing mechanisms in Burundi's state institutions.

Agreement

BI_040806_Accord de Partage de Pouvior au Burundi_tr.pdf (opens in new tab) |

document

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Agreement

BI_040806_Accord de Partage de Pouvoir au Burundi_FR.pdf (opens in new tab)

document (original

language)

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

Groups→Racial/ethnic/national group→Rhetorical

Page 1, Article 2:

The representative parties in Burundi agree that they will work together to ensure that their country will never again be exposed to ethnic and political violence, to carnage, insecurity and instability, or to genocide and exclusion.

Page 1, Article 3:

They agree that the constitutional and legal principles which will guarantee this outcome and will be used to design the process of implementation, include:

...

- Protecting and including ethnic, cultural and religious groups in the general system of governance;
- Building a national security and justice system in order to guarantee the security of all Burundians, including ethnic minorities.

Page 3, Article 19:

The composition of the state administration is representative of the Burundian nation, reflecting the diversity of its people, including their gender and ethnicity.

Page 4, Article 23:

They agree that these provisions represent an acceptable compromise and the necessary framework for power sharing in Burundi, creating a new order for the country based on unity, solidarity, cooperation between Burundi's ethnic groups, democracy, peace and stability.

Groups→Racial/ethnic/national group→Substantive

Page 1, Article 5:

Among other things, the Constitution includes a very brief Charter on the fundamental rights and obligations of the individual and the citizen, which guarantees equal rights for all citizens and ethnic groups.

Page 2, Article 7:

Every political party will be open to every Burundian, and their national status will be reflected in their organisational structure. Political parties are strictly forbidden to endorse exclusion, violence or hatred in any form, and in particular when directed at individuals on ethnic, tribal, religious or regional grounds.

Page 2, Article 8:

They also agree that the lists of candidates presented by these parties for the elections which will be held according to the principles of direct universal suffrage should be of an inclusive, multi-ethnic nature and address the imperative of gender equality.

Page 2, Article 10:

•••

The Vice-Presidents must come from different ethnic groups and political parties.

Page 2, Article 11:

The Government, made up of a Council of Ministers, includes 60% Hutu Ministers and Vice-Ministers, and 40% Tutsi Ministers and Vice-Ministers.

Page 2, Article 13:

The National Assembly will be composed as follows: 60% of Assembly members will be Hutu, 40% of Assembly members will be Tutsi and 3 Assembly Members will be of the Twa ethnicity. A minimum of Appendix Assembly members will be women.

Religious groups Groups→Religious groups→Rhetorical

Page 1, Article 3:

They agree that the constitutional and legal principles which will guarantee this outcome and will be used to design the process of implementation, include:

....

- Protecting and including ethnic, cultural and religious groups in the general system of governance;

Groups→Religious groups→Substantive

Page 2, Article 7:

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Indigenous people No specific mention.

Other groups No specific mention.

Refugees/displaced No specific mention.

persons

Social class No specific mention.

Gender

Women, girls and gender

Page 2, Article 8:

They also agree that the lists of candidates presented by these parties for the elections which will be held according to the principles of direct universal suffrage should be of an inclusive, multi-ethnic nature and address the imperative of gender equality.

Page 3, Article 13:

The National Assembly will be composed as follows: 60% of Assembly members will be Hutu, 40% of Assembly members will be Tutsi and 3 Assembly Members will be of the Twa ethnicity. A minimum of 30% of the Assembly members will be women.

Page 3, Article 14:

In order to ensure that the ethnic and gender balance specified in the 2000 Arusha Agreement for Peace and Reconciliation is realised a co-optation mechanism will be used to address any imbalance which may result from the elections.

In this regard, in addition to the directly elected assembly members, a number of seats will be distributed, through the co-optation mechanism, among the parties which reach the threshold.

Page 3, Article 15:

The Senate will be constituted on the basis of 50/50% representation between the Hutus and Tutsis, plus 3 senators of Twa ethnicity. A minimum of 30% of the senators will be women.

Amongst other powers, the Senate will be endowed with the authority to approve amendments to the Constitution and constitutional law, and to monitor compliance with constitutional provisions requiring ethnic, tribal, religious, cultural, regional and gender diversity and balance in all structures and institutions of the state.

Page 4, Article 19:

The composition of the state administration is representative of the Burundian nation, reflecting the diversity of its people, including their gender and ethnicity.

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 Page 4, Article 22:

Conscious of the work done by the Facilitator to develop a national consensus, the parties agree that the above-mentioned provisions should be incorporated in the

Constitution of Burundi, by referendum and other relevant legislation.

State symbols No specific mention.

Independence/

No specific mention.

secession

No specific mention.

Accession/ unification

Border delimitation No specific mention.

Cross-border

No specific mention.

provision

Governance

Political

Governance→Political institutions (new or reformed)→General references

institutions (new or Page 1, Untitled Preamble:

reformed)

Having initiated a long consultation process with the Burundian political parties, and Burundian civil society, on the issue of power sharing, the Facilitators have concluded that the following consensus exists among the Burundian people

Page 1, Article 3:

They agree that the constitutional and legal principles which will guarantee this outcome and will be used to design the process of implementation, include:

- Creating and institutionalising a system of democratic governance;
- Including minority political parties in the general system of governance;
- Protecting and including ethnic, cultural and religious groups in the general system of governance:
- Building a national security and justice system in order to guarantee the security of all Burundians, including ethnic minorities.

Page 2, Article 7:

Every political party will be open to every Burundian, and their national status will be reflected in their organisational structure. Political parties are strictly forbidden to endorse exclusion, violence or hatred in any form, and in particular when directed at individuals on ethnic, tribal, religious or regional grounds.

Page 2, Article 8:

They also agree that the lists of candidates presented by these parties for the elections which will be held according to the principles of direct universal suffrage should be of an inclusive, multi-ethnic nature and address the imperative of gender equality. Governance→Political institutions (new or reformed)→New political institutions (indefinite)

Page 2, Article 9:

Burundians also agree that in exercising his executive powers, the President of the Republic, elected by universal suffrage (except in the first elections) will be assisted by two Vice-Presidents.

The President of the Republic will nominate the Vice-Presidents and present their candidature for approval by the two Chambers of Parliament elected by the people.

Page 2, Article 10:

The President of the Republic is authorised to dismiss the Vice-Presidents. The Vice-Presidents must come from different ethnic groups and political parties. The Constitution stipulates the specific responsibilities of the President of the Republic and the Vice-Presidents, including their institutional relationships as members of the Presidency, as well as their relations with the Parliament and the rest of the executive.

Page 3, Article 14:

In order to ensure that the ethnic and gender balance specified in the 2000 Arusha Agreement for Peace and Reconciliation is realised a co-optation mechanism will be used to address any imbalance which may result from the elections.

In this regard, in addition to the directly elected assembly members, a number of seats will be distributed, through the co-optation mechanism, among the parties which reach the threshold.

Page 3, Article 15:

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Elections

Page 2, Article 8:

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Page 2, Article 9:

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The President of the Republic will nominate the Vice-Presidents and present their candidature for approval by the two Chambers of Parliament elected by the people.

Page 2, Article 12:

Any party gaining at least 5% of votes cast for members of the National Assembly is entitled to serve on the Council of Ministers, in proportion to its representation in the National Assembly.

Page 3, Article 14:

In order to ensure that the ethnic and gender balance specified in the 2000 Arusha Agreement for Peace and Reconciliation is realised a co-optation mechanism will be used to address any imbalance which may result from the elections.

In this regard, in addition to the directly elected assembly members, a number of seats will be distributed, through the co-optation mechanism, among the parties which reach the threshold.

Page 3, Article 17:

As is normal and acceptable in every democracy, political parties will be free to create their own agreements and coalitions which may affect any power sharing between them, without affecting the shares specified in this document. While these will be permitted, given their private nature, these will be separate from anything stipulated in the Constitution or in legislation.

Electoral commission

No specific mention.

Political parties reform

Governance→Political parties reform→Other political parties reform Page 1, Untitled Preamble:

Having initiated a long consultation process with the Burundian political parties, and Burundian civil society, on the issue of power sharing, the Facilitators have concluded that the following consensus exists among the Burundian people

Page 1, Article 3:

They agree that the constitutional and legal principles which will guarantee this outcome and will be used to design the process of implementation, include:

- Creating and institutionalising a system of democratic governance;
- Including minority political parties in the general system of governance;
- Protecting and including ethnic, cultural and religious groups in the general system of governance:
- Building a national security and justice system in order to guarantee the security of all Burundians, including ethnic minorities.

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Civil society

Page 1, Untitled Preamble:

Having initiated a long consultation process with the Burundian political parties, and Burundian civil society, on the issue of power sharing, the Facilitators have concluded that the following consensus exists among the Burundian people:

Page 4, Article 25:

They also agree that within five years of creating the institutions foreseen in the new Constitution, the Government, the Parliament and the appropriate National Committees will carry out an inclusive national consultation, to assess how effectively the above measures have contributed to national objectives like national unity and reconciliation. This review should enable the people of Burundi to make any constitutional, legal, political and institutional measures needed to ensure that the country attains the fundamental goals of democracy, peace, national unity and reconciliation, and development.

Traditional/ religious leaders

No specific mention.

Public Page 3, Article 19:

administration The composition of the state administration is representative of the Burundian nation,

reflecting the diversity of its people, including their gender and ethnicity.

Constitution

Governance→Constitution→Constitutional reform/making

Page 1, Article 3:

They agree that the constitutional and legal principles which will guarantee this outcome and will be used to design the process of implementation, include:

- Creating and institutionalising a system of democratic governance;
- Including minority political parties in the general system of governance;
- Protecting and including ethnic, cultural and religious groups in the general system of governance;
- Building a national security and justice system in order to guarantee the security of all Burundians, including ethnic minorities.

Page 1, Article 4:

The Post-Transition Constitution fully expounds these principles.

Page 1, Article 5:

Among other things, the Constitution includes a very brief Charter on the fundamental rights and obligations of the individual and the citizen, which guarantees equal rights for all citizens and ethnic groups.

Page 1, Article 6:

The Constitution envisages the establishment of a Constitutional Court which will ensure that the organs of the state, and other institutions and individuals, respect the provisions of the Constitution, including the Charter of Fundamental Rights.

Page 3, Article 15:

The Senate will be constituted on the basis of 50/50% representation between the Hutus and Tutsis, plus 3 senators of Twa ethnicity. A minimum of 30% of the senators will be women.

Amongst other powers, the Senate will be endowed with the authority to approve amendments to the Constitution and constitutional law, and to monitor compliance with constitutional provisions requiring ethnic, tribal, religious, cultural, regional and gender diversity and balance in all structures and institutions of the state.

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Page 3, Article 18:

State defence and security organisations including Defence, Police and Intelligence Services are staffed according to the allocations approved during the transition period, mindful of the need to ensure ethnic balance and prevent acts of genocide and unconstitutional seizure of power.

Page 4, Article 22:

Conscious of the work done by the Facilitator to develop a national consensus, the parties agree that the above-mentioned provisions should be incorporated in the Constitution of Burundi, by referendum and other relevant legislation.

Page 4, Article 25:

They also agree that within <code>frugayearofo</code> creating the institutions foreseen in the new Constitution, the Government, the Parliament and the appropriate National Committees will carry out an inclusive national consultation, to assess how effectively the above

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Power sharing

Political power sharing

Power sharing→Political power sharing→Executive coalition

State level

Page 2, Article 10:

The President of the Republic is authorised to dismiss the Vice-Presidents.

The Vice-Presidents must come from different ethnic groups and political parties.

The Constitution stipulates the specific responsibilities of the President of the Republic and the Vice-Presidents, including their institutional relationships as members of the Presidency, as well as their relations with the Parliament and the rest of the executive.

Page 2, Article 11:

The Government, made up of a Council of Ministers, includes 60% Hutu Ministers and Vice-Ministers, and 40% Tutsi Ministers and Vice-Ministers.

Power sharing→Political power sharing→Proportionality in legislature

State level

Page 2, Article 13:

The National Assembly will be composed as follows: 60% of Assembly members will be Hutu, 40% of Assembly members will be Tutsi and 3 Assembly Members will be of the Twa ethnicity. A minimum of 30% of the Assembly members will be women.

Page 3, Article 14

Article 14

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Amongst other powers, the Senate will be endowed with the authority to approve amendments to the Constitution and constitutional law, and to monitor compliance with constitutional provisions requiring ethnic, tribal, religious, cultural, regional and gender diversity and balance in all structures and institutions of the state.

Power sharing→Political power sharing→Other proportionality

State level

Sub-state level

Page 3, Article 16:

The municipal administrators will be 67% Hutu and 33% Tutsi, subject to adjustment by the Senate on the basis of ethnic diversity in each commune.

Page 3, Article 19:

The composition of the state administration is representative of the Burundian nation, reflecting the diversity of its people, including their gender and ethnicity.

Power sharing→Political power sharing→Other

State level

Sub-state level

Article 17

As is normal and acceptable in every the mocracy, political parties will be free to create their own agreements and coalitions which may affect any power sharing between them, without affecting the charge specified in this document. While these will be permitted

Territorial power

No specific mention.

sharing

Economic power

Power sharing→Economic power sharing→Fiscal federalism

sharing

Page 3, Article 20:

Reorganisation of state enterprises will be ethnically balanced, using the 60/40 ratio of Hutus and Tutsis as in other state institutions, taking into account all of the actors and

competencies in Burundian society.

Military power sharing

Power sharing→Military power sharing→Merger of forces

Page 3, Article 18:

State defence and security organisations including Defence, Police and Intelligence Services are staffed according to the allocations approved during the transition period, mindful of the need to ensure ethnic balance and prevent acts of genocide and

unconstitutional seizure of power.

Human rights and equality

Human rights/RoL

Page 1, Article 5:

general

Among other things, the Constitution includes a very brief Charter on the fundamental rights and obligations of the individual and the citizen, which guarantees equal rights for all citizens and ethnic groups.

Page 1, Article 6:

The Constitution envisages the establishment of a Constitutional Court which will ensure that the organs of the state, and other institutions and individuals, respect the provisions of the Constitution, including the Charter of Fundamental Rights.

Page 4, Article 24:

They also agree that the provisions concerning the state of law and the protection of human rights, reassure all elements of Burundian society they will be able to work in conditions of security and dignity.

Bill of rights/similar No specific mention.

Treaty

No specific mention.

incorporation

Civil and political No specific mention.

rights

Socio-economic

No specific mention.

rights

Rights related issues

Citizenship Right

Rights related issues→Citizenship→Citizens, specific rights

Page 1, Article 5:

Among other things, the Constitution includes a very brief Charter on the fundamental rights and obligations of the individual and the citizen, which guarantees equal rights for all citizens and ethnic groups.

Democracy

Page 1, Article 3:

They agree that the constitutional and legal principles which will guarantee this outcome and will be used to design the process of implementation, include:

- Creating and institutionalising a system of democratic governance;

Page 3, Article 17:

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Page 4, Article 23:

They agree that these provisions represent an acceptable compromise and the necessary framework for power sharing in Burundi, creating a new order for the country based on unity, solidarity, cooperation between Burundi's ethnic groups, democracy, peace and stability.

Page 4, Article 25:

They also agree that within five years of creating the institutions foreseen in the new Constitution, the Government, the Parliament and the appropriate National Committees will carry out an inclusive national consultation, to assess how effectively the above measures have contributed to national objectives like national unity and reconciliation. This review should enable the people of Burundi to make any constitutional, legal, political and institutional measures needed to ensure that the country attains the fundamental goals of democracy, peace, national unity and reconciliation, and development.

Detention procedures

No specific mention.

Media and communication

No specific mention.

Mobility/access

No specific mention.

Protection

Rights related issues→Protection measures→Protection of groups

measures

Page 1,

Article 3

They agree that the constitutional and legal principles which will guarantee this outcome

and will be

used to design the process of implementation, include:

• Protecting and including ethnic, cultural and religious groups in the general system of

governance;

Other

No specific mention.

Rights institutions

NHRI

No specific mention.

No specific mention.

Regional or

international human rights

institutions

Justice sector reform

Criminal justice and No specific mention.

emergency law

State of emergency No specific mention.

provisions

Judiciary and

Page 1, Article 3:

courts

They agree that the constitutional and legal principles which will guarantee this outcome

and will be used to design the process of implementation, include:

...

- Building a national security and justice system in order to guarantee the security of all

Burundians, including ethnic minorities.

Prisons and detention

No specific mention.

Traditional Laws

No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction

Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-

economic development

Page 4, Article 25:

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development.

National economic No specific mention.

plan

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/

No specific mention.

nomadism rights

Cultural heritage

No specific mention.

Environment

No specific mention.

No specific mention.

Water or riparian

rights or access

Security sector

Security

Page 1, Article 2:

Guarantees The repr

The representative parties in Burundi agree that they will work together to ensure that their country will never again be exposed to ethnic and political violence, to carnage, insecurity and instability, or to genocide and exclusion.

Page 1, Article 3:

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- Building a national security and justice system in order to guarantee the security of all Burundians, including ethnic minorities.

Page 4, Article 24:

They also agree that the provisions concerning the state of law and the protection of human rights, reassure all elements of Burundian society they will be able to work in conditions of security and dignity.

Ceasefire

No specific mention.

Police

Page 3, Article 18:

State defence and security organisations including Defence, Police and Intelligence Services are staffed according to the allocations approved during the transition period, mindful of the need to ensure ethnic balance and prevent acts of genocide and unconstitutional seizure of power.

Armed forces

No specific mention.

DDR

No specific mention.

Intelligence services

Page 3, Article 18:

State defence and security organisations including Defence, Police and Intelligence Services are staffed according to the allocations approved during the transition period,

mindful of the need to ensure ethnic balance and prevent acts of genocide and

unconstitutional seizure of power.

Parastatal/rebel and opposition group forces No specific mention.

Withdrawal of foreign forces

No specific mention.

Corruption

No specific mention.

Crime/organised

crime

No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice Page 1, Article 2:

general The representative parties in Burundi agree that they will work together to ensure that

their country will never again be exposed to ethnic and political violence, to carnage,

insecurity and instability, or to genocide and exclusion.

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 Page 4, Article 21:

By implementing the essential measures described above, it will be possible to address the four challenges of:

•••

• Establishing national unity and reconciliation

Page 4, Article 23:

They agree that these provisions represent an acceptable compromise and the necessary framework for power sharing in Burundi, creating a new order for the country based on unity, solidarity, cooperation between Burundi's ethnic groups, democracy, peace and stability.

Page 4, Article 25:

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Implementation

UN signatory Witness:

UN Representative.

Other international Witnesses:

signatory Facilitator of Burundi Peace Process, Representative of African Union, UN Representative

Referendum for agreement

No specific mention.

International

No specific mention.

mission/force/

similar

Enforcement mechanism

No specific mention.

Related cases No specific mention.

Source http://peacemaker.un.org/