

<b>Country/entity</b>	Burundi
<b>Region</b>	Africa (excl MENA)
<b>Agreement name</b>	Loi du 21 novembre 2003 portant amendement à la Constitution de Transition du 28 octobre 2001
<b>Date</b>	21 Nov 2003
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes
<b>Agreement/conflict level</b>	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 (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)

<b>Stage</b>	Framework/substantive - comprehensive
<b>Conflict nature</b>	Government
<b>Peace process</b>	Burundi: Arusha and related peace process
<b>Parties</b>	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.

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**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 \(opens in new tab\)](#)

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### 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, 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.

Groups→Racial/ethnic/national group→Substantive

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.

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.

**Religious groups**

Groups→Religious groups→Rhetorical

Page 2, PROMULGATION, Article 4:

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**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.

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## **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.

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**Governance**

**Political institutions (new or reformed)**

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

Page 1, Article 1:

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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:

<b>Elections</b>	No specific mention.
<b>Electoral commission</b>	No specific mention.
<b>Political parties reform</b>	<p>Governance→Political parties reform→Other political parties reform</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:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol> <p>...</p> <ol style="list-style-type: none"> <li>4. Those nominated members currently sitting in the National Assembly, outwith those elected in 1992.</li> </ol>
<b>Civil society</b>	No specific mention.
<b>Traditional/religious leaders</b>	No specific mention.
<b>Public administration</b>	No specific mention.
<b>Constitution</b>	No specific mention.

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**Power sharing**



**Political power sharing**

Power sharing→Political power sharing→Executive coalition  
State level

Page 1, Article 1:

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Power sharing→Political power sharing→Proportionality in legislature  
State level

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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.

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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.

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### **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.

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### **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.

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## **Rights institutions**

**NHRI** No specific mention.

**Regional or international human rights institutions** No specific mention.

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## **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.

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## **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.

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## **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.

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## **Security sector**

**Security  
Guarantees** No specific mention.

**Ceasefire** Security sector→Ceasefire→Ceasefire provision  
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**Police** No specific mention.

**Armed forces** No specific mention.

<b>DDR</b>	No specific mention.
<b>Intelligence services</b>	No specific mention.
<b>Parastatal/rebel and opposition group forces</b>	<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>
<b>Withdrawal of foreign forces</b>	No specific mention.
<b>Corruption</b>	No specific mention.
<b>Crime/organised crime</b>	No specific mention.
<b>Drugs</b>	No specific mention.
<b>Terrorism</b>	No specific mention.

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**Transitional justice**

**Transitional justice general** No specific mention.

**Amnesty/pardon** No specific mention.

<b>Courts</b>	No specific mention.
<b>Mechanism</b>	No specific mention.
<b>Prisoner release</b>	No specific mention.
<b>Vetting</b>	No specific mention.
<b>Victims</b>	No specific mention.
<b>Missing persons</b>	No specific mention.
<b>Reparations</b>	No specific mention.
<b>Reconciliation</b>	<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>

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## **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/>

