

**Peace Agreement Access Tool PA-X <https://pax.peaceagreements.org/>**

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) )
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.

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Agreement document [BI\\_031121\\_Constitution\\_de\\_transition\\_du\\_28\\_octobre\\_2001\\_amendment\\_tr.pdf](#) | [Download PDF](#)

Agreement document (original language) [BI\\_031121\\_Constitution\\_de\\_transition\\_du\\_28\\_octobre\\_2001\\_amendement.pdf](#) | [Download PDF](#)

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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	<p>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.</p> <p>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.</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 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.

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## **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/ No specific mention.  
secession

Accession/ No specific mention.  
unification

Border No specific mention.  
delimitation

Cross- No specific mention.  
border  
provision

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**Governance**

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 will be the head of the Office of the Transition National

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform Governance→Political parties reform→Other political parties reform  
Page 1-2, Article 2:  
Article 133 is amended as follows:  
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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.  
...  
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.



**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

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.

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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	<p>Security sector→Ceasefire→Ceasefire provision</p> <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>
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.

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## 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 Page 1, Article 1:

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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/>

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