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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 arrangement	Yes
Agreement/ conflict level	Intrastate/intrastate conflict (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
document

[BI_040806_Accord de Partage de Pouvoir au Burundi_tr.pdf](#)  | [Download PDF](#)

Agreement document (original language)

[BI_040806_Accord de Partage de Pouvoir au Burundi_FR.pdf](#) | [Download PDF](#)

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.

Religious groups	<p>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;</p> <p>Groups→Religious groups→Substantive 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.</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

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/ secession	No specific mention.
Accession/ unification	No specific mention.
Border delimitation	No specific mention.
Cross-border provision	No specific mention.

Governance

Political institutions (new or reformed)

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

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.

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

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 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.

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
administration 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.

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.

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.

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.

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

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.

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

Territorial power sharing	No specific mention.
Economic power sharing	Power sharing→Economic power sharing→Fiscal federalism 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 general	<p>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.</p> <p>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.</p> <p>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 they will be able to work in conditions of security and dignity.</p>
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 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:
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.

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 measures	<p>Rights related issues→Protection measures→Protection of groups Page 1,</p> <p>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:</p> <ul style="list-style-type: none"> • Protecting and including ethnic, cultural and religious groups in the general system of governance;
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.
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State of emergency provisions	No specific mention.
Judiciary and courts	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: ... - 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: 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.
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	<p>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.</p> <p>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: ... - Building a national security and justice system in order to guarantee the security of all Burundians, including ethnic minorities.</p> <p>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 they will be able to work in conditions of security and dignity.</p>
Ceasefire	No specific mention.
Police	<p>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.</p>
Armed forces	No specific mention.
DDR	No specific mention.
Intelligence services	<p>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.</p>
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.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general 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.

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:

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.

Implementation

UN signatory Witness:
UN Representative.

Other international signatory Witnesses:
Facilitator of Burundi Peace Process, Representative of African Union, UN Representative

Referendum for agreement No specific mention.

International mission/
force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source <http://peacemaker.un.org/>
