

Country/entity Burundi

Region Africa (excl MENA)

Agreement name Constitution de transition du 28 octobre 2001

Date 28 Oct 2001

Agreement status Multiparty signed/agreed

Interim arrangement Yes

Agreement/conflict level Intrastate/intrastate conflict

Burundian Civil War (1993-2005)

The conflict had an ethnic base between Hutu and Tutsi populations, and is one of a set of regionally connected conflicts also addressed in the Great Lakes process. Since independence in 1972, the Burundian political landscape has been polarised and marked by ethnic-based tensions, political assassinations and large-scale violence. For the following two decades, three Tutsi military regimes associated with the Union for National Progress (UPRONA) ruled the country. During these military dictatorships, numerous waves of mass violence resulted from the attempts of various opposition rebels groups to destabilise the three regimes, and the regimes' use of violence to repress these attempts. Despite a wave of hope in the early 1990's, Burundi entered a decade-long civil war in 1993 following the assassination of Burundi's first democratically elected president, Melchior Ndadaye, from the ethnically-Hutu Front for Democracy in Burundi (FRODEBU) by Tutsi opposition in the military. In 1998 the Arusha Peace Talks commenced and in August 2000, international pressure resulted in the signing of the Arusha Peace and Reconciliation Agreement for Burundi. However, the National Council for the Defense of Democracy (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 - comprehensive

Conflict nature Government

Peace process Burundi: Arusha and related peace process

Parties -

Third parties

-

Description

This agreement is a transitional constitution that abrogated the 1998 transitional Constitution. It addresses the following points in its 16 titles: (1) General Dispositions; (2) State and Citizen Sovereignty; (3) Human Rights, Individual and Citizen Obligation; (4) Political Parties System; (5) Executive Power, (6) Legislative Power; (7) On Executive and Legislative Relations; (8) On Judiciary Power; (9) On Defence and Security Forces; (10) On Territorial Collectivities; (11) On elections during the transition; (12) National Councils; (13) National and International Commissions; (15) On International Treaties and Agreements; (16) On Revision of the Transitional Constitution; (17) Transitional and Final Dispositions.

Agreement document[BI_011021_Constitution de Transition-tr.pdf \(opens in new tab\)](#) | [Download PDF](#)**Agreement document (original language)**[BI_011028_Constitution_de_transition.pdf \(opens in new tab\)](#)

Women, girls and gender

Participation No specific mention.

Equality Equality→Equality (general)
Page 2, Title I: General Dispositions, Art 4:
The transitional period is dedicated to the achievement of the following objectives:
...
3° Reconcile and unify Burundians, and lay the foundations of a democratic and unified Burundi, thanks to, inter alia, the promotion of a vast education programme on peace, democracy, and ethnic, regional, religious gender tolerance and other equality status issues.

Page 4, Title III: On Human Rights, Individual and Citizen Obligation, 1. On Human Rights, Art 21:
Every woman and every man has the right to life, security of person and physical integrity.

Page 4-5, Title III: On Human Rights, Individual and Citizen Obligation, 1. On Human Rights, Art 21:
All women and all men are equal in terms of dignity, rights and obligations. No person shall be discriminated against on the basis of origin, race, ethnicity, sex, color, language, social status, religious, philosophical or political convictions, physical or mental disability, HIV/AIDS status, or any other reason. All citizens are equal before the law and are entitled to equal protection under the law.

Page 7, Title IV: On Political Parties System, Art 71:
It is forbidden to political parties to identify itself in form, action or any other manner, on the basis of ethnicity, region, religion, sect or gender.

Particular groups of women No specific mention.

International law International law→General IHRL, IHL and IL
Page 4, Title III: On Human Rights, Individual and Citizen Obligation, 1. On Human Rights, Art 21:
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New institutions	<p>New institutions→Other Page 7, Title V: On Executive Power, Art 77: Men and women called to lead the transition must, at any time, demonstrate integrity, determination, patriotism, and competence, and have the best interests of all Burundians at heart, without any discrimination.</p>
Violence against women	<p>No specific mention.</p>
Transitional justice	<p>Transitional justice→Past and gender Page 2, Title I: General Dispositions, Art 4: The transitional period is dedicated to the achievement of the following objectives: ... 3° Reconcile and unify Burundians, and lay the foundations of a democratic and unified Burundi, thanks to, inter alia, the promotion of a vast education programme on peace, democracy, and ethnic, regional, religious gender tolerance and other equality status issues.</p> <p>Page 30, Title XIII: On National and International Commissions, 2. On the National Truth and Reconciliation Commission, Art 231: ... Commission Members will be selected for their probity, integrity, and capacity to transcend divisions of any nature. They will drawn from civil society associations, political parties, religious confessions and women organisations in particular.</p>
Institutional reform	<p>Institutional reform→Police Page 25, Title IX: On Defense and Security Forces, Art 199: ... The Defense and Security forces will develop a non-discriminatory, non-ethnic, and non-sexist culture within their organisations.</p> <p>Institutional reform→DDR, army, parastatal or rebel forces Page 25, Title IX: On Defense and Security Forces, Art 199: ... The Defense and Security forces will develop a non-discriminatory, non-ethnic, and non-sexist culture within their organisations.</p> <p>Institutional reform→Public administration Page 7, Title IV: On Political Parties System, Art 71: It is forbidden to political parties to identify itself in form, action or any other manner, on the basis of ethnicity, region, religion, sect or gender.</p>
Development	<p>Development→Education Page 2, Title I: General Dispositions, Art 4: The transitional period is dedicated to the achievement of the following objectives: ... 3° Reconcile and unify Burundians, and lay the foundations of a democratic and unified Burundi, thanks to, inter alia, the promotion of a vast education programme on peace, democracy, and ethnic, regional, religious gender tolerance and other equality status issues</p>

Implementation Implementation→Women's role and consideration in implementation of the agreement
Page 7, Title V: On Executive Power, Art 77:
Men and women called to lead the transition must, at any time, demonstrate integrity, determination, patriotism, and competence, and have the best interests of all Burundians at heart, without any discrimination.

Other No specific mention.
