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Burkina Faso

Charter of the Transition
13 November 2014

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CHARTER of the TRANSITION

PREAMBLE

We, representatives of the political parties, of the organizations of civil society, of the forces of defense and of security, of the religious and customary [*coutumières*] authorities of Burkina Faso, signatories of this Charter,

Basing [*fondant*] ourselves on the Constitution of 2 June 1991,

Considering the popular character of the insurrection of 30 and 31 October 2014 that led to the resignation of President Blaise COMPAORE,

Considering the heavy tribute paid by the daughters and the sons of Burkina Faso,

Considering the fight [*combat*] for the resumption of power by the People,

Considering the contribution and the patriotic and republican behavior of the forces of defense and of security which have assured the continuity of the power of State,

Considering the necessity for a political, democratic, civil, calm [*apaisée*] and inclusive transition,

Considering the necessary support [*accompagnement*] of the International Community to address [*relever*] the major challenges to which Burkina Faso will be confronted all during the period of transition,

Considering our attachment to democratic values and principles as inscribed in the African Charter of Democracy, of Elections and of Governance of 30 January 2007 of the African Union and in the Protocol A/SP1/12/01 of 21 December 2001 of the Economic Community of the States of West Africa [*Communauté Économique des États de l'Afrique de l'Ouest (CEDEAO)*] on democracy and good governance,

Drawing [*tirant*] [a] lesson from our political experience and engaged to construct a true State of democratic law [*droit*],

Conscious of the urgency of providing Burkina Faso with organs of transition to the end of filling the institutional void in the conduct of the public affairs,

Approve and adopt this Charter of the Transition which completes the Constitution of 2 June 1991 and of which this preamble is [an] integrant part.

TITLE I OF THE VALUES OF REFERENCE

Article 1

Other than the values affirmed by the Constitution in its preamble, this Charter consecrates the following values to guide the transition, its organs and as a whole the persons [of distinction] [*personnalités*] called to conduct it:

- pardon and of reconciliation;
- inclusion;
- sense of responsibility;
- tolerance and dialogue;
- discipline and public spirit [*civisme*];
- solidarity;
- fraternity;
- spirit of consensus and of discernment.

TITLE II
OF THE ORGANS OF THE TRANSITION

Chapter I
Of the President of the Transition

Article 2

The President of the Transition occupies the functions of President of Faso and of Head [*Chef*] of the State. He sees to respect for the Constitution and for the Charter of the Transition.

His powers and prerogatives are those defined by this Charter and in Title III of the Constitution of 2 June 1991 with the exception of those incompatible with the conduct of the transition.

His mandate terminates at the end of the transition after the investiture of the President issued from the presidential election.

The Constitutional Council decides in the case of litigation.

Article 3

All candidates to the functions of President of the Transition must fulfill the following conditions:

- to be a civil person [of distinction];
- to be Burkinabé by birth;
- to be at least 35 years of age and at most 75 years of age;
- to be competent;
- to have integrity and of good morality;
- to be impartial;
- to be a person [of distinction] of public notoriety;
 - never to have been made the object of a judicial condemnation or of a prosecution for crime;
- to be recognized for their engagement in the defense of the national interests;
- to have knowledge of the functioning of the institutions and an experience of their administration [*gestion*];
- not to have supported the bill of revision of Article 37 of the Constitution;
- not to be affiliated to any political party.

They may not be a member [*personne*] of the forces of defense and of security[,] active, on call [*en disponibilité*] or in retirement.

Article 4

The President of the Transition is not eligible for the presidential and legislative elections that will be organized to put an end to the transition.

This provision is not susceptible to revision.

Article 5

The President of the Transition is chosen by a College of Designation [*Collège de désignation*] from a list of persons [of distinction] proposed by the political parties, the organizations of civil society and the forces of defense and security on the basis [*à raison de*] of three (3) persons [of distinction] at most by component.

Article 6

The list of persons [of distinction] of each one of the parties mentioned in Article 5 above is deposited at the seat of the College of Designation in [a] sealed envelop [*sous pli fermé*] in three original copies.

Article 7

The designation of the President of the transition is made on the basis [*sur la base*] of the following criteria:

- the consensual character of the person [of distinction] at the national level;
- the capacity to conduct a nation and to manage [*gérer*] situations of crisis;
- the capacity to conduct the presidential and legislative elections with neutrality and objectivity.

Article 8

The College of Designation, which takes into account young [persons] and women, is composed as follows:

- five (05) members representing the political parties;
- five (05) members representing the organizations of the civil society;
- five (05) members representing the forces of defense and of security;
- eighth (08) members representing the religious and customary authorities.

Except for the representatives of the political parties, the other members of the College of Designation must not be members of the directive organ [*organe*] of a political party.

Article 9

The procedure of designation includes two (2) phases: a phase of pre-selection and a phase of selection.

The pre-selection is operated by the College of Designation in view of retaining three persons [of distinction].

The selection is preceded by an interview with each one of the three pre-selected persons [of distinction] on the motivations of their candidature.

The definitive selection is made by consensus within the College of Designation. The retained candidate is invested President of the Transition, Head of the State, by the Constitutional Council.

Article 10

In the course of the ceremony of investiture the President takes the following oath: “*I swear before the Burkinabé People and on my honor to preserve, to respect, to have respected and to defend the Constitution, the Charter of the Transition and the laws, to implement everything to guarantee justice to all the inhabitants of Burkina Faso*”.

The President of the Constitutional Council receives the written declaration of the assets of the President of the Transition. This declaration is published in the *Journal officiel* [Official Gazette].

Within a maximum time period of one month following the end of the transition, he receives a second written declaration. This one is published in the *Journal officiel*, accompanied with the eventual justifications in the case of increase of the patrimony.

The Constitutional Council, in relation with the Court of Accounts, sees to the application of this [*des présentes*] and is invested of all the powers to establish the patrimony of the persons [of distinction] concerned.

This provision applies equally to all the members of the organs of transition instituted by this Charter, at the entering and at the end of their functions.

Article 11

When the President of the Transition is impeded in a temporarily manner from completing his functions, his powers are temporarily exercised by the Prime Minister.

In the case of vacancy of the Presidency of the Transition for whatever cause that may be, or of absolute or definitive impediment declared by the Constitutional Council referred to [the matter] by the Government, the Prime Minister assures the interim while awaiting the designation of a new President of the Transition in accordance with the provisions of this Charter.

Chapter II Of the National Council of the Transition

Article 12

The National Council of the Transition is the legislative organ of the transition.

It is composed as follows:

- Thirty (30) representatives of the political parties affiliated to the Leader of the Political Opposition [*Chef de File de l'Opposition Politique (CFOP)*];
- Twenty-five (25) representatives of the organizations of the civil society;
- Twenty-five (25) representatives of the forces of defense and of security;
- Ten (10) representatives of other parties.

Its composition takes into account young [persons] and women.

The National Council of the Transition exercises the prerogatives defined by this Charter and in Title V of the Constitution of 2 June 1991[,] except for those incompatible with the conduct of the transition.

The Constitutional Council decides in the case of litigation.

Article 13

The members of the National Council of the Transition must not be persons who have openly supported the bill of revision of Article 37.

They must not have been [a] part of the last dissolved government of the IVth Republic.

Its President is a civil person [of distinction] elected by his peers.

The President of the National Council of the Transition is not eligible to the presidential or legislative election that will be organized to put an end to the transition.

Chapter III Of the Government of the Transition

Article 14

The government of the transition is directed by a Prime Minister appointed by the President of the Transition.

It exercises the prerogatives defined by this Charter and in Title IV of the Constitution of 2 June 1991[,] except for those incompatible with the conduct of the transition.

The Constitutional Council decides in the case of litigation.

The government of transition is constituted of twenty-five (25) ministerial departments.

Its composition takes into account young [persons], women and the trade-unions [*syndicats*].

Article 15

The members of the government must fulfill the following conditions:

- to have civil majority;
- to be of Burkinabé nationality;
- to have the required competences;
- to be of good morality.

The members of the government of the transition must not be persons who have openly supported the bill of revision of Article 37.

They must not have been [a] part of the last dissolved government of the IVth Republic.

Article 16

The members of the government of the transition are not eligible to the presidential or legislative election that will be organized to put an end to the transition.

Article 17

A Commission of the National Reconciliation and of Reforms [*Commission de la réconciliation nationale et des réformes*] is created alongside [*auprès de*] the Prime Minister, responsible for restoring and for reinforcing the social cohesion and national unity.

Article 18

The Commission of the National Reconciliation and of Reforms is composed of sub-commissions with notably:

- the sub-commission[:] truth, justice and national reconciliation;
- the sub-commission[:] constitutional, political and institutional reforms;
- the sub-commission[:] electoral reform;
- the sub-commission[:] public finance and respect for the public good;
- the sub-commission[:] administration of the media and of information.

An organic law establishes the attributions, the composition, the organization and the functioning of the Commission of the National Reconciliation and of Reforms.

TITLE III
OF THE REVISION OF THE CHARTER OF THE TRANSITION

Article 19

By derogation of the provisions provided for by Title XV of the Constitution, the initiative for the revision of this Charter belongs concurrently to the President of the Transition and to the third (1/3) of the members of the National Council of the Transition.

The bill or the proposal of revision is adopted by a majority of 4/5ths of the members of the National Council of the Transition.

The President of the Transition proceeds with the promulgation of the act of revision in accordance with Article 48 of the Constitution of 2 June 1991.

TITLE IV
OF TRANSITORY AND FINAL PROVISIONS

Article 20

The duration of the transition shall not exceed twelve (12) months counting from the date of the investiture of the President of the Transition.

Article 21

The institutions of the period of the transition function until the effective installation of the new institutions.

Article 22

The participation of the Burkinabé abroad in the Presidential election which will be organized to put an end to the transition will be made in accordance with the provisions of the Constitution and of the Electoral Code.

Article 23

The expired [*arrivé à échéance*] mandate of the members of the Constitutional Council is extended, the case arising, until the establishment of the institutions of the transition.

Article 24

This Charter enters into force from its signature by the parties mentioned above in the preamble.

Its promulgation intervenes from its signature.

Article 25

In the case of opposition [*contrariété*] between the Charter of the Transition and the Constitution, the Constitutional Council decides.

Made at Ouagadougou, 13 November 2014

The signatories:

Parties affiliated to the CFOP—DIABRE Zéphirin

Other political parties—DABO Amadou

OSC [Organizations of the Civil Society]—Dr. IBRIGA Luc Marius

Forces of Defense and of Security—Lt. Colonel ZIDA Yacouba Isaac

Religious and Customary Authorities—Pasteur YE Henri