



The Constitution Of Burkina Faso

THE CONSTITUTION OF BURKINA FASO, 1991 (as Amended to 2002)[1]

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PREAMBLE

We, the Sovereign People of Burkina Faso,

— CONSCIOUS of our responsibilities and of our rights before history and before humanity,

— *STRENGTHENED* by our democratic achievements, [2]

— DETERMINED to preserve these achievements and driven by the desire to build a State based on the rule of law which guarantees the exercise of collective and individual rights, liberty, *dignity*, [3] security, well-being, development, equality and justice as the fundamental values of a pluralist progressive society and is free of all forms of prejudice,

— REAFFIRMING our attachment to the struggle against any form of domination as well as to the *democratic character* of power, [4]

— ASPIRING to the economic and political integration with the other peoples of Africa with a view to the construction of a federal unity of Africa,

— SUBSCRIBING to the Universal Declaration of Human Rights of 1948 and to the international instruments dealing with economic, political, social and cultural problems,

— REAFFIRMING solemnly our commitment to the African Charter on Human and Peoples' Rights of 1981,

— CONSCIOUS of the absolute necessity of protecting the environment,

APPROVE and ADOPT the present Constitution of which this preamble is an integral part.

TITLE I FUNDAMENTAL RIGHTS AND DUTIES

CHAPTER I CIVIL RIGHTS AND DUTIES

Article 1

All the **Burkinabe** are born free and equal in rights.

All shall be equally entitled to enjoy all the rights and freedoms guaranteed by the present Constitution.

Discrimination of all sorts, notably those founded on race, ethnicity, region, color, gender, language, religion, caste, political opinions, wealth and birth, shall be prohibited.

Article 2

The protection of life, security, and physical integrity shall be guaranteed.

Slavery, practices associated with slavery, inhuman and cruel, degrading and humiliating treatment, physical and moral torture, cruelty to and abuse of children, as well as all forms of degradation of Man shall be forbidden and punished by statute.

Article 3

No one may be deprived of his liberty unless he is prosecuted for acts specified and punishable by statute.

No one may be arrested, detained, deported or exiled except by virtue of a statute.

Article 4

All Burkinabe and every person living in Burkina Faso shall enjoy the equal protection of the law. All shall have the right to have their case heard by an independent and impartial jurisdiction.

Any accused shall be presumed innocent until his culpability has been established.

The right to a defense, including the right to freely choose a defense lawyer, shall be guaranteed before all jurisdictions.

Article 5

Nothing that is not forbidden by law may be hindered, and no one may be compelled to do what the law does not ordain.

The penal law shall not have retroactive effect. No one may be tried and punished except by virtue of a statute promulgated and published prior to the punishable act.

Punishment shall be personal and individual.

Article 6

The residence, the domicile, private and family life, and the secrecy of correspondence of every person shall be inviolable.

These may only be infringed in the forms and in the cases specified by statute.

Article 7

The freedom to believe or not to believe, freedom of conscience, of religious or philosophical opinion, freedom of worship, freedom of assembly, the free practice of custom as well as the freedom of procession and of demonstration shall be guaranteed by the present Constitution subject to respect of the law, of public order, of good morals and of the human person.

Article 8

Freedom of opinion and of the press and the right to information shall be guaranteed.

Every person shall have the right to express and to disseminate his opinions within the limits of the existing statutes and regulations.

Article 9

The free movement of persons and of goods, the free choice of residence and the right of asylum shall be guaranteed within the limits of the existing statutes and regulations.

Article 10

Every Burkina citizen shall have the duty to contribute to the defense and preservation of the territorial integrity.

CHAPTER II POLITICAL RIGHTS AND DUTIES

Article 11

All Burkinabe shall enjoy civil and political rights in the conditions determined by statute.

Article 12

All Burkinabe without any distinction shall have the right to participate in the management of the affairs of the State and of Society.

To this end they shall have the right to vote and to stand in elections in the conditions determined by statute.

Article 13

Political parties and groupings shall be freely established.

They shall contribute to the stimulation of political life and the information and education of the people, as well as to the expression of suffrage.

They shall freely conduct their activities by respecting the law.

All political parties and groupings shall be equal in rights and duties.

However, tribalist, regionalist, confessional, or racist political parties or groupings shall not be permitted.

CHAPTER III ECONOMIC RIGHTS AND DUTIES

Article 14

The natural wealth and resources shall belong to the people. They shall be used for the improvement of their living conditions.

Article 15

The right to property shall be guaranteed. It shall not be exercised to the detriment of society or in a manner injuring the security, liberty, existence or property of others.

It may only be infringed in case of a public necessity verified in a legal procedure. Nobody shall be deprived of the enjoyment [of his property] except by reason of public utility and subject to just compensation determined in accordance with statute. The compensation must be prior to the expropriation, except in cases of emergency or *force majeure*.

Article 16

The freedom of enterprise shall be guaranteed within the limits of the existing statutes and regulations.

Article 17

The duty to fulfill one's fiscal obligations in conformity with the law shall be binding on everybody.

CHAPTER IV SOCIAL AND CULTURAL RIGHTS AND DUTIES

Article 18

Education, schooling, training, work, social security, housing, *sports*,^[5] leisure, health, protection of mothers and children, assistance to the aged or handicapped persons and to persons in need, and artistic and scientific creation shall be the object of the social and cultural rights recognized by the present Constitution, which shall aim to promote them.

Article 19

The right to work shall be recognized and shall be equal for all.

It shall be prohibited to discriminate in matters of employment and remuneration, in particular on the grounds of gender, color, social origin, ethnicity or political opinion.

Article 20

The State shall ensure the constant improvement of the conditions of work and the protection of the worker.

Article 21

The freedom of association shall be guaranteed. Every person shall have the right to establish associations and to participate freely in the activities of the established associations. The functioning of the associations must comply with the statutes and regulations in force.

The free activity of trade unions shall be guaranteed. Trade unions shall exercise their activities without constraint and without limitations other than those specified by statute.

Article 22

The right to strike shall be guaranteed. It shall be exercised in conformity with the existing statutes.

Article 23

The family is the basic unit of society. The State has the duty to protect it.

Marriage shall be based on the free consent of a man and a woman. Any discrimination based on race, color, religion, ethnicity, caste, social origin or fortune shall be prohibited with regard to marriage.

Children shall be equal in rights and in duties in their family relations. The parents have the natural right and the duty to bring up and to educate their children. The latter owe them respect and assistance.

Article 24

The State shall endeavor to promote the rights of the child.

Article 25

The right to pass on one's property through inheritance or gifts shall be recognized in conformity with the existing statutes and regulations.

Article 26

The right to health shall be recognized. The State shall endeavor to promote it.

Article 27

Every citizen shall have the right to schooling.

Public education shall be secular.

Private education shall be recognized. Statute shall determine the conditions of its exercise.

Article 28

Intellectual property shall be guaranteed by statute.

Creative freedom and artistic, scientific and technical works shall be protected by statute.

The manifestation of cultural, intellectual, artistic and scientific activity shall be free and shall be exercised in conformity with the existing laws.

Article 29

The right to a healthy environment shall be recognized; the protection, the defense and the promotion of the environment shall be a duty for all.

Article 30

Every citizen shall have the right to initiate an action or to join a collective action in the form of a petition against acts:

- harming the public heritage;
- harming the interests of the social communities;
- affecting the environment or the cultural or historic heritage.

TITLE II [6]
STATE AND NATIONAL SOVEREIGNTY

Article 31

Burkina Faso shall be a democratic, unitary and secular State.

Faso shall be the republican form of the State.

Article 32[7]

National sovereignty shall vest in the people who exercise it in the conditions determined by the present Constitution and by statute.

Article 33

Suffrage shall be direct or indirect and shall be exercised in the conditions determined by statute.

Direct suffrage shall always be universal, equal and secret.

Article 34

The symbols of the Nation shall consist in an emblem, a coat of arms, a national anthem and a maxim.

The emblem shall be the tricolor flag of rectangular and horizontal form, of red and green and with a yellow-gold star with five points in its center.

- Statute shall determine the coat of arms as well as the meaning of its constituent elements.
- The national anthem shall be DITANYE.
- *The maxim shall be: UNITY – PROGRESS – JUSTICE. [8]*

Article 35

The official language shall be French.

Statute shall determine the modalities of the promotion and official designation of the national languages.

TITLE III THE PRESIDENT OF FASO

Article 36

The President of Faso shall be the Head of the State.

He shall ensure the observance of the Constitution.

He shall determine the main guidelines of State policy.

He shall embody and preserve national unity.

He shall be the guarantor of national independence, territorial integrity, the existence and the continuity of the State, and due respect for agreements and treaties.

Article 37[9]

The President of Faso shall be elected for five years by universal, direct, equal and secret suffrage. He may be re-elected once.

Article 38[10]

Every candidate to the functions of President of Faso must be Burkina by birth and born by parents who are themselves Burkinabe, have completed thirty-five years of age at the date of the announcement of his candidacy and fulfill the conditions required by statute.

Article 39

The President of Faso shall be elected by an absolute majority of the votes cast. If this majority is not obtained in the first ballot, a second round of voting shall take place fifteen (15) days later. Only the two candidates who have obtained the highest number of votes in the first ballot, taking into account, if applicable, the withdrawal of less favored candidates, shall have the right to present themselves in the second round of voting; the President of Faso shall in this round be elected by simple majority.

Article 40

The elections shall be held not less than twenty days and not more than thirty-five days before the expiry of the term of the President in office.

Article 41

The law shall determine the procedure, the conditions for eligibility and the presentation of the candidacies to the presidential elections, of the conduct of the ballot, the counting, and the proclamation of the results. It shall make all necessary arrangements to ensure that the elections are free, honest and fair.

Article 42

The functions of the President of Faso shall be incompatible with the exercise of any other elective mandate on the national level, of any public employment and of any professional activity.

The provisions of Articles 72, 73, 74 and 75 of the present Constitution shall apply to the President of Faso.

Article 43

When the President of Faso is unable temporarily to fulfill his functions, his powers shall provisionally be exercised by the Prime Minister.

In case of vacancy of the Presidency of Faso for any reason whatsoever, or of absolute or permanent incapacity declared by the Constitutional Council upon request by the Government, the functions of the President of Faso shall be exercised by the President of the National Assembly.

A new President shall be elected for a new term of five years.

The election of the new President shall take place not less than thirty days and not more than sixty days after the official declaration of the vacancy or the permanent incapacity. [11]

Article 44[12]

Before assuming his functions the elected President shall take before the Constitutional Council the following oath: "I swear before the Burkina people and on my honor to preserve, to respect, to enforce observance of and to defend the Constitution and the laws, and to do anything possible to guarantee justice to all the inhabitants of Burkina Faso." In the course of the inauguration ceremony the President of the Constitutional Council shall receive from the President of Faso the written declaration on his assets.

Article 45

Statute shall determine the Civil List [13] of the President of Burkina Faso. It shall organize a pension system for the benefit of former Presidents.

Article 46

The President of Faso shall appoint the Prime Minister and terminate his functions either when the latter tenders his resignation or when he deems it necessary in the superior interest of the Nation.

On the proposal of the Prime Minister, he shall appoint the other members of the Government and terminate their functions.

Article 47

The President of Faso shall chair the Council of Ministers. The Prime Minister shall act as his substitute in the conditions determined by the present Constitution.

Article 48[14]

The President of Faso shall promulgate an Act of Parliament within twenty-one days following the transmission of the adopted final text. This period shall be reduced to eight days in cases of emergency declared by the National Assembly.

The President of Faso may during the promulgation period ask for a reopening of the debate on the Act or certain of its sections; such request shall not be refused. This procedure shall suspend the promulgation period.

Failing promulgation within the required time limits, the Act shall enter into force automatically after the declaration of the Constitutional Council.

Article 49[15]

The President of Faso may, after consultation with the Prime Minister and the President of the National Assembly, submit any Government Bill on a question of national interest to a referendum.

In case of the adoption of the statute, he shall proceed to its promulgation within the time limits provided for in Article 48.

Article 50[16]

The President of Faso may, after consultation with the Prime Minister and the President of the National Assembly, declare the National Assembly dissolved.

In the case of dissolution, the legislative elections shall take place at least thirty days and at most sixty days after the dissolution.

No further dissolution shall take place within the year following these elections.

The dissolved Assembly may not sit.

However, the term of its Members shall not expire before the date of validation of the mandate of the members of the new National Assembly.

Article 51[17]

The President of Faso shall communicate with the National Assembly either in person or by messages which he shall cause to be read by the President of the National Assembly. When not in session, the National Assembly shall be convened especially for this purpose.

Article 52[18]

The President of Faso shall be the Commander-in-Chief of the National Armed Forces; in this capacity he shall chair the Higher Defense Council.

He shall appoint the Chief of Staff of the armies.

Article 53

The President of Faso shall be the President of the High Council of the Judiciary.

Article 54

The President of Faso is vested with the power to grant pardons. He shall propose amnesty statutes.

Article 55

The President of Faso shall make appointments to the posts in the high civil and military administration, as well as in companies and firms of a strategic character determined by statute.

He shall accredit ambassadors and envoys extraordinary to foreign powers and international organizations.

Foreign ambassadors and envoys extraordinary shall be accredited to him.

He shall appoint the Grand Chancellor of Burkina Orders [*Grand Chancelier des Ordres burkinabè*].

Article 56

A statute shall determine the other posts to be filled at meetings of the Council of Ministers and the manner in which the appointment powers of the President shall be exercised.

Article 57

The acts of the President of Faso other than those provided for in Articles 46, 49, 50, 54 and 59 shall be countersigned by the Prime Minister and, where necessary, by the Ministers concerned.

Article 58

The President of Faso shall decree, after deliberation by the Council of Ministers, the state of siege and the state of emergency.

Article 59[19]

When the institutions of Faso, the independence of the Nation, the integrity of its territory, or the execution of international obligations are under serious and immediate threat, and/or when the proper functioning of the public powers or institutions is interrupted, the President of Faso shall take, after deliberation by the Council of Ministers, and after official consultation of the Presidents of the National Assembly and of the Constitutional Council, the measures required by these circumstances. He shall inform the Nation by message of such measures. In no case may an appeal to foreign armed forces be made to intervene in a domestic conflict. The National Assembly shall sit as of right and shall not be dissolved during the exercise of such emergency powers.

Article 60

The President of Faso may delegate certain of his powers to the Prime Minister.

TITLE IV THE GOVERNMENT

Article 61

The Government shall be an organ of the Executive.

It shall conduct the policy of the Nation; in this capacity, the following matters shall be compulsorily submitted to it:

- drafts of international agreements;
- Government Bills and Private Members' Bills;
- draft regulations.

It shall have at its disposal the Administration and the Defense and Security Forces.

Article 62

The Government shall be accountable to Parliament in accordance with the terms and procedures set out in the present Constitution.

Article 63

The Prime Minister shall be the Head of Government; in this capacity, he shall direct and coordinate the governmental action.

He shall be responsible for the execution of the policy of national defense defined by the President of Faso.

He shall have power to make regulations in conformity with the law, ensure the execution of legislation and make appointments to civil and military posts other than those falling within the competence of the President of Faso.

Article 64

The Prime Minister shall assume the chairmanship of the Council of Ministers by way of delegation and for a specific agenda.

Article 65

The Prime Minister shall determine the powers of the members of the Government. These powers shall be defined by decree taken in the Council of Ministers.

Article 66

The acts of the Prime Minister shall be countersigned, where necessary, by the members of the Government charged with their execution.

Article 67

The Prime Minister may delegate certain of his powers to members of the Government.

Article 68

The members of the Government shall be accountable for the direction of their respective departments to the Prime Minister. They shall be jointly responsible for the decisions of the Council of Ministers.

Article 69

Any vacancy in the post of Prime Minister shall automatically terminate the functions of the other members of the Government. In this case, the latter shall manage the current business until the formation of a new Government.

Article 70

The functions of a member of Government shall be incompatible with the exercise of any parliamentary mandate, of any paid professional activity, and of any function of professional representation. However, the exercise of functions of professional representation of international character shall be possible with the previous consent of the Government.

Article 71

Every person who is called upon to exercise ministerial functions shall obligatorily benefit from a detachment or a suspension of his employment contract, as the case may be.

Article 72

The members of the Government shall not expose themselves to any situation likely to create a conflict between their official duties and their private interests.

Article 73

As long as they stay in office, members of the Government shall not, directly or indirectly, buy or lease any State property. The exceptions to this rule shall be determined by statute.

They shall not participate in bargains and auctions organized by the Administration or by institutions which are part of or controlled by the State.

Article 74

No member of Government shall make a profit out of his position, or directly or indirectly use information which has been provided to him for personal purposes.

Article 75

The provisions of Article 73 shall continue to apply to members of the Government during the six months following the termination of their functions.

Those of Article 74 shall continue to apply during the two years following the termination of their functions.

Article 76

Every member of the Government shall be responsible before the High Court of Justice for crimes and misdemeanors committed by him in the exercise of his functions.

Article 77[20]

At the beginning and at the end of their term in office the members of the Government shall be obliged to submit a list of their assets to the Constitutional Council.

This obligation extends to all Presidents of institutions set up by the Constitution as well as to other personalities whose list shall be established by statute.

TITLE V PARLIAMENT

Article 78[21]

Parliament shall consist of a single House with the name "National Assembly".

Article 79[22]

The members of the National Assembly shall carry the title "Deputy".

Article 80[23]

The Deputies shall be elected by universal direct, equal and secret suffrage. They shall exercise the legislative power.

Every person elected Deputy shall benefit, where necessary, from a detachment or a suspension of his employment contract, as the case may be.

Article 81[24]

The term of Parliament shall be five (5) years.

Article 82

An Act of Parliament shall determine:

- the constituencies;
- the number of seats and their allocation to the constituencies;
- the electoral system;
- the conditions of eligibility and of replacement through new elections in case of vacancy in the parliamentary seat, as well as the terms of disqualifications and incompatibilities.

Article 83

No partial elections may take place during the third and final leg of the Parliamentary term.

Article 84[25]

The National Assembly shall enact statutes, approve taxes and control the action of the Government in conformity with the provisions of the present Constitution.

Article 85[26]

No Member of the National Assembly shall be elected with any binding mandate.

Members' right to vote shall be exercised in person. Voting by proxy shall be permitted if the absence of the member is justified. Nobody shall cast a proxy vote for more than one member.

Article 86[27]

Every new Assembly shall declare the validity of the election of its members, notwithstanding the control exercised by the Constitutional Council with regard to the proper conduct of the election.

It shall establish its rules of procedure.

Article 87[28]

The Assembly shall sit as of right in two ordinary sessions every year. The length of each session shall not exceed ninety days. The first session shall open on the first Wednesday of March and the second on the last Wednesday of September. If the first Wednesday of March or the last Wednesday of September is a holiday, the session shall open on the first working day which follows.

Article 88

The Assembly shall meet in extraordinary session on convocation by its President, at the request of the Prime Minister or of that of an absolute majority of the Deputies to debate a specific agenda. The extraordinary session shall be closed once all the items on the agenda have been dealt with.

Article 89

The sittings of the Assembly shall be public. However, the Assembly can meet in closed session if the need arises.

Article 90[29]

Except in the case of force majeure declared by the Constitutional Council, the debates of the Assembly shall only be valid if they take place within the compounds of Parliament.

Article 91[30]

The President of the National Assembly shall be elected for the Parliamentary term by absolute majority in the first round of voting, by simple majority in the second round.

The members of the Bureau shall be elected for one year, renewable.

However, their functions may be terminated during the course of the Parliamentary term at the request of two-fifths and after a vote of the absolute majority of the members of the Assembly.

“Absolute majority” means more than half of the votes.

Article 92

In case of a vacancy in the Presidency of the Assembly by death, resignation or for any other cause, the Assembly shall elect a new President in the manner defined in Article 91.

Article 93

The Assembly shall enjoy financial autonomy. Its President shall manage the credits which are allotted to it for its functioning.

The President shall be accountable for this management to the Assembly; it may vote him out of office by absolute majority for grave errors (*faute lourde*) in his management.

Article 94[31]

Every Deputy who is appointed to high office shall be replaced in the Assembly by his substitute (suppléant). The list of high offices shall be determined by statute.

If he ceases to exercise his functions before the end of the first half of Parliament, he may return to his seat; he may only return to his seat at a later date if it falls vacant due to the death or resignation of his substitute.

Article 95

No Deputy shall be prosecuted, investigated, arrested, detained or tried in respect of opinions expressed or votes cast in the performance of his official duties.

Article 96

Except in the case of *flagrante delicto*, no Deputy shall be prosecuted or arrested for a crime or an act which is subject to sanctions of a custodial or semi-custodial nature without the authorization of at least one-third of the members of the Assembly when it is in session or of the Bureau of the Assembly when it is not.

TITLE VI DELIMITATION OF STATUTORY AND REGULATORY MATTERS

Article 97[32]

The statute is a measure debated by the National Assembly (une délibération) and promulgated in accordance with the rules.

The statute on which the Constitution confers the character of Institutional Act is a measure debated by the National Assembly which has as its object the organization or the functioning of the institutions. It shall be adopted by absolute majority and shall be promulgated after declaration of its conformity with the Constitution by the Constitutional Council.

The Deputies and the Government shall equally have the right to initiate legislation. The draft texts submitted by the Deputies shall be known as “Private Members’ Bills” (propositions de loi) and those submitted by the Government as “Government Bills” (projets de lois).

The Private Members’ Bills and the Government Bills shall be debated in the Council of Ministers before they are transmitted to the Bureau of the National Assembly.

Article 98[33]

The people shall initiate legislation by way of a petition consisting of a drawn-up proposal signed by at least fifteen thousand (15,000) persons who have the right to vote in the manner determined by statute. The petition is submitted to the Bureau of the National Assembly.

The right of amendment belongs to the Deputies and to the Government, regardless of the origin of the text.

Article 99

The Ordinance is an act signed by the President of Faso, after deliberation by the Council of Ministers, on matters reserved to regulation by statute and those provided for in Articles 103, 107 and 119 of the present Constitution. It shall enter into force upon its publication.

Article 100

The ordinary decree is an act signed by the President of Faso or by the Prime Minister and countersigned by the competent member or members of the Government.

The decree in the Council of Ministers is an act signed by the President of Faso and by the Prime Minister upon advice of the Council of Ministers: it is countersigned by the competent member or members of the Government.

Article 101[34]

Statutes shall determine the rules concerning:

- citizenship, civic rights and the exercise of public freedoms;
- the obligations imposed for the purposes of national defense;
- the status of the opposition;
- nationality, the status and capacity of persons, matrimonial property systems, inheritance and gifts;
- the procedure under which customs shall be determined and harmonized with the fundamental principles of the Constitution;
- the determination of crimes and offences as well as the penalties they carry, criminal procedure, amnesty;

- the organization of the ordinary and administrative tribunals and the procedures before these jurisdictions, the status of members of the judiciary, the ministerial officers and the auxiliary staff of the judiciary;
- the base, rates and methods of collection of all types of taxes;
- the issuing of currency;
- *the system for electing Members of the National Assembly and of the local assemblies;*
- nationalization of companies and the transfer of ownership of companies from the public to the private sector;
- the setting up of categories of public legal entities;
- the state of siege and the state of emergency. Statutes shall also lay down the basic principles of:
- the protection and promotion of the environment;
- the elaboration, execution and follow-up of the national development plans and programs;
- the protection of freedom of the press and access to information;
- the general organization of the administration;
- the general status of the civil service;
- the general organization of national defense;
- education and scientific research;
- systems of ownership, property rights and civil and commercial obligations;
- Employment law, Trade Union law and the law of social institutions;
- the sale and the management of State property;
- the penitentiary system;
- co-operatives and savings institutions;
- the organization of production;
- transport and communications;
- the self-government of territorial communities, their powers and revenue.

Article 102

The Finance Act shall determine the revenue and the expenditure of the State for each year. The Finance Bill must make provision for the revenues necessary to cover the total expenditure.

Article 103^[35]

The Finance Bill shall be submitted to the National Assembly at the beginning of the second ordinary session.

The provisions of the Bill may be put into force by ordinance if the Assembly has not taken a decision within sixty days following the submission of the Bill and once the fiscal year has ended. In such case the Government shall convene an extraordinary session in order to ask for ratification. If the budget is not voted at the end of the extraordinary session, it shall definitively be established by ordinance.

If the Finance Bill could not be submitted in time for adoption and promulgation before the start of the fiscal year, the Prime Minister may request as a matter of urgency the authorization by the Assembly to re-institute the budget of the preceding year by provisional twelfths (*douzièmes provisoires*).

Article 104

When the circumstances so require, the Government shall propose to Parliament in the course of execution of the budget the adoption of Rectifying Financial Acts.

Article 105[36]

The National Assembly shall settle the accounts of the Nation in accordance with the modalities provided for in the Finance Act.

It shall be assisted to this effect by the Court of Auditors, from which it shall commission all inquiries and studies dealing with the handling of public revenue and expenditure or the management of the national treasury, of the treasury of the territorial communities and of the administrations or institutions which form part of or are under the control of the State.

Article 106

The Assembly shall sit as of right in case of a state of siege, if it is not in session. The state of siege may only be extended beyond fifteen days after authorization by the Assembly.

The declaration of war and the sending of troops abroad shall be authorized by the Assembly.

Article 107[37]

In order to implement its program, the Government may ask the Assembly for authorization, for a limited period, to take measures by ordinance that is normally the preserve of statute law (*domaine de la loi*).

Ordinances shall be issued in the Council of Ministers, after consultation with the Constitutional Council. They shall come into force upon publication, but shall lapse in the event of failure to table before the Assembly a Bill to ratify them by the date set by the Enabling Act.

At the end of the period referred to in the first paragraph of this Article ordinances may be amended solely by an Act of Parliament with regard to those of their provisions which fall within the preserve of statute law.

Article 108

Matters other than those coming under the scope of statute law shall be matters for regulation.

TITLE VII [38] RELATIONS BETWEEN THE GOVERNMENT AND THE NATIONAL ASSEMBLY

Article 109[39]

The Prime Minister shall have access to the National Assembly. He may charge a member of the Government to represent him before the Assembly; this member may ask for the assistance, in debates or in commission, of counselors or experts of his choice.

The Prime Minister shall inform the Deputies of the state of the Nation on the opening of the first session of the Assembly.

This presentation shall be followed by debate but may not give rise to any vote.

Article 110

The members of the Government shall have access to the Assembly, to its commissions and consultative organs. They may ask for the assistance of counselors or experts.

Article 111[40]

During the sessions, at least at one sitting each week priority shall be given to questions from the Deputies and to answers from the Government.

The Assembly may address to the Government questions concerning current events (questions d'actualité), written or oral questions, with or without debate.

Article 112[41]

The Government shall table its Bills before the National Assembly.

It shall expose and defend before it the governmental policy, the State budget, and the plans of economic and social development of the Nation.

It shall take part in the debates on the orientation, the legitimacy, the merits and the efficacy of the policy of the Government.

Article 113

The Government shall provide to the Assembly all explanations requested on its management and actions.

The Assembly may establish commissions of inquiry.

Article 114

In addition, the mutual relations between the Assembly and the Government shall find their expression in:

- the motion of censure;
- the question of confidence;
- the dissolution of the Assembly;
- the procedure of parliamentary discussion.

Article 115[42]

The National Assembly may present a motion of censure with respect to the Government. The motion of censure shall be signed by at least one-third of the Deputies of the Assembly. To be adopted, it must be

voted by an absolute majority of the members composing the Assembly. In case of rejection of the motion of censure, its signatories shall not present another motion before a year has passed.

Article 116[43]

The Prime Minister, after deliberation by the Council of Ministers, may make the Government's program or a general policy statement an issue of a vote of confidence before the National Assembly.

Confidence shall be refused if the text presented does not obtain the absolute majority of the votes of the members composing the Assembly.

Voting may not take place within forty-eight hours after the text has been tabled.

The Prime Minister may, after deliberation by the Council of Ministers, make the passing of a text an issue of a vote of confidence before the National Assembly. In that event, the text shall be considered passed unless a censure motion, tabled within the subsequent twenty-four hours, is carried as provided for in the foregoing paragraphs.

Article 117

If the motion of censure is adopted or confidence is refused, the President of Faso shall terminate, within a time period of eight days, the functions of the Prime Minister. He shall appoint a new Prime Minister according to the procedure provided for in Article 46.

Article 118

In the agenda of the Assembly, priority shall be given, in the order determined by the Government, to the debate of popular petitions, Government Bills and Private Members' Bills accepted by it.

However, any Private Members' Bill may be debated within two months of its submission to the Government, without being subject to the application of the preceding paragraph, and of Articles 121 and 122 of the present Constitution.

Article 119

In case of emergency declared by the Government, the Assembly must take a decision on Government Bills within fifteen days. This period shall be extended to forty days for the Finance Act. If at the end of the period no vote has taken place, the Government Bill shall be promulgated in its existing form by the President of Faso upon proposal of the Prime Minister by way of ordinance.

Article 120[44]

The proposals and amendments concerning the Finance Act which are presented by the Deputies shall be inadmissible where their enactment would result in either a diminution of public revenue or the creation or increase of any public expenditure, unless they are accompanied by proposals for an increase in revenues or equivalent savings.

Article 121

If the Government so requests, the Assembly shall proceed to a single vote on all or part of the text under debate, solely retaining the amendments proposed or accepted by the Government.

Article 122

When the Assembly has referred a draft law to a commission for examination, the Government may after the opening of the debate object to the consideration of any amendment which has not previously been submitted to the commission.

Article 123[45]

Proposals and amendments which are not a matter for statute shall be inadmissible. The inadmissibility shall be declared by the President of the Assembly.

In case of dispute, the Constitutional Council, upon request of the Prime Minister or of the President of the Assembly, shall give its ruling within eight days.

**TITLE VIII
THE JUDICIARY**

Article 124

The judicial power shall be entrusted to the judges; it shall be exercised in all of the territory of Burkina Faso by the ordinary and administrative courts established by statute.

Article 125

The judicial power shall be the guardian of the individual and collective liberties.

It shall ensure respect for the rights and freedoms defined in the present Constitution.

Article 126[46]

The ordinary and administrative courts of Burkina Faso shall be:

- the Court of Cassation (Cour de Cassation);*
- the Council of State (Conseil d'État);*
- the Court of Auditors (Cour des Comptes);*
- the courts and tribunals established by statute.*

These courts shall apply the law in force.

Article 127[47]

The Court of Cassation shall be the highest instance of the ordinary courts.

The Council of State shall be the higher instance of the administrative courts.

The Court of Auditors shall be the higher control authority for the public finances.

An Institutional Act shall determine the composition, the organization, the powers, and the functioning of each of these courts, and the procedure to be followed before them.

Article 128

Statute shall determine the seat, the branch of law, the jurisdiction and the composition of the courts and tribunals.

Article 129

The judicial power shall be independent.

Article 130

In the exercise of their functions the judges shall be subject only to the authority of the law. They shall be irremovable.

Article 131

The President of Faso shall be the guarantor of the independence of the judicial power.

He shall be assisted by the High Council of the Judiciary.

Article 132

The President of Faso shall be the President of the High Council of the Judiciary.

The *Garde des sceaux*, [48] the Minister of Justice shall be its Vice-President.

Article 133[49]

The High Council of the Judiciary shall give its advice on any question concerning the independence of the judiciary and on the exercise of the right of pardon.

An Institutional Act shall determine the organization, composition, powers and functioning of the High Council of the Judiciary.

Article 134[50]

The High Council of the Judiciary shall make proposals on the appointments and the assignments of judges at the Court of Cassation, the Council of State and the Court of Auditors, and on those of the First Presidents of the Courts of Appeal.

It shall give its advice on the proposals of the Minister of Justice concerning the appointment of the other judges.

The public prosecutors shall be appointed and assigned on the proposal of the Minister of Justice.

Article 135

An Institutional Act shall determine the status of the members of the judiciary by respecting the principles contained in this Constitution.

It shall provide for and implement the guarantees and the independence of the judiciary.

Article 136

Hearings shall be public in all courts and tribunals. A hearing in closed session shall only be admissible in the cases defined by statute.

The decisions of the courts shall be reasoned, except in those cases where a statute provides otherwise.

TITLE IX

THE HIGH COURT OF JUSTICE

Article 137[51]

A High Court of Justice shall be established. The High Court of Justice shall be composed of Deputies whom the National Assembly shall elect after each general renewal as well as of judges and public prosecutors designated by the President of the Court of Cassation. It shall elect its President from among its members.

A statute shall determine its composition, its rules of operation and the procedure to be followed before it.

Article 138

The High Court of Justice shall be competent to examine the acts committed by the President of Faso in the exercise of his functions which constitute high treason, an infringement of the Constitution, or an embezzlement of public funds.

The High Court of Justice shall be equally competent to try the members of the Government for acts qualified as crimes or misdemeanors committed in the exercise or on the occasion of the exercise of their functions. In all other cases, they shall remain subject to the jurisdiction of the ordinary courts and the other courts.

Article 139

The impeachment of the President of Faso shall be voted with a majority of four-fifths of the votes of the Deputies composing the Assembly. The impeachment of the members of Government shall be voted with a majority of two-thirds of the votes of the Deputies composing the Assembly.

Article 140

The High Court of Justice shall be bound by the definition of crimes and misdemeanors and the determination of the penalties as they result from the laws in force at the time the relevant acts were committed.

TITLE X [52]

THE ECONOMIC AND SOCIAL COUNCIL AND ORGANS OF CONTROL

Article 141[53]

A consultative body named Economic and Social Council (CES) shall be established. The Economic and Social Council shall have the task of giving its advice on questions of economic, social or cultural character submitted to its examination by the President of Faso or the Government.

It may be consulted on any draft plan or program of an economic, social or cultural character.

The Economic and Social Council may also proceed to the analysis of any problem of economic or social development. It shall submit its conclusions to the President of Faso or the Government.

At the request of the President of Faso or the Government, the Economic and Social Council shall designate one of its members to explain before these organs the advice of the Council on the questions which have been referred to it.

An Institutional Act shall determine the composition, the organization and the functioning of the Economic and Social Council.

Article 142[54]

Organs of control shall be established by statute.

Their competence shall extend to economic, social and cultural questions of national interest.

The composition, the powers and the functioning of these organs of control shall be established by statute.

TITLE XI THE TERRITORIAL COMMUNITIES

Article 143[55]

Burkina Faso shall be organized in territorial communities.

Article 144

The establishment, abolition and delimitation of the territorial communities shall be a matter for statute.

Article 145

A statute shall organize the democratic participation of the populations in the self-government of the territorial communities.

TITLE XII AFRICAN UNITY

Article 146

Burkina Faso may conclude with any African state agreements of association or of community implying a total or partial abandonment of sovereignty.

Article 147

Agreements providing for the accession of Burkina Faso to a Confederation, a Federation or a Union of African States shall be submitted to the approval of the People by referendum.

TITLE XIII INTERNATIONAL TREATIES AND AGREEMENTS

Article 148

The President of Faso shall negotiate, sign and ratify international treaties and agreements.

Article 149

Peace treaties, commercial treaties, treaties committing the finances of the State, those modifying provisions which are the preserve of statute law and those relating to the status of persons may be ratified or approved only by virtue of an Act of Parliament.

They shall become effective only after they have been ratified or approved.

Article 150[56]

If the Constitutional Council, upon a request submitted in conformity with Article 157, has declared that an international undertaking contains a clause contrary to the Constitution, authorization to ratify or approve the international undertaking involved may be given only after amending the Constitution.

Article 151

Treaties or agreements duly approved or ratified shall upon publication prevail over Acts of Parliament, subject, for each agreement or treaty, to its application by the other party.

**TITLE XIV [57]
THE CONSTITUTIONAL COUNCIL**

Article 152[58]

The Constitutional Council shall be the competent institution in constitutional and electoral matters. It shall have the task of ruling on the constitutionality of statutes and of ordinances, as well as on the conformity of international treaties and agreements with the Constitution.

It shall interpret the provisions of the Constitution. It shall control the proper conduct, the transparency, and the fairness of the referendum and the presidential and legislative elections, and shall be the arbiter of electoral disputes.

It shall proclaim the final results of the presidential, legislative and local elections.

The control of the proper conduct and of the transparency of the local elections shall be a matter for the administrative tribunals.

Article 153[59]

The Constitutional Council shall comprise, in addition to its President, three (3) judges or prosecutors appointed by the President of Faso upon proposal by the Minister of Justice, three (3) persons appointed by the President of Faso, and three persons appointed by the President of the National Assembly.

Except for its President, the members of the Constitutional Council shall be appointed for a non-renewable term of nine (9) years.

However, one third (1/3) of the membership of the Council shall be renewed every three years in the manner determined by statute.

The functions of a member of the Constitutional Council shall be incompatible with those of a member of the Government or of the Parliament.

The other incompatibilities shall be established by statute.

Article 154[60]

The Constitutional Council shall ensure the proper conduct of the presidential elections. It shall examine complaints and proclaim the results of the ballot.

The Constitutional Council shall rule, in case of dispute, on the proper conduct of the election of the Deputies.

In electoral matters, applications with the Constitutional Council may be lodged by any candidate concerned.

The Constitutional Council shall ensure the proper conduct of the referendum proceedings and proclaim the results.

The Constitutional Council shall ensure the observance of the procedure for amending the Constitution.

Article 155[61]

The Institutional Acts and rules of procedure of the National Assembly must be submitted to the Constitutional Council before their promulgation or application.

The ordinary statutes and the treaties subject to the ratification procedure may be referred to the Constitutional Council for the same purpose before their promulgation.

Article 156[62]

The Constitutional Council shall also have the task of controlling the observance of the provisions of Article 13 paragraph 5 of this Constitution by the political parties.

Article 157[63]

Matters may be referred to the Constitutional Council by:

- the President of Faso;*
- the Prime Minister;*
- the President of the National Assembly;*
- at least one-fifth (1/5) of the members of the National Assembly;*

Article 158[64]

The referral to the Constitutional Council shall suspend the promulgation period for the texts submitted to it.

Article 159[65]

A provision declared unconstitutional may not be promulgated or applied.

The decisions of the Constitutional Council shall not be subject to appeal. They shall be binding on the public powers and on all administrative and judicial authorities.

Article 160[66]

An Institutional Act shall regulate the organization and the functioning of the Constitutional Council and determine the procedure to be followed before it.

TITLE XV AMENDMENT OF THE CONSTITUTION

Article 161[\[67\]](#)

The right to initiate an amendment of the Constitution shall be exercised by:

- the President of Faso;*
- the majority of the members of the National Assembly;*
- the people when a group of at least thirty thousand (30,000) persons who have the right to vote introduces before the National Assembly a petition containing a drawn-up and signed proposal.*

Article 162[\[68\]](#)

Statute shall establish the conditions for the implementation of the amendment procedure.

Article 163[\[69\]](#)

The draft amendment shall in all cases be submitted first to the examination by the National Assembly.

Article 164[\[70\]](#)

The draft text shall then be submitted to referendum. It shall be deemed to have been adopted when it has obtained a majority of the votes cast.

The President of Faso shall proceed with its promulgation in the conditions established by Article 48 of this Constitution.

However, the draft amendment shall be adopted without recourse to referendum if it is approved by a majority of three quarters (3/4) of the members of the National Assembly.

Article 165

No Government Bill or Private Members' Bill on an amendment of the Constitution shall be admissible if it calls into question:

- the republican nature and form of the State;*
- the multiparty system;*
- the integrity of the national territory.*

No amendment procedure may be initiated or pursued while the integrity of the territory is being violated.

TITLE XVI FINAL PROVISIONS

Article 166

Treason against the Fatherland and the violation of the Constitution shall constitute the most serious crimes committed against the people.

Article 167

The source of all legitimacy shall be derived from the present Constitution.

Any power which does not have this Constitution as its source, in particular the power resulting from a coup d'état or from a putsch, shall be illegal. In that event the right to civil disobedience shall be recognized for all citizens.

Article 168

The Burkina people forsake any idea of personal power. They equally forsake any oppression of a group of the people by another.

TITLE XVII TEMPORARY PROVISIONS

Article 169

The promulgation of the Constitution must take place within twenty-one (21) days of its adoption by referendum.

Article 170

The Head of State and the Government shall be authorized to take any measures necessary for the establishment of institutions.

Article 171

The presidential and legislative elections shall take place within the twelve (12) months which follow the adoption of the Constitution.

Article 172

Until the institutions are established, the Head of State and the Government shall continue to act and to take the measures necessary for the functioning of public powers, for the life of the Nation, for the protection of citizens and for the safeguarding of liberties.

Article 173

The legislation in force shall remain applicable to the extent that it is not contrary to this Constitution, until the enactment of new texts.

NOTES

[1] The *Constitution of Burkina Faso of June 2, 1991*, has been amended by *Acts No. 002/97/ADP of January 27, 1997*, *No. 003-2000/AN of April 11, 2000* and *No. 001-2002/AN of January 22, 2002*. The changes implemented by the three amending Acts are highlighted in the text for easy reference.

[2] As amended by constitutional reform of January 27, 1997. The original wording of the provision was as follows: “Strengthened by the democratic achievements of the laboring masses of our villages and our countryside.”

[3] The reference to “dignity” was added by the constitutional reform of January 27, 1997.

[4] As amended by constitutional reform of January 27, 1997. The old version referred to the “popular character” (*caractère populaire*) of power.

[5] “Sports” was included in the list of social right and duties by constitutional reform of January 27, 1997.

[6] The title was modified by constitutional reform of January 27, 1997. Its original version was “State and Popular Sovereignty”.

[7] The adjective “national” was inserted by constitutional amendment of January 27, 1997.

[8] Prior to the constitutional reform of January 27, 1997, the maxim was: “Fatherland or Death, we shall overcome.”

[9] Prior to the reforms of January 27, 1997 and April 11, 2000, the presidential term was seven years, renewable once.

The reform of 1997 eliminated the limit on the number of terms. It was reintroduced, and the presidential term was reduced from seven to five years by the reform of April 2000.

[10] As amended by constitutional reform of January 27, 1997. Prior to the reform, the parents of the presidential candidate also had to be Burkinabe by birth.

[11] Paragraphs 2 to 4 as amended by constitutional reforms of January 1997 and April 2000. The first reform changed the name of the President of Parliament from “President of the Assembly of Deputies of the People” (*députés du peuple*) to “President of the National Assembly”. The second reform transferred the competence to declare the vacancy of the Presidency or the permanent incapacity of the President from the Supreme Court to the Constitutional Council,

brought paragraph 3 into line with the reform of the presidential term (see note 8), and prolonged the time periods for the election of the new President from twenty to thirty and from forty to sixty days, respectively.

[12] The constitutional reform of April 11, 2000 assigned the functions previously exercised by the Supreme Court in the inauguration ceremony to the Constitutional Council.

[13] The Civil List is the sum that covers most expenses associated with the President’s performing of his or her official duties, including those for staffing, State visits, public engagements, and the costs of the presidential household.

[14] The first reform of Article 48 in January 1997 replaced the term “Assembly of Deputies of the People” with “National Assembly”. The second amendment of April 11, 2000 transferred the functions of the Supreme Court with regard to the promulgation of statutes to the newly established Constitutional Council.

[15] The first reform of Article 49 in 2000 added the President of the National Assembly to the list of persons who have to be consulted before the President can proceed with the legislative referendum. The second reform of 2002 eliminated the President of the Chamber of Representatives (*Chambre des représentants*) from that list, following the abolition of the Chamber.

[16] The first amendment of Article 50 in 1997 had simply changed the name of the “Assembly of the Deputies of the People”. The second reform in 2000 was much more substantial: it added the President of the National Assembly to the list of persons who have to be consulted before a dissolution of the National Assembly, prolonged the period during which the elections have to take place (previously the elections had to be held at least twenty days and at most forty days after the dissolution) and added two new paragraphs. Finally the reform of 2002 eliminated the President of the Chamber of Representatives from the list of persons who have to be consulted before the Assembly is dissolved, following the abolition of that Chamber.

[17] The first reform of January 1997 has replaced the reference to the “Assembly of Deputies of the People” with the reference to the “National Assembly”. The second reform of January 2002 has eliminated all references to the former Chamber of Representatives and its President.

[18] The amendment of January 1997 replaced the reference to the “People’s Armed Forces” with a reference to the “National Armed Forces” and the reference to the Chief Commander of the “People’s Armed Forces” with a reference to “Chief of Staff of the armies”.

[19] As amended by constitutional reforms of January 1997, April 2000 and January 2002. The first reform replaced the term “Assembly of Deputies of the People” with “National Assembly”, the second transferred the functions of the Supreme Court in the area of constitutional review to the Constitutional

Council, and the third eliminated any reference to the abolished Chamber of Representatives from the text.

[20] The reform of April 2000 replaced the Supreme Court with the Constitutional Council in paragraph 1. The amendment of January 2002 added the second paragraph.

[21] As amended by the reform of January 1997, which changed the name of the “Assembly of Deputies of the People” to “National Assembly”, and the revision of January 2002, which abolished the Chamber of Representatives as second House of Parliament.

[22] See note 20.

[23] See note 20. The original version of Article 80 had the following wording:

“The Deputies shall be elected by universal direct, equal and secret suffrage. They shall exercise the legislative power. The Representatives shall be elected by indirect suffrage. The Chamber of Representatives shall have a consultative role. The rules relating to the composition and the functioning of the Chamber of Representatives shall be established by statute. Every person elected Deputy shall benefit, where necessary, from a detachment or a suspension of his employment contract, as the case may be.”

[24] As amended by reform of January 22, 2002, due to the abolition of the Chamber of Representatives.

[25] As amended by constitutional reform of January 27, 1997, which replaced the term “Assembly of Deputies of the People” with the term “National Assembly”.

[26] First paragraph added by constitutional amendment of January 22, 2002.

[27] As amended by constitutional reform of April 2000, which transferred the control functions previously exercised by the Supreme Court to the Constitutional Council.

[28] As amended by constitutional reform of January 27, 1997. The reform extended the maximum duration of each ordinary session from sixty to ninety days and moved the date for the opening of the first session from the last Wednesday to the first Wednesday in March and the date for the opening of the second session from the last Wednesday in October to the last Wednesday in September.

[29] As amended by constitutional reform of April 2000, which transferred the constitutional review powers previously exercised by the Supreme Court to the Constitutional Council.

[30] As amended by constitutional reforms of January 27, 1997, and January 22, 2002. Originally the provision had the following wording:

“The President and the members of the Bureau of the Assembly of Deputies of the People shall be elected for the Parliamentary term by absolute majority in the first round of voting and by simple majority in the second round. However, their functions may be terminated during the Parliamentary term at the request of two fifths and following a vote by the absolute majority of the members of the Assembly. ‘Absolute majority’ means more than half of the votes.” The reform of January 1997 substituted the term “National Assembly” for “Assembly of Deputies of the People” and separated the term of the President, who is elected for the full Parliamentary term, from that of the other members of the Bureau, who are now elected for one year (but may be re-elected). It added the following provisions: “He is the President of Parliament. In this capacity he shall chair the joint sessions of the two Houses. These are decided by the Bureau of the Assembly when required by the circumstances. The President of Parliament shall take the measures relating to the National Assembly and the Chamber of Representatives, in accordance with the Constitution and the statutes. He shall convene and install the Chamber of Representatives.” The provisions were removed from the text of the Constitution in 2002, following the abolition of the Chamber of Representatives.

[31] As amended by reform of April 11, 2000. The original wording was as follows:

“Every Deputy who is appointed to high office shall be replaced in the Assembly by his substitute. If he ceases to exercise his functions before the end of Parliament, he may return to his seat in the Assembly.”

[32] The first reform of January 1997 replaced the term “Assembly of the Deputies of the People” with the term “National Assembly”. The second revision of the Article substituted the Constitutional Council for the Supreme Court. The third reform in 2002 eliminated all references to the abolished Chamber of Representatives from the text. Paragraph 5 of the original Article 97 had described the role of the Chamber in the following words:

“A request for a consultative opinion on a Private Members’ Bill or a Government Bill deemed to be of national importance may be submitted to the Chamber of Representatives by:

- the Government;
- the National Assembly;
- the Permanent Bureau of the Chamber of Representatives.”

[33] As amended by constitutional reform of January 27, 1997, which replaced the term “Assembly of Deputies of the People” with the term “National Assembly”.

[34] See note 32.

[35] As amended by constitutional reform of January 27, 1997, which replaced the term “Assembly of Deputies of the People” with the term “National Assembly” and extended the period during which the Assembly has to take a decision on The Constitution of Burkina Faso, 1991 (as Amended to 2002) the Finance Bill from forty to sixty days.

[36] As amended by constitutional reform of January 27, 1997, which replaced the term “Assembly of Deputies of the People” with the term “National Assembly”, and by revision of April 11, 2000, which substituted the term “Court of Auditors” for the term “Chamber of Auditors of the Supreme Court”.

[37] As amended by constitutional reform of April 2000, which transferred the constitutional review functions previously exercised by the Supreme Court to the Constitutional Council.

[38] As amended by constitutional reform of January 27, 1997, which replaced the term “Assembly of Deputies of the People” with the term “National Assembly”.

[39] See note 37.

[40] As amended by constitutional reform of April 11, 2000. Originally, the wording was as follows: “During the sessions, at one sitting each week priority shall be given to questions from the Deputies and to answers from the Government.

The Assembly may address to the Government written and oral questions, with or without debate.”

[41] As amended by constitutional reform of January 27, 1997, which replaced the term “Assembly of Deputies of the People” with the term “National Assembly”.

[42] See note 40.

[43] See note 40.

[44] The constitutional reform of April 2000 has limited the scope of application of the objection of inadmissibility to proposals concerning the Finance Act. It is thus no longer applicable to other bills.

[45] As amended by constitutional reform of April 11, 2000, which transferred the constitutional review powers previously exercised by the Supreme Court to the Constitutional Council.

[46] As amended by constitutional reform of April 11, 2000. The original Article 126 provided:

“The courts of Burkina Faso shall be:

— the Supreme Court

— the Courts and Tribunals.

These courts shall apply the law in force.”

[47] Text inserted by the constitutional reform of April 11, 2000.

[48] Traditional title of the Minister of Justice in the French language.

[49] The original version of paragraph 2 of Article 133 had required a simple statute, not an Institutional Act, for the regulation of the organization, composition, powers and functioning of the High Council of the Judiciary.

[50] As amended by the reform of April 11, 2000. The modification of the provision became necessary as a result of the breaking-up of the old Supreme Court into four autonomous courts (Court of Cassation, Council of State, Court of Auditors, and Constitutional Council).

[51] The amendment of January 27, 1997, replaced the term “Assembly of the Deputies of the People” with the term “National Assembly”, while the amendment of April 11, 2000 substituted “President of the Court of Cassation” for “President of the Supreme Court”.

[52] As amended by reform of April 11, 2000. Previously the chapter title was “Organs of Control, Consultative Instances and Organs”.

[53] As amended by the constitutional reform of April 11, 2000.

[54] As amended by the reform of April 2000. The new text of this Article largely reflects that of the old Article 141.

[55] As amended by the reform of January 27, 1997, which eliminated any reference to the “local organs of popular power” in the territorial communities which was part of the original Article.

[56] As amended by constitutional reform of April 11, 2000, which transferred the functions, previously exercised by the Supreme Court in the area of constitutional review to the Constitutional Council.

[57] As amended by constitutional reform of April 11, 2000. The previous title of this chapter was “Constitutional Review of Statutes”. The reform replaced the former Constitutional Chamber of the Supreme Court with an autonomous institution, the Constitutional Council, which took over all its functions in the area of constitutional review.

[58] Text inserted by the constitutional amendment of April 11, 2000.

[59] The reform of January 27, 1997 replaced the term “Assembly of the Deputies of the People” with the term “National Assembly”. The other changes were implemented by the reform of April 2000.

[60] Changes resulting from the replacement of the Constitutional Chamber of the Supreme Court by the Constitutional Council see note 56.

[61] Changes resulting from the change of name of the Assembly (see note 40), the replacement of the Constitutional Chamber of the Supreme Court by the Constitutional Council (see note 56), and the abolition of the Chamber of Representatives (see notes 22, 23).

[62] Changes resulting from the replacement of the Constitutional Chamber of the Supreme Court by the Constitutional Council see note 56.

[63] Changes resulting from the change of name of the Assembly (see note 40), the replacement of the Constitutional Chamber of the Supreme Court by the Constitutional Council (see note 56), and the elimination of any reference to the President of the Chamber of Representatives following the abolition of this Chamber (see notes 22, 23).

[64] Changes resulting from the replacement of the Constitutional Chamber of the Supreme Court by the Constitutional Council see note 56.

[65] See note 63.

[66] See note 63.

[67] As amended by constitutional reform of January 27, 1997, which replaced the term “Assembly of Deputies of the People” with the term “National Assembly”.

[68] As amended by the reform of January 27, 1997, which replaced the word “and” by the word “for” between “the conditions” and “the implementation”.

[69] As amended by constitutional reform of January 27, 1997, which replaced the term “Assembly of Deputies of the People” with the term “National Assembly”.

[70] See note 68.