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Constitution of the Republic of Upper Volta [*Haute-Volta*]

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Preamble

The People of Upper Volta proclaim their attachment to the principles of democracy and of the Rights of Man, as they were defined by the Declaration of the Rights of Man and of the Citizen of 1789, by the Universal Declaration of 1948, and as they are guaranteed by this Constitution.

It affirms its willingness to cooperate in peace and amity with all peoples who share its ideal of justice, of freedom, of equality, of fraternity and of human solidarity.

First Title

Of the State and of Sovereignty

Article 1

The State of Upper Volta is an independent and sovereign Republic.

The national emblem is the tricolor flag: [of] black, white, [and] red in horizontal stripes of equal dimensions.

The anthem of the Republic is "*La Volta*" [The Volta]

The motto of the Republic is: "*Unité, Travail, Justice*" [Unity, Work, Justice].

The official language is French.

Article 2

The Republic of Upper Volta is one and indivisible, secular, democratic and social. Its principle is the government of the people[,] by the people and for the people.

Article 3

Sovereignty belongs to the people. – No section of the people nor any individual may arrogate [its] exercise.

Article 4

The people exercise their sovereignty by their representatives and by way [*voie*] of referendum. The conditions of the recourse to the referendum are determined by the law. The Supreme Court sees to the regularity of [the] operations of the referendum and proclaims [the] results.

Article 5

Suffrage is universal, equal and secret. All Volta nationals of majority, of both genders [*sexes*], enjoying their civil and political rights, are electors within the conditions determined by the law.

Article 6

The Republic assures to all equality before the law without distinction of origin, of race, of sex or of religion.

It respects all beliefs.

All particularistic propaganda of racial, ethnic or regionalist character, [and] all manifestation of racial discrimination are punished by the law.

Article 7

The political parties and groups participate in the expression of suffrage. They form themselves and exercise their activities freely under the condition of respect for the principles of national sovereignty and of democracy, and the laws of the Republic.

Title II

Of the President of the Republic and of the Government

Article 8

The President of the Republic is the head [*chef*] of the State. He incarnates the national unity. He sees to the respect for the Constitution. He assures the continuity of the State. He is the guarantor of the national independence, of the integrity of the territory, [and] of the respect for the international treaties and agreements.

Article 9

The President of the Republic is elected for five years by universal direct suffrage. He is re-eligible.

Article 10

The election of the President of the Republic is acquired by an absolute majority in the first round. If this is not obtained, the President of the Republic is elected by a relative majority, in the second round which takes place fifteen days after the first ballot.

The convocation of the electors is made by decree taken in the Council of Ministers. The first round of the ballot in view of the election of the President of the Republic takes place the same day as that ordered [*arrêté*] for conducting the general elections; these elections take place twenty days at least and fifty days at most before the expiration of the powers of the President in exercise and of the legislature in course.

The law establishes the conditions of eligibility, of presentation of the candidatures, of conducting of the ballot, of counting [of the votes] and of proclamation of the results. The Supreme Court controls the regularity of these operations.

Article 11

In the case of vacancy of the presidency of the Republic by death, resignation or absolute impediment, the functions of the President of the Republic are provisionally exercised by a notable person [*personnalité*] chosen from within the National Assembly by its President.

The President designated by the President of the National Assembly, becomes, of plain right, President of the Republic, with the rank, powers and prerogatives attached to this title, until the election of a new President.

This election will be held within the conditions and according to the modalities provided for in Article 10 above. It will take place twenty days at least and fifty days at most after the date of the vacancy of the presidency of the Republic.

The mandate of the new president of the Republic expires at the same time as the powers of the National Assembly terminate.

Article 12

The President of the Republic is the exclusive holder of the executive power.

He appoints the members of the Government and determines their attributions.

The members of the Government are responsible before him. He terminates their functions.

Article 13

The President of the Republic has the initiative of the laws, concurrently with the members of the National Assembly.

He assures the promulgation of the laws within the fifteen days following [their] transmission made to him by the President of the National Assembly. This time period is reduced to five days in the case of urgency declared by the National Assembly. He can, before the expiration of these time periods, demand of the National Assembly a second deliberation of the law or of certain of its Articles. This second deliberation may not be refused. He can equally, within the same time periods, demand and obtain of plain right that the second deliberation takes place only during the ordinary session following the session in the course in which the text was adopted in first reading.

The vote for this second deliberation is acquired by a majority of two-thirds of the members composing the National Assembly.

Article 14

The President of the Republic, after agreement of the Bureau of the National Assembly, may submit to referendum any text that he deems must require the direct consultation of the people.

When the referendum concludes with the adoption of the bill, the President of the Republic promulgates it within the time periods provided for in the previous Article.

Article 15

The President of the Republic assures the execution of the laws and of the decisions of justice. He takes the regulations applicable to the whole of the territory of the Republic.

Article 16

The President of the Republic accredits the ambassadors and the envoys extraordinary to foreign powers; the ambassadors and envoys extraordinary of foreign powers are accredited to him.

Article 17

The President of the Republic is the head of the administration.

He appoints to the civil and military employments of the State.

Article 18

The President of the Republic is the head of the armies.

Article 19

When the institutions of the Republic, the independence of the nation, the integrity of its territory or the execution of its international engagements are menaced in a grave and immediate manner, the President of the Republic takes the exceptional measures required by these circumstances after official consultation of the President of the National Assembly.

He informs the nation of it by a message.

The National Assembly meets of plain right.

Article 20

The President of the Republic has the right of pardon.

Article 21

The President of the Republic determines and conducts the policy of the nation.

Article 22

The President of the Republic presides over the Council of Ministers.

The Council of Ministers deliberates obligatorily [on the following]:

- decisions determining the general policy of the State;
- bills of law;
- regulatory ordinances and decrees;
- appointments to the superior employments of the State, of which the list is established by the law.

Article 23

The bills of law, [and the] regulatory ordinances and decrees may be examined for [its] opinion, before being submitted to the Council of Ministers, by the Supreme Court.

Article 24

The President of the Republic may delegate certain of his powers to the ministers.

Article 25

The functions of President of the Republic and of member of the Government are incompatible with the exercise of any parliamentary mandate, of any public employment and of any professional activity.

Article 26

The President of the Republic communicates with the National Assembly either directly, or through messages that he has read by the President of the National Assembly and that do not give rise to any debate.

Title III

Of the National Assembly

Article 27

The parliament is constituted by a single Assembly, called [the] National Assembly, of which the members bear the title of Deputies.

Article 28

The National Assembly votes the law and consents to taxes [*l'impôt*].

Article 29

The Deputies to the National Assembly are elected by universal direct suffrage on a complete national list.

The duration of the legislature is of five years.

The law establishes the number of members of the National Assembly, the conditions of eligibility, the regime of the ineligibilities and incompatibilities, the modalities of the ballot, the conditions within which it proceeds to organize new elections in case of vacancy of seats of Deputies.

In case of disputes, the Supreme Court decides on the eligibility of the candidates.

Article 30

The National Assembly decides sovereignly on the validity of the election of its members.

Article 31

Every year, the National Assembly meets of plain right in two ordinary sessions.

The first session opens the last Wednesday of April; its duration may not exceed three months.

The second session begins the first Wednesday of October and terminates the third Friday of December.

Article 32

The National Assembly is convoked in extraordinary session by its President on a specific agenda, at the demand of the President of the Republic or at that of the absolute majority of the Deputies.

The extraordinary sessions close as soon as the agenda is exhausted.

Article 33

The President of the Assembly is elected for the duration of the legislature.

Article 34

The complete record of the debates is published in the *Journal Officiel* [Official Gazette].

At the demand of the President of the Republic, or of one-third of the number of Deputies, the Assembly may form itself into a Secret Committee.

Article 35

Each Deputy is the representative of the entire nation.

Any imperative mandate is null.

The right to vote of the Deputies is personal. However, the delegation of the vote is permitted when a Deputy is absent because of illness, for the execution of a mandate or a mission entrusted to him by the Government or the Assembly, or to fulfill his military obligations. No one may receive for one ballot more than one delegation of [the] vote.

Article 36

No Deputy may be prosecuted, investigated, arrested, detained or judged on the occasion of the opinions or the votes emitted by him in the exercise of his functions.

Article 37

No Deputy may, during the duration of the sessions, be prosecuted or arrested in a criminal or correctional matter except with the authorization of the National Assembly, save in the case of flagrante delicto. No Deputy may, out of session, be arrested except with the authorization of the Bureau of the National Assembly, save in the case of flagrante delicto, of authorized prosecutions or of definitive convictions.

The detention or the prosecution of a Deputy is suspended if the National Assembly so requires.

Article 38

The Deputies receive an indemnity, of which the amount is established by the law.

Article 39

The National Assembly establishes its regulations.

Title IV
Of the Relations Between the Assembly and the Government

Article 40

The members of the Government have access to the Commissions of the National Assembly. They are heard at the demand of the Commissions.

They may be [*se faire*] assisted by commissioners of the Government.

Section I

Respective Domains of the Law and of Regulation

Article 41

The law establishes the rules concerning:

- citizenship, the civic rights and the fundamental guarantees granted to the citizens for the exercise of the public freedoms;
- nationality, the state and capacity of persons, the matrimonial regimes, inheritance and gifts;
- the procedure according to which custom may be asserted and harmonized with the fundamental principles of the Constitution;
- the determination of crimes and misdemeanors, as well as the penalties which are applicable to them, the penal procedure, [and] amnesty;
- the organization of judicial and administrative tribunals and the procedure to be followed before these jurisdictions, the status of the magistrates, [and] of the ministerial officers and auxiliaries of Justice;
- the basis, the rate and the modalities of collecting of taxes of all kinds;
- the regime of the issuance of the currency;
- the electoral regime of the National Assembly and of the local Assemblies;
- the creation of categories of public establishments;
- the general status of the public function;
- the general organization of the Administration;
- the state of siege and the state of urgency.

The law determines the fundamental principles:

- of the organization of the National Defense;
- of Teaching [*Enseignement*];
- of the regime of property, of real rights and of civil and commercial obligations;
- of the right to work, of the syndical right and of the social institutions;
- of the alienation and of the management of the domain of the State;
- of insurance and of savings;
- of the organization of production;
- of the regime of transportation and communications.

The laws of finance determine the resources and the obligations [*charges*] of the State.

The program laws establish the objectives of the economic and social action of the State.

Article 42

The declaration of war is authorized by the National Assembly.

Article 43

The state of siege is decreed in [the] Council of Ministers. The National Assembly meets then of plain right, if it is not in session.

The extension of the state of siege beyond fifteen days may only be authorized by the National Assembly.

Article 44

The matters, other than those of the domain of the law, have a regulatory character.

The texts of legislative form intervening in these matters before the entry into force of this Constitution, may be modified by decree issued after the opinion of the Supreme Court.

Article 45

The President of the Republic can, for the execution of his program, demand of the National Assembly, by a law, the authorization to take by ordinance, during a limited time period, measures that are normally of the domain of the law.

The ordinances are taken in the Council of Ministers after [a] possible opinion [*avis éventuel*] of the Supreme Court. They enter into force from their publication, but become lapsed if the bill of law of ratification is not deposited with the National Assembly before the date established by the enabling law [*loi d'habilitation*].

On the expiration of the time period mentioned in the first paragraph of this Article, the ordinances may only be modified by the law in those of their provisions which are of the legislative domain.

Article 46

The proposals and amendments which are not of the domain of the law are irreceivable. The irreceivability is decided by the President of the National Assembly.

In case of dispute, the Supreme Court, referred to [the matter] by the President of the Republic or the President of the National Assembly decides in a time period of eight days.

Section II

Of the Elaboration of the Laws

Article 47

The proposals and amendments deposited by the Deputies are irreceivable when their adoption would have as a consequence, either a diminution of public resources, or the creation or the increase [*aggravation*] of a public expense [*charge*], unless they should be accompanied by a proposal for augmentation of receipts or of equivalent economies.

Article 48

The discussion on the bills of law focuses on the text presented by the Commission.

This, at the demand of the Government, must bring to the cognizance of the National Assembly the points on which there is disagreement with the Government.

Article 49

Deputies have the right of amendment.

Article 50

The National Assembly votes the bill of the law of finance within the conditions determined by the law.

Article 51

The National Assembly is referred to [the matter] of the bill of the law of finance from the opening of the session of October. The bill of the law of finance must provide for the receipts necessary for the complete coverage of the expenses.

The National Assembly votes a balanced budget [*budget en équilibre*].

If the National Assembly has not decided within seventy days of the presentation of the bill, the provisions of this bill can be put into force by ordinance.

The Government refers [the matter], for ratification, to the National Assembly, convoked in extraordinary session, within a time period of fifteen days.

If the National Assembly has not voted the budget at the end of this extraordinary session, the budget is definitively established by ordinance.

If the bill of the law of finance could not be deposited in a timely fashion to be promulgated before the debut of the fiscal year [*exercice*], the President of the Republic demands of urgency of the National Assembly the authorization to retake the budget of the preceding year by provisional twelfths.

Article 52

The National Assembly governs the accounts of the nation following the modalities provided for by the law of finance.

Title V

Of International Treaties and Agreements

Article 53

The President of the Republic negotiates and ratifies the international treaties and agreements

Article 54

The peace treaties, the treaties or agreements relative to international organizations, [and] those which modify the internal laws of the State may only be ratified following a law.

Article 55

If the Supreme Court referred to [the matter] by the President of the Republic or by the president of the National Assembly, has declared that an international agreement contains a clause contrary to the Constitution, the authorization to ratify it can only intervene after revision of the Constitution.

Article 56

The treaties or agreements regularly ratified have, from their publication, an authority superior to that of the laws, under reserve, for each agreement or treaty, of its application by the other party.

Title VI
Of the Supreme Court

Article 57

The Supreme Court includes four Chambers: the Constitutional Chamber, the Judicial Chamber, the Administrative Chamber and the Chamber of Accounts.

The law will determine the composition, the organization, the attributions and the functioning of the Supreme Court.

Title VII
Of the Judicial Authority

Article 58

Justice is rendered on the territory of the State in the name of the People.

Article 59

In the exercise of their functions the judges are only submitted to the authority of the law.

The President of the Republic is [the] guarantor of the independence of the judges.

He is assisted by the Superior Council of the Magistrature.

Article 60

The law establishes the composition, the organization and the functioning of the Superior Council of the Magistrature.

Article 61

The presiding magistrates [*du siége*] are appointed by the President of the Republic on proposal of the Guardian of the Seals [*garde des sceaux*], [the] Minister of Justice after the opinion of the Superior Council of the Magistrature.

Article 62

No one may be arbitrarily detained.

Any accused is presumed innocent until his guilt has been established following a procedure offering him the indispensable guarantees for his defense. The judicial authority[,] guardian of individual liberty, assures the respect for this principle within the conditions specified by the law.

Title VIII
Of the High Court of Justice

Article 63

The High Court of Justice is composed of the Deputies that the National Assembly elects from within after each general renewal. It elects its President from among its members.

The law establishes the number of its members, the rules of its functioning as well as the procedure to be followed before it.

Article 64

The President of the Republic is only responsible for the acts accomplished in the exercise of his function and brought before the High Court in [the] case of high treason.

The High Court of Justice is competent to judge the members of the Government for the reason of acts qualified as crimes or misdemeanors, committed in the

exercise of their functions, as well as to judge their accomplices in the case of [a] plot [*complot*] against the security of the State.

Article 65

The impeachment [*mise en accusation*] of the President of the Republic, and of the members of the Government is voted by public ballot by the majority of two-thirds of the Deputies composing the National Assembly.

Article 66

The High Court is bound [*liée*] by the definition of the crimes and misdemeanors and by the determination of the resulting sentences of the penal laws in force at the time [*époque*] of the acts included in the prosecutions.

Title IX

Of the Economic and Social Council

Article 67

The Economic and Social Council gives its opinion on the bills of law, of ordinance or of decree as well as on the proposals of law that are submitted to it.

The bills of program law of economic and social character are submitted to it for [its] opinion.

The President of the Republic may consult the Economic and Social Council on any problem of economic and social character.

The composition of the Economic and Social Council and the rules of its functioning are established by the law.

Title X

Of the Territorial Collectivities

Article 68

The territorial collectivities of the State are created by the law.

The law determines the fundamental principles of the free administration of the territorial collectivities, of their competences and of their resources.

Title XI

Of Association and Cooperation Between States

Article 69

The Republic of Upper Volta may conclude agreements of association with other States.

It accepts to create with these States intergovernmental organs [*organismes*] of common administration, of coordination and of free cooperation.

Article 70

These organs may have, notably, for [their] object:

- the harmonization of monetary, economic and financial policy;
- the establishment of customs unions;
- the creation of funds of solidarity;
- the harmonization of plans of development;
- the harmonization of foreign policy;
- bringing together [*mise en commun*] the appropriate means to assure national defense;

- the coordination of the judicial organization;
- cooperation in matters of superior teaching [*enseignement*];
- the harmonization of the rules concerning the status of the public function and the right to work;
- coordination of transportation, of communications and of telecommunications;
- health [*sanitaire*] cooperation and coordination.

Title XII

Of Revision

Article 71

The initiative of the revision of the Constitution belongs to the President of the Republic and to the members of the National Assembly.

Article 72

To be taken into consideration, the bill or the proposal of revision must be voted by a majority of three-fourths of the members composing the National Assembly.

The revision is only acquired after having been approved by referendum, except if the bill or proposal in question was approved by a majority of four-fifths of the members composing the Assembly.

However, any revision which would tend to modify the respective powers of the Executive and of the Legislative or which would infringe the principle of the separation of these powers, will obligatorily be submitted to a referendum.

Article 73

No procedure of revision may be engaged or followed when the integrity of the territory is infringed.

The republican form of the Government may not be made the object of any revision.

Title XIII

General Provisions and Transitory Provisions

Article 74

The provisions necessary for the application of this Constitution which abrogates that promulgated by Order n° 157/PRES of 19 March 1959, will be made the object of laws voted by the National Assembly.

The current National Assembly continues [*est reconduite*] for five years, counting from the date of approval of this Constitution by the electoral body.

The President of the Republic, head of the State, will be elected for five years by the National Assembly so continuing.

Article 75

The authorities established in the Republic will continue to exercise their functions and the current institutions will be maintained until the establishment [*mis en place/implementation*] of the new authorities and institutions.

Article 76

The current legislation in Upper Volta remains applicable, except for the intervention of new texts, in that which is not contrary to this Constitution.