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CONSTITUTION of UPPER VOLTA¹

June 29, 1970

PREAMBLE

THE VOLTA PEOPLE. Solemnly proclaims its attachment to the principles of democracy and the rights of man as defined by the Declaration of the Rights of Man and the Citizen of 1789 and by the Universal Declaration of the Rights of Man of 1948.

Affirms its desire to co-operate in peace and friendship with all peoples who share its ideal of justice, liberty, equality, fraternity and human solidarity.

Proclaims its attachment to the cause of African unity and supports unreservedly any policy directed toward this purpose.

Guarantees the freedom of capital and investments assigned to programs set up or approved by the Government in accordance with international agreements.

Proclaims that the fundamental principles of Volta constitutional organization are:

Democracy based on the separation of the legislative, executive and judicial powers;

Government of the people, by the people and for the people.

Rejects all ideas of personal power.

The above provisions form an integral part of this Constitution.

¹ *Constitution de la Haute Volta. Décret N° 70-125 PRES/SGG. bis, 29 juin 1970. Imprimerie Nationale. Ouagadougou 1971. Supplied by the Ministry of Foreign Affairs in December 1971. Translated by the Editor. Ed.*

TITLE I

THE STATE AND SOVEREIGNTY

Art. 1. The Volta State is an independent and sovereign Republic. The national emblem is the tricolor flag, black, white and red in equal horizontal stripes.

The national anthem is "*La Volta.*"

The motto of the Republic is "Unity, Work, Justice."

The official language is French.

Art. 2. The Volta Republic is one and indivisible, secular, democratic and social.

Its principle is government of the people, by the people and for the people.

Art. 3. National sovereignty belongs to the people.

No section of the people nor any individual may usurp the exercise of this right.

It shall be exercised in accordance with this Constitution which is the fundamental law of the State; laws or acts contrary to its provisions are null and void. Consequently, any citizen has the right to appeal to the Supreme Court against unconstitutional laws and acts.

Art. 4. The people shall exercise its sovereignty through its elected representatives and by means of referendum.

The Supreme Court shall supervise the regularity of referendum operations and shall proclaim the results.

Art. 5. Suffrage shall be universal, equal and secret.

Art. 6. Political parties and groups shall be instrumental in the expression of the suffrage. They shall be formed freely and shall carry on their activities freely on condition that they respect public order, the principles of national sovereignty and democracy and the laws of the Republic.

Art. 7. Apart from its special functions: defense of the integrity of the territory, maintenance of order, the Army contributes to economic, social and cultural progress and, in a general manner, to activities of national growth.

Art. 8. Organic laws shall establish the means of implementation of Articles 6 and 7 above.

TITLE II

FUNDAMENTAL RIGHTS AND DUTIES OF MAN AND THE CITIZEN

Art. 9. The human person is sacred. The State is obliged to respect and protect it.

Art. 10. Noone may be arrested or detained except in accordance with the law and by order of the legal authorities.

Internment or exile by administrative measures may be ordered only according to conditions laid down by law. No citizen affected by such measures may be detained in a penal establishment for common law prisoners.

Art. 11. The domicile of anyone living in the territory of the Republic is inviolable. Entry shall be effected only in the manner and cases provided by law.

Art. 12. The oppression of one part of the people by another shall be repressed.

Art. 13. Citizens shall enjoy freedom of speech, press, assembly, association, procession and demonstration in the conditions laid down by law. The exercise of these rights shall be limited only by the freedom of others, security and public order.

Art. 14. Freedom of religious belief, profession and practise, subject to the maintenance of public order, shall be guaranteed to all by the Constitution.

Art. 15. No legally constituted organization may be dissolved except in the manner prescribed by law.

Art. 16. Public education shall be secular. Private education shall be free subject to respect for the existing laws and regulations.

Art. 17. The Volta Republic guarantees to its citizens within the framework of the laws, the following rights without distinction of sex:

Equality of employment;

The right to rest, social assistance and education;

Freedom to associate in organizations of their choice for the defence of their interests;

The right to strike and freedom of work.

Art. 18. The right of property is guaranteed by the Constitution. It may not be infringed except for legally attested public requirements.

Art. 19. Freedom of enterprise is guaranteed by the Constitution and shall be exercised within the framework of the laws relating thereto.

Art. 20. All citizens, without distinction of race, nation, sex, or religion shall have the right to vote and to stand for office under the conditions stipulated by law.

Art. 21. The Republic shall ensure to all equality before the law without distinction of origin, race, sex, religion or political opinion. It shall respect all beliefs.

Any distinction of birth, class or caste, especially in marriage questions, shall be abolished.

Any act of racial, national, regional or religious discrimination, and any racist or regional propaganda shall be punished by law.

Art. 22. All persons living within Volta territory shall have the duty to

conform to the Constitution and other laws of the Republic, to pay their taxes and to fulfil their social obligations.

Art. 23. Defense of the country and of the integrity of the national territory is a sacred duty for all Voltans.

TITLE III

THE PRESIDENT OF THE REPUBLIC

Art. 24. The President of the Republic shall be the Head of State. He shall watch over the respect of the Constitution; he shall ensure by his arbitration the proper functioning of the public authorities and the continuity of the State.

He shall be the guarantor of national independence, of the integrity of the territory of the Republic and of respect for treaties and international agreements.

Art. 25. The President of the Republic shall be elected for five years by universal direct suffrage.

Candidates to the Presidency of the Republic must be in possession of their civil and political rights and have reached, by the date of election, 30 years of age.

The President of the Republic shall be elected by an absolute majority on the first ballot. If this is not obtained, the President of the Republic shall be elected on a second ballot, which shall take place fifteen days after the first ballot, by a relative majority. Only the two candidates who have received the greatest number of votes on the first ballot may present themselves to the second. Should one withdraw, the others may take part in the order of votes received in the first ballot.

The voting shall begin at the summons of the Council of Ministers.

These elections shall take place twenty days at the least and fifty days at the most before the expiration of the powers of the incumbent President.

A law shall establish the conditions of eligibility, the presentation of candidacies, the voting, counting and proclamation of the results.

The Supreme Court shall supervise the regularity of these operations, examine complaints and proclaim the results of the vote. The retiring President shall be eligible for re-election but may not hold office for more than two consecutive terms.

He shall remain in office with full powers until the inauguration of his successor.

The office of President of the Republic is incompatible with the exercise of any elective or public office and any remunerative professional activity.

Art. 26. Before taking office, the President of the Republic shall take before Parliament the following oath:

“I swear before God and the Volta People to fulfil faithfully my duty in

the higher interest of the nation, to respect the Constitution and to defend it in all circumstances.”

Art. 27. In case the President of the Republic is temporarily unable to fulfil his functions, for whatever reason, and during the period between the end of his term and the election or taking office of his successor, his powers shall be exercised by the President of the National Assembly.

Art. 28. In the event that the Presidency of the Republic has been vacated, by death, resignation or an absolute impediment in its functioning, a new President shall be elected for a new period of five years.

The definite impediment to the President of the Republic's exercise of his office shall be attested by a two-thirds majority vote of the members of the National Assembly with the agreement of the Supreme Court.

The election of a new President of the Republic shall take place not less than twenty nor more than fifty days after the official attestation stipulated above.

The expedition of current affairs of the Presidency of the Republic shall be ensured by the President of the National Assembly.

Art. 29. Articles 31, 80, 81, 82 and 104 may not be applied in the cases provided by Articles 27 and 28 above.

Art. 30. The President of the Republic may, if he deems it necessary and in exceptional cases, preside over the Council of Ministers.

Art. 31. The President of the Republic, with the agreement of the secretariat of the National Assembly, may submit to referendum any bill which seems to him require direct consultation with the people.

When a bill is adopted by a referendum, the President of the Republic shall promulgate it within the time limit provided in Article 37 below.

Any law against the will of the people expressed by referendum shall be automatically null and void.

Art. 32. Acts of the President of the Republic, to be valid, must be signed by the Prime Minister and the competent Ministers. This provision shall not apply to the appointment or dismissal of the Prime Minister, the Minister or the President of the Supreme Court, nor to the dissolution of the National Assembly.

Art. 33. The President of the Republic shall appoint the Grand Chancellor of the National Order, Ambassadors and Envoys Extraordinary, the members of the High Defense Council, general officers and judges of the Supreme Court.

He shall be the Head of the Armed Forces and shall preside over the High Defense Council.

He shall accredit Ambassadors and Envoys Extraordinary to foreign powers; foreign Ambassadors and Envoys Extraordinary shall be accredited to him.

Art. 34. The President of the Republic shall have the right of pardon in the conditions provided in Article 93 below.

Art. 35. When the institutions of the Republic, the independence of the Nation, the integrity of its territory or the execution of its international commitments are threatened by a clear and present danger, or when the normal functioning of the constitutional public authorities is interrupted, the President of the Republic shall take the exceptional measures commanded by the circumstances after deliberation of the Council of Ministers and consultation with the Presidents of the National Assembly and the Supreme Court.

He shall inform the nation by a message.

In no case may he appeal to foreign Armed Forces to intervene in a domestic conflict.

The National Assembly shall meet automatically and may not be dissolved during the exercise of the exceptional powers.

Art. 36. The President of the Republic may, after discussion in the Council of Ministers, decree martial law and a state of emergency.

Art. 37. The President of the Republic shall promulgate the laws within fifteen days following the transmission of the definitively adopted text. This time limit shall be reduced to eight days in cases of urgency, so declared by the National Assembly.

The President of the Republic may, upon the proposal of the Prime Minister before the expiration of the time limit for promulgation, ask for a second reading of the law or of certain of its articles. The second reading may not be refused.

Art. 38. The President of the Republic shall communicate with the Nation by messages.

Art. 39. The President of the Republic shall, in the manner provided in Articles 82 and 83, pronounce the dissolution of the National Assembly.

General elections shall take place not less than twenty nor more than fifty days following such dissolution.

TITLE IV

THE NATIONAL ASSEMBLY

Art. 40. Parliament shall be composed of a single assembly called the National Assembly, the members of which shall bear the title of deputies. Apart from their legislative function, the Deputies shall animate the civic, social and economic life of the Nation. They must behave at all times as worthy representatives of the people.

Art. 41. The credits required for the National Assembly's functioning shall be included in the chapter relating to the Assembly and administered in the same conditions as the administrative services of the State.

Art. 42. The National Assembly shall pass the laws and agree to the taxes; it shall oversee the action of the Government in accordance with Titles VI and VII of this Constitution.

Art. 43. It shall authorize the declaration of war. Deputies shall be elected by universal direct suffrage. The term of the legislature shall be five years.

A law shall establish the number and method of election of Deputies, the conditions of eligibility and ineligibility, the offices incompatible with membership. It shall determine the conditions under which new elections shall be organized in cases of vacancies in the seats of deputies.

In case of dispute the Supreme Court shall rule on the eligibility of candidates and the regularity of their election.

Art. 44. The first act of the newly elected National Assembly shall be to rule on the validity of the elections of its members.

Art. 45. The National Assembly shall meet in two ordinary sessions a year.

The first session shall open on the last Wednesday of April. The second session shall begin on the first Wednesday of November. Neither may last longer than 45 days.

Should the last Wednesday of April or the first Wednesday of November be a holiday, the opening shall take place on the first working day following.

Art. 46. The National Assembly shall be convened in extraordinary sessions by its President, at the request of the Prime Minister or an absolute majority of deputies, to consider a specific agenda.

Extraordinary sessions shall be closed as soon as the agenda is exhausted and not later than 15 days following their opening.

The Prime Minister, after agreement with the President of the Republic, may convene the National Assembly before the month following the end of the previous session has passed.

Art. 47. Deputies have no permanent mandate of public service and, between sessions of the National Assembly, shall continue normally attached to their habitual occupations.

Art. 48. The President of the National Assembly shall be elected for the duration of the legislature; however, he may be removed from office at the written request of two fifths of the Deputies after a two-thirds majority vote of the members of the National Assembly.

In case of vacancy in the office of President of the National Assembly due to death, resignation or any other reason, the Assembly shall elect a new President within fifteen days following the occurrence of the vacancy, if it is in session; if it is not in session it shall meet automatically.

Art. 49. The President of the National Assembly shall be responsible for the administration of the credits voted; he shall be obliged to furnish the Parliament with any explanation requested of his administration or his actions.

Following such a report, the National Assembly may request the resignation of its President by an absolute majority of its members. In

such a case, the President of the Assembly shall automatically lose his office.

The National Assembly must elect a new President within fifteen days.

Art. 50. Sessions of the National Assembly shall be public. Its deliberations shall not be valid unless they take place within the Parliament building, except in cases of *force majeure* duly attested by the Supreme Court. The debates shall be published.

At the request of the Prime Minister or of one third of the Deputies the Assembly may meet *in camera*.

Art. 51. Each deputy shall represent the entire nation.

Any binding instruction upon deputies shall be null and void.

The right to vote of deputies shall be personal. However, the delegation of a vote shall be permitted when a deputy is absent because of sickness, to execute a mission assigned by the Government or the National Assembly with the agreement of the Government. No one may be delegated more than one vote.

Art. 52. Any Deputy called to ministerial office shall lose his parliamentary office. He shall be replaced by his alternate for the duration of the legislature.

Art. 53. No Deputy may be prosecuted, sought, arrested, detained or tried as a result of the opinions or votes expressed by him in the exercise of his functions.

Art. 54. No Deputy may, during sessions, be prosecuted or arrested for criminal or minor offenses without the authorization of the National Assembly except in the case of *flagrante delicto*.

When the Assembly is not in session, no Deputy may be arrested without the authorization of the secretariat of the National Assembly except in the case of *flagrante delicto*, of authorized prosecution or of final conviction.

The detention or prosecution of a Deputy shall be suspended if the National Assembly so demands.

Art. 55. The office of Deputy shall be without remuneration. Members of the National Assembly shall receive during sessions, to the exclusion of any other indemnity, a daily indemnity fixed according to the lowest similar indemnity granted officials traveling abroad and calculated according to days of effective presence.

They shall be entitled to reimbursement of transportation expenses to and from their places of residence to the seat of the National Assembly.

Art. 56. The National Assembly shall draw up its rules of procedure.

TITLE V

THE GOVERNMENT

Art. 57. The Government shall be composed of the Prime Minister, the Ministers and Secretaries of State.

Art. 58. The Prime Minister shall be elected by the National Assembly upon the proposal of the President of the Republic.

The candidate proposed shall be elected if he receives the votes of an absolute majority of the members of the National Assembly. In such a case the President of the Republic must appoint him.

If the candidate proposed is not elected, the President of the Republic must, within the fifteen days following the vote, present a new candidate.

If this candidate receives an absolute majority of the votes of the members of the National Assembly, the President of the Republic must appoint him.

If the second candidate does not receive such a majority, the President of the Republic must, within fifteen days, appoint another candidate.

If this candidate receives an absolute majority of the votes of the members of the National Assembly the President of the Republic must appoint him. In the event of no absolute majority being achieved, he shall dissolve the National Assembly.

Art. 59. The Ministers and Secretaries of State shall be appointed and dismissed by the President of the Republic upon the proposal of the Prime Minister.

In no case may the number of Ministers and Secretaries of State exceed fifteen.

Art. 60. The Prime Minister shall determine and conduct the policy of the Nation.

He shall draw up the general policy directives and be responsible.

Within these general directives, each Minister shall direct the affairs of his department under his personal responsibility.

Art. 61. The Prime Minister shall preside over the Council of Ministers and direct the work of the Government. He shall account for the results of this work to the President of the Republic.

Art. 62. The Council of Ministers must be informed of:

Decisions which determine the general policy of the State;

Bills;

Ordinances;

Decrees apart from legal or constitutional exceptions;

Appointments to senior offices of state the list of which shall be drawn up by law.

Art. 63. Before examination in the Council of Ministers, the Supreme

Court Bills and proposed ordinances and decrees may be referred to at the initiative of the President of the Republic, the Government and the National Assembly, each insofar as concerned in the matter.

Art. 64. The Prime Minister shall ensure the execution of the laws.

He shall exercise the regulatory power. He shall make all civilian and military appointments except those provided in Articles 35, 58 and 59.

He shall be responsible for the national defense.

The acts of the Prime Minister provided for in this article shall be signed by the appropriate Ministers.

Art. 65. The Prime Minister may delegate his powers to a Minister.

Art. 66. During their term of office, the Prime Minister and members of the Government may not, either themselves or through intermediaries, buy or lease anything that falls within the domain of the State without prior authorization of the Supreme Court under conditions stipulated by law. They may not take part in sales of furnishings nor in adjudications relating to administrations or institutions dependent on or controlled by the State.

Art. 67. The terms of the Prime Minister and Ministers shall end with the meeting of a new National Assembly.

At the request of the President of the Republic, the Prime Minister and the Ministers must ensure the expedition of current affairs until their successors have been appointed.

Furthermore, when the office of Prime Minister becomes vacant the Ministers shall also cease from office. The President of the Republic shall appoint one of the members of the outgoing Council to assume provisionally the functions of Prime Minister.

TITLE VI

LEGISLATIVE AND REGULATORY POWERS

Art. 68. Laws are decisions of the Assembly promulgated in the proper manner.

The Constitution describes as organic laws those voted by a two-thirds majority of the National Assembly and properly promulgated after declaration by the Supreme Court concerning their conformity with the Constitution.

Both the Prime Minister and the Deputies may initiate legislation. The former shall submit legislation to the Assembly under the name of "government bills," the latter under the name of "parliamentary bills."

Bills shall be considered in the Council of Ministers and filed with the secretariat of the National Assembly.

Both the Government and members of the National Assembly shall have the right of amendment.

Art. 69. Ordinances are acts signed by the President of the Republic after consideration in the Council of Ministers, in the sphere reserved to legislation in the cases provided in Articles 72, 78 and 87 of this Constitution. Ordinances shall take effect upon publication.

Except as provided in Article 72 below, ordinances shall be submitted to ratification by the National Assembly at its first session following the signature thereof, and shall lapse if the bill of ratification is not filed at least eight days before the end of the session.

In relation to its legislative provisions, an ordinance which has not lapsed may not be further modified except by law or ordinance.

Art. 70. Simple decrees are acts signed by the President of the Republic or the Prime Minister after the advice of the Council of Ministers; they shall be countersigned by the competent Minister or Ministers.

Legislation shall characterize as organic decrees those signed by the President of the Republic and the Prime Minister after the advice of the Council of Ministers and the Supreme Court, and countersigned by the interested Ministers.

Art. 71. Laws shall establish the regulations concerning:

- citizenship, civil rights and the fundamental guarantees granted to citizens for the exercise of their public liberties.
- nationality, status and legal capacity of persons, marriage contracts, inheritance and gifts;
- the procedure by which customs shall be recorded and harmonized with the fundamental principles of the Constitution;
- determination of crimes and misdemeanors as well as the penalties imposed therefore, criminal procedure, amnesty;
- the organization of judicial and administrative tribunals and the procedures to be followed before them, the status of magistrates, of ministerial officers and assistants of the judicial authority;
- the basis, rate and the methods of collecting taxes of all types;
- the issuance of currency;
- the electoral system of the National Assembly and the local assemblies;
- the creation of categories of public establishments;
- martial law and siege law.

Laws shall determine the fundamental principles of:

- the general status of the public service;
- the general organization of the Administration;
- the organization of national defense;
- education;
- property rights, civil and commercial obligations;
- legislation pertaining to employment, unions and social security;
- nationalization and the administration of the State domain;
- benefit societies and savings;
- the organization of production;

- the system of transportation and telecommunications;
- the free administration of territorial units, their powers and resources.

The financial laws shall determine the resources and obligations of the State. Laws pertaining to national planning shall determine the objectives of the economic and social action of the State.

Art. 72. The finance bill shall be filed with the National Assembly at the beginning of the November session. The finance bill must provide for the receipts necessary fully to cover expenditures.

The National Assembly shall pass the budget in balance.

If the National Assembly has not acted within forty five days of the filing of the bill, its provisions may be put into force by ordinance.

The Government shall inform the National Assembly, convened in extraordinary session within a time limit of fifteen days for the purpose of ratification.

If the National Assembly has not passed the budget by the end of the extraordinary session it shall be definitively established by ordinance.

If the finance bill has not been filed in time to be promulgated before the beginning of the financial year, the Prime Minister shall urgently request the National Assembly for the authorization to continue the budget of the preceding year provisionally by the month.

Art. 73. Bills and amendments introduced by deputies shall not be considered when their adoption would have as a consequence either a diminution of public financial resources, or the creation or increase of public expenditure, unless they are accompanied by proposals for receipts or economies of an equivalent amount.

Art. 74. The National Assembly shall administer the accounts of the Nation in accordance with the forms provided by the finance law.

The National Assembly shall be assisted by the Accounts Chamber of the Supreme Court and shall entrust the latter with all inquiries and studies concerning public revenues and charge or the administration of the national treasury, the territorial units, and State administrations or institutions or those under its supervision.

Art. 75. The Government must supply the National Assembly with any explanations it requests concerning its administration and its acts. As methods of information or supervision over governmental action, the National Assembly shall employ:

The written question;

The oral question with or without debate;

The Commission of inquiry.

These methods shall be used in accordance with the conditions laid down in an organic law.

Art. 76. Bills and amendments which do not fall within the domain of law shall be unacceptable. Unacceptability shall be pronounced by the President of the National Assembly.

In case of dispute, the Supreme Court, the matter having been referred to it by the Prime Minister or the President of the National Assembly, shall rule within a time limit of eight days.

Art. 77. Matters other than those that fall within the domain of law shall be of a regulatory character.

Legislative texts concerning these matters passed before the entry into force of this Constitution may be modified by decree issued after consultation with the Supreme Court.

Art. 78. The Prime Minister, in order to carry out his program, may ask the National Assembly to authorize him, for a limited period, to take through ordinances measures that are normally within the domain of law.

The ordinances shall be enacted in the Council of Ministers after consultation with the Supreme Court. They shall come into force upon their publication but shall become null and void if the bill for their ratification is not submitted to the National Assembly before the date fixed by the enabling Act.

The ordinance may be modified only by law in those matters which are within the legislative domain.

TITLE VII

RELATIONS BETWEEN THE ASSEMBLY AND THE GOVERNMENT

Art. 79. Relations between the Assembly and the Government are covered by:

- The motion of censure;
- The question of confidence;
- The procedure of urgent discussion;
- The second reading;
- Dissolution of the Assembly.

Art. 80. The National Assembly may present a motion of censure regarding the Government; this motion must be signed by one third of the members of the Assembly and passed by a two-thirds majority vote.

If the motion of censure is rejected, its signatories may not present a new one before the expiry of one year.

Art. 81. The Prime Minister may, after deliberation in the Council of Ministers, engage the responsibility of the Government with respect to its program or regarding a declaration of general policy.

If the text presented does not receive the affirmative vote of an absolute majority of the members of the Assembly, confidence in the Government is considered withdrawn.

A vote on a question of confidence may not be taken less than 48 hours after it is tabled.

Art. 82. If a motion of censure has been passed or confidence has been withdrawn by the constitutional majority, the President of the Republic must, within a time limit of 8 days, remove from office the Prime Minister. He shall designate a candidate who shall be elected if he receives the votes of the absolute majority of the members of the National Assembly, in which case the President of the Republic must appoint him.

If the candidate is not elected, the National Assembly shall be automatically dissolved and general elections shall take place not less than 20 or more than 50 days following its dissolution.

Art. 83. If three motions of censure or no confidence votes are passed during the same legislature within two years following the appointment of the Prime Minister, dissolution of the National Assembly shall be obligatory.

The President of the Republic may not dissolve the National Assembly more than three times during his term.

Art. 84. The Prime Minister shall have access to the Assembly. He shall communicate with it by messages. Direct interventions and messages of the Prime Minister may not be the subject of any debate. If the Assembly is not in session, it shall be specially summoned for this purpose.

At the opening of the first ordinary session of the National Assembly, the Prime Minister shall give a direct account to the Deputies of the state of the Nation.

The Prime Minister may assign a Minister to represent the Government at the Assembly, who may be accompanied during debates or in commission, by Ministers or experts chosen by him.

The Ministers shall be heard in commission and may be accompanied by experts chosen by them.

Art. 85. After the deliberations of the National Assembly have begun, the Government may oppose the examination of any amendment which has not been first submitted to the competent commission.

If the Government so requests, the National Assembly shall decide by a single vote on all or part of a text under discussion, considering only amendments proposed or accepted by the Government.

Art. 86. The agenda of the National Assembly shall give priority to the discussion of bills tabled or accepted by the Government in the order which it lays down.

One meeting a week shall be reserved in principle to questions of Deputies and replies of the Government.

Art. 87. In case of urgency, so declared by the Council of Ministers, the National Assembly must decide upon bills within a time limit of ten days; the time limit shall be thirty days in the case of the finance laws.

If, at the end of this time limit, no vote has been taken, the bill shall be promulgated by the President of the Republic, on the proposal of the Prime Minister, in the form of an ordinance.

The President of the Republic may also, on the proposal of the Prime Minister, request a second reading within the same time limits. It shall be granted automatically that such second reading take place only during the ordinary session which follows the session during which the text was adopted in first reading.

The vote upon the second reading shall be by a two-thirds majority of the members of the National Assembly.

The Prime Minister may, within the same time limits, refer a matter to the Supreme Court for reasons of unconstitutionality.

The time limit for promulgation shall be postponed until the result of the second deliberation of the National Assembly or until the Supreme Court declares that the law conforms with the Constitution.

Failing promulgation within the time limits and conditions set out above, promulgations shall be effected by the President of the National Assembly.

TITLE VIII

THE SUPREME COURT

Art. 88. The Supreme Court shall comprise four Chambers: the Constitutional Chamber, the Judicial Chamber, the Administrative Chamber and the Accounts Chamber.

An organic law shall determine the composition, organization, powers and procedure of the Supreme Court.

Art. 89. The President of the Supreme Court shall be appointed by decree of the President of the Republic, following consultation with the President of the National Assembly and the Prime Minister.

TITLE IX

THE JUDICIAL AUTHORITY

Art. 90. Justice shall be rendered throughout the territory of the Republic in the name of the Volta people.

Judges, in the exercise of their functions, shall be subject only to the authority of the law.

The President of the Republic shall be the guarantor of their independence. He shall be assisted by a High Council of the Judiciary.

Art. 91. A law shall determine the composition, organization and procedure of the High Council of the Judiciary.

Art. 92. Magistrates, other than judges of the Supreme Court, shall be appointed by the Prime Minister on the proposal of the Minister of Justice and with the advice of the High Council of the Judiciary. They may not be removed from office.

Art. 93. The High Council of the Judiciary shall study the documents in cases of pardon and transmit them with its opinion to the President of the Republic.

The High Council of the Judiciary shall be the disciplinary body for judges of the bench.

Art. 94. No one may be arbitrarily detained.

The accused shall be presumed innocent until his guilt has been established as the result of a procedure which provides him the guarantees necessary to his defense.

The judicial authority, guardian of individual liberty, shall ensure respect for this principle under the conditions stipulated by law.

TITLE X

THE HIGH COURT OF JUSTICE

Art. 95. The High Court of Justice shall be composed of Deputies elected by the National Assembly from its midst after each general election. It shall elect its President from among its members.

A law shall determine the number of its members, its rules and the procedure to be followed before it.

Art. 96. The President of the Republic shall be held accountable in the case of high treason or infringement of the Constitution.

The High Court shall be competent to judge members of the Government for actions performed in the exercise of their office and deemed to be crimes or misdemeanors, as well as their accomplices. They shall remain subject to the ordinary courts for crimes or misdemeanors committed outside the exercise of their office.

Art. 97. Indictment of the President of the Republic and of members of the Government shall be passed by open ballot and a majority of two thirds of the Deputies to the National Assembly.

Art. 98. The High Court shall be bound by the definition of crimes and misdemeanors, as well as by the determination of penalties, as they are established by the criminal laws in force when the acts are committed.

TITLE XI

CONSULTATIVE ORGANS AND REPRESENTATION OF ECONOMIC AND SOCIAL INTERESTS

Art. 99. An organic law shall fix the composition and manner of operation of consultative organs and the representation of economic and social interests.

TITLE XII

TREATIES AND INTERNATIONAL AGREEMENTS

Art. 100. The Prime Minister shall negotiate treaties and international agreements and inform the President of the Republic who shall sign and ratify them.

Art. 101. Peace treaties, treaties or agreements relative to international organization, those that modify the internal laws of the State may be ratified only by a law.

Art. 102. If the Supreme Court, the matter having been referred to it by the Prime Minister or the President of the National Assembly, shall declare that an international commitment contains a clause contrary to the Constitution, the authorization to ratify this commitment may be given only after amendment of the Constitution.

Art. 103. Treaties or agreements duly ratified or approved shall, upon their publication, have an authority superior to that of laws, subject, for each agreement or treaty, to its application by the other party.

TITLE XIII

AMENDMENT OF THE CONSTITUTION

Art. 104. Both the President of the Republic, on the proposal of the Prime Minister, and the Deputies shall have the right to initiate amendment of the Constitution.

Art. 105. The question of principle of a constitutional amendment must be passed by a majority of three fourths of the members of the National Assembly.

An amendment shall not enter into force before it has been approved by referendum unless the bill in question has been approved by a majority of four fifths of the members of the Assembly.

Art. 106. No amendment procedure may be undertaken or pursued which threatens the integrity of the territory.

The republican form of Government may not be the subject of amendment.

TITLE XIV

EXCEPTIONAL PROVISIONS

Art. 107. Citizens who have directly or indirectly taken part in the government at any level under the Military Government or in exposing the

truth concerning the administration of the state revenues under the old regime shall be fully protected by this Constitution.

In all circumstances, the persons to whom the preceding paragraph applies, in connection with their administration of the state revenues, remain criminally and administratively responsible and may be called to account, where appropriate, in accordance with existing legislation.

TITLE XV

TRANSITIONAL PROVISIONS

Art. 108. For a period of four years the following provisions shall be applied:

1. The duties and prerogatives of President of the Republic shall be entrusted to the most senior military personality in the highest rank.
2. The Government shall include military personalities as one third of its total membership.

The conditions of participation of these persons shall be stipulated by an organic law.

Art. 109. Elections for Deputies to the National Assembly shall take place six months after the adoption by referendum of this draft Constitution in accordance with the procedures to be fixed by ordinance.

Art. 110. This Constitution shall be submitted to referendum. It shall enter into effect after the installation of the future constitutional regime. The necessary legislative and regulatory provisions for its application and the setting up of the institutions shall be the subject of ordinance with the effect of law or of organic laws, as necessary, by decrees of the Military Government until the inauguration of the President of the Republic, the National Assembly and the Government.

Art. 111. The established authorities of the Republic shall continue to exercise their functions and the existing institutions shall be maintained until new authorities and institutions are set up.

Art. 112. Legislation presently in force in Upper Volta shall remain applicable, except where replaced by new texts, insofar as it is not contrary to this Constitution.

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