

# Government of Cote d'Ivoire

## The Constitution of Cote d'Ivoire

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## **Adopted at the Referendum of 23 July 2000**

### **PREAMBLE**

The People of Côte d'Ivoire,  
Conscious of their liberty and national identity, of their responsibility before history and humanity;  
Conscious of their ethnic, cultural and religious diversity, and desirous to build one nation unified in solidarity and prosperous;  
Convinced that union with respect for diversity assures economic progress and social well-being;  
Profoundly attached to constitutional legality and to democratic institutions;  
Proclaims its adherence to the rights and freedoms as defined in the Universal Declaration of the Rights of Man of 1948 and in the African Charter of the Rights of Man and of Peoples of 1981;  
Expressing its attachment to democratic values recognized to all, the free people, notably:  
— The respect and the protection of fundamental freedoms, individual as well as collective,  
— The separation and the equilibrium of powers,  
— Transparency in the conduct of public affairs,  
Committed to the promotion of regional and sub-regional integration, in view of the constitution of African Unity,  
Gives freely and solemnly as the fundamental law this Constitution adopted by Referendum.

### **TITLE I OF THE FREEDOMS, OF THE RIGHTS, AND OF THE DUTIES CHAPTER I OF THE FREEDOMS AND OF THE RIGHTS**

#### **Article 1**

The State of Cote d'Ivoire recognizes the freedoms, the fundamental rights and duties provided [énoncer] in this Constitution and commits itself to take the legislative or regulatory measures to assure its effective application.

#### **Article 2**

The human person is sacred.

All human beings are born free and equal before the law. They enjoy the inalienable rights which are the right to life, to liberty, to the full realization of their personality and to the respect of their dignity. The rights of the human person are inviolable. The public authorities have the obligation to assure the respect, the protection and the promotion of them. Any punishment leading to the deprivation of human life is forbidden.

### Article 3

Slavery, forced labor, inhuman and cruel, degrading and humiliating treatment, physical or moral torture, physical violence and mutilation and all forms of debasement of the human being, are forbidden and punished by the law.

### Article 4

The domicile is inviolable. Infringements [atteintes] or restrictions can only be determined [apporter] by the law.

### Article 5

The family constitutes the basic unit [cellule] of the society. The State assures its protection.

### Article 6

The State assures the protection of children, the aged and the handicapped.

### Article 7

Every human being has the right to the development and to the full realization of his personality in the material, intellectual and spiritual dimensions. The State assures to all citizens equal access to health, to education, to culture, to information, to professional formation and to employment. The State has the duty to safeguard and to promote the national values of civilization as well as the cultural traditions not contrary to the law and to good morals.

### Article 8

The State and the Public Collectivities have the duty to see to the development of youth. They create the conditions favorable to its civic and moral education and assure its protection against moral exploitation and abandonment.

### Article 9

The freedom of thought and expression, notably the freedom of conscience, of religious or philosophical opinion are guaranteed to all, under reserve of respect of the law, the rights of others, of the national security and of the public order.

### Article 10

Each has the right to express and to freely disseminate their ideas. All propaganda having for its object or for its effect to make one social group prevail over another, or to encourage racial or religious hatred is forbidden.

### Article 11

The freedoms of assembly and demonstration are guaranteed by the law.

### Article 12

No Ivorian can be forced into exile. Any person persecuted for reason of his political, religious, [or] philosophical convictions, or of his ethnic identity can benefit from the right of asylum in the territory of the Republic of Cote d'Ivoire, under the condition of conforming to the laws of the Republic.

#### Article 13

The Political Parties and Groups form themselves and exercise their activities freely within the condition of respecting the laws of the Republic, the principles of national sovereignty and of democracy. They are equal in rights and subject to the same obligations. Political Parties or Groups created on regional, confessional, tribal, ethnic or racial bases, are forbidden.

#### Article 14

The Political Parties and Groups concur in the formation of the will of the people and in the expression of suffrage.

#### Article 15

The right of property is guaranteed to all. No one can be deprived of his property if it is not for [a] reason of public utility and under the condition of a just and previous indemnization.

#### Article 16

The right of every citizen to free enterprise is guaranteed within the limits provided by the law.

#### Article 17

Any person has the right to freely chose his profession or his employment. Access to public or private employment is equal for all. Any discrimination in the access to or exercise of employment, based on sex, [or on] political, religious or philosophical opinions, is prohibited.

#### Article 18

The syndical right and the right to strike are recognized to workers of the public and private sectors who exercise them within the limits determined by the law.

#### Article 19

The right to a healthy environment is recognized to all.

#### Article 20

Every person has the right to a free and equal access to Justice.

#### Article 21

No one can be prosecuted, arrested, detained [gardé à vue] or charged, except by virtue of a law previously promulgated to the acts of which he is accused.

#### Article 22

No one can be arbitrarily detained.

Any accused is presumed innocent until his culpability has been established following a procedure offering to him the guaranties indispensable to his defense.

## **CHAPTER II OF THE DUTIES**

### Article 23

Every person living in the national territory is held to respect the Constitution, the laws and the regulations of the Republic.

### Article 24

The defense of the Nation and of the territorial integrity is a duty for every Ivorian. It is assured exclusively by the forces of defense and of national security within the conditions determined by the law.

### Article 25

The public assets are inviolable. Every person is held to respect them and to protect them.

### Article 26

Every citizen, invested with a public mandate or entrusted with a public employment or with a mission of public service, has the duty to accomplish it with conscience, loyalty and probity.

### Article 27

The duty of acquitting oneself of one's fiscal obligations, in conformity with the law, is imposed on all.

### Article 28

The protection of the environment and the promotion of the quality of life are a duty for the community and for each physical or moral person.

## **TITLE II OF THE STATE AND OF SOVEREIGNTY**

### Article 29

The State of Côte d'Ivoire is an independent and sovereign Republic. The national emblem is the tricolor flag [of] orange, white [and] green in vertical bands and equal dimensions. The hymn of the Republic is l'Abidjanaise. The motto of the Republic is Union, Discipline, Work. The official language is French. The law establishes the conditions of promotion and of development of the national languages.

### Article 30

The Republic of Côte d'Ivoire is one and indivisible, secular, democratic and social. The Republic assures to all equality before the law without distinction as to origin, race, sex or religion. It respects all beliefs. Its principle is government of the people, by the people and for the people.

### Article 31

Sovereignty belongs to the people. No section of the people nor any individual can attribute to itself the exercise of it.

#### Article 32

The people exercise their sovereignty by way of referendum and by their elected representatives. The conditions of recourse to the referendum and of designation of the representatives of the people are determined by this Constitution and by an organic law. The Constitutional Council controls the regularity of the operations of the referendum and of the election of the representatives of the people. The organization and supervision of the referendum and of the elections is assured by an Independent Commission within the conditions provided by the law.

#### Article 33

Suffrage is universal, free, equal and secret. All Ivorian nationals of both sexes eighteen years old at least and possessing their civil and political rights, are electors within the conditions determined by the law.

### **TITLE III OF THE PRESIDENT OF THE REPUBLIC AND OF THE GOVERNMENT**

#### Article 34

The President of the Republic is the Head of State. He embodies the national unity. He sees to the respect of the Constitution. He assures the continuity of the State. He is the guarantor of the national independence, of the territorial integrity, of the respect of international commitments.

#### Article 35

The President of the Republic is elected for five years by universal direct suffrage. He is only reeligible one time. The candidate to the presidential election must be forty years of age at least and sixty-five years at most. He must be Ivorian by birth, born of a father and of a mother themselves Ivorian by birth. He must never have renounced the Ivorian nationality. He must never have had [prévaloir] another nationality. He must have resided in Cote d'Ivoire continuously during the five years preceding the date of the elections and have totaled ten years of effective presence. The obligation of residence indicated in this article is not applicable to the members of diplomatic and consular representations and to the persons designated by the State to occupy a post or accomplish a mission abroad, to international functionaries and to political exiles. The candidate to the Presidency of the Republic must present a complete statement of his physical and mental well-being duly determined by a college of three physicians appointed by the Constitutional Council from a list proposed by the Council of the Order of Physicians. These three physicians must take an oath before the Constitutional Council. He must be of good morals and of grand probity. He must declare his assets and substantiate [en justifier] the origin of them.

#### Article 36

The election of the President of the Republic is acquired by an absolute majority of the suffrage expressed. If this is not obtained, it proceeds to a second round, fifteen days after the proclamation of the results of the first

round. Only the two candidates having received the greatest number of votes in the first round can present themselves. The convocation of the electors is made by decree in the Council of Ministers. The first round of the ballot takes place in the course of the month of October of the fifth year of the mandate of the President of the Republic.

#### Article 37

If in the seven days preceding the deadline of the deposit of presentation of the candidatures, one of the persons having, less than thirty days before that date, announced publicly his decision to be a candidate, the Constitutional Council can decide on the postponement of the election. If before the first round, one of the candidates dies or finds himself incapacitated [empêché], the Constitutional Council declares the postponement of the election. In the case of death or of incapacity of one of the two candidates coming in ahead as a result of the first round, the Constitutional Council decides on the complete repetition of the electoral operations.

#### Article 38

In case of events or of grave circumstances, notably of affect to the integrity of the territory, or of natural catastrophes rendering impossible the normal holding of the elections or the proclamation of the results, the President of the Commission charged with the elections immediately seizes the Constitutional Council to the end of declaring [constatation] on this situation. The Constitutional Council decides within twenty-four hours, to stop or to continue the electoral operations or of suspending the proclamation of the results. The President of the Republic informs the Nation by a message. He remains in [his] functions. In the case where the Constitutional Council orders the stoppage of the electoral operations or decides on the suspension of the proclamation of the results, the Commission charged with the elections establishes and communicates daily [with] it on the state of the evolution of the situation. When the Constitutional Council establishes the cessation of these events or of these grave circumstances, it establishes a new time period which cannot exceed thirty days for the proclamation of the results and ninety days for the holding of the elections.

#### Article 39

The powers of the President of the Republic in office expire at the date of the taking of office of the President-elect, which occurs at the taking of the oath. Within forty-eight hours of the definitive proclamation of the results, the President of the Republic-elect takes the oath before the Constitutional Council meeting in solemn audience. The wording [formule] of the oath is: "Before the sovereign people of Cote d'Ivoire, I solemnly swear and on my honor to respect and faithfully defend the Constitution, to protect the Rights and Freedoms of the citizens, to conscientiously fulfill the duties entrusted to me in the superior interest of the Nation. May the people withdraw their confidence in me and may I be submitted to the rigor of the laws, if I betray my oath".

#### Article 40

In case of vacancy of the Presidency of the Republic due to death, resignation, [or] absolute incapacity, the interim of the President of the Republic is assured by the President of the National Assembly, for a period of forty-five days to ninety days in the course of which it proceeds to the election of the new President of the Republic.

The absolute incapacity is declared without delay by the Constitutional Council seized [saisir] to this end by a request of the Government, approved by the majority of its members. The provisions of the first and 5th sentences of Article 38 are applied in the case of [an] interim. The President of the National Assembly, assuring the interim of the President of the Republic, cannot make use of Articles 41 paragraphs 2 and 4, 43, and 124 of the Constitution. In the case of death, of resignation, or of absolute incapacity of the President of the National Assembly, the vacancy of the Presidency of the Republic then occurring, the interim of the President of the Republic is assured, in the same conditions, by the First Vice President of the National Assembly.

#### Article 41

The President is the exclusive holder of the executive power. He appoints the Prime Minister, [the] Head of Government, who is responsible to him. He terminates his functions. The Prime Minister animates and coordinates the governmental action. On the proposal of the Prime Minister, the President of the Republic appoints the other members of the Government and determines their attributions. He terminates their functions under the same conditions.

#### Article 42

The President of the Republic has the initiative of laws concurrently with the members of the National Assembly. He assures the promulgation of the laws within the fifteen days which follow the transmittal which is made of them to him by the President of the National Assembly. This time period is reduced to five days in case of urgency. A law not promulgated by the President of the Republic until the expiration of the time period specified in this Article is declared effective [exécutoire] by the Constitutional Council seized by the President of the National Assembly, if it conforms to the Constitution. The President of the Republic can, before the expiration of this time period, demand of the National Assembly a second deliberation of the law or of certain of its articles. This second deliberation cannot be refused. He can equally, within the same time period, demand and obtain of right that this deliberation can only take place at the time of the ordinary session following the session during which the text was adopted in [its] first reading. The vote for this second deliberation is acquired by the majority of two-thirds of the members present of the National Assembly.

#### Article 43

The President of the Republic, after consultation with the Bureau of the National Assembly, can submit to referendum any text or any question which appears to him should require the direct consultation of the people. When the referendum has concluded with the adoption of the text, the President of the Republic promulgates it within the time period specified in the preceding article.



#### Article 44

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

#### Article 45

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

#### Article 46

The President of the Republic is the Head of the Administration. He appoints the civil and military officers [emplois].

#### Article 47

The President of the Republic is the Supreme Head of the Armies. He presides over the Superior Council of Defense.

#### Article 48

Whenever the Institutions of the Republic, the independence of the Nation, the integrity of its territory or the execution of its international commitments are threatened in a grave and immediate manner, and that the regular functioning of the constitutional public powers is interrupted, the President of the Republic takes the exceptional measures required by those circumstances after [the] obligatory consultation of the President of the National Assembly and of that of the Constitutional Council. He informs the Nation by a message. The National Assembly meets of right.

#### Article 49

The President of the Republic has the right of pardon.

#### Article 50

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

#### Article 51

The President of the Republic presides over the Council of Ministers. The Council of Ministers deliberates obligatorily:

- on the decisions determining the general policy of the State;
- on the bills of law, of the ordinances and of the regulatory decrees;
- on the nominations to the superior offices [emplois] of the State, the listing of which is established by the law.

#### Article 52

The bills of law, of ordinance and of regulatory decree can be submitted to the Constitutional Council for advice, before being examined in the Council of Ministers.

#### Article 53

The President of the Republic can, by decree, delegate certain of his powers to the members of the Government. The Prime Minister substitutes the President of the Republic when he is absent from the national territory. In this case, the President of the Republic can, by decree, delegate to him the presidency of the Council of Ministers, on a precise agenda. The President of the Republic can delegate, by decree, certain of his powers to the Prime Minister or to a member of the Government who assures the interim of this. This delegation of powers must be limited in its time and concern [porter] a precise matter or object.

#### Article 54

The functions of the President of the Republic are incompatible with the exercise of any parliamentary mandate, any public employment, of any professional activity and of any directive function of a Political Party.

#### Article 55

When he enters into his functions and at the end of them, the President of the Republic is held to produce an authentic declaration of his patrimony before the Court of Accounts. During the exercise of his functions, the President of the Republic can neither, by himself, nor through an intermediate person, acquire or rent anything which belongs to the domain of the State and of the Public Collectivities, without the previous authorization of the Court of Accounts within the conditions established by the law. The President of the Republic cannot solicit [offers] for the transactions [marchés] of the State and of the Public Collectivities.

#### Article 56

The functions of a member of the Government are incompatible with the exercise of any [public] office and of any professional activity. A parliamentarian appointed [as a] member of the Government cannot sit in the National Assembly, for the duration of his ministerial functions. The provisions of sentences 2 and 3 of the preceding article are applicable to the members of the Government during the term of their functions.

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

### **TITLE III OF PARLIAMENT**

#### Article 58

The Parliament is composed of one sole chamber called the National Assembly having members carrying the title of Deputy. The Deputies are elected by universal direct suffrage.

#### Article 59

The term of each legislature is five years.  
The parliamentary mandate is renewable.

The powers of the National Assembly expire at the end of the second ordinary session of the last year of its mandate. The elections to take place twenty days at least and fifty days at most before the expiration of the powers of the National Assembly. The law establishes the number of members of the National Assembly, the conditions of eligibility, the regime of ineligibilities and incompatibilities, the modalities of the ballot, the conditions within which it is necessary to organize new elections in the case of vacancy of seats of Deputies.

#### Article 60

The Constitutional Council decides on the eligibility of the candidates, [and] the regularity and the validity of the elections of the Deputies to the National Assembly.

#### Article 61

The National Assembly votes the law and authorizes tax.

#### Article 62

Each year, the Parliament meets of right in two ordinary sessions. The first session begins the last Wednesday of April[;] its duration cannot exceed three months. The second session begins the first Wednesday of October and ends the third Friday of December.

#### Article 63

The National Assembly is convoked in extraordinary session by its President on a fixed agenda, at the demand of the President of the Republic or of that of the absolute majority of the Deputies. The extraordinary sessions are closed as soon as the agenda is exhausted.

#### Article 64

The integral account of the debates is published in the Journal Officiel of the debates. The National Assembly can sit in secret committee at the demand of the President of the Republic or of one-third of the Deputies.

#### Article 65

The President of the National Assembly is elected for the duration of the legislature. The President of the National Assembly and the First Vice President are subject to the same conditions of eligibility as the President of the Republic.

#### Article 66

Every 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 for reason of sickness, of execution of a mandate or of a mission conferred on him by the Government or the National Assembly or in order to fulfill his military obligations or for any other justified reason. No one may receive, for one ballot, more than one delegation of [the] vote.

#### Article 67

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

#### Article 68

During the term of the sessions, no member of Parliament can be prosecuted or arrested in a criminal or correctional matter without the authorization of the National Assembly, except in a case of flagrante delicto. No Deputy can, out of session, be arrested without the authorization of the Bureau of the National Assembly except in cases of flagrant delicto, authorized prosecutions or definitive condemnations. The detention or the prosecution of a member of Parliament is suspended if the National Assembly requires it.

#### Article 69

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

#### Article 70

The National Assembly establishes its rules. Before their entry into force, the rules and their subsequent modifications are submitted to the Constitutional Council which declares on their conformity with the Constitution. The Constitutional Council decides within a time period of fifteen days.

### **TITLE V OF THE RELATIONS BETWEEN THE EXECUTIVE POWER AND THE LEGISLATIVE POWER**

#### Article 71

The National Assembly holds the legislative power. It alone votes the law. The law establishes the rules concerning:

- citizenship, the civic rights and the fundamental guarantees granted to the citizens for the exercise of the public liberties;
- nationality, the state and the capacity of persons, the matrimonial regimes, inheritance and gifts;
- the procedure according to which customs will be established 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 Statute of the magistrates, of the ministerial officers and of the auxiliaries of Justice;
- the General Statute of the Public Function;
- the Statute of the Prefectoral Corps;
- the Statute of the Diplomatic Corps;
- the Statute of the personnel of the Local Collectivities;
- the Statute of the Military Function;
- the Statute of personnel of the National Police;
- the bases, rate and modalities of collection of taxes of all kinds;

- the regime of the issuance of currency;
- the electoral regime of the National Assembly and of the Local Assemblies;
- the creation of categories of Public Establishments;
- the state of siege and the state of urgency.

The law determines the fundamental principles:

- of the general organization of the Administration;
- of Education and of Scientific Research;
- of the organization of the National Defense;
- of the regime of property, property rights, and 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 the transfer of enterprises of the public sector to the private sector;
- of mutual insurance companies and savings;
- of the protection of the environment;
- of the organization of production;
- of the Statute of the Political Parties;
- of the regime of transport and of telecommunications.

The Laws of Finance determine the revenues and expenditures of the State.

The program laws establish the objectives of the economic and social action of the State. The organic laws are those which have for their object the direction [de regir] of the different Institutions, structures and systems specified or qualified as such by the Constitution. The laws to which the Constitution confers the character of organic laws are voted and modified within the following conditions:

The bill or the proposal is only presented to the deliberation and to the vote of the National Assembly at the expiration of a time period of fifteen days after its deposit.

The text can only be adopted by the National Assembly with the majority of 2/3 of its members. The organic laws can only be promulgated after the declaration by the Constitutional Council of their conformity with the Constitution.

#### Article 72

The matters other than those which are of the domain of the law belong to the regulatory domain. The texts of legislative form intervening in these matters before the entry into force of this Constitution, can be modified by decree taken after the advice of the Constitutional Council.

#### Article 73

The declaration of war is authorized by the National Assembly.

#### Article 74

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

The extension of the state of siege beyond fifteen days can only be authorized by the National Assembly, by the simple majority of the Deputies.

#### Article 75

The President of the Republic can, for the execution of his program, demand of the National Assembly, the authorization to take by ordinance, for a limited time, the measures which are normally of the domain of the law. The ordinances are taken in the Council of Ministers after the possible advice [avis éventuel] of the Constitutional Council. They enter into force on their publication but, become lapsed if the bill of law of ratification is not deposited before the Parliament prior to the date established by the enabling law. After the expiration of the time limit mentioned in the first paragraph of this article, the ordinances can only be further modified by the law in their provisions which are of the legislative domain.

#### Article 76

The proposals and amendments which are not of the domain of the law are irreceivable. The irreceivability is declared by the President of the National Assembly. In the case of dispute, the Constitutional Council, seized [saisir] by the President of the Republic, or by one-quarter at least of the Deputies, decides in a time period of fifteen days counting from its seizing.

#### Article 77

The laws can, before their promulgation, be deferred to the Constitutional Council by the President of the National Assembly or by one-tenth at least of the Deputies or by the parliamentary groups. The associations of the defense of the Rights of Man legally constituted can equally defer to the Constitutional Council the laws concerning the public freedoms. The Constitutional Council decides in a time period of fifteen days counting from its seizing.

#### Article 78

The Deputies have the right of amendment. The proposals and amendments deposited by the members of the National Assembly are not receivable when their adoption would have as a consequence either a reduction of the public resources, or the creation or aggravation of a public debt, unless they would be accompanied by a proposal of augmentation of receipts or of equivalent economies.

#### Article 79

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

#### Article 80

The National Assembly is seized [saisir] with the bill of the Law of Finance from the opening of the October session. The bill of the Law of Finance must provide the receipts necessary for the integral covering of expenses. The National Assembly votes the balanced budget. If the National Assembly has not decided within a time period of seventy days, the bill of law can be put into force by ordinance. The President of the Republic seizes, for [the] ratification, the National Assembly convoked in extraordinary session, within a time limit of fifteen days. If the National Assembly has not voted the budget by the end of this extraordinary session, the budget is definitively established by ordinance. If the bill of the Law of Finance has not been deposited in a timely way to be promulgated before the beginning of the exercise, the President of

the Republic demands [of] the National Assembly by urgency, the authorization to repeat the budget of the previous year by provisional twelfths.

#### Article 81

The National Assembly regulates the accounts of the Nation according to the modalities specified by the Law of Finance. The bill of the law of regulation must be deposited with the Bureau of the National Assembly one year at the latest after the execution of the budget.

#### Article 82

The means of information of the National Assembly concerning the governmental action are the oral question, the written question, [and] the commission of inquiry. During the term of the ordinary session, one meeting per month is reserved by priority to the questions of the Deputies and to the responses of the President of the Republic. The President of the Republic can delegate to the Head of Government and to the ministers the power to respond to the questions of the Deputies. In the circumstance, the National Assembly can take a resolution to make recommendations to the Government.

#### Article 83

The members of the Government have access to the commissions of the National Assembly. They are heard at the demand of the commissions. They can be assisted by the commissioners of the Government.

### **TITLE V OF TREATIES AND INTERNATIONAL AGREEMENTS**

#### Article 84

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

#### Article 85

The peace Treaties, the Treaties and Agreements concerning international organization, [and] those that modify the internal laws of the State can only be ratified after passage of a law.

#### Article 86

If the Constitutional Council seized [saisir] by the President of the Republic, or by the President of the National Assembly, or by one-quarter at least of the Deputies, has declared that an international obligation includes a clause contrary to the Constitution, the authorization to ratify it can take place only after revision of the Constitution.

#### Article 87

The Treaties or Agreements regularly ratified have, on their publication, an authority superior to that of the laws, provided, for each Treaty or Agreement, that it is applied by the other party.

## **TITLE VII OF THE CONSTITUTIONAL COUNCIL**

### Article 88

The Constitutional Council is [the] judge of the constitutionality of the law. It is the regulating organ of the functioning of the public powers.

### Article 89

The Constitutional Council is composed:

- of a President;
- of the former [anciens] Presidents of the Republic, except [on] express renunciation on their part;
- of six councillors[,] of which three are designated by the President of the Republic and three by the President of the National Assembly.

The Constitutional Council is renewed by halves every three years.

### Article 90

The President of the Constitutional Council is appointed by the President of the Republic for a term of six years, non-renewable, from among persons recognized for their competence in juridical or administrative matters. Before his entry into his functions, he takes an oath before the President of the Republic in these terms:

“I swear to well and faithfully fulfill my function, to exercise it with all independence and in all impartiality with respect of the Constitution, to maintain [garder] the secrecy of the deliberations and of the votes, the same after the cessation of my functions, to take no public position in the political, economic or social domains, to give no consultations of private character [titre] on the issues relevant to the competence of the Constitutional Council.”

### Article 91

The Councillors are appointed for a non-renewable term of six years by the President of the Republic from among persons recognized for their competence in juridical or administrative matters. Before entry into their functions, they take an oath before the President of the Constitutional Council, in these terms:

“I swear to well and faithfully fulfill my functions, to exercise them in all impartiality with respect of the Constitution and to maintain [garder] the secrecy of the deliberations and of the votes, the same after the cessation of my functions.”

The first Constitutional Council comprehends:

- three councillors of which two are designated by the President of the National Assembly, appointed for three years by the President of the Republic;
- three councillors of which one is designated by the President of the National Assembly, appointed for six years by the President of the Republic.

### Article 92



The functions of members of the Constitutional Council are incompatible with the exercise of any political function, of any public or elective office and of any professional activity. In case of death, resignation or absolute incapacity for whatever cause that may be, the President and the councillors are replaced within a time period of eight days for the term of the functions remaining to be served [courrir].

#### Article 93

No member of the Constitutional Council can be, during the term of his mandate, prosecuted, arrested, detained or judged in [a] criminal or correctional matter without the authorization of the Council.

#### Article 94

The Constitutional Council controls the regularity of the operations of the referendum and proclaims the results. The Council decides [statuer] on:  
— the eligibility of the candidates to the presidential and legislative elections;  
— the disputes concerning the election of the President of the Republic and of the Deputies.

The Constitutional Council proclaims the definitive results of the presidential elections.

#### Article 95

The international commitments specified in Article 84 before their ratification, the organic laws before their promulgation, [and] the regulations of the National Assembly before their entry into application, must be deferred by the President of the Republic or by the President of the National Assembly to the Constitutional Council which pronounces on their conformity with the Constitution. To the same ends, the laws, before their promulgation, can be deferred to the Constitutional Council by the President of the Republic, the President of the National Assembly, any parliamentary group or 1/10 of the members of the National Assembly. The seizing of the Constitutional Council suspends the time period of promulgation.

#### Article 96

Any pleader [plaideur] can raise the exception of unconstitutionality of a law before any jurisdiction. The conditions for seizing the Constitutional Council are determined by law.

#### Article 97

The Bills or proposals of law and the Bills of ordinances can be submitted for [the] advice of the Constitutional Council.

#### Article 98

The decisions of the Constitutional Council are not susceptible to any recourse. The [are] imposed on the public powers, on every administrative, jurisdictional, [and] military authority and on every physical and moral person.

#### Article 99

A provision declared contrary to the Constitution cannot be promulgated or put into application.

#### Article 100

The organic law determines the rules and organization and functioning of the Constitutional Council, the procedure and the time periods in which it has to decide.

### **TITLE VIII OF THE JUDICIAL POWER**

#### Article 101

The judicial power is independent of the executive power and of the legislative power.

#### Article 102

Justice is rendered on the whole extent of the national territory in the name of the people, by the Supreme Jurisdictions: Court of Cassation, Council of State, Court of Accounts, and by the Courts of Appeal and the tribunals. The organic laws establish the composition, the organization and the functioning of these jurisdictions.

#### Article 103

The magistrates are only submitted, in the exercise of their functions, to the authority of the law. The magistrates of the Bench [Sièges] are irremovable.

#### Article 104

The President of the Republic is the guarantor of the independence of the magistrature. He presides over the Superior Council of the Magistrature.

#### Article 105

The Superior Council of the Magistrature comprehends:

- The President of the Court of Cassation, Vice President of right;
- The President of the Council of State;
- The President of the Court of Accounts;
- The Procurator General before the Court of Cassation;
- Six persons from outside of the Magistrature of which three principals [titulaires] and three substitutes are appointed in equal number by the President of the Republic and the President of the National Assembly;
- Three magistrates of the Bench of which two principals and one substitute[,] and three magistrates of the Office of the Public Prosecutor [Parquet] of which two principals and one substitute, are designated by their peers. These magistrates cannot sit [if] they are affected [concerner] by the deliberations of the Council.

#### Article 106

The Superior Council of the Magistrature meets on [the] convocation and under the presidency of the Presidency of the Republic to examine any issues concerning the independence of the Magistrature. Under the presidency of its Vice President, the Superior Council of the Magistrature:

- Makes proposals for the appointment of the magistrates of the Supreme Jurisdictions, of the first presidents of the Courts of Appeal and of the presidents of the tribunals of first instance;
- gives its advice concerning the appointment and promotion of the magistrates of the Bench;
- decides as [a] council of discipline of the magistrates of the Bench and of the Office of the Public Prosecutor.

#### Article 107

An organic law determines the conditions of application of the provisions concerning the Superior Council of the Magistrature.

### **TITLE IX OF THE HIGH COURT OF JUSTICE**

#### Article 108

The High Court is composed of Deputies that the National Assembly elects from within, at the first session of the legislature. It is presided over by the President of the Court of Cassation. An organic law establishes the number of its members, its attributions and the rules of its functioning as well as the procedure to be followed before it.

#### Article 109

The President of the Republic is not responsible for acts accomplished in the exercise of his functions and can only be brought before the High Court of Justice in the case of high treason.

#### Article 110

The High Court is competent to judge the members of the Government by reason of acts classified [as] crimes or misdemeanors committed in the exercise of their functions.

#### Article 111

The impeachment of the President of the Republic and of the members of the Government is voted in secret ballot, by the National Assembly with a majority of 2/3 for the President of the Republic, and with an absolute majority for the members of the Government.

#### Article 112

The High Court of Justice is bound by the definition of the crimes and misdemeanors and by the determination of the resultant penalties of the penal laws in force at the time of the acts accounted for in the prosecution.

### **TITLE X OF THE ECONOMIC AND SOCIAL COUNCIL**

#### Article 113

The Economic and Social Council gives its advice on the bills of law, of ordinance or of decree as well as on proposals of law which are submitted to it. The bills of program law of an economic and social character are submitted to it for advice. The President of the Republic can consult the Economic and Social Council on any problem of an economic and social character.

#### Article 114

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

### **TITLE XI THE MEDIATOR [MEDIATEUR] OF THE REPUBLIC**

#### Article 115

An organ of mediation denominated “the Mediator of the Republic” is instituted. The Mediator of the Republic is an independent administrative authority, invested with a mission of public service. It receives instructions from no authority.

#### Article 116

The Mediator of the Republic is appointed by the President of the Republic, for a non-renewable mandate of six years, after the advice of the President of the National Assembly. He can be terminated in his functions, before the expiration of this time period, in case of incapacity declared by the Constitutional Council seized by the President of the Republic.

#### Article 117

The Mediator of the Republic cannot be prosecuted, arrested, detained or judged because of the opinions or acts emitted by him in the exercise of his functions. The functions of the Mediator of the Republic are incompatible with the exercise of any political function, of any public office and of any professional activity.

#### Article 118

The attributions, the organization and the functioning of the Mediator of the Republic are established by an organic law.

### **TITLE XII OF THE TERRITORIAL COLLECTIVITIES**

#### Article 119

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

#### Article 120

The Territorial Collectivities are the regions and the communes.

#### Article 121

The other territorial collectivities are created and suppressed by the Law.

## **TITLE XI**

### **OF THE ASSOCIATION AND OF THE COOPERATION BETWEEN THE STATES**

#### Article 122

The Republic of Côte d'Ivoire may conclude agreements of association with other States. It accepts to create with these States the intergovernmental organisms of common management, of coordination, and of free cooperation.

#### Article 123

The Organizations specified in the previous article can 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;
- the pooling [mise en commun] of appropriate means to assure the national defense;
- the coordination of the judicial organization;
- the cooperation in matters of security and of protection of persons and of property;
- the cooperation in matters of Superior Education and of Research;
- the cooperation in matters of Health;
- the harmonization of rules concerning the Statute of the Public Function and the right to work;
- the coordination of transport, of communications and of telecommunications;
- cooperation in matters of protection of the environment and of management of natural resources.

## **TITLE XIV OF REVISION**

#### Article 124

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

#### Article 125

To be taken into consideration, the bill or the proposal of revision must be voted by the National Assembly with the majority of 2/3 of its members effectively in [their] functions.

#### Article 126

The revision of the Constitution is only definitive after having been approved by referendum with the absolute majority of the suffrage expressed. It is obligatory to submit to referendum the bill or the proposal of revision having for its object the election of the President of the Republic, the exercise of the

presidential mandate, the vacancy of the Presidency of the Republic and the procedure of revision of this Constitution. The bill or the proposal of revision is not presented to the referendum in all the other matters when the President of the Republic decides to submit it to the National Assembly. In this case, the bill or proposal of revision is only adopted if a majority of 4/5 of the members of the National Assembly effectively in [their] functions, meet. The text concerning constitutional revision, [which has been] approved, by referendum or by parliamentary vote, is promulgated by the President of the Republic.

#### Article 127

No procedure of revision can be undertaken or pursued if it carries affects to the integrity of the territory. The republican form and the secular [form] of the State cannot be made the object of a revision.

### **TITLE XV TRANSITORY AND FINAL PROVISIONS**

#### Article 128

This Constitution enters into force from the day of its promulgation.

#### Article 129

The President of the Republic-elect enters into [his] functions, and the National Assembly meets within a time period of six months counted from this promulgation. Until the President of the Republic-elect enters into [his] functions, the President of the Republic in exercise and the Government of transition take the measures necessary for the functioning of the public powers, for the life of the Nation, for the protection of persons and of property and to safeguard the freedoms. However, the President of the Republic assuming the transition cannot, in any fashion and in whatever form that may be, modify the Constitution, the Electoral Code, the law concerning the Political Parties and Groups and the law establishing the regime of associations and of the press.

#### Article 130

Until the implementation of the other Institutions, the Institutions established continue to exercise their functions and attributions conforming to the laws and regulations in force.

#### Article 131

For the elections of the year 2000, the Supreme Court exercises the functions of control and of verification devolved by this Constitution to the Constitutional Council within the conditions established by law, and receives, in solemn audience, the oath of the President of the Republic.

#### Article 132

Civil and penal immunity is granted to the members of the National Committee of Public Salvation (C.N.S.P.) and to all of the authors of the events having brought about the change of regime [which] intervened [on] 24 December 1999.

Article 133

The legislation presently in force in Côte d'Ivoire remains applicable, save [with] the intervention of new texts, if it contains nothing contrary to this Constitution.

[http://abidjan.usembassy.gov/ivoirian\\_constitution2.html](http://abidjan.usembassy.gov/ivoirian_constitution2.html)