

World Constitutions Illustrated

Edited by
Jefri Jay Ruchti

Chad

Constitution of the Republic of Chad
4 May 2018

Translated by
Maria del Carmen Gress and J.J. Ruchti

William S. Hein & Co., Inc.
Getzville, New York
2018

This translation is based on the French text provided by the Presidency of the Republic Chad: <http://www.presidence.td> [consulted July 2018]. The translation of Articles identical to the Constitution of 1996 as amended to 2013 are reproduced from the translation of that text produced for *World Constitutions Illustrated* in 2017.

Cite as: Maria del Carmen Gress and J.J. Ruchti, trans.,
Constitution of the Republic of Chad (May 4, 2018)
(HeinOnline World Constitutions Illustrated library 2018)

Translation © 2018 by William S. Hein & Co., Inc.
All rights reserved.

CONSTITUTION OF REPUBLIC OF CHAD

Promulgated 4 May 2018

Chad, proclaimed a Republic on 28 November 1958, acceded to national and International sovereignty [on] 11 August 1960.

Since that date, it has experienced a momentous institutional and political evolution.

Years of dictatorship and of [a] single party prevented the emergence of any democratic culture and political pluralism.

The different regimes that have succeeded one another have created and entrenched regionalism, tribalism, nepotism, social inequalities, [and] violations of the Rights of Man and of the individual and collective fundamental freedoms, of which the consequences have been war, political violence, hatred, intolerance and mistrust between different communities that compose the Chadian Nation.

This institutional and political crisis that has destabilized Chad for more than four decades has only galvanized the determination of the Chadian people to achieve the building of one nation, of dignity, of freedom, of peace and of prosperity.

Therefore, the Sovereign National Conference, held at N'Djaména from 15 January to 7 April 1993, at the initiative of the President of the Republic and having reunited the political parties, the associations of civil society, the organs of the State, the traditional and religious authorities, the representatives of the rural world and the resources of persons of stature [*personalités*], have restored confidence within the Chadian people and enabled the opening of a new era.

This new era was consecrated in the Constitution of 31 March 1996 revised in 2005 and 2013.

After two decades of experimentation by institutions deriving from [*issues*] that Constitution, the Inclusive National Forum held at N'djamena of 19 to 27 March 2018 enabled the bringing of the reforms necessary for the reinforcement of democracy and of the State of Law.

The processes of the reforms validated by the People and consecrated by this constitutional law adopt the form of a State strongly decentralized and profoundly modernized the institutions of the State.

Consequently, We the Chadian People:

- Affirm by this Constitution our desire to live together with respect for ethnic, religious, regional and cultural diversities, to build a State of law and one united Nation founded on public freedoms and the fundamental rights of Man, the dignity of the human person and political pluralism, on the African values of solidarity and fraternity;
- Affirm our attachment to integrity, probity, transparency, impartiality and the obligation of rendering account as their own republican and ethical values to moralize the life of the Nation;
- Consider that political, ethnic and religious tolerance, the pardon, interreligious dialog and dialogue of cultures constitute fundamental values concurring in the consolidation of our national unity and of our [national] cohesion;
- Recognize the promotion of gender and of youth as factors of realization of equality between men and women within our country and [recognize] the imperative of taking them into account for lasting human development;

- Reaffirm our commitment to the principles of the Rights of Man as defined by the Charter of the United Nations of 1945, the Universal Declaration of the Rights of Man of 1948 and the African Charter of the Rights of Man and of Peoples of 1981;
- Solemnly proclaim our right and our duty to resist and disobey any individual or group of individuals, [and] any organs of the State that would take power by force or exercise it in violation of this Constitution;
- Affirm our total opposition to any regime of which the policy would be founded on arbitrariness, dictatorship, injustice, corruption, extortion, nepotism, clanism, tribalism, denominationalism and the confiscation of power;
- Affirm our determination to cooperate in peace and amity with all peoples who share our ideals of freedom, of justice and of solidarity, based on the principles of equality, of reciprocal interests, of mutual respect and of national sovereignty, of territorial integrity and of non-interference;
- Proclaim our commitment [*attachement*] to the cause of African unity and our commitment [*engagement*] to do everything possible to realize sub-regional and regional integration;
- Solemnly adopt this Constitution as supreme law of the State.

This preamble is made an integral part of the Constitution.

TITLE I OF THE STATE AND OF SOVEREIGNTY

Article 1

Chad is a sovereign Republic, independent, secular, social, one and indivisible, founded on the principles of democracy, the rule of law and of justice.

The separation of the religions and of the State is affirmed.

Article 2

Covering an area of one million two hundred eighty-four thousand (1,284,000) km², the Republic of Chad is organized in administrative circumscriptions and in territorial collectivities of which the autonomy is guaranteed by this Constitution.

Article 3

Sovereignty belongs to the people who exercise it either directly by referendum, or indirectly by the intermediary of their elected representatives.

No community, no corporation, no political party or association, no trade union organization, no individual or group of individuals may arrogate its exercise.

The conditions of recourse to the referendum are determined by this Constitution and by an organic law.

Article 4

The political parties and groups concur in the exercise of suffrage. They form themselves and freely exercise their activities within the conditions provided for by the law and within respect for the principles of national sovereignty, of territorial integrity, of national unity and of pluralist democracy.

Article 5

Any propaganda of ethnic, tribal, regional or religious [*confessionnel*] character tending to infringe the national unity or the secularity of the State is prohibited.

Article 6

Suffrage is universal, direct or indirect, equal and secret.

All Chadians of both sexes, aged eighteen years of age and enjoying their civil and political rights[,] are electors within the conditions established by the law.

Article 7

The principle of the exercise of power is the Government of the people by the people and for the people, founded on the separation of the Executive, Legislative and Judicial powers.

Article 8

The national emblem is the tricolor flag, blue, gold, red in vertical bands and of dimensions equal, the blue being next to the pole.

The motto of the Republic of Chad is *Unité – Travail – Progrès* [Unity – Work – Progress].

The National Anthem is *La Tchadienne*.

The National Holiday is 11 August, day of the independence of Chad.

The capital of the Republic of Chad is N'Djaména.

Article 9

The official languages are French and Arabic.

The law establishes the conditions of promotion and of development of the national languages.

Article 10

The seals and the arms of the Republic of Chad are determined by the law.

Article 11

The conditions of acquisition and of loss of Chadian nationality are established by the law.

TITLE II

OF THE FREEDOMS, OF THE FUNDAMENTAL RIGHTS AND DUTIES

Article 12

The freedoms and the fundamental rights are recognized and their exercise guaranteed to the citizens within the conditions and forms provided for by the Constitution and the law.

Article 13

Chadians of both sexes have the same rights and the same duties. They are equal before the law.

Article 14

The State assures to all equality before the law without distinction of origin, of race, of sex, of religion, of political opinion or of social position.

It has the duty to see to the elimination of all the forms of discrimination with regard to women and to assure the protection of their rights in all the domains of private and public life.

Article 15

Under reserve of the political rights, foreigners regularly admitted to the territory of the Republic of Chad have the same rights and freedoms as nationals within the

limits of the law. They are held to conform to the Constitution, to the laws and regulations of the Republic.

Article 16

The rights of juridical [*morales*] persons are guaranteed by this Constitution.

Chapter I

Of the Freedoms and of the Fundamental Rights

Article 17

The human person is sacred and inviolable.

Every individual has the right to life, to the integrity of their person, to security, to liberty, to the protection of their privacy and of their assets.

Article 18

No one may be subjected, either to degrading and humiliating acts [*sérvices*] or treatment, or to torture.

Article 19

Slavery, the trafficking in human beings, forced labor, physical or moral torture, inhuman, cruel, degrading and humiliating treatments, physical violence, feminine genital mutilations, premature marriages as well as other forms of debasement of the human being are prohibited.

Article 20

Every individual has the right to free development of their person within respect for the rights of others, of good morals and of the public order.

Article 21

No one may be held in slavery or in servitude.

Article 22

Illegal and arbitrary arrests and detentions are prohibited.

Article 23

No one may be detained in a penal establishment if it does not result from [*tombe sous le coup*] a criminal law in force.

Article 24

One may only be arrested or charged [*inculpé*] by virtue of a law promulgated prior to the acts with which they are accused.

Article 25

Every defendant is presumed innocent until the establishment of their culpability following a regular process offering the indispensable guarantees for their defense.

Article 26

The penalty is personal. No one may be held responsible and prosecuted for an act not committed by them.

Article 27

Customary and traditional rules concerning collective criminal responsibility are prohibited.

Article 28

The freedoms of opinion and of expression, of communication, of conscience, of religion, of the press, of association, of assembly, of movement, [and] of demonstration are guaranteed to all.

They may only be limited for the respect of the freedoms and the rights of others and by the imperative to safeguard the public order and good morals.

The law determines the conditions of [their] exercise.

Article 29

The syndical freedom is recognized.

Every citizen is free to affiliate with the trade union of their choice.

Article 30

The right to strike is recognized.

It is exercised within the framework of the laws which regulate it.

Article 31

The dissolution of associations, political parties and trade unions may only intervene within the conditions provided for by their statutes or by judicial means [*voie*] and also in case of the national unity [being] placed in danger.

Article 32

The Constitution guarantees the the right of democratic opposition.

The law determines the rights and obligations constituting the status of the opposition.

Article 33

The access to public employment is guaranteed to every Chadian without discrimination whatever, under reserve of the specific [*propres*] conditions of each job [*emplois*].

Each public agent signs[,] on taking service[,] an ethical commitment.

Article 34

The State works for the promotion of the political rights of the woman for a better representation within the elected assemblies, the institutions and the public and private administrations.

The modalities of application of this Article are established by the law.

Article 35

The State recognizes to all citizens the right to work.

It guarantees to workers the just compensation for their services or for their production.

No one may be discriminated against in their work because of their origins, of their opinions, of their beliefs, of their sex or of their marital status [*situation*].

Article 36

Every Chadian has the right to culture.

The State has the duty to safeguard and to promote the national cultural values.

Article 37

Every citizen has the right to the creation, to the protection and to the enjoyment of their intellectual and artistic works.

The State assures the promotion and protection of the national cultural patrimony as well as of artistic and literary production.

Article 38

Every citizen has the right to education [*instruction*].

Public education [*enseignement*] is secular and gratuitous.

Basic [*fondamental*] education and civic service are obligatory.

Private education is recognized and is exercised within the conditions defined by the law.

Article 39

The State assures the promotion and the development of general, technical and professional public education.

Article 40

The State and the Autonomous Collectivities create the conditions and the institutions which assure and guarantee the education of children, the promotion of gender and of handicapped persons.

Article 41

The family is the natural and moral base of society.

The State and the Autonomous Collectivities have a duty to see to the well-being of the family.

Article 42

Parents have the natural right and duty to raise and to educate their children. The State and the Autonomous Collectivities see to it that they are supported in this task.

Children may only be separated from their parents or from those responsible for them when [these] fail in their duty.

Article 43

The State and the Autonomous Collectivities create conditions for the fulfillment and well-being of youth.

Article 44

The State strives [*s'efforce*] to provide for the needs of every citizen who, because of their age or their physical or mental inaptitude, find themselves with an incapacity to work, notably by the institution of organs [*organismes*] of social character.

Article 45

Private property is inviolable and sacred.

One may only be dispossessed for cause of duly declared public utility and with a just and prior indemnification.

Article 46

The domicile is inviolable. Searches may only be effected within the cases and the forms prescribed by the law.

Article 47

Every Chadian has the right to establish their domicile or residence freely and in any place whatsoever on the national territory.

Article 48

Every Chadian has the right to circulate freely in the interior of the national territory, to leave it and to return to it.

Article 49

The secrecy of correspondence and of communications is guaranteed by the law.

Article 50

The right to asylum is granted [*accordé*] to foreign nationals [*ressortissants*] within the conditions determined by the law.

The extradition of political refugees is prohibited.

Article 51

Every person has the right to a healthy environment.

Article 52

The State and the Autonomous Collectivities must see to the protection of the environment.

The conditions of storage, of handling and of disposal of toxic wastes or pollutants deriving from national activities are determined by the law.

The transit, importation, storage, burying, [or] dumping on the national territory of foreign toxic wastes or pollutants is prohibited.

Chapter II

Of the Duties

Article 53

Every citizen is held to respect the Constitution, the laws and regulations as well as the institutions and the symbols of the Republic.

Article 54

The public assets are inviolable. Every person must respect them and protect them.

Article 55

The public powers are held to promote, to respect and have respected[,] good governance in the management of public affairs and to suppress embezzlement, corruption and similar infractions.

A category of public notable persons [*personnalités*] and agents of the State are subject to the obligation of declaration of patrimony at the taking and at the end of [their] function and swearing an oath following the denominational formula consecrated by the law.

Article 56

The defense of the country [*patrie*] and of the integrity of the national territory is a duty for every Chadian.

Military service is obligatory.

The conditions for accomplishing this duty are determined by the law.

The possession and the carrying of arms of war are strictly forbidden to civilians on the whole of the national territory.

Article 57

The protection of the environment is a duty for all. The State and the Autonomous Collectivities see to the defense of and to the protection of the environment. Any damage caused to the environment must be made the object of a just reparation.

Article 58

Every citizen participates as a function of their income and of their wealth in the public expenses.

Article 59

One may neither invoke religious beliefs, or philosophical opinions to avoid an obligation dictated by the national interest.

Article 60

The State has the duty to protect the legitimate interests of the Chadian nationals abroad.

The State assures the participation of the Chadians resident abroad in the life of the Nation.

Article 61

The State guarantees the political neutrality of the Armed Forces and [Forces] of Security.

Article 62

The State takes the measures necessary to integrate the Rights of Man and the public freedoms within the programs of scholarly and university education as well as within the training of the forces of defense and of security.

Article 63

The State exercises its entire and permanent sovereignty over all the national natural riches and resources for the well-being of all of the national community.

However, it may concede the exploration and the exploitation of these natural resources to private initiative.

Article 64

The State guarantees the freedom of enterprise.

TITLE III

OF THE EXECUTIVE POWER

Article 65

The executive power is exercised by the President of the Republic. The President of the Republic is the elected [person] of the Nation and incarnates the national unity.

He is the guarantor of the national independence, of the integrity of the territory and of the respect for the Constitution, [and] for the treaties and international agreements.

He assures, by his arbitration, the regular functioning of the public powers as well as the continuity of the State.

Chapter I

Of the President of the Republic

Article 66

The President is elected by universal direct suffrage for a mandate of six (6) years, renewable one time.

Article 67

Chadians of the two (2) sexes meeting the following conditions[,] may make the act of candidature to the functions of President of the Republic:

- to be Chadian by birth, born of father and of mother themselves Chadian of origin and not having a nationality other than Chadian;
- to be forty-five (45) years old at a minimum;
- to enjoy all their civil and political rights;
- to have a good physical and mental health;
- to be of good morality;
- to reside on the territory of the Republic of Chad.

The candidate must also pay a surety [*cautionnement*] the amount of which is established by the law.

If the candidate is a member of the armed forces and [forces] of security, he must first be placed on [extended] leave [*position de disponibilité*].

Article 68

The candidatures for the Presidency of the Republic are deposited with the Supreme Court forty (40) clear days at least and sixty (60) clear days at most before the first round of the ballot.

Thirty (30) days before the first round of the ballot, the Supreme Court orders [*arrête*] and publishes the list of the candidates.

Article 69

The ballot is opened on convocation of the electors by decree taken in the Council of Ministers.

The election of the new President takes place thirty-five (35) days at the latest before the expiration of the mandate in [its] course.

Article 70

In case of death or incapacity of one of the two (2) candidates most favored in the first round[,] before any eventual withdrawals, the Supreme Court, after deciding, orders that it must proceed again to the whole of the electoral operations; it is the same in case of death or incapacity of one of the two candidates remaining considering [*en vue*] the second round.

Article 71

The election of the President of the Republic takes place by uninominal majority ballot in two (2) rounds.

The candidate having obtained the absolute majority of the suffrage expressed[,] is declared elected at the first round.

If no candidate has obtained the absolute majority in the first round, it proceeds, the second Sunday following, to a second round for the two (2) candidates arriving ahead.

The candidate having obtained the greatest number of votes [voix] as a result [issue] of the second round, is elected President of the Republic.

Article 72

The conditions of eligibility, of presentation of the candidatures, of the course of the ballot, of the counting and of the proclamation of the results are specified by the law.

Article 73

The Supreme Court sees to the regularity of the ballot and declares the results.

[The results of the ballot are made the object of a provisional proclamation.]

If no objection [contestation] relative to the regularity of the electoral operations has been deposited with the Supreme Court by one of the candidates within the five (5) days of the provisional proclamation, the Supreme Court declares the President of the Republic definitively elected.

In case of objection, the Supreme Court is held to decide within the fifteen (15) days from the provisional proclamation; its decision leads to [emporte] definitive proclamation or annulment of the election.

If no objection is raised within the time period of five (5) days and if the Supreme Court deems that the election was not tainted with any irregularity of a nature leading to its annulment, it proclaims the election of the President of the Republic within the ten (10) days which follow the ballot.

In case of annulment, it proceeds to a new round of the ballot within the twenty-one (21) days following the decision.

Article 74

The mandate of the new President of the Republic takes effect counting from the date of expiration of the preceding mandate.

Article 75

After the definitive proclamation of the results by the Supreme Court, the President of the Republic elected takes an oath following the denominational formula consecrated by the law, before the Supreme Court meeting in solemn audience, in the presence of the members of the National Assembly.

In the course of this public ceremony, he receives the attributes of his function and delivers on this occasion a message to the Nation.

The formulation of the oath is the following:

"We , President of the Republic elected according to the laws of the country, solemnly swear before the Chadian People and, on [my] Honor:

– to preserve, respect, to have respected and defend the Constitution and the laws;

– to fulfill with loyalty the high functions that the Nation has confided in us;

– to respect and defend the republican form of the State;

– to preserve the integrity of the territory and the unity of the Nation;

– to put all in place to guarantee justice to all citizens;

– to respect and to defend the rights and the freedoms of individuals".

Article 76

The functions of the President of the Republic are incompatible with the exercise of any other elective mandate, of any public employment and of any other professional and lucrative activity.

Article 77

The President of the Republic is held, on his entry into [the] functions and at the end of his mandate, to make on his honor a written statement of his patrimony and to address it to the Supreme Court.

Article 78

During his mandate, the President of the Republic may not by himself, or by an intermediary, purchase or lease [anything] that belongs to the domain of the State.

He may not take part either by himself, or by an intermediary, in public and private contracts [*marchés*] of the State or of its components.

Article 79

The law establishes the civil list and other benefits granted to the President in office [*exercice*].

It determines equally the modalities of granting of a pension and other benefits to former Presidents enjoying their civil and political rights.

Article 80

In the case of absence from the territory or temporary incapacity of the President of the Republic, his interim is assured by a member of the Government designated by his attention [*par ses soins*], within the limits of the powers that shall have been delegated to him. A regulatory act of the President of the Republic determines the conditions of exercise of the interim.

Article 81

In case of vacancy of the Presidency of the Republic for any cause that may be or of definitive incapacity declared by the Supreme Court referred to [the matter] by the Government and deciding with the absolute majority of its members, the attributions of the President of the Republic, with the exception of the powers specified in Articles 85, 88, 95 and 96, are provisionally exercised by the President of the National Assembly and, in case of incapacity of the latter, by the First Vice President.

In every case, it proceeds to new presidential elections forty-five (45) days at least and ninety (90) days at most after the opening of the vacancy.

Article 82

The President of the National Assembly assuring the functions of the President of the Republic may neither dismiss the Government, nor proceed to a revision of the Constitution, nor dissolve the National Assembly.

Article 83

The President of the Republic is only responsible for acts committed in the exercise of his functions in the case of high treason that Article 157 provides for.

Article 84

The President of the Republic is the Head of State, Head of the Government and of the Administration. In this capacity [*titre*], he determines and conducts the policy of the Nation, [and] he exercises the regulatory power.

Article 85

The President of the Republic appoints the members of the Government. He establishes their attributions and terminates their functions.

The members of the Government are responsible before the President of the Republic.

Article 86

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;
- the bills of law;
- the ordinances and the regulatory decrees.

Article 87

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

He promulgates the laws within the fifteen (15) days which follow the transmission to the Government of the law definitively adopted.

He can, before the expiration of this time period, demand of the National Assembly a new deliberation the law or certain of its articles.

The new deliberation which may not be refused to suspends the time period of promulgation.

In case of urgency, the time period for promulgation is reduced to eight (8) days.

Article 88

The President of the Republic, during the duration of the sessions or on proposal from the National Assembly published in the *Journal Officiel* [Official Gazette] and after the opinion of the Supreme Court[,] can submit to referendum any bill of law concerning organization of the public powers, including approval an agreement of union or tending to authorize the ratification of a treaty which, without being contrary to the Constitution, would affect the functioning of the institutions.

Article 89

The President of the Republic, after consultation of the National Assembly, can submit to referendum any text or any question necessitating 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 provided for in Article 87 paragraph 2.

Article 90

The President of the Republic assures the execution of the laws.

He guarantees the execution of the decisions of justice.

Article 91

The President exercises [*dispose*] the right of pardon and of the initiative of bills of law of amnesty.

Article 92

The President of the Republic accredits and recalls the ambassadors and extraordinary envoys to the States and the international organizations. The foreign ambassadors and extraordinary envoys are accredited to him.

Article 93

The President of the Republic is the Supreme Head of the armies. He presides over the superior councils and committees of the National Defense.

Article 94

The President of the Republic can, outside of the specialized functions of defense of [the] territorial integrity granted [*dévolues*] to the Forces of Defense and of Security, have these participate in the economic development of the Nation and in any other tasks of public interest within the conditions defined by the law.

Article 95

When the regular functioning of the public powers is menaced by persistent crises between the executive power and the legislative power, the President of the Republic can pronounce the dissolution of the National Assembly.

The general elections take place within a time period of forty-five (45) days after the dissolution of the National Assembly.

The National Assembly meets of plain right [on] the fifteenth working day following its election. If this meeting takes places outside of the periods provided for the ordinary sessions, a session is opened of right for a time period of fifteen (15) days.

A new dissolution may not proceed in the year which follows these elections.

Article 96

When the institutions of the Republic, the independence of the Nation, the territorial integrity or the execution of international commitments are menaced in a grave and immediate manner, such that the regular functioning of the public powers is interrupted, the President of the Republic, after obligatory consultation of the President of the National Assembly and with the President of the Supreme Court, takes in the Council of Ministers, for a time period not exceeding thirty (30) days, the exceptional measures required by the circumstances.

This period may only be extended after the conforming opinion of the National Assembly.

The National Assembly meets of plain right if it is not in session.

The President informs the Nation of it by a message.

The National Assembly meets of plain right if it is not in session.

The end of the crisis is declared by a message of the President of the Republic to the Nation.

These exceptional measures shall not justify infringements of the human rights, to physical and moral integrity and to the jurisdictional guarantees granted to individuals.

Article 97

The measures taken by virtue of the preceding Article must be inspired by the will to assure to the constitutional public powers, within the least time period, the means to accomplish their mission.

The National Assembly may not be dissolved during the exercise of exceptional powers.

Article 98

The President signs the orders and the decrees taken in the Council of Ministers.

He appoints, in the Council of Ministers, to the high civil and military functions of the State.

An organic law determines the offices [*emplois*] over which he has purview in the Council of Ministers as well as the conditions under which the power of appointment of the President of the Republic may be delegated by him to be exercised in his name.

Article 99

The President of the Republic communicates with the National Assembly by messages which do not give rise to any debate. Out of session, the National Assembly is convened specially to this effect.

Article 100

The acts of the President of the Republic other than those relating:

- to the dissolution of the National Assembly;
 - to the recourse to the referendum;
 - to the exercise of exceptional powers;
 - to the messages addressed by him to the National Assembly;
 - to the referral [of matters] to the Supreme Court;
 - to the appointment of members of the Government, of the Supreme Court, of the High Authority of the Media and of the Audiovisual, of the National Commission of the Rights of Man, of the High Council of the Autonomous Collectivities and of the Traditional Leadership [*Chefferies*], and of the Economic, Social and Cultural Council;
 - to the right of pardon;
 - to the ordinary [*simples*] decrees,
- are countersigned the case arising, by the Ministers responsible.

Article 101

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

Article 102

The President of the Republic addresses, one time per year, a message to the National Assembly on the state of the Nation.

He can also, at any moment, address messages to the National Assembly. These messages do not give rise to any debate; they may always inspire the work of the National Assembly.

Chapter II

Of the Government

Article 103

The Government is composed of the President of the Republic and of the Ministers.

Article 104

The Government executes the policy of the Nation defined in the Council of Ministers. It assures the execution of the laws.

Article 105

The Ministers are appointed by the President of the Republic.

Before their entry into [their] functions, the ministers swear and oath before the President of the Republic following the denominational formula consecrated by the law.

Article 106

The Ministers are only responsible before the National Assembly within the conditions and following the procedures provided for in Articles 109, 112, 144 and 145.

Article 107

The Government assures the public security and the maintaining of order within respect for the freedoms and of the Rights of Man.

To this end, it has at its disposal all the police forces responsible for the maintaining of order and of internal security.

Article 108

When they enter into [their] functions and at the end of their exercise, the members of the Government are held to deposit the list of their assets before the Supreme Court.

The members of the Government are justiciable before the jurisdictions of common law for the economic and financial crimes and misdemeanors committed by them in the exercise of their functions.

The provisions relative to public contracts [*marchés*] and adjudications provided for in Article 78 are applicable to the members of the Government.

Article 109

Any Minister can, in the exercise of their government functions, be interpellated by the national Assembly.

In [this] circumstance, the National Assembly can take a resolution or make recommendations to the President of the Republic.

Article 110

The functions of member of the Government are incompatible with the exercise of any parliamentary mandate, of any function of professional representation of national character, with any public employment or any professional lucrative activity, with the exception of education, of scientific research, of health, of agriculture and of animal husbandry.

TITLE IV

OF THE LEGISLATIVE POWER

Article 111

The legislative power is exercised by the National Assembly. The members of the National Assembly have the title of Deputy.

Article 112

The National Assembly votes the laws, controls the action the Government, evaluates the public policies and controls the execution of the laws. It votes resolutions within the conditions established by its Internal Regulations.

Article 113

The Deputies are elected by direct universal suffrage. The mandate of the Deputies is of five (5) years renewable.

Article 114

The Deputies represents the nation in [its] entirety.

Any imperative mandate is null and of no effect.

Chadians abroad and Nomadic [Chadians] are represented in the National Assembly.

Article 115

Chadians of the two sexes fulfilling the conditions established by the law[,] may be candidates to the National Assembly.

Article 116

An organic law establishes the number of the Deputies, their indemnities, [and] the regime of the ineligibilities and of the incompatibilities.

It establishes equally the conditions under which substitutes are elected[,] until the renewal of the National Assembly.

The functions of Deputy are incompatible with the exercise of any function of professional representation of national character, with any public employment or any professional lucrative activity, with the exception of education, of scientific research, of health, of agriculture and of animal husbandry.

Article 117

The members of the National Assembly benefit from parliamentary immunity.

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

A Deputy, during the duration of the session, may only be prosecuted or arrested in a criminal or correctional matter with the permission of the National Assembly, except in cases of flagrante delicto.

A Deputy, out of session, may only be arrested with the authorization of the Bureau of the National Assembly, except in case of flagrante delicto, of authorized prosecutions or definitive condemnation.

In the case of an established crime or offense, the immunity can be lifted by the National Assembly during the sessions or by the Bureau of said Assembly out of session.

In cases of flagrante delicto, the Bureau of the National Assembly is immediately informed of their arrest.

Article 118

The members of the Bureau of the National Assembly are elected by secret ballot at the debut of the first session of the legislature.

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

The other members of the Bureau are elected for a term of two and a half years (30 months) renewable.

Article 119

In case of [a] grave substantiated [*constaté*] breach, the members of the Bureau of the National Assembly can be replaced as a result of a vote by a majority of two-thirds (2/3).

In case of vacancy in [a] post in the Bureau for whatever cause that may be, it proceeds within the twenty-one (21) days which follow to new elections to fill [*pouvoir*] the post.

Article 120

The right to vote of the Deputy is personal.

However, an organic law may authorize exceptionally the delegation to vote. In this case, no one may receive delegation of more than one mandate.

Article 121

The Internal Regulations of the National Assembly determine:

- the composition, [and] the rules of functioning of the Bureau as well as the prerogatives of its President;
- the number, the mode of designation, the composition, the role and the competence of its permanent commissions, of its commissions of delegation as well as its temporary commissions;
- the organization of the administrative services;
- the disciplinary regime of the Deputies;
- the different modes of the ballot, with the exclusion of those provided for by the Constitution;
- all the rules relative to the functioning of the National Assembly.

Article 122

If, at the opening of a session, the quorum of two-thirds [2/3] of the Deputies is not attained, the sitting is postponed [*renvoyé*] to the third working day which follows. In this case, the deliberations are only valid if half at least of the Deputies are present.

Article 123

The sittings of the National Assembly are valid only if they occur in the ordinary place of their sessions, except in case of force majeure.

The sittings of the National Assembly are public.

However, the Assembly may sit in closed [sitting] at the demand of the President of the Republic or of one-third (1/3) of its members.

The complete record of the debates of the National Assembly is published in the *Journal Officiel de la République* [Official Gazette of the Republic].

Article 124

The National Assembly meets of plain right in two (2) ordinary sessions per year.

The first session opens on the fifth (5) of March.

The second session opens on the fifth (5) of September.

If the fifth (5) of April or fifth (5) of September is a holiday, the opening of the session takes place on the first working day which follows.

The duration of each session may not exceed one hundred twenty (120) days.

Article 125

The National Assembly meets in extraordinary session at the demand of the President of the Republic or of the absolute majority of the members composing the National Assembly on a specific agenda.

When the extraordinary session is held at the demand of the members of the National Assembly, the decree of cloture intervenes once the National Assembly has exhausted the agenda for which it had been convoked and at the latest fifteen (15) days counting from the date of opening of the session.

The President of the Republic can demand one new session before the expiration of the month which follows the decree of cloture.

Article 126

Outside of the cases in which the National Assembly meets of plain right, the extraordinary sessions are opened and closed by decree of President of the Republic.

TITLE V

OF THE RELATIONS BETWEEN THE EXECUTIVE POWER AND THE LEGISLATIVE POWER

Article 127

The law is voted by the National Assembly within respect for the division of competences between the central State and the Autonomous Collectives.

The law establishes the rules concerning:

- the civil rights and the fundamental guarantees accorded to citizens for the exercise of the public freedoms;
- the promotion of gender, of youth and of handicapped persons;
- the mobilization of resources and of persons within interest for the National Defense;
- the fundamental principles of the organization of the Forces of Defense and of Security as well as a Charter of the rights and duties of their members;
- nationality, the status and capacity of persons, the matrimonial regimes, inheritance and gifts;
- the family code;
- the civil procedure;
- the determination of criminal infractions as well as the penalties applicable to them;
- the criminal procedure, amnesty, the creation of new orders of jurisdiction and statute of the magistrates;
- the penitentiary regime;
- the base, the rate and modalities of collection of taxes of any nature;
- the regime of emission of the currency;
- the creation of categories of public establishments;
- the nationalization of enterprises and transfers of ownership of enterprises of the public sector to the private sector;

- the fundamental guarantees granted to the civil and military functionaries of the State;
- the electoral regime;
- the procedure according to which customs [*coutumes*] are declared and harmonized with the principles of the Constitution;
- the conditions of exercise of civic service and of obligatory military service;
- the obligation of the declaration of patrimony and the list of persons so subject to this obligation;
- the formula of the denominational oath, consecrated by the law for the categories of notable persons [*personnalités*] and agents so subject to this obligation;
- the state of siege and the state of urgency.

The law defines the fundamental principles:

- of the administrative organization of the territory;
- of the organization of the general Administration;
- of the General Status of the Public Function;
- of the general organization of the National Defense;
- of the free administration of the Autonomous Collectivities, of their competences and of their resources;
- of urban planning [*urbanisme*] and management of the territory;
- of the Charter of the political parties, of the regimes of associations and of the press;
- of education [*enseignement*] and of scientific research;
- of public health, of social affairs and of the rights of the child;
- of the regime of social security;
- of the regime of ownership [*propriété*], of real rights and of civil and commercial obligations;
- of the protection of the environment and of the conservation of natural resources;
- of the regime of land tenure [*foncier*];
- of the regime of the domain of the State;
- of insurance, of savings and of credit;
- of the right to work and the syndical right;
- of culture[,], of the arts[,], and of sports;
- of the regime of transportation and telecommunications;
- of agriculture, of livestock, of fisheries, of wildlife, of water and of forests.

The provisions of this Article shall be specified and complemented by an organic law.

Article 128

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

The texts of legislative form intervening in these matters can be modified by decree after [the] opinion of the Supreme Court.

Those of these texts which have intervened after the entry into force of this Constitution may only be modified by decree if the Supreme Court has declared that they have a regulatory character by virtue of the preceding paragraph.

Article 129

The declaration of war is authorized by the National Assembly.

Article 130

The state of siege and the state of urgency are decreed in the Council of Ministers.

The President of the Republic informs the National Assembly of it.

Their extension beyond twenty-one (21) days may only be authorized by the National Assembly.

Article 131

The sending of the troops of the Chadian army outside of the national territory is decided by the President of the Republic.

The President of the Republic informs the National Assembly of this decision to have the armed forces intervene abroad, at the latest three (3) days after the debut of the intervention. He makes precise the objectives pursued.

When the duration of the intervention exceeds four (4) months, the Government submits its prolongation to the authorization of the National Assembly.

Article 132

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

The matters [which are the] object of the authorization must be enumerated and substantiated in the demand addressed to the National Assembly.

The ordinances are taken in the Council of Ministers after [the] opinion of the Supreme Court.

They enter into force on their publication but become lapsed if the bill of law of ratification is not deposited before the National Assembly before the date established by the enabling law [*loi d'habilitation*].

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

Article 133

The members of the Government have access to the National Assembly and to its commissions.

They are heard at the demand of a Deputy or of a commission. They may be assisted by collaborators.

Article 134

The organic law is a law which specifies or completes one or more constitutional provisions.

It is voted by the National Assembly.

It may only be promulgated if the Supreme Court, obligatorily referred to [the matter] by the President of the Republic, has declared it in conformity with the Constitution.

The provisions relative to the enabling to legislate granted to the President of the Republic [,] are not applicable to the organic laws.

Article 135

The program laws [*loi de programme*] determine the objectives of the economic social and cultural action of the State.

Article 136

The laws of finance determine the resources and the obligations [*charges*] of the State within the conditions and under the reserves provided for by an organic law and conforming to the rules of transparency and of good governance.

The National Assembly votes the bills of the law of finance within the conditions provided for by an organic law.

The bill of the law of finance is deposited with the Bureau of the National Assembly at the latest on the eve of the opening of the second ordinary session.

The National Assembly has [*dispose*] one hundred (100) days at most to vote on the bill of the law of finance.

If, by result of a case of force majeure, the Government could not deposit the bill of the law of finance of the year in a timely fashion for the National Assembly to deal with it, before the end of the ordinary session [and] within the time period specified in the preceding paragraph, that [session] is, immediately and of plain right, followed by an extraordinary session of which the duration is at most equal to the time necessary to complete the said time period.

If the bill of the law of finance is not voted definitively at the expiration of the time period of one hundred (100) days specified above, it can be brought into force by ordinance.

This ordinance must take into account the amendments voted by the National Assembly and accepted by the Government.

If, taking into account the above procedure, the law cannot be brought into force before the beginning of the budgetary year, the Government is authorized to continue to collect the receipts and to execute[,] on a provisional basis[,] month by month, the expenditures on the basis of the credits opened by the last law of finance related [*afférente*] to the previous financial year [*exercice*].

The Supreme Court assists the Government and the National Assembly in the control of the execution of the laws of finance.

The National Assembly regulates the accounts of the Nation following the modalities provided for by the organic law relative to the law of finance.

It is, to this effect, assisted by the Supreme Court[,] which it charges with any inquiry and study relating to the execution of the receipts and the public expenses or the management of the national treasury, of the Autonomous Collectivities, of the administrations or institutions relevant to the State or submitted to the control of it.

The bill of law of regulation must be deposited with the National Assembly one (1) year at the latest before the execution of the budget.

Article 137

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

The bills of law are submitted, by the President of the Republic, to the Supreme Court, for [its] opinion, before being examined in the Council of Ministers.

The bills of law are deliberated in the Council of Ministers and deposited with the Bureau of the National Assembly.

Article 138

The bills of law relative to the competences and to the resources of the Autonomous Collectivities are voted by the National Assembly.

Article 139

The proposals and amendments formulated by the members of the National Assembly are not receivable when their adoption would have as a consequence either a diminution of public resources, or the creation of an increase in public expenditures, unless they are accompanied by a proposal of augmentation of receipts or of equivalent economies.

Article 140

If it appears during the course of the legislative procedure that a proposal or an amendment is not of the domain of the law or is contrary to a delegation granted by virtue of the provisions of Article 132 relative to enabling [*habilitation*], the government may oppose the receivability.

In case of disagreement between the President of the Republic and the National Assembly, the Supreme Court, at the demand of one or other of the parties, decides within a time period of eight [8] days.

Article 141

The discussion of the bills of law concerns [*porte sur*] the text presented by the President of the Republic.

Article 142

The bills and proposals of laws are sent for examination to the commissions specifically designated to that effect.

The bills and proposals for which such a demand has not been made are sent to one of the permanent commissions.

Article 143

The members of the National Assembly and the Government have the right of amendment.

When the National Assembly has referred [*confié*] the examination of a draft of a text to a commission, the Government can, after the opening of the debates, oppose the examination of any amendment that had not been previously submitted to that commission.

If the Government demands it, the National Assembly decides by a sole vote on all or part of the text under discussion, only retaining in it the amendments proposed or accepted by it.

Article 144

The agenda of the National Assembly is established by the Conference of Presidents of which the composition is determined by the Internal Regulations.

A member of the Government assists it of right.

Three (3) sittings per month are reserved by priority for the agenda established by the Government.

One (1) sitting per week is reserved for the examination and the adoption of the proposals of law.

Two (2) sittings per session are reserved for the control and for the evaluation of the public policies.

One (1) sitting per two weeks [*quinzaine*] is reserved for the questions of the members of the National Assembly and to the responses of the Government.

One (1) sitting per month is reserved for questions on current [matters] to the Government.

Article 145

The Government is obligated to furnish to the National Assembly all the explanations which are demanded of it on its administration and on its activities.

The means of information and control of the National Assembly on the action of the Government are:

- the interpellation;
- the written question;
- the oral question;
- the questions on current [matters];
- the commission of inquiry;
- the hearing in commissions;
- the evaluation of the public policies.

These means are exercised within the conditions determined by the Internal Regulations of the National Assembly.

TITLE VI OF THE JUDICIAL POWER

Article 146

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

Article 147

A sole order of jurisdiction is instituted of which the Supreme Court is the highest instance in judicial, administrative [and] constitutional matters and [matters] of control of accounts.

Article 148

The judicial power is exercised in Chad by the Supreme Court, the Courts of Appeal, the High Military Court, the tribunals and the justices of the peace.

It is the guardian of the freedoms and of individual property. It sees to the respect of the fundamental rights.

Article 149

Justice is rendered in the name of the Chadian People.

Article 150

The President of the Republic is the guarantor of the independence of the Magistrature.

He sees to the execution of the laws and of the decisions of Justice. He is assisted by the Superior Council of the Magistrature.

Article 151

The President of the Republic presides over the Superior Council of the Magistrature.

The Minister of Justice is[,] of right[,] the First Vice President of it.

The President of the Supreme Court is the second Vice President of it.

The other members of the Superior Council of the Magistrature are elected by their peers within the conditions established by the law.

Article 152

The Superior Council of the Magistrature proposes the appointments and the promotions of the magistrates.

Article 153

The magistrates are appointed by decree of President of the Republic after the conforming opinion of the Superior Council of the Magistrature. They are revoked under the same conditions.

Article 154

The discipline and the responsibility of the magistrates at all levels belongs to [*relève*] the Superior Council of the Magistrature.

In disciplinary matters, the Presidency of the Superior Council of the Magistrature is assured by the President of the Supreme Court.

Article 155

The presiding magistrates are only subject in the exercise of their functions, to the authority of the law.

They are irremovable.

Article 156

The other rules of organization, of functioning as well as the regime of incompatibilities are established by a law.

Chapter I

Of the Supreme Court

Article 157

The Supreme Court is the highest jurisdiction of Chad in judicial, administrative, [and] constitutional matters and [matters] of accounts.

It takes cognizance of disputes [concerning] the presidential, legislative and local elections. It sees to the regularity of the operations of referendum and proclaims the results of them.

It decides on the pleadings [*exception*] of unconstitutionality raised by any citizen before a jurisdiction in a matter [*affaire*] which concerns him.

In this case, the jurisdiction postpones to decide and refers [the matter] to the Supreme Court which must make a decision within a maximum time period of forty-five (45) days.

The Supreme Court is equally competent to judge the President of the Republic and the members of the Government as well as their accomplices in case of high treason.

Any act infringing the republican form, the uniqueness [*unicité*] and secularity of the State, the sovereignty, the independence and the integrity of the national territory[,] constitutes a crime of high treason.

The grave and blatant [*caractérisées*] violations of the Rights of Man, drug trafficking and the introduction of toxic or dangerous wastes, with a view to their transit, deposit or storage on the national territory[,] are associated with [*assimilés*] high treason.

The Supreme Court is composed of five (5) chambers:

- one (1) judicial chamber;
- one (1) administrative chamber;
- one (1) constitutional chamber;
- one (1) chamber of accounts;
- one (1) non-permanent chamber composed of seven (7) Deputies and of four (4) magistrates of the Supreme Court elected by their peers [and] responsible for the cases of high treason.

The Supreme Court decides in last resort and its decisions are without recourse.

Article 158

The Supreme Court is composed of forty-three (43) members having one (1) President and forty-two (42) Councilors.

The President of the Supreme Court is chosen from among the professional magistrates.

He is appointed by decree of the President of the Republic after the opinion of the President of the National Assembly.

The other members are designated in the following fashion:

- Seventeen (17) chosen from among the high professional magistrates of which:
 - nine (9) by the President of the Republic;
 - eight (8) by the President of the National Assembly;
- Seven (7) from among the specialists of Administrative Law of which:
 - four (4) by the President of the Republic;
 - three (3) by the President of the National Assembly;
- Eleven (11) from among the specialists of Budgetary Law and of Public Accounting of which:
 - six (6) by the President of the Republic;
 - five (5) by the President of the National Assembly;
- Seven (7) from among the specialists in Constitutional Law of which:
 - four (4) by the President of the Republic and
 - three (3) by the President of the National Assembly.

The members of the Supreme Court are designated for a mandate of seven (7) years renewable.

The attributions and the other rules of organization and of functioning as well as the procedure followed before the Supreme Court are determined by an organic law.

Article 159

The members of the Supreme Court are irremovable during their mandate.

Article 160

Before entering into [their] function, the non-Magistrate members of the Supreme Court takes an oath before the Supreme Court, in [the] presence of the President of the Republic and of the President of the National Assembly, following the denominational formula consecrated by the law.

Chapter II

Of Customary and Traditional Rules

Article 161

Until their codification, the customary and traditional rules are only applicable in the communities where they are recognized.

However, the customs contrary to the public order or those that promote inequality between citizens are prohibited.

Article 162

The customary and traditional rules governing the matrimonial regimes and inheritance may only be applicable with the consent of the parties concerned.

In default of consent, the national law alone is applicable.

It is the same in case of conflict between two [2] or more customary rules.

Article 163

The customary and traditional remedies [*réparations*] may not be made an obstacle to public action.

TITLE VII

**OF THE HIGH COUNCIL OF THE AUTONOMOUS COLLECTIVITIES
AND OF TRADITIONAL LEADERSHIP [CHEFFERIES]**

Article 164

A consultative organ denominated [the] High Council of the Autonomous Collectivities and of Traditional Leadership[,] is instituted.

Article 165

The High Council of the Autonomous Collectivities and of Traditional Leadership is a consultative assembly.

It gives its substantiated opinion on the policy of decentralization, of development [*aménagement*] of the territory, questions relative to traditional Leadership and participates in the non-jurisdictional regulation of disputes.

Article 166

An organic law determines the mode of designation, the number and the title of the members, as well as the rules of organization and of functioning of the institution.

TITLE VIII

OF THE ECONOMIC, SOCIAL AND CULTURAL COUNCIL

Article 167

A consultative organ denominated the Economic, Social and Cultural Council[,] is instituted.

Article 168

The Economic, Social and Cultural Council is given the charge of giving its opinion on the questions of economic, social, cultural or environmental character brought to its examination by the President of the Republic or by the President of the National Assembly.

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

It may equally proceed to the analysis of any problem of economic, social, cultural or environmental development. It submits its conclusions to the President of the Republic.

Article 169

The Economic, Social and Cultural Council may designate one of its members at the demand of President of the Republic or of the President of the National Assembly, to present [*exposer*] before these organs the opinion of the Council on the questions that have been submitted to it.

Article 170

An organic law establishes the composition, the organization and the functioning of the Economic, Social and Cultural Council.

TITLE IX

OF THE NATIONAL COMMISSION OF THE RIGHTS OF MAN

Article 171

A National Commission of the Rights of Man[,] is instituted.

The National Commission of the Rights of Man (CNDH) is an independent administrative authority.

Article 172

The National Commission of the Rights of Man has for its mission:

- to formulate opinions for the Government on the questions relative to the Rights of Man and including the situation [*condition*] of women, the rights of the child and of the handicapped;
- to assist the Government and the other national and international institutions concerning all questions relative to the Rights of Man in Chad in conformity with the Charter of the Rights of Man and of the Fundamental Freedoms.
- to participate in the revision of the legislation in force and in the elaboration of new norms relative to the Rights of Man, with a view to the construction of [the] State of Law and to the reinforcement of democracy;
- to proceed with inquiries, studies [and] publications relative to the Rights of Man;
- to advise the Government concerning the ratification of international juridical instruments relative to torture [and] to inhuman and degrading treatment.

Article 173

The National Commission of the Rights of Man (CNDH) is autonomous concerning the choice of the questions that it examines by referring itself [to the matters]. The Commission is entirely free in its opinions that it transmits to the President of the Republic and of which it assures diffusion for public opinion.

Article 174

The rules of organization and of functioning as well as the composition of the National Commission of the Rights of Man are determined by the law.

**TITLE X
OF MILITARY JUSTICE**

Article 175

A military justice including a Military Tribunal and a High Military Court[,] is instituted.

Article 176

The Military Tribunal takes cognizance in first instance [*degré*] of all the contraventions and offenses [*délits*] committed by the military personnel whatever their rank.

Article 177

The High Military Court takes cognizance in appeal and in last resort of the judgments rendered by the Military Tribunal within the conditions defined by the law.

It takes cognizance in first instance of all the infractions that infringe the security of the State and of the crimes committed by the military personnel whatever their rank.

Article 178

A law establishes the composition, the organization, the functioning and the competence of the military jurisdictions.

**TITLE XI
OF THE HIGH AUTHORITY OF THE MEDIA AND
OF THE AUDIOVISUAL**

Article 179

A High Authority of the Media and of the Audiovisual (HAMA) is instituted.

The High Authority of the Media and of the Audiovisual is an independent administrative authority.

Article 180

The High Authority of the Media and of the Audiovisual is composed of nine (9) members appointed by decree of President of the Republic.

They are designated in the following manner:

- two (2) notable persons [*personnalités*] by the President of the Republic;
- two (2) notable persons by the President of the National Assembly;
- three (3) professionals in audiovisual communication and of the press designated by their peers;
- one (1) magistrate designated by the President of the Supreme Court;
- one (1) notable person of the world of culture, of the arts and letters[,] designated by their peers.

Article 181

The High Authority of the Media and of the Audiovisual elects its Bureau from among its members.

Article 182

The High Authority of the Media and of the Audiovisual:

- sees to the respect of the rules of ethics [*déontologie*] and of legislation in matters of information and of communication;
- regulates the access and the exercise of the profession of journalist;
- guarantees the freedom of the press and the pluralistic expression of opinions within the framework of respect for the national cultural values, for the public order and for the private life of citizens;
- regulates the relations of communication between the public powers, the organs of information and the public;
- assures to the political parties the equal access to the public media;
- guarantees to the associations the equitable access to the public media;
- gives technical advice, [and] recommendations on the questions touching the domain of information.

Article 183

The other attributions, the organization and the functioning of the High Authority of the Media and of the Audiovisual are specified by the law.

TITLE XII

OF NATIONAL DEFENSE AND OF SECURITY

Article 184

The national defense and security are assured by the Forces of Defense and of Security.

Article 185

The Forces of Defense and of Security are composed of:

- the National Army;
- the National *Gendarmerie*;
- the National Police;
- the National and Nomadic Guard;
- the Corp of [the] Judicial Police.

Article 186

The Forces of Defense and of Security are at the service of the Nation.

They are submitted to the republican legality.

They are subordinated to the civil power.

Article 187

The Forces of Defense and of Security are apolitical.

Article 188

The National Defense is assured by the National Army, the National *Gendarmerie* and the National and Nomadic Guard.

The maintenance of the public order and of security is assured by the National Police, the National *Gendarmerie* and the National and Nomadic Guard.

Chapter I
Of the National Army of Chad

Article 189

The National Army of Chad has for its mission to defend the territorial integrity, the national unity, to guarantee the national independence and the security of the country against any external aggression or threat [*menace*].

Article 190

The National Army of Chad participates in tasks of economic and social development as well as in humanitarian operations.

Article 191

Missions not provided for by this Constitution are defined by the law.

Chapter II
Of the National Gendarmerie

Article 192

The National *Gendarmerie* has for its mission:

- to assure the protection of persons and of assets;
- to assure the maintenance and the reestablishment of the public order in the surroundings of the large towns and in the rural world;
- to assure respect for the laws and regulations.

Its action is exercised on the whole of the national territory within respect for the freedoms and of the Rights of Man.

Chapter III
Of the National Police

Article 193

The National Police has for its missions:

- to see to the security of the State;
- to assure the maintenance and the reestablishment of the public order;
- to see to the security and to the protection of persons and of assets;
- to see to the [public] tranquility and to the public health [*salubrité*];
- to assure respect for the laws and regulations.

Article 194

The action of the National Police action is exercised on the whole of the national territory within respect for the freedoms and of the rights of Man.

Chapter IV
Of the National and Nomadic Guard

Article 195

The National and Nomadic Guard has for its missions:

- the protection of the political and administrative authorities;
- the protection of public edifices;
- the maintenance of order in the rural and nomadic milieu;

– the guarding and the surveillance of jails [*maisons d'arrêt*].

Article 196

The action of the National and Nomadic Guard is exercised on the whole of the national territory within respect for the freedoms and of the rights of Man.

Chapter V

Of the Corps of the Judicial Police

Article 197

A Corps of Judicial Police[,] is instituted.

Article 198

The Corps of Judicial Police is composed of officers and of agents of judicial police, originating from [*issus*] the National *Gendarmerie* and from the National Police.

Article 199

The Corps of Judicial Police, is placed at the exclusive disposition of the Minister in charge of Justice, [and] has for [its] missions:

- to declare the infractions, and collect the evidence of them and to investigate the authors of them to place them at the disposition of the judicial authorities;
- to assure respect for the laws and the regulations.

Article 200

The organization, the functioning, [and] the other missions and attributions of the National Army, of the National *Gendarmerie*, of the National Police, of the National and Nomadic Guard and of the Corps of the Judicial Police[,] are established by the law.

TITLE XIII

OF THE AUTONOMOUS COLLECTIVITIES

Article 201

The Autonomous Collectivities of the Republic of Chad are:

- the provinces;
- the communes.

Article 202

An organic law determines the number, the denominations and the territorial limits of these autonomous entities.

Article 203

The Autonomous Collectivities are endowed with juridical [*morale*] personality. Their administrative, financial, patrimonial, [and] economic autonomy is guaranteed by the Constitution.

On the basis of the principle of subsidiarity, the Autonomous Collectivities have exclusive competences and competences divided with the State, within the conditions established by a law.

The Autonomous Collectivities [have at their] disposal, within their respective domains of competence and within their territorial resort, a regulatory power for the exercise of their attributions.

The division of the competences between the State and the Autonomous Collectivities is effected in accordance with the provisions of this Constitution and by the law[,] with consideration of the local and national interests.

Article 204

The Autonomous Collectivities administer themselves freely by elected assemblies which govern by their deliberations the matters [*affaires*] which are devolved to them by the Constitution and by the law.

The deliberations of the local assemblies are executory of plain right on their publication.

However, they may not be contrary to the constitutional, legislative and regulatory provisions.

Article 205

The members of the local assemblies are elected by universal direct suffrage for a mandate of six (6) years renewable one time.

Article 206

The local Assemblies elect[,] from within themselves[,] executive organs for a mandate of three years renewable.

The executive organs are responsible before the local assemblies.

Article 207

The State assures the protection [*tutelle*] of the Autonomous Collectivities. No Autonomous Collectivities may exercise a protection over another.

The State is the representative before the Autonomous Collectivities by the heads of the de-concentrated administrative units [*unités*], charged to defend the national interests and to have the laws and regulations respected.

Article 208

Before the Autonomous Collectivities, the Governors of the provinces, the Prefects of [a] department and the Administrators delegated before the communes[,] represent the central power.

In the name of the Government, they assure the application of the laws, implement the regulations and the governmental decisions and exercise administrative control within respect for the principle of autonomy.

The Governors of the provinces, the Prefects of the departments and the Administrators delegated before the communes, assist the Presidents of the provincial councils, of the communal councils and the Mayor of the city of N'Djaména, in the implementation of the plans and of the programs of development.

Under the authority of the Ministers concerned, they coordinate the activities of the de-concentrated services of the central administration and see to their good functioning.

Article 209

The State sees to the harmonious development of all the Autonomous Collectivities on the basis of national solidarity, of provincial potential and of inter-provincial equilibrium.

Article 210

The Autonomous Collectivities vote and administer [*gèrent*] their budgets.

They are endowed with a local public function by which they recruit agents and administer the careers.

Article 211

The resources of the Autonomous Collectivities are constituted notably by:

- the revenues [*produits*] of the imposts and taxes voted by the Assemblies of the Autonomous Collectivities and collected directly by them;
- the part that reverts to them[,] of right[,] from the revenues of imposts and taxes collected to the profit of the budget of the State;
- the revenues of the endowments [*dotations*] and the subsidies [*subventions*] attributed by the State;
- the revenues of the loans [*emprunts*] contracted by the Autonomous Collectivities, either on the internal market, or on the external market after the agreement of the national monetary authorities, with or without guaranty of the State;
- the gifts and bequests [*dons et legs*];
- the revenues [*revenues*] of their patrimony;
- the percentage on the revenues of the resources of the soil and of the sub-soil exploited on their territory.

Article 212

The Autonomous Collectivities freely dispose of their resources.

They may receive all or part of the revenue of the taxes [*impositions*] of all natures.

The fiscal receipts and the other resources proprietary to the Autonomous Collectivities represent, for each category of collectivity, a determinate part of the whole of their resources.

Any transfer of competences between the State and the Autonomous Collectivities is accompanied by the attribution of equivalent resources to those which should be consecrated to their exercise.

Any creation or extension of competences having as a consequence the augmentation of expenditures of the Autonomous Collectivities is accompanied by resources.

The law establishes the implementation of these rules and provides for mechanisms of equalization [*dispositifs de péréquation*] allocated to favor equality between the Autonomous Collectivities.

Article 213

The law provides for an autonomous mechanism [*mécanisme*] of development for the benefit of the Autonomous Collectivities.

Article 214

When the participation of several Autonomous Collectivities is necessary for the realization of a project, the collectivities concerned agree to [*conviennent*] the modalities of their cooperation.

Article 215

The Autonomous Collectivities may constitute groups with a view to [making] means and programs mutual.

Article 216

An organic law establishes:

- The rules [*règles*] relative to the juridical status, to the organization, to the functioning and to the attributions of the Autonomous Collectivities as well as their relations with the central power;
- The conditions of democratic management of their affairs by the provinces and the communes, the number of the councilors, the rules relative to eligibility, to the incompatibilities and to the case of interdiction of accumulation of mandates, as well as the electoral regime and the provisions looking to assure a better participation of women and of young [persons] within these councils;
- The conditions of execution of the deliberations and of the decisions of the provincial and municipal councils, conforming to the provisions of the Constitution;
- The exclusive competences and the competences divided with the State;
- The financial and accounting regime of the provinces and of the communes;
- The resources and the modalities of functioning of the mechanism of development of the collectivities;
- The conditions and the modalities of constitution of the groups;
- the provisions favoring inter-communal development;
- The rules of governance relative to good functioning, to free administration, to control of management of the funds and programs, to the evaluation of actions and to the rendering [*reddition*] of accounts.

TITLE XIV

OF THE TRADITIONAL AND CUSTOMARY AUTHORITIES

Article 217

The traditional and customary authorities are the guarantors of use and custom.

Article 218

The Traditional and Customary Authorities participate notably in:

- The valuing [*valorisation*] of use and customs;
- The promotion of the ideas of peace, of development and of social cohesion;
- The non-jurisdictional regulation of disputes [*différends*] within their territorial resort.

Article 219

They concur in the grouping [*encadrement*] of the populations and support the action of the Autonomous Collectivities.

Article 220

A law determines their status and attributions.

TITLE XV

OF COOPERATION, OF THE TREATIES AND INTERNATIONAL AGREEMENTS

Article 221

The Republic of Chad may conclude with other States agreements of cooperation or of association on the basis of the principles of equality, of mutual respect of

sovereignty, of territorial integrity, of reciprocal benefits [*avantages*] and of national dignity.

It may create with the States organs [*organismes*] of common management, of coordination and of cooperation within the economic, monetary, financial, scientific, technical, military and cultural domains.

Article 222

The President of the Republic negotiates and ratifies the treaties. He is informed of any negotiation tending to the conclusion of an international agreement not submitted to ratification.

Article 223

The peace treaties, the defense treaties, the treaties of commerce, the treaties relative to the use of the national territory or to the exploitation of the natural resources, the agreements relative to international organization, those which engage the finances of the State or those which are relative to the status [*état*] of persons, may only be approved or ratified after the authorization of the National Assembly.

These treaties and agreements only take effect after having been approved and ratified.

No cession, no exchange, no addition of territory, is valid without the consent of the People expressed by way [*voie*] of referendum.

Article 224

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 engagement contains a clause contrary to the Constitution, the authorization of ratification may only intervene after the revision of the Constitution.

Article 225

The Treaties or Agreements regularly ratified have, on their publication, an authority superior to that of the national laws, under reserve for each Agreement or Treaty of its application by the other party.

TITLE XVI OF REVISION

Article 226

The initiative of revision belongs concurrently to the President of the Republic, after decision taken in the Council of Ministers, and to the members of the National Assembly.

To be taken into consideration, the bill or the proposal of revision must be voted with the majority of three-fifths (3/5) of the members of the National Assembly.

The revision of the Constitution is approved by referendum or by the vote of the majority of two-thirds (2/3) of the members of the National Assembly.

Article 227

No procedure of revision may be engaged or pursued when it infringes:

- the integrity of the territory, the independence, or the national unity;
- the republican form of the State, the principle of the separation of powers and secularity;

- the freedoms and fundamental rights of the citizen;
- the policy [of] pluralism.

Article 228

No procedure of revision may be engaged when the President of the Republic exercises the exceptional powers or when the Interim President exercises the functions of President of the Republic in accordance with the provisions of Articles 82 and 95 of this Constitution.

TITLE XVII

OF TRANSITORY AND FINAL PROVISIONS

Article 229

Until the implementation of the new institutions, those in place continue to exercise their functions and attributions in accordance with the laws and regulations in force.

The mandate of the President of the Republic in exercise [of the functions] is limited to its term [*court jusqu'à son terme*].

Article 230

The legislation actually in force in Chad remains applicable, insofar as it has nothing contrary to this Constitution, save adoption of new texts.

Article 231

Notwithstanding the provisions of Article 132 of this Constitution, the President of the Republic is authorized, within the framework of the implementation of the Acts of the Inclusive National Forum, to legislate by way of ordinances.

Article 232

This Constitution enters into force on its promulgation by the President of the Republic and within eight (8) days following its adoption.
