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# CONSTITUTION of the IVORY COAST<sup>1</sup>

November 3, 1960, as amended January 11, 1963

## PREAMBLE

The people of the Ivory Coast proclaims its attachment to the principles of democracy and the rights of man as defined by the Declaration of the Rights of Man and the Citizen of 1789, by the Universal Declaration of 1948, and as they are guaranteed by this Constitution.

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

## TITLE I

### THE STATE AND SOVEREIGNTY

*Art. 1.* The State of the Ivory Coast is an independent sovereign Republic.

The national emblem is the tricolor flag, orange, white, and green, in vertical stripes.

The national anthem is the "*Abidjanaise*."

The motto of the Republic is "Union, Discipline, Work."

The official language is French.

*Art. 2.* The Republic of the Ivory Coast is one and indivisible, secular, democratic and social.

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

*Art. 3.* Sovereignty belongs to the people. No section of the people, nor any individual may usurp the exercise of this right.

*Art. 4.* The people shall exercise its sovereignty through its representa-

<sup>1</sup> *Constitution de la République de Côte d'Ivoire, Imprimerie Nationale, No. 1747, Abidjan.* Supplied by Ministry of Foreign Affairs. Translated by the Editor.

tives and by means of referendum. The conditions of recourse to referendum shall be determined by law.

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

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

All Ivory Coast citizens of both sexes who have reached their majority and who enjoy civil and political rights may vote under the conditions to be determined by law.

*Art. 6.* The Republic shall ensure equality before the law to all without distinction of origin, race, sex or religion. It shall respect all beliefs.

Any particularist propaganda of a racial or ethnic character, as well as any manifestation of racial discrimination shall be punished by law.

*Art. 7.* Political parties and groups shall be instrumental in the expression of the suffrage. They shall be formed freely and shall carry on their activities freely, on condition that they respect the principles of national sovereignty and democracy and the laws of the Republic.

## TITLE II

### THE PRESIDENT OF THE REPUBLIC AND THE GOVERNMENT

*Art. 8.* The President of the Republic shall be the Head of State. He shall embody national unity. He shall watch over the respect of the Constitution. He shall ensure the continuance of the State. He shall be the guarantor of national independence, of the integrity of the territory and of respect for treaties and international agreements.

*Art. 9.* The President of the Republic shall be elected for five years by universal direct suffrage. He shall be eligible for reelection.

*Art. 10.* The President of the Republic shall be elected by an absolute majority on the first ballot. If this is not obtained, the President of the Republic shall be elected on a second ballot, which shall take place fifteen days after the first ballot, by a relative majority.

The voting shall begin at the summons of the Government.

The first ballot for the election of the President of the Republic shall take place on the same day as that fixed for the general elections.

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

A law shall establish the conditions of eligibility, of the presentation of candidatures, of the balloting, counting and proclamation of the results. The Supreme Court shall supervise the regularity of these operations.

*Art. 11.* In the event that the presidency of the Republic has been vacated by death or resignation, or has been impeded in its functioning,

the functions of President of the Republic shall be exercised temporarily by a person chosen by the President of the National Assembly from among its members.

If the presidential term still to run is equal to or less than twelve months there shall be no new elections to the Presidency of the Republic. The President appointed by the President of the National Assembly shall automatically assume the rank, powers and prerogatives of President of the Republic.

If the Presidential term still to run is more than twelve months, new elections shall take place. The term of the new President of the Republic shall expire at the same time as that of the National Assembly.

*Art. 12.* The President of the Republic shall be the sole holder of the executive power.

He shall appoint the members of the Government and decide upon their powers. Members of the Government shall be responsible to him. He shall terminate their functions.

*Art. 13.* The President of the Republic and the members of the National Assembly alike shall have the right to initiate legislation.

He shall promulgate the laws within fifteen days of their transmission to him by the President of the National Assembly.

This time limit may be reduced to five days in cases of urgency so declared by the National Assembly.

He may, before the expiration of this time limit, ask the National Assembly for a second reading of the law or certain of its articles. This second reading may not be refused.

He may also, within the same time limit, request that the second reading not take place until the next ordinary session following the session at which the text was adopted in the first reading. This request may not be refused.

To be adopted at the second reading, a law must be passed by a majority of two thirds of the members of the National Assembly.

*Art. 14.* The President of the Republic, with the agreement of the secretariat of the National Assembly, may submit to a referendum any text which seems to him to require direct consultation with people.

When the referendum decides in favor of the bill, the President of the Republic shall promulgate it within the time limit stipulated in the preceding article.

*Art. 15.* The President of the Republic shall ensure the implementation of the laws and of decisions of the judicial authority. He shall issue the regulations applicable to the whole territory of the Republic.

*Art. 16.* The President of the Republic shall accredit Ambassadors and Envoys Extraordinary to foreign powers. Ambassadors and Envoys Extraordinary of foreign powers shall be accredited to him.

*Art. 17.* The President of the Republic shall be the Head of the Ad-

ministration. He shall make the civil and military appointments of the State.

*Art. 18.* The President of the Republic shall be the Head of the Armed Forces.

*Art. 19.* When the institution of the Republic, the independence of the nation, the integrity of its territory or the fulfilment of its international commitments are threatened by a clear and present danger, the President of the Republic shall take the exceptional measures required by these circumstances, after obligatory consultation with the President of the National Assembly.

He shall inform the nation of these measures in a message.

The National Assembly shall meet automatically.

*Art. 20.* The President of the Republic shall have the right of pardon.

*Art. 21.* The President of the Republic shall determine and conduct the policy of the nation.

*Art. 22.* The President of the Republic shall preside over the Council of Ministers.

The Council of Ministers must deliberate:

- decisions determining the general policy of the State;
- government bills;
- ordinances and regulatory decrees;
- appointments to the higher offices of the State the list of which shall be drawn up by law.

*Art. 23.* Bills, ordinances and regulatory decrees may be examined by the Supreme Court for their advice before being submitted to the Council of Ministers.

*Art. 24.* The President of the Republic may delegate certain of his powers to the Ministers.

*Art. 25.* The functions of the President of the Republic and of member of the Government shall be incompatible with the exercise of any parliamentary mandate, any public employment or any professional activity.

*Art. 26.* The President of the Republic shall communicate with the National Assembly either directly or by messages which he shall cause to be read by the President of the National Assembly. These communications may not be followed by any debate.

### TITLE III

#### THE NATIONAL ASSEMBLY

*Art. 27.* Parliament shall comprise a single assembly, called the National Assembly, whose members shall bear the title of deputies.

*Art. 28.* The National Assembly shall pass the laws and agree to the taxation.

*Art. 29.* Deputies to the National Assembly shall be elected by universal direct suffrage from a complete national list.

The term of the legislature shall be five years.

A law shall determine the number of members of the National Assembly, the conditions of eligibility and ineligibility and the offices incompatible with membership, the method of voting and the conditions under which new elections shall take place in cases of vacancies in the seats of deputies.

In case of dispute, the Supreme Court shall rule on the eligibility of candidates.

*Art. 30.* The National Assembly shall be sole judge of the validity of the elections of its members.

*Art. 31.* The National Assembly shall convene automatically in two ordinary sessions a year.

The first session shall begin on the last Wednesday of April and may not exceed three months.

The second session shall begin on the first Wednesday of October and shall end on the third Friday of December.

*Art. 32.* The National Assembly shall be convened in extraordinary session by its President, at the request of the President of the Republic or of an absolute majority of the deputies to consider a specific agenda.

Extraordinary sessions shall be closed as soon as their agenda is exhausted.

*Art. 33.* The President of the National Assembly shall be elected for the duration of the legislature.

*Art. 34.* A full report of the debates shall be published in the *Journal Officiel*.

The National Assembly may sit in secret committee at the request of the President of the Republic or of one third of the deputies.

*Art. 35.* Each deputy shall represent the entire nation.

All binding instructions on deputies shall be null and void.

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

*Art. 36.* No deputy may be prosecuted, sought, arrested, detained or tried as a result of the opinions or votes expressed by him in the exercise of his functions.

*Art. 37.* No deputy may, during sessions, be prosecuted or arrested for criminal or minor offenses without the authorization of the National Assembly except in *flagrante delicto*. No deputy may, when parliament is not in session, be arrested without the authorization of the secretariat of the National Assembly, except in *flagrante delicto*, cases of authorized prosecution or of final conviction.

The detention or prosecution of a deputy shall be suspended if the National Assembly so requires.

*Art. 38.* Deputies shall receive an emolument the amount of which shall be established by law.

*Art. 39.* The National Assembly shall draw up its rules of procedures.

#### TITLE IV

### RELATIONS BETWEEN THE NATIONAL ASSEMBLY AND THE GOVERNMENT

*Art. 40.* The members of the Government shall have access to the commissions of the National Assembly. They shall be heard at the request of the commissions.

They may be assisted by Government Commissioners.

#### **Section I. Respective Domains of Laws and Regulations**

*Art. 41.* Laws shall establish the regulations concerning:

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

Laws shall determine the fundamental principles of:

- the organization of the National Defense;
- education;
- property rights, civil and commercial obligations;
- legislation pertaining to employment, unions and social institutions;
- nationalization and the administration of the State domain;

- benefit societies and savings;
- the organization of production;
- the system of transportation and telecommunications.

The financial laws shall determine the financial resources and obligations of the State.

Laws pertaining to national planning shall determine the objectives of the economic and social action of the State.

*Art. 42.* The National Assembly shall authorize the declaration of war.

*Art. 43.* Martial law shall be decreed in a meeting of the Council of Ministers. The National Assembly shall meet by right if it is not already in session.

The prorogation of martial law beyond fifteen days may be authorized only by the National Assembly.

*Art. 44.* Matters other than those that fall within the domain of law shall be of a regulatory character.

Legislative tests concerning these matters existing prior to the entry in force of this Constitution may be modified by decree taken with the advice of the Supreme Court.

*Art. 45.* The President may, in order to carry out his program, ask the National Assembly to authorize him, by law and for a limited period, to take through ordinances measures that are normally within the domain of law.

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

At the expiration of the time limit referred to in the first paragraph of the present article the ordinances may be modified only by law in those matters which are within the legislative domain.

*Art. 46.* Bills and amendments which do not fall within the domain of law shall be inadmissible. Inadmissibility shall be pronounced by the President of the National Assembly.

In case of dispute, the Supreme Court, to whom the matter shall have been referred by the President of the Republic or by the President of the National Assembly, shall rule within a period of eight days.

## **Section II. The Drawing Up of the Laws**

*Art. 47.* Bills and amendments introduced by deputies shall not be considered when their adoption would have as a consequence either a diminution of public financial resources or the creation or increase of public expenditures, unless they are accompanied by a proposal for revenues or economies to an equivalent amount.



*Art. 48.* The discussion of Government bills shall pertain to the text presented by the commission.

The commission, at the request of the Government, must inform the National Assembly of the point on which it disagrees with the Government.

*Art. 49.* Deputies have the right of amendment.

*Art. 50.* The National Assembly shall pass the finance bill under the conditions to be stipulated by law.

*Art. 51.* The finance bill shall be filed with the National Assembly at the opening of the October session. The finance bill must provide the revenues necessary fully to cover expenditures.

The National Assembly shall vote the budget in balance.

Should the National Assembly fail to reach a decision within seventy days from the day the bill has been filed, the provisions of the bill may be put into force by ordinance.

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

Should the National Assembly fail to pass the budget by the end of the extraordinary session, it shall be put into force definitively by ordinance.

Should the finance bill not be filed in time for it to be promulgated before the beginning of the fiscal year, the President of the Republic shall immediately ask the National Assembly for authorization to continue the budget of the preceeding year by provisional monthly credits.

*Art. 52.* The National Assembly shall administer the accounts of the nation in accordance with the forms prescribed by the finance law.

## TITLE V

### TREATIES AND INTERNATIONAL AGREEMENTS

*Art. 53.* The President of the Republic shall negotiate and ratify treaties and international agreements.

*Art. 54.* Peace treaties, treaties and agreements relative to international organization those that modify the internal laws of the State may be ratified only by a law.

*Art. 55.* If the Supreme Court, the matter having been referred to it, by the President of the Republic or by the President of the National Assembly, shall declare that an international commitment contains a clause contrary to the Constitution, the authorization to ratify it may be given only after amendment of the Constitution.

*Art. 56.* Treaties or agreements duly ratified and approved shall, upon their publication, have an authority superior to that of laws, subject, for each agreement or treaty, to its application by the other party.

TITLE VI  
THE SUPREME COURT

*Art. 57.* The Supreme Court shall include four chambers; the Constitutional Chamber; the Judicial Chamber, the Administrative Chamber, and the Chamber of Accounts.

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

TITLE VII  
THE JUDICIAL AUTHORITY

*Art. 58.* Justice shall be rendered on the territory of the State in the name of the people.

*Art. 59.* In the exercise of their functions judges shall be subject only to the authority of the law.

The President of the Republic shall be the guarantor of the independence of the judges.

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

*Art. 60.* A law shall determine the composition, organization and procedure of the High Council of the Judiciary.

*Art. 61.* Magistrates shall be appointed by the President of the Republic upon the proposal of the Minister of Justice and with the advice of the High Council of the Judiciary.

*Art. 62.* No one may be arbitrarily detained.

The accused shall be presumed innocent until his guilt is established as a result of a procedure which provides him with the guarantees necessary for his defense. The judicial authority, guardian of individual liberty, shall ensure respect for this principle under the conditions stipulated by law.

TITLE VIII  
THE HIGH COURT OF JUSTICE

*Art. 63.* The High Court of Justice shall be composed of deputies elected by the National Assembly from among its members after each general election. It shall elect its President from among its members.

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

*Art. 64.* The President of the Republic shall not be held accountable

for actions performed in the exercise of his office except in the case of high treason.

The High Court of Justice shall be competent to try members of the Government for actions performed in the exercise of their office and deemed to be crimes or misdemeanors, with the exception of crimes and misdemeanors against the security of the State and those related thereto.

*Art. 65.* Indictment of the President of the Republic and of members of the Government shall be passed by open balloting and a majority of two thirds of the deputies to the National Assembly.

*Art. 66.* The High Court shall be bound by the definition of crimes and misdemeanors as well as by the determination of penalties as they are established by the criminal laws in force when the acts are committed.

## TITLE IX

### THE ECONOMIC AND SOCIAL COUNCIL

*Art. 67.* The Economic and Social Council shall give its opinion on government bills, ordinances and decrees, as well as on parliamentary bills submitted to it.

Any bill dealing with a plan of an economic or social character shall be submitted to it for its advice.

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

The composition of the Economic and Social Council and its rules of procedure shall be determined by law.

## TITLE X

### TERRITORIAL UNITS

*Art. 68.* The territorial units of the Republic shall be created by law.

A law shall determine the fundamental principles of the free administration of the territorial units, their powers and their resources.

## TITLE XI

### ASSOCIATION AND CO-OPERATION BETWEEN STATES

*Art. 69.* The Republic of the Ivory Coast may conclude agreements of association with other States.

It agrees to create intergovernmental organizations with other States of common administration, co-ordination and free co-operation.

*Art. 70.* Such organizations may have in particular the following purposes:

- the harmonization of monetary, economic and financial policy;
- the establishment of customs unions;
- the creation of mutual funds;
- the harmonization of development plans;
- the harmonization of foreign policy;
- the establishment of common measures to ensure national defense;
- the co-ordination of judicial organization;
- co-operation in matters of higher education;
- health co-operation and co-ordination;
- harmonization of rules concerning the status of Government service and the right to work;
- co-ordination of transportation, communications and telecommunications.

## TITLE XII

### AMENDMENT

*Art. 71.* The President of the Republic and the members of the National Assembly alike shall have the right to initiate amendment of the Constitution.

*Art. 72.* In order for it to be taken under consideration, a bill of amendment must be passed by a majority of three fourths of the members of the National Assembly.

No amendment shall enter into force before it has been approved by referendum except when it has been approved by a majority of four fifths of the members of the National Assembly.

*Art. 73.* No amendment procedure may be undertaken or pursued if it threatens the integrity of the territory.

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

## TITLE XIII

### GENERAL PROVISIONS AND TRANSITIONAL PROVISIONS

*Art. 74.* The National Assembly shall pass laws containing the necessary provisions for the application of this Constitution.

The President of the Republic shall take office and the National Assembly shall meet on December 12, 1960, at the latest.

*Art. 75.* The established authorities of the Republic shall continue their

functions and the existing institutions shall be maintained until the establishment of new authorities and institutions.

*Art. 76.* The legislation presently in force in the Ivory Coast shall remain applicable except where new texts are drawn up, insofar as it is not contrary to this Constitution.

*Done at Abidjan, November 3, 1960*