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Côte d'Ivoire

Constitution of the Republic of Côte d'Ivoire
3 November 1960

As Amended to Law No. 95-492 of 26 June 1995

Translated by
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This translation includes modifications to the original text of 3 November 1960 made by the following:
Law No. 63-1 of 11 January 1963 concerning Art. 64;
Law No. 75-365 of 31 May 1975 concerning Art. 11;
Law No. 75-747 of 22 October 1975 concerning Art. 25;
Law No. 80-1038 of 1 September 1980 concerning Arts. 10, 29;
Law No. 80-1232 of 26 November 1980 concerning Arts. 9, 10, 11;
Law No. 85-1072 of 12 October 1985 concerning Arts. 9, 10, 11;
Law No. 86-90 of 31 January 1986 concerning Art. 11;
Law No. 90-1529 of 6 November 1990 concerning Arts. 10, 11, 12, 24;
Law No. 94-438 of 16 August 1994 concerning Arts. 4, 10, 11, 23, 29, 30, 44, 45, 46, 55, Title VI, 57, 58, 59, 60, 61, Title VII;
Law No. 95-492 of 26 June 1995 concerning Art. 68.

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Law No. 60-356 of 3 November 1960
concerning the
CONSTITUTION OF THE REPUBLIC OF CÔTE D'IVOIRE

PREAMBLE

The People of Côte d'Ivoire proclaim their adherence to the principles of Democracy and of the Rights of Man, as they have been defined by the Declaration of the Rights of Man and of the Citizen of 1789, by the Universal Declaration of 1948, and as they are guaranteed by this Constitution.

They affirm their will to cooperate in peace and amity with all the peoples who share their ideal of justice, of liberty, of equality, of fraternity and of human solidarity.

TITLE I

OF THE STATE AND OF SOVEREIGNTY

Article 1

The State of Côte d'Ivoire is an independent and sovereign Republic.

The national emblem is the tricolor flag [of] orange, white [and] green in vertical bands.

The hymn of the Republic is *l'Abidjanaise*.

The motto of the Republic is *Union, Discipline, Travail* [Union, Discipline, Work].

The official language is French.

Article 2

The Republic of Côte d'Ivoire is one and indivisible, secular, democratic and social.

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

Article 3

Sovereignty belongs to the people.

No section of the people nor any individual can arrogate its exercise.

Article 4

[Amended by Law No. 94-438 of 16 August 1994]

The people exercise their sovereignty by their representatives and by way of referendum.

The Constitutional Council sees to the regularity of the operations of the referendum and declares the results of it.

The conditions of recourse to the referendum and its control are determined by the law.

Article 5

Suffrage is universal, equal and secret.

All Ivorian nationals of majority, of both sexes, enjoying their civil and political rights[,] are electors within the conditions determined by law.

Article 6

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

All particularist propaganda of racial or ethnic character, any manifestation of racial discrimination[,] are punished by the law.

Article 7

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

TITLE II OF THE PRESIDENT OF THE REPUBLIC AND OF THE GOVERNMENT

Article 8

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

Article 9

*[Amended by Law No. 85-1072 of 12 October 1985:
restores original text of 3 November 1960]*

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

Article 10

[Amended by Law No. 94-438 of 16 August 1994]

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

The convocation of the electors is made by decree taken in the Council of Ministers.

The first round of the ballot takes place with the first two weeks of the month of October of the fifth year of his mandate.

The powers of the President of the Republic in exercise [of the functions] expire at the same time as those of the National Assembly, under reserve of the provisions of Article 11 paragraph 4.

The law establishes the conditions of eligibility, of presentation of the candidatures, of holding of the ballot, of counting and of proclamation of the results.

The Constitutional Council controls the regularity of these operations.

Article 11

[Amended by Law No. 94-438 of 16 August 1994]

In case of vacancy of the Presidency of the Republic by death, resignation or absolute incapacity, the functions of the President of the Republic are devolved of plain right on the President of the National.

The absolute impediment is declared by the Constitutional Council referred to this end by the President of the National Assembly or one-fourth at least of the Deputies after debate, or one-third at least of the members of the Government.

The functions of the new President of the Republic cease on the expiration of the of the presidential mandate in course.

Article 12

[Amended by Law No. 90-1529 of 6 November 1990]

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

The President of the Republic appoints the Prime Minister, Head of the Government, who is responsible before him. He terminates his functions on the presentation by him of the resignation of the Government.

On proposal of the Prime Minister, the President of the Republic appoints the other members of the Government and terminates their functions.

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

He assures the promulgation of the laws within the fifteen days which follow the transmittal to him which is made of them by the President of the National Assembly.

This time period is reduced to five days in case of urgency declared by the National Assembly.

He can, before the expiration of these time periods, demand of the National Assembly a second deliberation of the law or of certain of its articles. This second deliberation cannot be refused.

He can equally, within these same time periods, demand and obtain of plain right that this second deliberation can only take place at the time of the ordinary session following the session during which the text was adopted in first reading.

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

Article 14

The President of the Republic, after agreement with the Bureau of the National Assembly, can submit to referendum any text which appears to him should require the direct consultation of the people.

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

Article 15

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

Article 16

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

Article 17

The President of the Republic is the Head of the Administration. He appoints to the civil and military offices of the State.

Article 18

The President of the Republic is the Head of the Armies.

Article 19

Whenever the Institutions of the Republic, the independence of the Nation, the integrity of its territory or the execution of its international commitments are threatened in a grave and immediate manner, the President of the Republic takes the exceptional measures required by those circumstances after obligatory consultation of the President of the National Assembly.

He informs the Nation of it by a message.

The National Assembly meets of plain right.

Article 20

The President of the Republic has the right of pardon.

Article 21

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

Article 22

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

The Council of Ministers deliberates obligatorily:

- on the decisions determining the general policy of the State;
- on the bills of law;
- on the ordinances and on the regulatory decrees;
- on the nominations to the higher offices of the State, of which the list is established by the law.

Article 23

[Amended by Law No. 94-438 of 16 August 1994]

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

Article 24

[Amended by Law No. 90-1529 of 6 November 1990]

The President of the Republic can delegate certain of his powers to the Prime Minister, Head of Government.

The Prime Minister substitutes for the President of the Republic when he is absent from the national territory.

Article 25

[Amended by Law No. 75-747 of 22 October 1975]

The functions of President of the Republic are incompatible with the exercise of any parliamentary mandate, any of public employment [*emploi*] and of any professional activity.

The functions of member of the Government are incompatible with the exercise of any public employment and of any professional activity. The Parliamentarian appointed [as a] member of the Government may not sit in the Parliament for the duration of his ministerial functions.

Article 26

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

TITLE III
OF THE NATIONAL ASSEMBLY

Article 27

The Parliament is composed of a sole Assembly, called [the] National Assembly, whose members bear the title of Deputies.

Article 28

The National Assembly votes the law and authorizes tax.

Article 29

[Amended by Law No. 94-438 of 16 August 1994]

The Deputies to the National Assembly are elected by universal direct suffrage.

The duration of the legislature is of five years.

The powers of the National Assembly expire at the end of the second ordinary session of the fifth year of its mandate.

The elections take place twenty days at least and fifty days at most before the expiration of the powers of the National Assembly.

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

In case of disputes, the Constitutional Council decides on the eligibility of the candidates.

Article 30

[Amended by Law No. 94-438 of 16 August 1994]

The Constitutional Council decides on the validity of the elections of the Deputies of the National Assembly.

Article 31

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

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

The second session commences the first Wednesday of October and ends the third Friday of December.

Article 32

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

The extraordinary sessions are closed as soon as the agenda is exhausted.

Article 33

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

Article 34

The complete account of the debates is published in the *Journal officiel* [Official Gazette].

At the demand of the President of the Republic or of one-third of the number of Deputies, the National Assembly can sit in secret committee.

Article 35

Every Deputy is the representative of the entire Nation.

Any imperative mandate is null.

The right to vote of the Deputies is personal. However, the delegation of the vote is permitted when a Deputy is absent for cause of sickness, of execution of a mandate or of a mission conferred on him by the Government or the National Assembly or to fulfill his military obligations. None may receive for one ballot, more than one delegation of [the] vote.

Article 36

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

Article 37

No Deputy, during the sessions, may be prosecuted or arrested, in [a] criminal or correctional matter without the authorization of the National Assembly, except in [the] case of flagrante delicto. No Deputy, out of session, may be arrested without the authorization of the Bureau of the National Assembly, except in [the] cases of flagrante delicto, of authorized prosecutions or of definitive condemnations.

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

Article 38

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

Article 39

The National Assembly establishes its regulations.

TITLE IV

OF RELATIONS BETWEEN THE NATIONAL ASSEMBLY AND THE GOVERNMENT

Article 40

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

They may be assisted by the Commissioners of the Government.

Section I

RESPECTIVE DOMAINS OF THE LAW AND OF REGULATION

Article 41

The law establishes the rules concerning:

- citizenship, the civil rights and the fundamental guarantees granted to citizens for the exercise of the public freedoms:
- nationality; the state and the capacity of persons, the matrimonial regimes, inheritance and gifts;

- the procedure according to which customs will be established and harmonized with the fundamental principles of the Constitution;
- the determination of crimes and misdemeanors as well as the penalties which are applicable to them, the criminal procedure, [and] amnesty;
- the organization of judicial and administrative tribunals and the procedure to be followed before these jurisdictions, the status of the magistrates, of the ministerial officers and of the auxiliaries of justice;
- the bases, the rate and the modalities of collection of taxes of all kinds;
- the regime of the issuance of the currency;
- the electoral regime of the National Assembly and of the local Assemblies;
- the creation of categories of public establishments;
- the general status of the public function;
- the general organization of the administration.
- the state of siege and the state of urgency.

The law determines the fundamental principles:

- of the organization of the national defense;
- of education [*enseignement*];
- of the regime of property, of real property rights, and of civil and commercial obligations;
- of the right to work, of the syndical right and of the social institutions;
- of the alienation and of the management of the domain of the State;
- of mutual insurance companies and savings;
- of the organization of production;
- of the regime of transport and of telecommunications.

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

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

Article 42

The declaration of war is authorized by the National Assembly.

Article 43

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

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

Article 44

[Amended by Law No. 94-438 of 16 August 1994]

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 before the entry into force of this Constitution, can be modified by decree after [the] opinion of the Constitutional Council.

Article 45

[Amended by Law No. 94-438 of 16 August 1994]

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

The ordinances are taken in the Council of Ministers after the prospective opinion [*avis éventuel*] of the Constitutional Council. They enter into force on their publication but become lapsed if the bill of law of ratification is not deposited before the National Assembly before the date established by the enabling law.

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

Article 46

[Amended by Law No. 94-438 of 16 August 1994]

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

In case of dispute, the Constitutional Council, referred to [the matter] by the President of the Republic or by one-quarter at least of the Deputies, decides within a time period of fifteen days counting from its referral [to the matter].

Section II

OF THE ELABORATION OF THE LAWS

Article 47

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

Article 48

The discussion of the bills of law relate [*porte*] to the text presented by the Commission.

This, at the request of the Government, must bring [*porter*] to the cognizance of the National Assembly, the points where there is [a] disagreement with the Government.

Article 49

Deputies have the right of amendment.

Article 50

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

Article 51

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

The National Assembly votes [a] balanced budget.

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

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

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

If the bill of the law of finance cannot be deposited in a timely fashion to be promulgated before the beginning of the fiscal year [*exercice*], the President of the Republic demands of urgency of the National Assembly the authorization to repeat the budget of the previous year by provisional twelfths.

Article 52

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

TITLE V

OF TREATIES AND INTERNATIONAL AGREEMENTS

Article 53

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

Article 54

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

Article 55

[Amended by Law No. 94-438 of 16 August 1994]

If the Constitutional Council referred to [the matter] by the President of the Republic, or by the President of the National Assembly, has declared that an international obligation includes a clause contrary to the Constitution, the authorization to ratify it can take place only after revision of the Constitution.

Article 56

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

TITLE VI

OF THE JUDICIAL AUTHORITY OF THE SUPREME COURT

SECTION I

OF JUDICIAL AUTHORITY

Article 57

[Renumbered and Amended by Law No. 94-438 of 16 August 1994]

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

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

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

He is assisted by the Superior Council of the Magistrature.

Article 58

[Renumbered by Law No. 94-438 of 16 August 1994]

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

Article 59

[Renumbered by Law No. 94-438 of 16 August 1994]

The presiding Magistrates [*magistrats du siège*] are appointed by the President of the Republic on the proposal of the Guardian of the Seals, Minister of Justice, after [the] opinion of the Superior Council of the Magistrature.

Article 60

[Renumbered by Law No. 94-438 of 16 August 1994]

No one may be arbitrarily detained.

Any accused is presumed innocent until his culpability has been established following a procedure offering to him the guaranties indispensable to his defense. The judicial authority, guardian of individual liberty, assures respect for this principle under the conditions provided for by the law.

Section II

OF THE SUPREME COURT

Article 61

[Renumbered and Amended by Law No. 94-438 of 16 August 1994]

The Supreme Court includes three chambers:

- the judicial chamber;
- the administrative chamber and
- the chamber of accounts.

The law determines the composition, the organization and the functioning of the Supreme Court.

TITLE VII

OF THE CONSTITUTIONAL COUNCIL

[Inserted by Law No. 94-438 of 16 August 1994]

Article 62

[Inserted by Law No. 94-438 of 16 August 1994]

The law establishes the composition, the organization, the attributions and the functioning of the Constitutional Council.

TITLE VIII

OF THE HIGH COURT OF JUSTICE

Article 63

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

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

Article 64

[Amended by Law No. 63-1 of 11 January 1963]

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

The High Court is competent to judge the members of the Government for reason of acts classified as crimes or misdemeanors committed in the exercise of their functions, with the exception of the crimes and misdemeanors against the security of the State as well as related [*connexes*] crimes and misdemeanors.

Article 65

The impeachment of the President of the Republic and of the members of the Government is voted by public ballot with a two-thirds majority of the Deputies composing the National Assembly.

Article 66

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

TITLE IX

OF THE ECONOMIC AND SOCIAL COUNCIL

Article 67

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

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

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

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

TITLE X

OF THE TERRITORIAL COLLECTIVITIES

Article 68

[Amended by Law No. 95-492 of 26 June 1995]

The law establishes the conditions of creation and of suppression of the territorial collectivities.

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

TITLE XI

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

Article 69

The Republic of Côte d'Ivoire may conclude agreements of association with other States.

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

Article 70

These organisms can have, notably, for [their] object:

- harmonization of monetary, economic and financial policy;
- establishment of customs unions;
- creation of funds of solidarity;
- harmonization of plans of development;
- harmonization of foreign policy;
- pooling [*mise en commun*] of appropriate means to assure national defense;
- coordination of judicial organization;
- cooperation in matters of superior education;
- cooperation and coordination [in matters of] health;
- harmonization of rules concerning the status of the Public Function and the right to work;
- coordination of transport, of communications and of telecommunications.

TITLE XII OF REVISION

Article 71

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

Article 72

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

The revision is only achieved after having been approved by referendum[,] except if the bill or the proposal of law in question has been approved by the majority of four-fifths of the members composing the National Assembly.

Article 73

No procedure of revision may be undertaken or prosecuted when it infringes the integrity of the territory.

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

TITLE XIII GENERAL PROVISIONS AND TRANSITORY PROVISIONS

Article 74

The provisions necessary to the application of this Constitution will be made the object of laws voted by the National Assembly.

The President of the Republic must enter into [his] functions and the National Assembly [must] meet at the latest on the date of 12 December 1960.

Article 75

The authorities established in the Republic will continue to exercise their functions and the current institutions will be maintained until the establishment of the new authorities and institutions.

Article 76

Legislation currently in force in Côte d'Ivoire remains applicable, save [with] the intervention of new texts, if they contain nothing contrary to this Constitution.

Done at Abidjan, 3 November 1960
