

# *World Constitutions Illustrated*

*Edited by*  
Jefri Jay Ruchti

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## *Côte d'Ivoire*

**Constitution of the Republic of Côte d'Ivoire,  
1960  
As Amended to Law No. 98-387 of 2 July 1998**

*Translated by*  
J.J. Ruchti

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William S. Hein & Co., Inc.  
Getzville, New York  
2017

This translation is based on the French text presented in:  
*Constitution de la République de Côte d'Ivoire*. 5th edition.  
Abidjan: Imprimerie Nationale, 1995; and the texts of Law No.  
95-492 of 26 June 1995 and Law No. 98-387 of 2 July 1998  
as provided by the National Assembly of Côte d'Ivoire.

Cite as: Constitution of the Côte d'Ivoire, 1960, as amended to  
Law No. 98-387 (July 2, 1998) (HeinOnline World Constitutions  
Illustrated library 2017)

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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 of 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. 98-387 of 2 July 1998]*

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

The candidate to the presidential election must be forty years of age at least and sixty-five years at most. He must be Ivorian by birth, born of [a] father and of [a] mother themselves Ivorian by birth.

He must have resided in Côte d'Ivoire in continuous fashion during the ten years preceding the date of the elections.

He must never have renounced the Ivorian nationality.

The candidate to the Presidency of the Republic, enjoying another nationality, is only eligible if he renounces expressly and formally, twelve months at least before the date of the deposit of his candidature, this foreign nationality and if this renunciation is formally accepted by the Government of that foreign State.

The obligation of residence indicated in this Article is not applicable to the members of diplomatic and consular representations and to the persons designated by the State to occupy a post or accomplish a mission abroad.

#### Article 10

*[Amended by Law No. 98-387 of 2 July 1998]*

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 proclamation of the results of 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 in the month of October of the seventh year of the mandate of the President of the Republic.

The powers of the President of the Republic in exercise [of the functions] expire with the proclamation of the definitive results of the election of the new President, who enters immediately into [the] functions.

When a case of force majeure, of events or of grave circumstances occurring[,] rendering impossible the holding of the presidential election or the proclamation of the results of it, the President of the Republic whose mandate is coming to term remains in [the] functions, after consultation of the Presidents of the National Assembly and of the Senate.

The Constitutional Council referred to [the matter] [*saisir*], after having declared the cessation of the situation of impediment, establishes a new time period which cannot exceed thirty days for the proclamation of the results of the election and one hundred eighty days for the holding of the presidential election.

This time period can be renewed if the circumstances provided for in paragraph 5 above are reproduced.

The law establishes the conditions of presentation of the candidatures, of conduct 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. 98-387 of 2 July 1998]*

In case of vacancy of the Presidency of the Republic by death, resignation, or absolute incapacity, the interim of the President of the Republic is assured of plain right by the President of the Senate, for a period of ninety days to one hundred eighty days in the course of which it proceeds to the election of the new President of the Republic.

The absolute incapacity is declared without delay by the Constitutional Council referred to this end by the President of the National Assembly or by the President of the Senate, either by one-quarter at least of the members of either Chamber of the Parliament, after debate, or by one-third at least of the members of the Government.

The provisions of paragraphs 5 and 6 of Article 10 apply to the interim of the President of the Republic.

The President of the Senate, assuring the interim of the President of the Republic, cannot be a candidate and cannot make use of Article 12 paragraphs 2 and 4, [and Articles] 14, 17 and 73 of the Constitution.

In case of death, of resignation or of absolute incapacity of the President of the Senate, the vacancy of the Presidency of the Republic then occurring, the interim of the President of the Republic is assured, under the same conditions, by the First Vice President of the Senate.

In case of the resignation of the President of the Senate or of the First Vice President of the Senate, assuring the interim of the President of the Republic, they remain ineligible.

#### Article 12

*[Amended by Law No. 98-387 of 2 July 1998]*

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

The President of the Republic appoints the Prime Minister who is responsible to him. He terminates his functions.

The Prime Minister animates and coordinates the governmental action.

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

#### Article 13

*[Amended by Law No. 98-387 of 2 July 1998]*

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

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 Parliament 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 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 present of each Assembly.

#### Article 14

*[Amended by Law No. 98-387 of 2 July 1998]*

The President of the Republic, after consultation with the Bureaus of the two Assemblies, can submit to referendum any text or any question which appears to him should require the direct consultation of the people.

When the referendum has concluded with the adoption of the 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

*[Amended by Law No. 98-387 of 2 July 1998]*

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 Presidents of the Parliamentary Assemblies and of that of the Constitutional Council.

He informs the Nation of it by a message.

The Parliament 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. 98-387 of 2 July 1998]*

The President of the Republic can, by decree, delegate certain of his powers to the members of the Government.

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

In this case, the President of the Republic can, by decree, delegate to the Prime Minister, the presidency of the Council of Ministers, on a specific agenda.

The President of the Republic can delegate, by decree, certain of his powers to the Prime Minister or to the member of the Government who assures the interim of this.

This delegation of powers must be limited in time and affect on a specific matter or object.

#### Article 25

*[Amended by Law No. 98-387 of 2 July 1998]*

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

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

Article 26

*[Amended by Law No. 98-387 of 2 July 1998]*

The President of the Republic communicates with the Parliament, either directly with the two Chambers meeting in Congress, or by the messages that he has read by the President of the National Assembly and by the President of the Senate. These communications do not give rise to any debate.

**TITLE III  
OF THE PARLIAMENT**

Article 27

*[Amended by Law No. 98-387 of 2 July 1998]*

The Parliament is composed of two Chambers, the Chamber of Deputies, called [the] National Assembly, and the Chamber of Senators, called [the] Senate.

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

The Senators are elected, for two-thirds, by universal indirect suffrage and are, for one-third, appointed by the President of the Republic.

The members of each Assembly elect their President from within.

The National Assembly and the Senate can meet in Congress. The President of the National Assembly presides over the Congress and he has the other members of the Bureau of the sitting elected.

Article 28

*[Amended by Law No. 98-387 of 2 July 1998]*

The Parliament votes the law and authorizes tax.

Article 29

*[Amended by Law No. 98-387 of 2 July 1998]*

The duration of the legislature is of five years for the National Assembly and of six years for the Senate.

The parliamentary mandate is renewable. However, the Senator nominated by the President of the Republic cannot be [so] for more than two mandates.

The powers of each Chamber expire at the end of the second ordinary session of the last year of its mandate.

The elections to the National Assembly and to the Senate as well as the appointments to this latter Chamber take place twenty days at least and fifty days at most before the expiration of the powers of each Chamber.

The law establishes the number of members of each 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 or to proceed to new appointments in the case of vacancy of seats of Deputies or of Senators.

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

Article 30

*[Amended by Law No. 98-387 of 2 July 1998]*

The Constitutional Council decides on the eligibility of the candidates, on the regularity and on the validity of the parliamentary elections.

Article 31

*[Amended by Law No. 98-387 of 2 July 1998]*

Each year the Parliament 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

*[Amended by Law No. 98-387 of 2 July 1998]*

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

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

Article 33

*[Amended by Law No. 98-387 of 2 July 1998]*

The Presidents of the National Assembly and of the Senate are elected for the duration of the legislature.

Article 34

*[Amended by Law No. 98-387 of 2 July 1998]*

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

Each Assembly can sit in secret committee at the demand of the President of the Republic or of one-third of its members.

Article 35

*[Amended by Law No. 98-387 of 2 July 1998]*

Every Parliamentarian is the representative of the entire Nation.

Any imperative mandate is null.

The right to vote of the members of Parliament is personal. However, the delegation of the vote is permitted when a member of Parliament is absent for cause of sickness, of execution of a mandate or of a mission conferred on him by the Government or the Parliament or to fulfill his military obligations or for any other justified motive. None may receive for one ballot, more than one delegation of [the] vote.

Article 36

*[Amended by Law No. 98-387 of 2 July 1998]*

No member of Parliament 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

*[Amended by Law No. 98-387 of 2 July 1998]*

No member of Parliament, during the sessions, may be prosecuted or arrested in [a] criminal or correctional matter without the authorization of the Assembly of which he is a member, except in [the] case of flagrante delicto. No member of Parliament, out of session, may be arrested without the authorization of the Bureau

of the Assembly of which he is a member except in [the] cases of flagrante delicto, of authorized prosecutions or of definitive condemnations.

The detention or the prosecution of a member of Parliament is suspended if the Assembly of which he is a member requires it.

#### Article 38

*[Amended by Law No. 98-387 of 2 July 1998]*

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

#### Article 39

*[Amended by Law No. 98-387 of 2 July 1998]*

Each Assembly establishes its regulations. Before their entry into force, the regulations of the Parliamentary Assemblies as well as their subsequent modifications are submitted to the Constitutional Council which declares on their conformity with the Constitution.

The Constitutional Council decides within a time period of fifteen days.

### **TITLE IV**

#### **OF RELATIONS BETWEEN THE PARLIAMENT AND THE GOVERNMENT**

#### Article 40

*[Amended by Law No. 98-387 of 2 July 1998]*

The members of the Government have access to the Commissions of the two Assemblies. 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

*[Amended by Law No. 98-387 of 2 July 1998]*

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 status of the military function;
- the status of the personnel of National Security;
- the status of the prefectural function;
- 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 Parliamentary Assemblies 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 the transfer of enterprises of the public sector to the private sector;
- of mutual insurance companies and savings;
- of the protection of the environment;
- of the organization of production;
- of the 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.

The organic laws are those which have for their object the governing [*de regir*] of the different Institutions, structures and systems provided for or qualified as such by the Constitution.

The laws to which the Constitution confers the character of organic laws are voted and modified under the following conditions:

The bill or the proposal is only submitted to the deliberation and to the vote of the first Assembly referred to [the matter] at the expiration of a time period of fifteen days following its deposit; the procedure of Articles 48 and 49 is applicable. However, absent agreement between the two Assemblies, the text can only be adopted by the National Assembly in last reading by the absolute majority of its members.

The organic laws can only be promulgated after the declaration by the Constitutional Council of their conformity with the Constitution.

#### Article 42

*[Amended by Law No. 98-387 of 2 July 1998]*

The declaration of war is authorized by the Parliament. In last resort, the decision belongs to the National Assembly.

#### Article 43

*[Amended by Law No. 98-387 of 2 July 1998]*

The state of siege is decreed in the Council of Ministers. The Parliament 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 Parliament, each of the two Chambers pronouncing with the simple majority of the members present.

In case of disagreement, the vote of the National Assembly is preponderant.

#### 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. 98-387 of 2 July 1998]*

The President of the Republic can, for the execution of his program, demand of the Parliament, 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 Parliament before the date set 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. 98-387 of 2 July 1998]*

The proposals and amendments which are not of the domain of the law are irreceivable. The irreceivability is declared by the President of each 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 members of the concerned Assembly, decides in a time period of fifteen days counting from its referral [to the matter].

The regulatory decrees notably [concerning] matters of public freedoms may be deferred to the Constitutional Council by the President of each Assembly or by one-quarter at least of their members.

The Constitutional Council decides in a time period of fifteen days counting from its referral [to the matter].

### **Section II**

## **OF THE ELABORATION OF THE LAWS**

#### Article 47

*[Amended by Law No. 98-387 of 2 July 1998]*

The members of Parliament have the right of amendment.

The proposals and amendments deposited by the members of Parliament 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

*[Amended by Law No. 98-387 of 2 July 1998]*

The discussion of the bills of law relate [*porter*], before the first Assembly referred to [the matter], to the text presented by the President of the Republic.

The bill of the law of finance is submitted first to the National Assembly.

An Assembly referred to [the matter] of a text voted by the other Assembly deliberates on the text which is transmitted to it.

The bills and proposals of law are examined by the Commissions of each Assembly.

#### Article 49

*[Amended by Law No. 98-387 of 2 July 1998]*

Any bill or proposal of law is examined successively in the two Assemblies of Parliament with a view to the adoption of an identical text.

When, by reason of disagreement between the two Assemblies, a bill or proposal of law has not been able to be adopted after two readings by each Assembly or, if the President of the Republic has declared the urgency of it, after one sole reading by each between them, the President of the Republic can bring about [*provoquer*] the meeting of a mixed parity commission [*commission mixte paritaire*] charged to propose a text on the provisions still under discussion.

The text elaborated by the mixed commission can be submitted by the President of the Republic for approval to the two Assemblies. No amendment is receivable except by agreement of the President of the Republic.

If the mixed commission cannot come to the adoption of a common text or if this text is not adopted under the conditions provided for in the preceding paragraph, the President of the Republic can, after a new reading by the National Assembly and by the Senate, demand of the National Assembly to state definitively. In this case, the National Assembly can reconsider [*reprendre*] either the text elaborated by the mixed commission, or the last text voted by it, modified as the case arises by one or several of the amendments adopted by the Senate.

#### Article 50

*[Amended by Law No. 98-387 of 2 July 1998]*

The Parliament votes the bill of the Law of Finance under conditions determined by law.

#### Article 51

*[Amended by Law No. 98-387 of 2 July 1998]*

The Parliament 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 Parliament votes [a] balanced budget.

If the National Assembly cannot decide on the first reading within the time period of forty days following the deposit of the bill, the President of the Republic refers [the matter] the Senate which must declare within a time period of fifteen days. It then proceeds under the conditions provided for by Article 49.

If the Parliament has not decided within a time period of seventy days, the bill of law can be put into force by ordinance.

The President of the Republic refers [the matter], for ratification, to the Parliament convoked in extraordinary session, within a time limit of fifteen days.

If the Parliament 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 Parliament, the authorization to repeat the budget of the previous year by provisional twelfths.

Article 52

*[Amended by Law No. 98-387 of 2 July 1998]*

The Parliament 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. 98-387 of 2 July 1998]*

If the Constitutional Council referred to [the matter] by the President of the Republic, or by the President of either Assembly, or by one-quarter of the Members of each Assembly at least, 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 CONSTITUTIONAL COUNCIL**

*[Amended by Law No. 98-387 of 2 July 1998]*

Article 57

*[Amended by Law No. 98-387 of 2 July 1998]*

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

## **TITLE VII**

### **OF THE JUDICIAL AUTHORITY AND OF THE SUPREME JURISDICTIONS**

*[Amended by Law No. 98-387 of 2 July 1998]*

## **Section 1**

### **OF THE JUDICIAL AUTHORITY**

*[Amended by Law No. 98-387 of 2 July 1998]*

#### Article 58

*[Amended by Law No. 98-387 of 2 July 1998]*

Justice is rendered on the whole of 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 59

*[Amended by Law No. 98-387 of 2 July 1998]*

An organic law determines the composition, the organization, the attributions and the functioning of the Superior Council of the Magistrature.

#### Article 60

*[Amended by Law No. 98-387 of 2 July 1998]*

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

#### Article 61

*[Amended by Law No. 98-387 of 2 July 1998]*

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 2**

### **OF THE SUPREME JURISDICTIONS**

*[Amended by Law No. 98-387 of 2 July 1998]*

#### Article 62

*[Amended by Law No. 98-387 of 2 July 1998]*

The supreme jurisdictions are:

- the Court of Cassation;
- the Council of State;
- the Court of Accounts.

The organic laws determine the composition, the organization, the attributions and the functioning of the Court of Cassation, of the Council of State and of the Court of Accounts.

**TITLE VIII**  
**OF THE HIGH COURT OF JUSTICE**

Article 63

*[Amended by Law No. 98-387 of 2 July 1998]*

The High Court is composed of members elected, from within and in equal number, by the National Assembly and by the Senate following each general renewal. It elects its President from among its members.

An organic law establishes the number of its members, its attributions and the rules of its functioning as well as the procedure to be followed before it.

Article 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

*[Amended by Law No. 98-387 of 2 July 1998]*

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 members of each Assembly.

Article 66

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

The High Court of Justice 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

*[Amended by Law No. 98-387 of 2 July 1998]*

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 an organic law.

**TITLE X**  
**OF THE TERRITORIAL COLLECTIVITIES**

**Section 1**  
**OF THE DETERMINATION OF THE TERRITORIAL**  
**COLLECTIVITIES**

Article 68

*[Amended by Law No. 98-387 of 2 July 1998]*

The territorial collectivities are determined, by reason of their nature, either by an organic law, or by an ordinary law.

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

**Section 2**  
**OF THE REGION**

Article 69

*[Amended by Law No. 98-387 of 2 July 1998]*

The region is a territorial collectivity.

An organic law establishes the modalities of its organization and of its functioning.

**Section 3**  
**OF THE OTHER TERRITORIAL COLLECTIVITIES**

Article 70

*[Amended by Law No. 98-387 of 2 July 1998]*

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

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

Article 71

*[Amended by Law No. 98-387 of 2 July 1998]*

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 72

*[Amended by Law No. 98-387 of 2 July 1998]*

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 security and of protection of persons and of assets;
- cooperation in matters of superior education;
- cooperation 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 73

*[Amended by Law No. 98-387 of 2 July 1998]*

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

The bill or the proposal of law concerning revision is deposited simultaneously before the two Chambers of Parliament.

The bill or proposal of law must be made the object of a preliminary [*prealable*] examination by an ad hoc Commission designated by the Congress.

The revision is only achieved after having been approved by referendum. To this end, the proposal of law must be voted by the majority of three-fifths of the members of the Congress.

On the contrary, if the proposal of law is approved by the majority of two-thirds of the members of the Congress, the revision is accomplished by plain right.

Article 74

*[Amended by Law No. 98-387 of 2 July 1998]*

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

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

**TITLE XIII  
TRANSITORY PROVISIONS**

Article 75

*[Amended by Law No. 98-387 of 2 July 1998]*

Until the effective establishment of the Senate, all the powers of the Parliament are exercised by the National Assembly.

Until the establishment of the Court of Cassation, or the Council of State and of the Court of Accounts, the Supreme Court, as provided for by the texts in force, is maintained and continues to decide on any matter.

Article 76

*[Amended by Law No. 98-387 of 2 July 1998]*

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