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# THE CONSTITUTION of the REPUBLIC OF GUINEA<sup>1</sup>

November 10, 1958

## PREAMBLE

The people of Guinea by their overwhelming vote of September 28, 1958, rejected domination and, in so doing, acquired their national independence and became a free and sovereign state.

The State of Guinea adheres fully to the Charter of the United Nations and to the Universal Declaration of Human Rights.

It proclaims the equality and solidarity of all its citizens without distinction as to race, sex or creed.

It affirms its will to utilize every means possible to realize and consolidate unity within the independence of all Africa. To this end it will fight against all tendencies and manifestations of chauvinism which it considers as serious obstacles to the realization of this aim.

It expresses its desire to form bonds of friendship with all peoples based on the principles of equality, reciprocal interest and mutual respect of national sovereignty and territorial integrity.

It upholds unreservedly all policies tending towards the creation of a United States of Africa and the safeguarding and consolidation of world peace.

The principle of the Republic of Guinea is: Government of the people, by the people and for the people.

## TITLE I

### ON NATIONAL SOVEREIGNTY

*Art. 1.* Guinea is a Republic based on the principles of democracy, freedom of religion and social justice.

<sup>1</sup> English translation of *Journal Officiel* No. 3 of November 12, 1958, taken from booklet "Giant Stride Forward", published and supplied by the Information Service of the Embassy of Guinea to the United States.

The national flag consists of red, yellow and green vertical stripes of equal dimensions.

The national anthem is "*Liberté.*"

The motto of the Republic is: Work, Justice, Solidarity.

## TITLE II

### ON NATIONAL COLLECTIVITIES

*Art. 2.* The Republic of Guinea shall be composed of regional organizations which shall be townships and districts.

*Art. 3.* National sovereignty shall belong to the people who shall exercise it in all matters through their deputies to the National Assembly, whose members are elected by equal universal suffrage, in direct and secret ballot, or by referendum.

## TITLE III

### ON PARLIAMENT

*Art. 4.* Parliament shall consist of one National Assembly whose members, elected on a national list for five years, bear the title of deputies.

*Art. 5.* The method of electing members of the National Assembly, the terms of eligibility and incompatibility, as well as the number of deputies, shall be ascertained by law.

*Art. 6.* The National Assembly shall be the sole judge of the eligibility of its members and the regularity of their election. It may accept their resignation.

*Art. 7.* The National Assembly shall meet, without need of sanction, in two regular annual sessions in March and October, whose length shall not exceed two months.

The Assembly may hold extraordinary sessions if so called by its President, upon the request of the Government or of two thirds of its members.

*Art. 8.* The officers of the National Assembly shall be elected at the beginning of each legislative period. Elections shall take place each year at the beginning of the first session.

## TITLE IV

### ON RELATIONS BETWEEN PARLIAMENT AND GOVERNMENT

*Art. 9.* The National Assembly alone shall pass laws. The domain of the law is unlimited.

*Art. 10.* No member of the National Assembly shall be subjected to pursuit, investigation, arrest, detention or trial because of his opinions or votes during the exercise of his functions.

*Art. 11.* Unless apprehended in *flagrante delicto* no member of the National Assembly shall, during the length of his term, be pursued in criminal matters except with the authority of the Assembly. Detention or pursuit of a deputy is suspended if the National Assembly so decides.

*Art. 12.* Members of the National Assembly shall receive compensation for their services as determined by law.

*Art. 13.* The meetings of the National Assembly shall be public. The National Assembly can hold meetings *in camera* upon the request of the President of the Government or of more than half of the members.

*Art. 14.* The President of the Republic and the deputies to the Assembly alone shall have the power to initiate and propose laws.

*Art. 15.* The National Assembly shall study drafts and proposals of laws which originate in its various Committees whose members, composition and functions shall be determined by the National Assembly. Drafts of law submitted by the Government and proposals accepted by it shall be studied with priority.

*Art. 16.* The National Assembly shall examine the estimate of the national budget which when voted on by Parliament shall become law. The national budget shall be ratified at the latest on the 30th of November of the preceding year.

*Art. 17.* The deputies to the National Assembly shall possess the power of initiative for expenditures. No proposals tending to increase expenditures shall be presented without an accompanying proposal providing corresponding receipts.

*Art. 18.* The National Assembly shall regulate the accounts of the nation. A statement of expenditures shall be presented before it at the end of each semester for the preceding semester. The final accounts of the preceding year shall be examined during the October session and ratified by law.

*Art. 19.* The National Assembly shall dispose of the following means of information concerning governmental action:

- oral questioning
- written questioning
- interpellation
- audition by committees
- investigation committees

The law shall establish the conditions and procedure according to which these means of information shall be executed. The law also shall fix the time limit for answers.

TITLE V  
ON THE HEAD OF STATE

*Art. 20.* The President of the Republic shall be the Head of State. He shall be head of the armed forces. Any citizen who is eligible and has reached the age of 35 years can be elected President of the Republic.

TITLE VI  
ON THE GOVERNMENT

*Art. 21.* The powers of the Government of the Republic shall be exercised by the President of the Republic assisted by a Cabinet.

*Art. 22.* The President of the Republic shall be elected for a term of seven years by universal suffrage with an absolute majority on the first ballot or a plurality on the second ballot. He may be re-elected for a second term.

*Art. 23.* The President of the Republic shall appoint the ministers by decree. No member of the Government may be arrested or pursued without the previous consent of the President of the Republic.

*Art. 24.* In the exercise of their duties, the ministers shall be responsible for their actions to the President of the Republic who is responsible for the general policies of his cabinet to the National Assembly.

*Art. 25.* The President of the Republic shall ensure the execution of all laws. He shall make appointments to all posts in the public administration and to all offices and functions of a military nature.

*Art. 26.* Government acts shall be signed by the President of the Republic and countersigned by the ministers in charge of their execution.

*Art. 27.* During his term of office no government member shall hold any other obligation, professional or private.

*Art. 28.* In case of vacancy, the Cabinet shall remain in function to administer all current affairs until the election of a new Head of State.

*Art. 29.* Ministers may attend meetings of the National Assembly and of its committees. They shall be heard upon their request.

They may be assisted or represented in the discussions before the National Assembly or its Committees by civil servants assigned for this purpose.

*Art. 30.* In emergency cases the President of the Republic may delegate his powers to a minister.

TITLE VII  
ON INTERNATIONAL RELATIONS

*Art. 31.* The Republic of Guinea shall conform with the rules of international law.

*Art. 32.* The President of the Republic shall negotiate treaties subject to the provisions of Article 33.

*Art. 33.* Treaties concerning international organization, treaties of commerce, treaties of peace, treaties which engage the finances of the State, those which relate to individuals, those which modify provisions of a legislative nature as well as those which entail assignments, exchanges, adjunctions of territory, shall not be ratified except by law and shall take effect after ratification.

TITLE VIII  
ON INTER-AFRICAN RELATIONS

*Art. 34.* The Republic may conclude, with any African state, agreements of association or of community, comprising partial or complete surrender of sovereignty in view of achieving African unity.

TITLE IX  
ON JUDICIAL POWERS

*Art. 35.* Justice shall be rendered in the name of the people of Guinea. The President of the Republic shall be the trustee of the independence of judicial authority.

He shall hold the power of pardon.

In the exercise of their judicial functions, the judges shall obey but the law.

*Art. 36.* The Court shall hold its sessions in public except in particular cases as set by law.

The accused shall be entitled to the right of defense.

*Art. 37.* Judicial authority, guardian of individual liberty, shall ensure the respect of the rights of citizens under conditions stipulated by law.

*Art. 38.* The judicial organization of the Republic shall be established by law.

TITLE X  
ON THE RIGHTS AND FUNDAMENTAL DUTIES  
OF CITIZENS

*Art. 39.* All citizens of the Republic of Guinea, without distinction as to race, sex or creed, shall have the right to elect and be elected under the conditions established by law.

*Art. 40.* The citizens of the Republic of Guinea shall enjoy freedom of speech, of press, of assembly, of association, of procession and of public demonstrations under the conditions as set by law.

*Art. 41.* Freedom of religion shall be assured to all citizens by the secularity of schools and state.

*Art. 42.* No one shall be detained arbitrarily.

*Art. 43.* The domicile of citizens of the Republic of Guinea is inviolable. The privacy of a citizen's mail is guaranteed by law.

*Art. 44.* The citizens of the Republic of Guinea shall enjoy same and equal right to work, rest, social assistance and education.

The exercise of trade unionism and the right to strike are recognized for the workers.

*Art. 45.* Any act of racial discrimination as well as all propaganda of a racial or regional character shall be punishable by law.

*Art. 46.* The Republic of Guinea grants the right of sanctuary to foreign citizens pursued because of their struggle for the defense of a just cause or for their scientific or cultural activities.

*Art. 47.* All citizens of the Republic of Guinea shall conform to the Constitution and other laws of the Republic, pay their taxes and fulfil in an honest manner their civic duties.

*Art. 48.* The defense of the nation is the sacred duty of every citizen of the Republic of Guinea.

TITLE XI  
ON CONSTITUTIONAL REVISIONS

*Art. 49.* The initiative for revising the Constitution shall belong concurrently to the President of the Republic and to members of the National Assembly. The National Assembly by vote of a two-thirds majority of its members may adopt or submit to referendum the draft of a constitutional revision.

*Art. 50.* The republican form of State shall not be put to any constitutional revision.

## TITLE XII

## ON TRANSITORY PROVISIONS

*Art. 51.* The Government functioning at the date of the promulgation of the present Constitution shall remain in office until the election of the President of the Republic.

*Art. 52.* The present Constitution shall be promulgated by the Head of State within 48 hours following its adoption by the National Assembly.

*Art. 53.* The first legislative session of the National Assembly of the Republic of Guinea shall begin from the date of promulgation of the present constitution.



# IVORY COAST

## SUMMARY

### INTERNATIONAL STATUS

The Ivory Coast is a member of the United Nations (September 20, 1960). It is a member of the Organization of African Unity and of other international organizations.

The Ivory Coast became independent on August 7, 1960. Having approved the referendum of 1958, it became on December 4, 1958, a republic, member of the French Community. Like other overseas French territories, independence was achieved within the framework of the establishment of the Community as envisaged in the French Constitution of October 4,