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CONSTITUTION of MAURITANIA¹

May 20, 1961

PREAMBLE

Confident in the all-powerfulness of God, the Mauritanian people proclaims its will to guarantee the integrity of its territory and to ensure its free political, economic and social evolution.

It proclaims its attachment to the Muslim religion and to the principles of democracy as defined by the Declaration of the Rights of Man of 1789 and the Universal Declaration of December 10, 1948.

TITLE I

Art. 1. The Islamic Republic of Mauritania is a republican, indivisible, democratic and social State.

It shall ensure the equality of all citizens before the law, without distinction of race, religion or social condition.

All particularist propaganda of a racial or ethnic character shall be punished by law.

Art. 2. The Moslim religion is the religion of the Mauritanian people.

The Republic shall guarantee to all freedom of conscience and the right to practice their religion subject to the reservations imposed by morality and public order.

Art. 3. The national language shall be Arabic, the official language shall be French.

Art. 4. The capital of the State shall be Nouakchott.

Art. 5. The national emblem is a green flag with a gold crescent and star.

The seal of the State and the national anthem shall be established by law.

Art. 6. The motto of the Republic is "Honor, Fraternity, Justice."

¹ *République Islamique de Mauritanie, Constitution.* Grande Imprimerie Africaine, Dakar. Supplied by the Foreign Ministry. Translated by the Editor.

Art. 7. National sovereignty belongs to the people, which shall exercise it through its representatives and by means of referendum.

No section of the people, nor any individual, may usurp this right.

No partial or total relinquishment of sovereignty may be decided without the consent of the people.

Art. 8. Suffrage may be direct or indirect under the conditions stipulated by law. It shall always be universal, equal and secret. All citizens of both sexes of the Republic who have reached their majority and who enjoy civil and political rights may vote.

Art. 9. 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 democratic principles and do not threaten, either by their objectives or their activities, national sovereignty or the unity of the Republic.

The conditions for the implementation of this article shall be established by law.

TITLE II

THE PRESIDENT OF THE REPUBLIC

Art. 10. The President of the Republic shall be the Head of State. He shall belong to the Muslim religion.

Art. 11. The President of the Republic shall be the guardian of the Constitution.

He shall be the guarantor of national independence and of the integrity of the territory.

Art. 12. He shall exercise the executive power.

Art. 13. He shall be elected for five years by universal direct suffrage.

Any citizen who enjoys civil and political rights and has attained the age of at least 35 years may be a candidate. A declaration of candidature shall be received by the Supreme Court which shall rule on its correctness and shall proclaim the results of the voting.

Art. 14. The office of President of the Republic shall be incompatible with any other public or private office.

Art. 15. The President of the Republic may be reelected.

Art. 16. Before taking office, the President of the Republic shall take the following oath before the National Assembly:

"I swear before the only God loyally to serve the Islamic Republic of Mauritania, the interests of the Mauritanian People, to respect the Constitution, to safeguard the integrity of the territory."

Art. 17. The President of the Republic shall draw up the general policy of the Nation, shall watch over its application and shall inform the National Assembly of its evolution.

He shall choose the Ministers and may delegate certain of his powers to them.

The Ministers shall be responsible to the President of the Republic.

The President of the Republic shall communicate with the National Assembly either directly or by messages. These communications shall not be followed by any debate.

Art. 18. The President of the Republic shall promulgate the laws and see to their execution.

He shall have the regulatory power. He shall make civil and military appointments.

Art. 19. The acts of the President of the Republic shall be countersigned, where appropriate, by the Ministers in charge of their execution.

Art. 20. The President of the Republic shall be the Head of the Armed Forces.

Art. 21. 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. 22. The President of the Republic shall sign and ratify treaties.

Art. 23. The President of the Republic shall have the right of pardon.

Art. 24. In case of impediment in the functioning of the Presidency of the Republic, as officially attested by the Supreme Court to which the matter has been referred by the President of the National Assembly or by the Ministers, the latter shall appoint by majority vote one of themselves to exercise provisionally the functions of President of the Republic, and shall immediately inform the President of the National Assembly of this appointment.

When the vacancy or impediment is declared definitive by the Supreme Court, to which the matter has been referred by the President of the National Assembly or by the Ministers, elections for the President of the Republic shall take place, except in case of *force majeure* officially attested by the Court, within three months after the declaration of the vacancy or the definitive character of the impediment.

The new President of the Republic shall be elected for five years.

Art. 25. When the institutions of the Republic, the security or independence of the Nation or the integrity of its territory are threatened by a clear and present danger, and when the regular functioning of the governmental authorities is interrupted, the President of the Republic shall take the exceptional measures commanded by these circumstances. He shall inform the nation in a message and shall convene the National Assembly. Such measures shall cease to have effect as soon as the circumstances which gave rise to them change.

TITLE III

THE NATIONAL ASSEMBLY

Art. 26. The legislative power shall belong to the National Assembly.

Art. 27. The National Assembly shall be elected for five years.

A law shall determine the conditions of election of deputies to the National Assembly, the number of members, the conditions of eligibility and ineligibility and the offices incompatible with membership.

All citizens of the Republic who are at least 25 years of age and who enjoy their civil and political rights shall be eligible.

Art. 28. In case of dispute, the Supreme Court shall rule as to the regularity of the election of deputies and as to their eligibility.

Art. 29. No member of the Assembly 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.

Except in *flagrante delicto*, no deputy may be prosecuted or arrested for criminal or minor offenses without the authorization of the Assembly during sessions, or of the secretariat of the Assembly between sessions.

Detention or prosecution shall be suspended if the Assembly so requests.

Art. 30. The right to vote of members of the Assembly shall be personal. Any binding commitment shall be null and void.

Any decision reached when the Assembly is not in session or not in its meeting place, shall be null and void. The President of the Republic may ask the Supreme Court to attest such nullity.

Meetings of the Assembly shall be public. The account of the debates shall be published in the *Journal Officiel*.

The Assembly may sit in secret session if the President of the Republic or one quarter of the deputies present so request.

Art. 31. The Assembly shall convene in two ordinary sessions a year. The first session shall open during the first half of November; the second during the first half of May. The duration of each session may not exceed two months.

The Assembly shall convene in extraordinary session at the request of a majority of its members or on the initiative of the President of the Republic. The duration of an extraordinary session may not exceed one month.

Sessions of the Assembly shall be opened and closed by decree of the President of the Republic.

Art. 32. Ministers shall have access to the Assembly. They shall be heard when they so request. They may be assisted by Government Commissioners. They may not participate in the voting.

TITLE IV

RELATIONS BETWEEN THE PRESIDENT OF THE
REPUBLIC AND THE ASSEMBLY

Art. 33. Laws shall establish the regulations concerning:

- civil rights, the fundamental guarantees granted to the citizens for the exercise of their public liberties, the obligations imposed by the national defense upon the persons and property of citizens:
- nationality, status and legal capacity of persons;
- determination of crimes and misdemeanors as well as the penalties imposed therefor, amnesty, criminal procedure;
- 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 public bodies;
- the establishment of categories of public institutions.

Laws shall determine the fundamental principles of:

- the general organization of national defense;
- the general organization of the administration;
- the organization of jurisdictions and the procedure applicable before them;
- the administration of public bodies, their powers and resources;
- the general status of State officials;
- education;
- property rights, civil and commercial obligations;
- legislation pertaining to employment, unions and social security.

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. 34. The National Assembly shall authorize the declaration of war.

Art. 35. Matters other than those that fall within the domain of law shall be of a regulatory character.

Legislative texts concerning these matters which may be passed after the present Constitution has become operative shall be modified by decree, only if the Supreme Court has stated that they have a regulatory character as defined in the preceding paragraph.

Art. 36. The President of the Republic may, in order to carry out his program, ask the National Assembly to authorize him, for a limited period, to take through ordinances measures that are normally within the domain of law.

The ordinances shall come into force upon their publication, but shall become null and void if the bill for their ratification is not submitted to Parliament 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. 37. The President and members of the Assembly alike shall have the right to initiate legislation.

Art. 38. The discussion of the bills filed by the Government shall have priority on the agenda of the National Assembly.

Art. 39. The President of the Republic and the deputies shall have the right of amendment.

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 equivalent receipts or economies.

Nor shall they be admissible if they relate to any matter arising out of the regulatory power in accordance with Article 35.

If the Assembly overrides a Government plea of inadmissibility according to one of the two preceding paragraphs, the President of the Republic may refer the matter to the Supreme Court which shall rule within a time limit of eight days.

Art. 40. The finance bill shall be filed with the Assembly at the opening of the November session.

If the Assembly has not passed the budget at the end of its session, or if it has not been passed in balance, the President of the Republic shall resubmit the budget bill within fifteen days to the Assembly convened in extraordinary session.

The Assembly must decide within eight days. If the budget has not been passed at the end of this time limit, the President of the Republic shall issue it *ex officio* by ordinance on the basis of the revenues of the preceding year.

The Assembly shall supervise the implementation of the State budget and the annexed budgets. A statement of expenditure shall be furnished to the Assembly at the end of each semester for the semester preceding. The definitive accounts for the financial year shall be filed during the budgetary session of the year following and shall be approved by a law.

The Supreme Court shall assist the President of the Republic and the Assembly in the control of the implementation of the finance laws.

Art. 41. The President of the Republic shall promulgate the laws and shall ensure their publication in the *Journal Officiel* within a time limit of fifteen days at the most after their transmission to him by the President of the National Assembly.

The President of the Republic may, before the expiration of this time limit, return the bill for a second reading. If the National Assembly adopts the bill by a majority of its members, it shall be promulgated and published

within a second maximum time limit of fifteen days. The President may also refer the matter to the Supreme Court on the grounds of unconstitutionality.

The President of the Republic may submit to referendum any bill concerning the organization of the public authorities or authorizing ratification of a treaty.

Art. 42. Martial law and siege law shall be decreed by the President of the Republic.

Art. 43. Once a year, during the November session, the President of the Republic shall make a report to the National Assembly on the state of the Nation and on his activities during the year past, and shall expound the general lines of his program for the forthcoming year.

TITLE V TREATIES AND INTERNATIONAL AGREEMENTS

Art. 44. Peace treaties, commercial treaties, treaties or agreements relative to international organization, those that imply a commitment for the finances of the State, those that modify provisions of a legislative nature, those relative to the status of persons, those that call for the cession, exchange or addition of territory may be ratified or approved only by a law.

They shall go into effect only after having been ratified or approved.

No cession, no exchange, no addition of territory shall be valid without the consent of the populations concerned, who shall express their will by referendum.

In the case provided in the last paragraph of Article 7, the required majority shall be of four fifths.

Art. 45. If the Supreme Court, the matter having been referred to it by the President of the Republic or the President of the National Assembly, shall declare that an international agreement contains a clause contrary to the Constitution, the authorization to ratify or approve it may be given only after amendment of the Constitution.

Art. 46. Treaties or agreements duly ratified or 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 JUSTICE

Art. 47. The judicial authority shall be independent of the executive

and legislative authorities. The status of magistrates shall be established by law. Magistrates may not be removed from office.

Art. 48. Justice shall be rendered in the name of the Mauritanian people.

Art. 49. No one may be arbitrarily detained. The judicial authority, guardian of individual liberty, shall ensure respect for this principle under the conditions stipulated by law.

Art. 50. The President of the Republic shall be the guarantor of the independence of the judicial authority. He shall be assisted by the High Council of the Judiciary.

Art. 51. In constitutional matters the Supreme Court shall exercise the powers conferred upon it by Articles 13, 24, 28, 30, 35, 39, 41 and 45 above. It shall also ensure the regularity of the referendum procedures and shall announce the results thereof.

A law shall determine the other powers of the Supreme Court and shall establish its composition, its rules of organization and the procedure to be followed before it.

Art. 52. In case of high treason or of a plot against the security of the State, the President of the Republic and the Ministers shall be indicted by the National Assembly in open balloting and by a majority of two thirds. They shall then be brought before the High Court.

A law shall determine the composition of the High Court, its rules of organization and the procedure to be followed before it.

TITLE VII

TERRITORIAL UNITS

Art. 53. The territorial units of the State are the communes.

They shall be administered by councils elected under the conditions stipulated by law.

TITLE VIII

AMENDMENT OF THE CONSTITUTION

Art. 54. The President of the Republic and the members of the Assembly alike shall have the right to initiate amendment of the Constitution.

No amendment proposed by the deputies may be discussed unless it has been signed by at least one third of the members of the Assembly.

Any bill of amendment must be passed by a majority of two thirds of the members of the Assembly. However, if a bill has been approved by the majority, the President of the Republic may decide to submit it to referendum.

The amendment procedure may not be undertaken if the bill threatens

the existence of the State or the integrity of the territory or the republican form of government.

TITLE IX

TRANSITIONAL PROVISIONS

Art. 55. The National Assembly elected on May 17, 1959, shall remain in office for the duration of its mandate unless it is terminated by law.

Art. 56. The Prime Minister, Head of State, shall remain in office until the election of the President of the Republic.

Art. 57. The President of the Republic shall be elected and installed before January 31, 1962.

Art. 58. The Constitutional Commission provided by Article 41 of the Constitution of March 22, 1959, shall exercise the functions assigned to the Supreme Court in constitutional matters until the latter has been instituted.

Art. 59. Until the first meeting of the National Assembly following upon the inauguration of the President of the Republic, the latter may take by ordinance all the legislative measures necessary for the setting up of the institutions or the functioning of the public service.

Art. 60. Legislation and regulations in force in the Islamic Republic of Mauritania shall remain applicable insofar as they have not been modified by this Constitution.

Art. 61. This law shall be executed as the Constitution of the Islamic Republic of Mauritania.

Nouakchott, May 20, 1961.