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Niger

Constitution of the IInd Republic
24 September 1989

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**Ordinance No. 89-14 of 6 October 1989, concerning
promulgation of the Constitution.**

THE PRESIDENT OF THE SUPERIOR COUNCIL OF
NATIONAL ORIENTATION, HEAD OF STATE

Considering the Proclamation of 15 April 1974;

Considering the National Charter published by Ordinance No. 87-29 of 14 September 1987;

Considering Ordinance No. 89-06 of 8 February 1989, concerning adoption of the Bill of [the] Constitution and submitting it to referendum;

Considering Ordinance No. 89-01 of 18 May 1989, concerning organization of the public powers;

Considering Ordinance No. 74-13 of 13 August 1974, concerning creation, composition, organization, attributions and functioning of the Court of State, modified and completed in its Articles 20 and 21 by Ordinance No. 87-14 of 2 April 1987;

Considering Order No. 89-04 of 4 October 1989, proclaiming the definitive results of the referendum of 24 September 1988 and declaring them valid;

ORDER:

Article 1

The Constitution of the Republic of Niger, of which the wording follows, takes effect counting from the date of signature of this Ordinance.

Article 2

This Ordinance will be executed as law of the State.

Done at Niamey, 6 October 1989

Signed: Brigade General ALI SAIBOU

CONSTITUTION OF 24 SEPTEMBER 1989

PREAMBLE

Following the historical events of 15 April 1974 which brought an end to the First Republic, the National Armed Forces invited the whole of the Nigerien People to search for a Nigerien way of development.

With the same *élan* and a convergence of efforts, the Nigerien People engaged in the realization of an endogenous model of development: the Society of Development [*Société de Développement*].

The National Charter adopted by referendum [on] 14 June 1987, is the consecration of this option. It is the basis of the Constitution.

The construction of a country, the edification of a society which aspires to an accelerated and harmonious development requires the establishment [*instauration*] of a framework of popular mobilization.

The institution of a political movement, the National Movement for the Society of Development [*Mouvement National pour la Société de Développement*] (MNSD), responds to this imperative.

The Nigerien People proclaim their attachment to the principles of democracy and of the Rights of Man, as defined by the Declaration of the Rights of Man and of the Citizen of 1789, the Universal Declaration of the Rights of Man of 1948, the African Charter of the Rights of Man and of Peoples of 1981 and as they are guaranteed by this Constitution.

They proclaim their attachment to African Unity and their engagement to make every effort with a view to its realization.

They reaffirm their willingness to cooperate in amity with all peoples [who] love [*épris de*] peace, justice and freedom

TITLE I OF THE SOCIETY OF DEVELOPMENT

Article 1

The fundamental option of the Nigerien People is the Society of Development.

The Society of Development looks to the construction of a Nation balanced [*équilibrée*], unified and of solidarity, holding the same ideal and motivated [*mue*] by the same willingness for progress. It tends towards the responsible participation of all Nigeriens in the search for solutions to the problems of economic, social and cultural development.

Article 2

The Society of Development has [the following] as its primordial objectives:

- national unity;
- national edification;
- social justice; [and]
- participative democracy.

Article 3

The basic principles of the Society of Development are consultation, dialog [*concertation*] and participation.

Article 4

The effective and responsible participation of the populations in the development of the country must be conceived within the framework of the structures and institutions of the Society of Development: *Samariya* [traditional local volunteerism], Cooperatives, socio-professional Associations, Councils of Development, [and the] National Movement for the Society of Development.

Article 5

The fulfillment of the Nigerien man and the consolidation of the national independence that the Society of Development aims for are supported by the the National Charter.

TITLE II OF THE STATE AND OF SOVEREIGNTY

Article 6

The State of Niger is an independent and sovereign Republic.

All infringement [*atteinte*] of the republican form of the State is considered as a crime of high treason and punished by the law.

The national emblem is the tricolored flag composed of three (3) horizontal bands of which the colors are, from top to bottom, orange, white and green. The median white band has in its middle a disk of orange color.

The national hymn “*La Nigérienne*” [the Nigerien].

The motto of the Republic is “*Fraternité, Travail, Progrès*” [Fraternity, Work, Progress].

The national languages are: Arabic, *Fulfulde* [Fula], *Gurmance* [Gurmencema], *Hausa*, *Kanuri*, *Songhai-zarma*, *Tamajaq* [Tuareg] and *Tubu* [Toubou].

The official language is French.

Article 7

The Republic of Niger is one and indivisible, secular, democratic and social.

Its fundamental principle is the government of the people, by the people and for the people;

Article 8

Sovereignty belongs to the People.

No group, [and] no individual may arrogate its exercise.

In the exercise of the power, personal power, regionalism, the clan spirit, nepotism, the feudal spirit, favoritism and corruption are banished.

Article 9

The People exercise their sovereignty through their elected representatives and by way [*voie*] of referendum. The conditions of recourse to the referendum are determined by the law.

The Supreme Court sees to the regularity of the operations of the referendum and proclaims the results of them.

Article 10

Suffrage is universal, equal and secret.

All Nigeriens of majority, of the two sexes, enjoying their civil and political rights, are electors, within the conditions determined by the law.

Article 11

The Republic of Niger is a State of Law [*Etat de droit*].

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

It respects all beliefs [*croyances*].

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

All manifestation of ideological, religious or philosophical intolerance is punished by the law.

Article 12

Within the framework [*cadre*] of the freedom of association recognized by the National Charter and guaranteed by this Constitution, the associations are formed and exercise their activities freely under the condition of respect for the principles of national sovereignty, of democracy and [of] the laws of the Republic.

TITLE III
OF THE RIGHTS AND FREEDOMS OF THE CITIZEN

Article 13

This Constitution guarantees to all citizens the freedoms recognized by the National Charter and notably:

- the freedom of opinion and of thought;
- the freedom of expression;
- the freedom of conscience;
- the freedom of belief [*culte*];
- the freedom of movement [*circulation*];
- the freedom of residence;
- the freedom of correspondence and of communication;
- the freedom of assembly;
- the freedom of enterprise;
- the freedom of the press, of publication and of publicity;
- the right to work;
- the right to justice;
- the right to education;
- the right to health;
- the right to security;
- the right to property;
- the right to information;
- the right to manifestation.

All these rights and freedoms are exercised within respect for the laws and regulations in force.

TITLE IV
OF THE DUTIES OF THE CITIZEN

Article 14

All citizens are held to respect the laws and regulations of the Republic.

Article 15

All citizens have the sacred duty to see to the defense of the Country [*Patrie*].

TITLE V
OF THE NATIONAL MOVEMENT FOR THE SOCIETY
OF DEVELOPMENT

Article 16

The Nigerien political system is founded on the principle of a political movement, assuring within it the free expression of opinions and of ideological sensibilities: the National Movement for the Society of Development (MSND).

Article 17

The National Movement for the Society of Development is open to all citizens animated by the same patriotic ideal and working for the realization of the objectives of the Society of Development.

Article 18

The National Movement for the Society of Development determines the general policy of the country and [is] inspired by the National Charter as the framework of ideological reference and fundamental source of this policy.

Article 19

The direction of the country reposes on the principle of the uniqueness of direction by the State and by the Movement.

The tasks assigned to the institutions of the State and to the organs of the Movement are complementary.

The institutions of the State and the organs of the Movement act[,] however[,] within separate frameworks and with different means with a view to the concretization of the ideals of the Society of Development.

Article 20

The modalities of organization and of functioning of the National Movement for the Society of Development are determined by its statutes.

TITLE VI

OF THE SUPERIOR COUNCIL OF NATIONAL ORIENTATION

Article 21

The Superior Council of National Orientation [*Conseil Supérieur d'Orientation Nationale*] (CSON), supreme instance of the State, is the organ of direction, of conception and of animation of the State and of the National Movement for the Society of Development.

Article 22

The Superior Council of National Orientation is composed of civilians and of military personnel.

Article 23

The President of the MNSD is the President of the Superior Council of National Orientation.

Article 24

The composition and the functioning of the Superior Council of National Orientation are determined by the statutes of the National Movement for the Society of Development.

TITLE VII

OF THE PRESIDENT OF THE REPUBLIC AND OF THE GOVERNMENT

Article 25

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

Article 26

The President of the Republic is elected for seven (7) years by universal direct and secret suffrage. He is re-eligible one time.

The Congress of the National Movement for the Society of Development designates the candidate to the presidency of the Republic on proposal of the Superior Council of National Orientation.

Every Nigerien of [Nigerien] nationality of origin at least forty (40) years old[,] enjoying their civil and political rights[,] is eligible to the presidency of the Republic.

Article 27

The election of the President of the Republic is acquired with the majority of the suffrage expressed.

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

The mandate of the new President of the Republic takes effect counting from the date of expiration of the mandate of his predecessor.

The law establishes the conditions of eligibility, of presentation of the candidatures, of development of the ballot, of counting [*dépouillement*] and of proclamation of the results.

The Supreme Court controls the regularity of these operations.

Article 28

Before entering into [his] functions, the President of the Republic takes an oath, before the National Assembly, in these terms:

“I solemnly swear, before the People, to respect and to have respected the National Charter, the Constitution and the laws of the Republic; to respect and to defend the republican form of the State; to preserve the integrity of the territory and the unity of the Nation; to protect the rights and freedoms of the citizens; to work tirelessly for the happiness of the People; to work with all my strength for the realization of the ideals of peace, of justice and of liberty in the world. The National Assembly is witness to it”.

Article 29

In the case of vacancy of the Presidency of the Republic by death, resignation or absolute impediment, the functions of President of the Republic are provisionally exercised by the President of the National Assembly.

The absolute impediment is declared by the Supreme Court[,] referred to [the matter] by the Superior Council of National Orientation.

It [then] proceeds to new presidential elections forty-five (45) days at least and ninety (90) days at most after the opening of the vacancy.

The interim President may not in any case be [a] candidate to the Presidency of the Republic. He exercises the attributions vested [*dévolues*] in the President of the Republic, with the exception of those provided for in paragraphs 2 and 3 of Article 30, in paragraph 1 of Article 35, in paragraph 2 of Article 36, and in Articles 31, 32, 33 and 106.

Article 30

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

He appoints the members of the Government and terminates their functions.

He can appoint the Prime Minister.

Article 31

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 (15) days which follow the transmission which is made to him by the President of the National Assembly.

This time period is reduced to five (5) days in case of urgency declared by the National Assembly.

The President of the Republic can, before the expiration of these time periods, demand of the National Assembly a second deliberation of the law or certain of its articles. This second deliberation may not be refused.

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

If after a second reading, the National Assembly votes the text with the majority of two-thirds (2/3) of its members, the law is promulgated.

Article 32

The President of the Republic can, after [the] opinion [*avis*] of the Superior Council of National Orientation, pronounce the dissolution of the National Assembly.

A new Assembly is elected forty-five (45) days at least and ninety (90) days at most after this dissolution.

It may not proceed to a new dissolution within the year which follows the elections.

Article 33

The President of the Republic, on proposal of the Superior Council of National Orientation and after the opinion of the Bureau of the National Assembly, can submit to referendum any text which appears to him to demand [*devoir exiger*] the direct consultation of the People.

When the bill is adopted by referendum, the President promulgates it within the time periods specified in Article 31.

Article 34

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

Article 35

The President of the Republic accredits the ambassadors and the envoys extraordinary to foreign powers.

The ambassadors and envoys extraordinary of foreign powers are accredited to him.

Article 36

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

He appoints to the civilian and military employments of the State.

Article 37

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

Article 38

When the institutions of the Republic, the independence of the Nation, the integrity of the national territory, the regular functioning of the public constitutional powers or the execution of the international engagements are menaced in a grave and immediate manner, the President of the Republic takes the exceptional measures demanded by these circumstances after the conforming opinion of the Superior Council of National Orientation.

He informs the Nation of it by a message.

The National Assembly meets of plain right.

During this period of crisis, the National Assembly may not be dissolved.

Article 39

The President of the Republic proclaims the State of Urgency within the conditions determined by the law.

Article 40

The President of the Republic has the right of pardon.

Article 41

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

The Council of Ministers deliberates obligatorily on:

- the decisions concerning the general policy of the State; the bills of law;
- the ordinances provided for in Article 67 and the regulatory decrees;
- the appointments to the superior employments of the State of which the list is established by the law.

Article 42

The bills of law, of ordinances and of regulatory decrees may be submitted to the Supreme Court for [its] opinion before being examined in the Council of Ministers.

Article 43

The Government applies the directives of the Superior Council of National Orientation and conducts the policy of the Nation in accordance with the fundamental principles of the National Charter.

The Prime Minister exercises his attributions within the framework of the powers which have been delegated to him by the President of the Republic.

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

Article 44

The functions of President of the Republic and of member of the Government are incompatible with the exercise of any parliamentary mandate, of any public employment and of any professional activity.

TITLE VIII OF THE NATIONAL ASSEMBLY

Article 45

The Parliament is constituted by a sole assembly called [the] National Assembly, of which the members have the title of Deputies.

Article 46

The National Assembly is inspired by the fundamental principles of the National Charter in its legislative action.

Article 47

The National Assembly votes the law and consents to taxes.

Article 48

The Deputies are elected by universal direct and secret suffrage from a complete national list ordered by the Superior Council of National Orientation.

The duration of a legislature is of five (5) years; the general elections with a view to the renewal of the National Assembly take place ten (10) days at least and twenty (20) days at most prior to the end of the current legislature.

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

Article 49

The Supreme Court decides on the eligibility of the candidates.

It decides equally on the validity of the election of the Deputies.

Article 50

Each year, the National Assembly meets of plain right in two (2) ordinary sessions.

The first session opens the 1st of March and may not exceed ninety (90) days.

The second session, called [the] budgetary session, opens the tenth (10) of October and ends the tenth (10) of December.

If the first of March of the tenth of December is a holiday, the opening of the session takes place on the first working day which follows.

Article 51

The National Assembly is convoked in extraordinary session by its President on a determined agenda, at the demand of the President of the Republic or of that [*à celle*] of the absolute majority of the Deputies.

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

Article 52

The National Assembly elects its President from within it for the duration of the legislature.

Article 53

The sittings of the National Assembly are public. A complete record of the debates is published.

At the demand of the President of the Republic or of one-third of the Deputies, the Assembly may sit in closed session.

Article 54

Each 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 illness, for execution of a mandate

or of a mission entrusted to him by the Government or the Assembly, or to fulfill their military obligations. No one may receive for one ballot, more than one delegation of [the] vote.

Article 55

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

Article 56

No Deputy may, during the duration of the sessions, be prosecuted or arrested in a criminal or correctional matter except without the authorization of the National Assembly, except in the case of flagrante delicto. No Deputy may, out of session, be arrested without the authorization of the Bureau of the National Assembly, except in the case 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 57

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

Article 58

The National Assembly establishes its internal regulations.

TITLE IX

**OF RELATIONS BETWEEN THE NATIONAL ASSEMBLY
AND THE GOVERNMENT**

Article 59

The President of the Republic communicates with National Assembly either directly, or by the messages which he has read by the President of the National Assembly.

These messages do not give rise to any debate.

Article 60

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 [*se faire*] assisted by their collaborators.

Section I

Respective Domains of the Law and of Regulation

Article 61

The law establishes the rules concerning:

- citizenship, the civil rights and the fundamental guarantees granted to citizens for the exercise of public freedoms;
- nationality, the state and the capacity of the persons, the matrimonial regimes, inheritance and gifts;
- the procedure according to which customs [*coutumes*] will be declared and brought into harmony with the fundamental principles of the Constitution;
- the determination of crimes and misdemeanors as well as of the penalties applicable to them, the penal procedure, [and] amnesty;

- the organization of the 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 base [*l'assiette*], the rate and the modalities for collecting taxes [*impositions*] of any nature;
- the regime of emission 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.

Article 62

The law determines the fundamental principles:

- of the organization of the National Defense;
- of teaching [*enseignement*];
- of health;
- of the regime of property, of real rights and of civil and commercial obligations;
- of the right to work [*droit du travail*], of the syndical right and of the social institutions;
- of the alienation and of the management of the domain of the State;
- of insurance [*mutualité*] and of savings;
- of the organization of production;
- of the regime of transport and of telecommunications.

Article 63

The Laws of Finance determine the resources and the charges of the State.

The program laws [*lois de programme*] establish the objectives of the economic and social action of the State.

Article 64

The declaration of war is authorized by the National Assembly.

Article 65

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

The extension of the state of siege beyond fifteen (15) days may only be authorized by the National Assembly.

Article 66

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, may be modified by decree issued after the opinion of the Supreme Court.

Article 67

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 ordinances, for a limited time period, measures that are normally of the domain of the law.

The ordinances are taken in the Council of Ministers after the contingent opinion [*avis éventuel*] of the Supreme Court. 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.

At the expiration of the time period mentioned in the first paragraph of this Article, the ordinances may only be modified by the law, in their provisions that are of the legislative domain.

Article 68

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

In the case of dispute [*contestation*], the Supreme Court, referred to [the matter] by the President of the Republic or the President of the National Assembly, decides within a time period of eight (8) days.

Section II

Of the Elaboration of the Laws

Article 69

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

Article 70

The discussion of the bills of law focuses on the text presented by the competent Commission of the National Assembly.

At the demand of the Government, the Commission must bring to the cognizance of the National Assembly, the points on which there is disagreement with the Government.

Article 71

The Deputies have the right of amendment.

Article 72

The National Assembly votes the bill of the Law of Finance within the conditions determined by the law.

Article 73

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

The National Assembly votes [a] balanced budget [*en équilibre*].

If the National Assembly has not decided within sixty (60) 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 (15) days.

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

If the bill of the Law of Finance could not be presented in a timely fashion to be promulgated before the debut of the fiscal year [*exercice*], the President of the Republic demands of urgency of the National Assembly the authorization to continue the budget of the preceding year by provisional twelfths.

Article 74

The National Assembly governs [*règle*] the accounts of the Nation following the modalities provided for by the Law of Finance.

TITLE X

OF THE NATIONAL ARMED FORCES

Article 75

The National Armed forces have for their traditional mission to assure the defense, the integrity and the security of the national territory against any external aggression.

Article 76

The National Armed Forces are called on to preserve internal security in the exceptional circumstances provided for by the law.

Article 77

In order to assure in every place and in every circumstance, the defense and integrity of the national territory against all forms of aggression, the National Armed Forces constantly see to the safeguarding of the material and moral interests of the populations and participate in their civic and military education.

Article 78

The National Armed Forces take an active part in the tasks of development, notably agricultural production, the struggle against desertification, [and] the construction of economic and social infrastructures.

Article 79

Integrated into all the sectors of public life, the National Armed Forces exercise political and administrative responsibilities in the same capacity [*titre*] as the other constituent parts [*composantes*] of the Nation.

TITLE XI

OF THE SUPREME COURT

Article 80

The Supreme Court includes four (4) Chambers: the Constitutional Chamber, the Judicial Chamber, the Administrative Chamber and the Chamber of Accounts.

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

TITLE XII

OF THE JUDICIAL AUTHORITY

Article 81

Justice is rendered on the national territory in the name of the People, and within strict respect for the rule of law and for the rights and freedoms of each citizen.

Article 82

One may only be prosecuted by virtue of a law duly promulgated prior to the incriminating act.

Article 83

The laws and regulations only have retroactive effect insofar as [they] concern the rights and advantages that they may confer to the citizen.

Article 84

No one may be arbitrarily detained.

Any [person] accused is presumed innocent until their culpability has been established following a procedure offering to them the guarantees indispensable to their defense. The judicial authority[,] guardian of individual liberty, assures respect for this principle within the conditions provided for by the law.

Article 85

The judges are only subject 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 [*Conseil Supérieur de la Magistrature*].

Article 86

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

Article 87

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

TITLE XIII

OF THE HIGH COURT OF JUSTICE

Article 88

The High Court of Justice is composed of Deputies that the National Assembly elects from within after 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 followed before it.

Article 89

The President of the Republic is responsible for the acts accomplished in the exercise of his functions and brought [*traduit*] before the High Court of Justice only in the case of high treason.

The High Court of Justice is competent to judge the members of the Superior Council of National Orientation and the members of the Government for the reason of acts qualified as crimes or misdemeanors committed in the exercise of their functions, with the exception of crimes and misdemeanors against the security of the State, as well as connected crimes and misdemeanors.

Article 90

The impeachment [*mise en accusation*] of the President of the Republic, of the members of the Superior Council of National Orientation and of the members of the Government is voted by public ballot by the majority of two-thirds (2/3) of the Deputies composing the National Assembly.

Article 91

The High Court of Justice is bound [*liée*] by the definition of the crimes and misdemeanors[,] and by the determination of the sentences resulting from the penal laws in force at the time [*époque*] of the acts included in the prosecutions.

TITLE XIV

OF THE NATIONAL COUNCIL OF DEVELOPMENT

Article 92

The National Council of Development, [the] instance of deliberation in economic, social and cultural matters, gives its opinion on the bills of laws, of ordinances or of decrees as well as on the proposals of law which are submitted to it.

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

The President of the Republic and the President of the National Assembly may consult the Council on any problem of economic, social and cultural character.

Article 93

The National Council of Development holds one ordinary session every three (3) months.

It may meet in special session at the demand of the Government or of the National Assembly.

The debates of the sittings are transmitted within a time period of fifteen (15) days to the Government or to the National Assembly.

Article 94

The National Council of Development sees to the good functioning of the councils of development. It assures the training of [persons] elected at the base [level].

Article 95

The composition of the National Council of Development, the duration of its mandate, the mode of designation of its members and the rules of its functioning are established by the law.

Article 96

The councils are constituted by members democratically elected.

Article 97

The national councilors of development enjoy the immunities provided for in Articles 55 and 56 of this Constitution.

Article 98

The national councilors of development receive an indemnity of which the amount is established by the law.

TITLE XV
OF THE TERRITORIAL COLLECTIVITIES

Article 99

The Territorial Collectivities are created by the law.

The law determines the fundamental principles of the free administration of the Territorial Collectivities, their competences and their resources.

TITLE XVI
OF INTERNATIONAL TREATIES AND AGREEMENTS

Article 100

The President of the Republic negotiates and ratifies the International Treaties and Agreements.

Article 101

The peace treaties, the treaties and agreements relative to international organizations, those which modify the internal laws of the State and those which involve [*portent*] financial engagement from the State may only be ratified following a law.

Article 102

If the Supreme Court, referred to [the matter] by the President of the Republic or by the President of the National Assembly, has declared that an international agreement contains a clause contrary to the Constitution, the authorization to ratify it can only intervene after revision of the Constitution.

Article 103

The 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 XVII
OF COOPERATION AND ASSOCIATION WITH STATES

Article 104

The Republic of Niger may conclude agreements of cooperation and of association with other States on the basis of reciprocal rights and advantages.

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

Article 105

These organs may have as [their] objective, notably:

- the harmonization of economic, financial and monetary policy;
- the establishment of unions with a view to [*visant*] to economic integration by the promotion of production and of exchanges;
- the creation of funds of solidarity;
- the harmonization of plans of development;
- the harmonization of foreign policy;
- the coordination of judicial organization;
- cooperation in defense matters;

- cooperation and coordination in health [matters];
- cooperation in cultural, scientific and technical matters;
- the coordination of transport, of communications and of telecommunications;
- cooperation in matters of the fight against calamities.

TITLE XVIII OF REVISION

Article 106

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

Article 107

To be taken into consideration, the bill or the proposal of revision must be voted by a majority of three-fourths (3/4) of the members composing the National Assembly.

The revision is only adopted [*acquire*] after having been approved by referendum, except if the bill or the proposal in question was approved by a majority of four-fifths (4/5) of the members composing the National Assembly.

Article 108

No procedure of revision may be engaged or followed when the integrity of the national territory is infringed.

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

TITLE XIX MISCELLANEOUS PROVISIONS

Article 109

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

Article 110

The legislation now [*actuellement*] in force remains applicable[,] save intervention of new texts, insofar as it does not have anything contrary to this Constitution.

TITLE XX TRANSITORY PROVISIONS

Article 111

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

Article 112

This Constitution will be adopted by referendum. The proclamation of the results of the referendum will intervene within the seventy-two (72) hours following the opening of the ballot.

Article 113

The Head of State, assuring the continuity of the State by virtue of the provision of Article 111, promulgates the Constitution within a time period not exceeding fifteen (15) days counting from its adoption.

The Constitution enters into force on the date of its promulgation.

Article 114

The election of the President of the Republic, will take place within the ninety (90) days following the entry into force of the Constitution.

An ordinance concerning [the] electoral law will establish the modalities of deposit of the candidatures and of [the] organization of the presidential election.

Article 115

The election of the Deputies to the National Assembly will take place the same day as the presidential election.

An ordinance concerning [the] electoral law will establish the modalities of deposit of the candidatures and of [the] organization of the legislative elections.

The National Assembly will be installed at the latest fifteen (15) days after the proclamation of the results of the elections.

Article 116

The regularity of the operations of [the] vote will be declared by the highest judicial instance of the country.

Article 117

The mandate of the councilors of development, in [their] function at the moment of the entry into force of the Constitution, will expire in their term

Article 118

The Superior Council of National Orientation will be implemented at the establishment [*issue*] of the constitutive Congress of the National Movement for the Society of Development.
