



Citations:

Bluebook 20th ed.

Amos J.; Xydis Peaslee, Dorothy Peaslee. *Constitutions of Nations* (4).

ALWD 6th ed.

Amos J.; Xydis Peaslee, Dorothy Peaslee. *Constitutions of Nations* (4).

APA 6th ed.

Peaslee, A. (4). *Constitutions of Nations*. The Hague, Martinus Nijhoff.

Chicago 7th ed.

Peaslee Amos J.; Xydis, Dorothy Peaslee. *Constitutions of Nations*. The Hague, Martinus Nijhoff.

McGill Guide 9th ed.

Amos J.; Xydis Peaslee, Dorothy Peaslee, *Constitutions of Nations* (The Hague: Martinus Nijhoff., 4)

MLA 8th ed.

Peaslee, Amos J., and Dorothy Peaslee Xydis. *Constitutions of Nations*. The Hague, Martinus Nijhoff. HeinOnline.

OSCOLA 4th ed.

Peaslee, Amos J.; Xydis, Dorothy Peaslee. *Constitutions of Nations*. The Hague, Martinus Nijhoff.

Provided by:

Harvard Law School Library

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

CONSTITUTION of the REPUBLIC OF SENEGAL¹

March 3, 1963, as amended June 20, 1967, March 14, 1968
and February 26, 1970

PREAMBLE

The Senegalese people hereby solemnly proclaims its independence and its attachment to the fundamental rights as defined by the Declaration of the Rights of Man and the Citizen of 1789 and by the Universal Declaration of December 10, 1948.

It proclaims unassailable respect and guarantees for:

- Political liberties;
- Trade union liberties;
- The rights and liberties of the human person, the family, and of territorial units;
- Philosophic and religious liberties;
- The right to property;
- Economic and social rights.

The Senegalese People:

Desiring to prepare the way for the unity of the African states and to ensure the expectations such unity entails;

Conscious of the need for a political, cultural, economic and social unity, indispensable in the affirmation of the African personality;

Conscious of the historic, moral and material imperatives that unite the states of West Africa,

Decides

- That the Republic of Senegal will spare no effort toward the realization of African unity.

¹ *Constitution de la République du Sénégal, 3 mars 1963, modifiée par la Loi Constitutionnelle No. 67-0032 du 20 juin 1967, la Loi Constitutionnelle No 68-004. du 14 mars 1968 et la Loi Constitutionnelle No. 70-15 du 26 février 1970. Supplied by the Ministry of Foreign Affairs in March 1972. Translated by the Editor. Ed.*

TITLE I

THE STATE AND SOVEREIGNTY

Art. 1. The Republic of Senegal is secular, democratic and social. It shall ensure the equality of all citizens before the law without distinction of origin, race, sex or religion. It shall respect all beliefs.

The official language of the Republic of Senegal shall be French. Its motto is "One People, One Aim, One Faith."

The flag of the Republic is composed of three equal vertical stripes, green, gold and red. In the center of the gold stripe there shall be a five pointed green star.

A law shall determine the seal and national anthem of the Republic.

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

Art. 2. National sovereignty belongs to the Senegalese people, who shall exercise this sovereignty through their representatives or by means of referendum.

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

Suffrage may be direct or indirect. It shall always be universal, equal and secret.

All Senegalese nationals of both sexes who have reached their majority and who enjoy civil and political rights may vote under the conditions to be determined by law.

Art. 3. Political parties and groups shall be instrumental in the expression of the suffrage. They shall be formed and shall carry on their activities under the conditions determined by law. They must respect the principles of national sovereignty and democracy.

Art. 4. Any racial, ethnic or religious discrimination, as well as any regionalist propaganda which might threaten the internal security of the State or the integrity of the territory of the Republic shall be punished by law.

Art. 5. The institutions of the Republic shall be:

- The President of the Republic;
- The National Assembly;
- The Supreme Court and the courts and tribunals.

The capital of the Republic of Senegal is Dakar.

TITLE II
PUBLIC LIBERTIES AND LIBERTIES
OF THE PERSON

Art. 6. The human person shall be sacred. The State is obliged to respect and protect it.

The Senegalese people recognizes the existence of the inviolable and inalienable rights of man as the basis of all human community, of peace and of justice in the world.

Everyone has the right to the free development of his personality, provided he does not violate the rights of others nor infringe the legal order. Everyone has the right to life and physical integrity within the conditions defined by law.

The freedom of the human person is inviolable. No one shall be held guilty of any act except by virtue of a law in effect at the time the act was committed. The right to defence is absolute in all situations and at all stages of the procedure.

Art. 7. All people are equal before the law. Men and women are legally equal.

In Senegal there shall be neither liability nor privilege by reason of place of birth, of the person or the family.

Art. 8. Everyone has the right to express and diffuse freely his opinions by word, pen and image. Everyone has the right to inform himself without hindrance at the sources which are accessible to all. These rights shall be limited by the provisions of laws and regulations as well as by respect for the honor of others.

Art. 9. All citizens have the right freely to form associations and societies, subject to conforming with the formalities stipulated by laws and regulations. This right may be limited only by law.

Groups whose purpose or activity would be contrary to the penal laws or directed against the public order are prohibited.

Art. 10. Secrecy of correspondence, postal, telegraphic and telephonic communications is inviolable. No restriction to this inviolability may be ordered except in the execution of a law.

Art. 11. All citizens of the Republic have the right to move and establish themselves freely over the whole of the Republic of Senegal. This right may be limited only by law. No one may be submitted to security measures except in the cases provided by law.

Art. 12. The right of property is guaranteed by this Constitution. There shall be no infringements of this right except in cases of legally attested public necessity and after just and prior compensation.

Art. 13. The domicile is inviolable.

No search may be ordered except by a judge or by the other authorities appointed by law. Searches may not be carried out except in the forms prescribed by law. Measures infringing or restricting the inviolability of the domicile may be taken only to meet collective dangers or to protect persons in danger of death.

Such measures may also be taken, in furtherance of a law, to protect public order against imminent danger, in particular to combat the risk of an epidemic or to protect endangered youth.

Marriage and the Family

Art. 14. Marriage and the family form the natural and moral basis of the human community. They are placed under the protection of the State.

The State and public bodies shall have the social duty to watch over the physical and moral health of the family.

Art. 15. Parents have the natural right and duty to raise their children. They shall perform this task with the aid of the State and public bodies.

Youth shall be protected by the State and public bodies against exploitation or moral abandonment.

Education

Art. 16. The State and public bodies shall create the necessary conditions and public institutions to guarantee the education of children.

Art. 17. Public schools shall dispense education for the young. Religious institutions and communities shall also be recognized as purveyors of education.

Art. 18. Private schools may be opened with the authorization and under the control of the State.

Religions and Religious Communities

Art. 19. Freedom of conscience, the free profession and practise of religion, subject to the public order, is guaranteed to all.

Religious institutions and communities shall have the right to develop without hindrance. They shall not be controlled by the state. They shall regulate and administer their affairs in an autonomous manner.

Work

Art. 20. Everyone has the right to work and the right to apply for employment. No one may be damaged in his work by reason of his origins, his opinions or his beliefs.

The worker may belong to a union and defend his rights by union action.

The right to strike is recognized. It shall be exercised within the framework of the laws regulating it. It may in no case infringe on the liberty of work.

All workers shall participate, through their delegates, in the determination of working conditions.

Special laws shall institute the conditions of assistance and protection which society shall grant to workers.

TITLE III

THE PRESIDENT OF THE REPUBLIC

Art. 21. The President of the Republic shall be elected by universal direct suffrage and by majority vote in two ballots. He shall be eligible for re-election only once.

Art. 22. The Presidential term of office shall be five years.

Art. 23. All candidates for the Presidency of the Republic must be of Senegalese nationality, enjoy political and civil rights, and be at least 35 years of age.

Art. 24. Candidacies shall be deposited with the Registrar of the Supreme Court, at least thirty and at most sixty days before the first ballot. However, if a candidate should die, new candidacies may be deposited at any time until the eve of the balloting.

No candidacy shall be acceptable unless presented by a legally established political party or accompanied by the signature of fifty voters of which at least ten shall be deputies.

Art. 25. Twenty nine days before the ballot, the Supreme Court shall draw up and publish the list of candidates.

The voters shall be convened by decree.

Art. 26. The ballot for the election of the President of the Republic shall take place at most forty five days and at least thirty days before the expiration of the mandate of the incumbent President of the Republic or, if the Presidency is vacant as a result of decease, resignation or definitive impediment, within sixty days following such vacancy.

Art. 27. The electoral campaign shall open fifteen days and close one day before the first ballot.

The Supreme Court shall supervise the regularity of the electoral campaign and the equal use by candidates of the means of propaganda.

Art. 28. Noone shall be elected on the first ballot unless he has received an absolute majority of the votes which must represent at least one third of the registered voters. If no candidate receives the required majority, a second ballot shall take place within the ten days following the first; at the second ballot a relative majority shall be sufficient for election.

Art. 29. The Supreme Court shall supervise the regularity of the elections and shall centralize the results.

The election of the President of the Republic shall be notified in a provisional proclamation.

If no candidate contests the regularity of the electoral operations, by deposition with the Registrar of the Supreme Court within five days of the provisional proclamation, the Court shall declare the President of the Republic definitively elected.

In case of contestation, the Court must rule within ten days of the provisional proclamation; its ruling shall include either the definitive proclamation or the annulment of the election.

In case of annulment, a ballot shall take place within ten days.

Art. 30. The elected President of the Republic shall take office after the definitive proclamation of his election and the close of the term of his predecessor.

The incumbent President of the Republic shall remain in office until the installation of his successor.

Art. 31. The President of the Republic shall take office after having taken the oath before the Supreme Court.

The oath follows: "In the presence of God and before the Senegalese Nation, I swear to fulfil faithfully the duties of President of the Republic of Senegal, to observe scrupulously the provisions of the Constitution and the laws, and to dedicate all my efforts to the defense of the constitutional institutions, the territorial integrity and to national independence, and to neglect no effort for the realization of African unity."

Art. 32. The office of President of the Republic shall be incompatible with the exercise of any other private or public office, whether or not elective.

Art. 33. The President of the Republic shall be replaced by the President of the National Assembly in case of death, resignation or impediment.

Should the President of the National Assembly himself be prevented, the Prime Minister, followed by the other members of the Government in order of their appointment, shall replace the President of the Republic.

Art. 34. The powers contained in Articles 46 and 75 *bis* shall not be exercised by the substitute President of the Republic.

Nor may Articles 75 and 89 be applied during a vacancy or substitution in the office of the President of the Republic.

Art. 35. The Supreme Court, at the request of the Government, shall record officially the impediment of the President of the Republic, and, where necessary, of his substitutes in office.

If the President of the Republic has died or submitted his resignation or if the Supreme Court declares the impediment to be of a definitive nature, a new President of the Republic shall be elected in accordance with the provisions of Article 26.

Art. 36. The President of the Republic shall be the guardian of the Constitution. He shall determine the Government, and under the direction of the Prime Minister, shall conduct the policy of the nation.

Art. 37. The President of the Republic shall sign ordinances and decrees.

The Prime Minister of the Republic shall insure the implementation of the laws and shall hold the regulatory power subject to the preceding paragraph.

The acts of the President of the Republic, with the exception of those granted by articles 39, 40, 41, 42, 43 paragraphs 1 and 3, 47, 58, 63, 65 paragraph 2, 68-72 paragraph 2, 75bis, 76, 80 paragraph 3 and 88, shall be countersigned by the Prime Minister and, as required, by the responsible Ministers or Secretaries of State.

Art. 38. The President of the Republic shall make all civilian appointments.

The Prime Minister shall dispose of the administration.

Art. 39. The President of the Republic shall be the guarantor of national independence and the integrity of the territory.

He shall be responsible for national defense. He shall preside over the High Council of National Defense.

He shall be the Chief of the Armies; he shall make military appointments and control the Armed Forces.

Art. 40. 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. 41. The President of the Republic shall have the right of pardon.

Art. 42. The President of the Republic may address messages to the nation.

Art. 43. The President of the Republic shall appoint the Prime Minister. He shall dismiss him and this will result automatically in the collective and immediate resignation of the Government, which shall however be entrusted with the expedition of current business until the formation of the new Government.

He shall appoint, upon the proposal of the Prime Minister, the other members of the Government and shall decide their duties.

He shall dismiss them.

The Prime Minister and the other members of the Government shall be responsible to the President of the Republic. The Government shall be subject to the control of the National Assembly under the conditions provided in Article 74 and 75.

Art. 44. The President of the Republic may delegate certain powers to the Prime Minister, particularly when he is absent, and also to members of the Government within the framework of their respective duties, with the exception of those powers provided for in Articles 41, 46, 75bis and 89.

The Prime Minister may delegate certain powers to other members of the Government within the framework of their respective duties.

Art. 45. The office of member of the Government shall be incompatible with any professional public or private activity. The form of application of this article shall be established by an organic law.

Art. 46. The President of the Republic may, on the proposal of the Prime Minister and after consulting the President of the National Assembly and the Supreme Court, submit a bill to a referendum.

Art. 47. When the institutions of the Republic, the independence of the nation, the integrity of its territory, or the carrying out of its international undertakings are threatened in a grave and immediate manner, and when the regular functioning of the governmental authorities is interrupted, the President of the Republic may, after informing the nation by a message, take all measures directed to restoring the regular functioning of the governmental authorities and to insuring the safety of the nation, with the exception of any change in the constitution.

The National Assembly shall meet by right.

Legislative measures which have been put into force by the President shall be referred, within 15 days of their promulgation, to the National Assembly for ratification. Such measures shall become null and void if the bill of ratification is not filed with the secretariat of National Assembly within the time limit specified; the Assembly may amend them at the time of the vote of ratification.

It may not be dissolved during the exercise of exceptional powers. When these powers are exercised after the National Assembly has been dissolved, the date of elections laid down in the dissolution decree may not be postponed except in a case of *force majeure*, attested by the Supreme Court. Legislative measures taken by the President shall become null and void unless the Supreme Court declares, them to be in accordance with the Constitution within 15 days of their promulgation. The new National Assembly shall meet automatically upon proclamation of the results of the elections. Legislative measures which have been promulgated by the President, shall immediately be referred to it for ratification.

TITLE IV

THE NATIONAL ASSEMBLY

Art. 48. The representative assembly of the Republic of Senegal shall bear the name of National Assembly. Its members shall bear the title of Deputy to the National Assembly.

Art. 49. Deputies to the National Assembly shall be elected by universal direct suffrage, for a five year term subject to the provisions of Article 75*bis*. An organic law shall stipulate the number of members of the

Assembly, their emoluments, the conditions of eligibility, the system of ineligibility and incompatibilities.

Art. 50. No deputy may be prosecuted, sought, arrested, detained or tried as a result of opinions or votes expressed by him in the exercise of his functions.

No deputy may, during sessions, be prosecuted or arrested for crimes or misdemeanors without the authorization of the National Assembly, except in cases of *flagrante delicto*, authorized prosecution or final conviction.

No deputy may, when the Assembly is not in session, be arrested without the authorization of the secretariat of the National Assembly, except in case of *flagrante delicto*, authorized prosecution or final conviction.

The detention or prosecution of a deputy shall be suspended if the Assembly so requests.

Art. 51. The rules of procedure of the National Assembly, shall provide for:

- (1) the composition, rules of functioning of the secretariat, and the powers and prerogatives of the President who shall be elected for the duration of the legislature;
- (2) the number, method of appointment, composition, role and powers of the permanent commissions, without prejudice to the right of the Assembly to create special temporary commissions;
- (3) the organization of the administrative services under the authority of the President of the Assembly assisted by an administrative secretary-general;
- (4) the disciplinary system for deputies;
- (5) the different methods of voting, other than those expressly provided by the Constitution;
- (6) and in a general manner all the rules for the operation of the National Assembly within the framework of its constitutional powers.

Art. 52. The National Assembly shall determine the date of its opening and the duration of its ordinary sessions. The following rules shall, however, be applicable:

- the National Assembly shall hold two ordinary sessions every year;
- the first session must open within the first two weeks of the month of April;
- the second session shall open within the last quarter of the year;
- the finance law of the year shall be examined during the first ordinary session.

If an ordinary or extraordinary session closes without the Assembly's setting the date of opening of its next ordinary session, the secretariat of the Assembly shall fix this date in good time.

The duration of each ordinary session may not exceed two months.

The National Assembly shall, furthermore, meet in extraordinary session to consider a specific agenda if –

- half plus one of its members, at least, address a written request to the President;
- or on the initiative of the President of the Republic upon proposal by the Prime Minister.

The duration of an extraordinary session may not, however, exceed fifteen days except in the case stipulated in Article 57.

Extraordinary sessions shall close as soon as the agenda has been exhausted.

Art. 53. The right to vote of deputies shall be personal. Any binding instructions upon deputies shall be null and void.

An organic law may, under exceptional circumstances, authorize the delegation of the vote. In this case, no member may be delegated more than one vote.

Art. 53bis. The National Assembly may delegate to its Delegate Commission the power to take measures falling within the domain of law.

Such delegation shall be effected by resolution of the National Assembly and the President of the Republic shall immediately be informed thereof.

The Delegate Commission may, within the time limits and the field of competence laid down in the resolution referred to above, take decisions which shall be promulgated as laws. Such decision shall be filed with the secretariat of the National Assembly by, at the latest, the first day of the ordinary session following upon their promulgation. If the National Assembly does not modify them within the first 15 days of the session, they shall enter into definitive force.

Art. 54. If at the opening of a session, the quorum of one half plus one of the members composing the Assembly is not present, the meeting shall be adjourned until the third day following. The Assembly may then deliberate no matter how many are present.

Art. 55. Meetings of the Assembly shall be public unless it decides otherwise. An *in extenso* report of the debates, together with the parliamentary documents, shall be published in the *Journal Officiel*.

TITLE V

RELATIONS BETWEEN THE EXECUTIVE AND THE LEGISLATIVE POWER

Art. 56. The National Assembly shall hold the legislative power; it alone shall pass laws.

Laws shall establish the regulations concerning:

- civil rights and 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, marriage contracts, inheritance and gifts;

- determination of crimes and misdemeanors as well as the penalties imposed therefor, criminal procedure; amnesty; the creation of new juridical systems and the status of magistrates;
- 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 local assemblies;
- the establishment of categories of public institutions;
- the fundamental guarantees granted to civil and military personnel employed by the State;
- the nationalization of enterprises and the transfer of the property of enterprises from the public to the private sector.
- Laws shall determine the fundamental principles of:
 - the general organization of national defense;
 - the free administration of local units, the extent of their jurisdiction and their resources;
 - education;
 - property rights, civil and commercial obligations;
 - legislation pertaining to employment, unions and social security.
 - the system of remuneration for the officers of the State.

The financial laws shall determine the financial resources and obligations of the State under the conditions and with the reservations to be provided for by an organic law. The establishment of new offices and the transformation of the existing ones may only take place within the framework of the finance laws.

Laws pertaining to national planning shall determine the objectives of the economic and social action of the State. The Plan shall be approved by law.

The provisions of the present article may be developed in detail and amplified by an organic law.

Furthermore, the President of the Republic, upon the proposal of the Prime Minister, may submit bills relating to other matters than those enumerated in this article to vote by the National Assembly, because of their social, economic or financial importance, without derogating from the provisions of Article 65, paragraph 2.

Art. 57. The National Assembly shall pass the finance laws under the conditions stipulated in an organic law.

The finance bill for the year, including the budget, shall be filed with the Secretariat of the Assembly at the latest on the opening day of the first ordinary session. The National Assembly shall vote finance bills within sixty days.

Should the President of the Republic be unavoidably unable to file the finance bill in time for the Assembly to have, before the end of the session, the period of sixty days provided in the previous paragraph, the ordinary session shall be immediately and automatically followed by an extraordi-

nary session whose duration shall be no longer than the time required to fulfil the time limit.

Should the finance bill not be passed definitively at the end of the time limit of sixty days provided above, the provisions of the bill shall be enforced by decree, taking into account the amendments voted by the National Assembly and accepted by the President of the Republic.

If despite the procedure provided above, the finance bill, for the year has not entered into effect before the opening of the fiscal year, the President of the Republic shall be authorized to continue by decree the services already voted.

The Supreme Court shall assist the Government and the National Assembly in supervising the implementation of the finance laws.

Art. 58. A state of siege or a state of emergency shall be decreed by the President of the Republic. The National Assembly shall then meet by right if it is not already in session. The decree proclaiming the state of siege or state of emergency shall be prorogued beyond 12 days only by authorization of the National Assembly after the matter has been referred to it by the President of the Republic.

Art. 59. The National Assembly shall authorize the declaration of war.

Art. 60. Laws adopted by the National Assembly shall be immediately transmitted to the President of the Republic.

Art. 61. The President of the Republic shall promulgate the laws within fifteen days following the transmission to him of the finally adopted law. This time limit may be reduced to five days in case of urgency so declared by the National Assembly.

Art. 62. The President of the Republic may, before the expiration of this time limit, ask the Assembly for a reconsideration which may not be refused. A law may be voted on second reading only if three fifths of the members composing the National Assembly have voted in favor.

Art. 63. Within the time limits fixed for promulgation the President of the Republic may refer to the Supreme Court an appeal that the law be declared unconstitutional.

Art. 64. The time limit for promulgation shall be suspended until the outcome of the second reading by the National Assembly or of the decision of the Supreme Court declaring the law in accordance with the Constitution.

Art. 65. Matters other than those than fall within the domain of law according to this Constitution shall be of a regulatory character.

Legislative texts concerning these matters may be modified by decree, if the Supreme Court has stated that they have a regulatory character as defined in the preceeding paragraph.

Art. 66. The National Assembly may delegate to the Government, the power to take measures which normally fall within the domain of law.

Within the limitations of time and power stipulated by the enabling

law, the Government shall issue ordinances which shall take effect upon publication but which shall become null and void if a bill of ratification is not filed with the secretariat of the National Assembly before the date stipulated in the enabling law. The National Assembly may amend the ordinances when it votes the ratification law.

Art. 67. Laws which the Constitution classifies as organic laws shall be passed and amended by an absolute majority of the members of the National Assembly.

They may not be promulgated unless the Supreme Court, to which they must be referred by the President of the Republic, has declared them conformable to the Constitution.

Article 65 shall not apply to organic laws.

Art. 68. The President of the Republic shall communicate with the National Assembly by messages which he shall deliver himself or cause to be read, and which shall not be followed by any debate.

Art. 69. The President of the Republic and the deputies to the National Assembly alike shall have the right to initiate legislation.

Art. 70. Members of the Government may at any time be heard by the National Assembly and by the commissions. They may be assisted by Government Commissioners.

Art. 71. Deputies and the President of the Republic alike shall have the right of amendment. Amendments proposed by the President of the Republic shall be presented by a member of the Government.

Proposals and amendments by deputies may not be considered if their adoption would result either in the diminution of public resources or in an increase in public expenditures, unless they are accompanied by proposals for compensating receipts.

Art. 72. If it appears during the legislative procedure that a bill or amendment does not fall within the domain of law, the members of the Government may declare it inadmissible.

In case of disagreement the Supreme Court at the request of either the President of the Republic or the National Assembly shall rule within eight days.

Art. 73. The President has the right, if he so requests, to priority inscription on the agenda of the National Assembly of a bill or a declaration of general policy.

Art. 74. Deputies may question the members of the Government orally or in writing, with or without debate, and the latter must reply. There shall be no vote on the questions or on the replies.

The National Assembly may appoint commissions of inquiry from among its members. A law shall stipulate the conditions of organization and operation and the powers of such commissions of inquiry.

Art. 75. The National Assembly may, by the vote of a motion of censure, provoke the resignation of the Government.

Such a motion shall be receivable only if it carries the signature of one quarter of the members of the National Assembly.

Voting on the motion of censure may not take place until two full days after it has been filed with the secretariat of the National Assembly.

The vote on the motion of censure shall be public, by an absolute majority of the members of the National Assembly; only votes in favor of the motion shall be counted.

If the motion of censure is adopted, the Prime Minister must immediately submit to the President of the Republic the collective resignation of the Government.

The resigning Government shall carry out current business until the formation of the new Government.

If the motion of censure is rejected, its signatories may not submit a new censure motion during the same session.

Art. 75bis. The President of the Republic, may, by decree, order the dissolution of the National Assembly, upon the advice of its President, when it has adopted a motion of censure against the Government as provided for in Article 75.

The dissolution decree shall establish the date for the elections of deputies. These elections shall take place at least 45 days and at most 60 days after the publication of the decree.

No new dissolution of the Assembly may take place within the year following the proclamation of such an election.

The National Assembly which has been dissolved may not meet; however, the term of the deputies shall expire only on the date of proclamation of the election of the members of the new National Assembly.

TITLE VI

TREATIES AND INTERNATIONAL AGREEMENTS

Art. 76. The President of the Republic shall negotiate international agreements. He shall ratify or approve them.

Art. 77. 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 law.

They shall go into effect only after having been ratified or approved. No cession, no addition of territory shall be valid without the consent of the populations concerned.

Art. 78. If the Supreme Court shall declare that an international commitment contains a clause contrary to the Constitution, the authorization

to ratify or approve this commitment may be given only after amendment of the Constitution.

Art. 79. 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 VII

THE JUDICIAL AUTHORITY

Art. 80. The judicial authority, independent of the legislative and executive authorities, shall be exercised by the Supreme Court and by the courts and tribunals.

Judges shall, in the exercise of their functions, be subject only to the law.

Magistrates may not be removed from office. They shall be appointed after consulting with the High Council of the Judiciary.

An organic law shall determine the jurisdiction, organization and operation of the High Council of the Judiciary.

Art. 81. The judicial authority shall be the guardian of the rights and liberties defined by the Constitution and by law.

Art. 82. The Supreme Court shall take cognizance of the constitutionality of laws and international commitments as well as of conflicts of jurisdiction between the executive and legislative powers. It shall judge any excessive use of power by the executive authorities.

Art. 83. Except in cases of *flagrante delicto*, judges of the Supreme Court may not be prosecuted, arrested, detained or tried in criminal matters except with the authorization of the Secretariat of the Court. The latter may assign jurisdiction to a particular court.

Art. 84. An organic law shall stipulate the other powers of the Supreme Court, its organization, and the proceedings to be followed before it.

TITLE VIII

THE HIGH COURT OF JUSTICE

Art. 85. A High Court of Justice shall be instituted.

Art. 86. The High Court of Justice shall be composed of members elected by the National Assembly from among its deputies the beginning of each legislature. It shall be presided over by a Judge. An organic law shall determine the organization of the High Court of Justice and the procedure to be followed before it.

Art. 87. The President of the Republic shall not be held accountable for actions performed in the exercise of his office except in the case of high treason. He may be indicted only by the National Assembly ruling

by vote in secret ballot and by a majority of three fifths of its members; he shall be tried by the High Court of Justice.

The members of the Government shall be criminally liable for actions performed in the exercise of their office and deemed to be crimes or misdemeanors at the time they were committed. The procedure defined above shall be applied to them, as well as to their accomplices, in case of a conspiracy against the security of the State. In the cases provided for by the present paragraph, the High Court shall be bound by the definition of crimes and misdemeanors, as well as by the determination of penalties, as they are established by the criminal laws in force when the acts are committed.

TITLE IX

ECONOMIC AND SOCIAL COUNCIL

Art. 88. The Economic and Social Council shall assist the President of the Republic, the Government and the National Assembly. It shall give its advice on matters referred to it by the President of the Republic, the Government or the Assembly.

It shall be competent to examine bills and proposals for decrees of an economic and social character, with the exception of the finance laws.

Bills concerning planning of an economic and social nature must be referred to it.

It may be consulted or have referred to it any problem concerning the economic and social life of the nation.

The composition of the Economic and Social Council, its organization and its rules of procedure shall be determined by an organic law.

TITLE X

AMENDMENT

Art. 89. The President of the Republic and the deputies alike shall have the initiative in amendment of the Constitution.

No bill of amendment adopted by the National Assembly shall become definitive before it has been approved by a referendum.

However, a bill of amendment shall not be submitted to a referendum if the President of the Republic decides to submit it only to the National Assembly. In such a case the bill of amendment shall not be approved unless it receives a majority of three fifths of the members composing the National Assembly.

Article 66 shall not be applicable to constitutional laws.

The Republican system of the State may not be the object of amendment.

TITLE XI

TRANSITIONAL PROVISIONS

Art. 90. The incumbent President of the Republic shall, until the election of a new President of the Republic to take place at the same time as the election of a new National Assembly, hold the powers provided in this Constitution.

Art. 91. The incumbent National Assembly shall, until the end of its term, exercise the powers provided in this Constitution. However, the mandate of this Assembly may be shortened by decree of the President of the Republic.

Art. 92. The legislative measures necessary for the setting up of the institutions shall be taken by the President of the Republic after consultation with the Supreme Court, in the form of ordinances having the force of law.

Art. 93. The laws and regulations presently in effect shall remain in effect insofar as they are not contrary to this Constitution and have not been modified or abrogated.

BIBLIOGRAPHY

- Foltz, W. *From French West Africa to the Mali Federation*. New Haven, Yale U. P. 1965.
- Hargreaves, John D. *West Africa: The Former French States*. Englewood Cliffs: Prentice-Hall, 1967.
- Lavroff, D. G. *La République du Sénégal*. Paris 1966.
- Lamine-Gueye, M. *Itinéraire africain*. Présence Africaine, Edit. Paris, 1966.
- Neres, Philip. *French-Speaking West Africa: From Colonial Status to Independence*. London: Oxford University Press, 1962.
- Senghor, Léopold Sédar. *On African Socialism*. New York: Praeger, 1964.



SIERRA LEONE

SUMMARY

INTERNATIONAL STATUS

Sierra Leone is a member of the United Nations (September 27, 1961). It is a member of the Commonwealth of Nations, the Organization for African Unity and of other international organizations.

Sierra Leone became independent on April 27, 1961, following the constitutional conference in London on May 4, 1960.

The Portuguese navigator, Pedro de Cintra, gave the country its name in 1460, and in the decades following the Portuguese constructed a fort on the Sierra Leone River. Adventurers and slavers touched along the