

World Constitutions Illustrated

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The Comoros

Constitution of the Union of the Comoros
23 December 2001
As Amended to 24 March 2014

Translated by
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Editorial Note

Establishing a definitive text of the Constitution of the Union of the Comoros of 2001 as consolidated to 2009, is hindered by the difficulty of obtaining copies of the official gazette or official printed monographs of the Government. A number of French texts are available, either from official sites of the Government or through private sites. It should be noted that none of these texts exactly agree, especially in regards to the division of the Articles into their requisite paragraphs.

The following transcriptions of the consolidated text were consulted:

that provided by Le Droit des Affaires en Afrique Francophone: <http://www.droit-afrique.com>; and that provided by Jean-Pierre Maury: *Digitèque MJP: Constitutions du Monde*: <http://mjp.univ-perp.fr/constit/constitintro.htm>.

These two consolidations are produced with care, but do not completely agree with each other in some substantive matters as well as organization of the individual Articles.

The following transcriptions of the original text of 2001 were consulted:

that provided by the official site of the Presidency: <http://www.beit-salam.km>; that produced by Jean du Bois de Gaudusson in *Revue électronique Afrilex No. 03/2003*: <http://afrilex.u-bordeaux4.fr/sites/afrilex/IMG/pdf/3doc7gaudusson.pdf>; and that provided by L'Organisation Internationale de la Francophonie: <http://democratie.francophonie.org/IMG/pdf/Comores.pdf>.

These were compared to the official French text published in the *Journal Officiel*, Special Number, December 2001 kindly provided by the Law Library of Congress.

The text of the Presidency transcribes the original text of 2001 so that each Article contains a single paragraph. It, therefore, cannot be used with authority to render the changes required by the Referendum Law of 2009. When all of the above variants are taken into consideration, substantive ambiguity exists concerning Articles 10, 14 and 25 in particular, and numerous Articles in general. For the translation here, the text as published in the *Journal Officiel* is followed for all the original Articles of the 1991 text that were not amended in 2009.

The translation of the Articles amended in 2009 is based on the transcription of the Referendum Law as provided by the blog site: [//zoubeiri.unblog.fr](http://zoubeiri.unblog.fr) and mirrored at several other sites which monitor political matters and matters of general interest in the Comoros. As this is not an official text, the following translation should be regarded as preliminary, until such time as recent official printed texts have been obtained.

The amendments of 2014 are translated from the text of Decree No. 14-045/PR of 24 March 2014 promulgating Constitutional Law No. 13-013/AU of 26 December 2013. These amendments concern Arts. 20, 42, and the Articles of Titles IX and X.

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The Constitution of the Union of the Comoros

[The Comorian Constitution]

23 December 2001, as amended by the Referendum of 17 May 2009 of which the Referendum Law was promulgated by Decree No. 09-066/PR of 23 May 2009, and as amended by Constitutional Law No. 13-013/AU as promulgated by Decree No. 14-045/PR of 24 March 2014

PREAMBLE

[Amended by Decree No. 09-066/PR of 23 May 2009, promulgating the Referendum Law of 17 May 2009]

The Comorian people solemnly affirm their will to:

- draw from Islam, the religion of the state, the permanent inspiration of the principles and rules which govern the Union,
- guarantee the pursuit of a common destiny between Comorians,
- give [themselves] new institutions founded on the State of law, democracy, respectful of good governance and guaranteeing a division of power between the Union and the Islands which compose it, in order to permit them to achieve [*concrétiser*] their legitimate aspirations, to administer, [and] to manage freely and without hindrance, their own affairs and to promote their socio-economic development,
- emphasize [*marquer*] their commitment to the principles of the fundamental rights such as they are defined by the Charter of the United Nations, that of the Organization of African Unity, the Pact of the League of the Arab States, the Universal Declaration of the Rights of Man of the United Nations and the African Charter on the Rights of Man and of Peoples, as well as the international conventions[,] notably those concerning the rights of the child and of the woman.

Proclaim:

- the solidarity between the Union and the Islands and between the Islands themselves;
- the equality of the Islands in rights and in duties;
- the equality of all in rights and in duties without distinction of sex, of origin, of race, of religion or of belief;
- the equality of all before justice and the right of all justiciable [persons] to [a] defense;
- the freedom and the security of each individual under the sole condition that he does not accomplish any act of [a] nature harmful to others;
- the right to multi-source [*plurielle*] information and to the freedom of the press;
- the freedoms of expression, of assembly, of association and the syndical freedom, within respect for morals and of the public order;
- the freedom of enterprise, as well as the security of capital and of investments;
- the inviolability of the domicile within the conditions prescribed by the law;
- the guarantee of property[,] save [for] public utility or necessity substantiated in accordance with the law and under condition of a just indemnity;
- the right to health and to education for all;

- the right of the child and of youth to be protected by the public powers against any form of abandonment, exploitation and violence;
- the right to an healthy environment and the duty of all to safeguard that environment.

This Preamble is made [an] integral part of the Constitution.

TITLE ONE OF THE UNION OF THE COMOROS

Article 1

The Union of the Comoros is a Republic, composed of the autonomous Islands of Mwali (Mohéli), Maoré (Mayotte), Ndzuwani (Anjouan), N'gazidja (Grande Comore).

The national emblem is yellow, white, red, blue, a white crescent turned towards the right and four white stars aligned from one end to the other of the crescent within an isosceles triangle on a green field.

The national hymn is: *Umodja Wa Massiwa*.

The motto of the Union is: “*Unité – Solidarité – Développement*” [Unity-Solidarity-Development].

The law of the Union determines the seal of the Union.

The official languages are Shikomor, [the] national language, [and] French and Arabic.

Article 2

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

Moroni is the capital of the Union. An organic law concerns [*porte*] the status of this city and determines the islands where the institutions of the Union sit.

Article 3

Sovereignty belongs to the people who exercise it, in each island and in the ensemble of the Union, by its elected representatives or by way [*voie*] of referendum. No group or any individual may arrogate its exercise.

Article 4

Within the conditions determined by the law, suffrage is universal, equal and secret. It may be direct or indirect.

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

Article 5

The Comorian nationality is acquired, is conserved and is lost in accordance with the law. No Comorian by birth may be deprived of their nationality.

Article 6

The political parties and groups concur in the exercise of suffrage, as well as in the civic and political education [*formation*] of the people. They form and exercise their activities freely, in accordance with the law of the Union. They must respect the national unity, sovereignty and the inviolability [*intangibilité*] of the frontiers of the Comoros, such as they are internationally recognized, as well as the principles of democracy.

TITLE II
OF THE RESPECTIVE COMPETENCES OF
THE UNION AND OF THE ISLANDS

Article 7

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

Within respect for the unity of the Union and the inviolability of its frontiers such as they are as internationally recognized, each island administers and manages its own affairs freely.

Within respect for the Constitution of the Union, each autonomous island freely establishes its statutory law [*loi statutaire*]. The statutory laws are promulgated after declaration by the Constitutional Court on their conformity with the Constitution.

The Comorians have the same rights, the same freedoms and the same obligations within any part of the Union.

No authority may adopt measures which[,] directly or indirectly, would restrict the freedom of circulation and of establishment of persons, as well as the free circulation of goods [*biens*] on all the territory of the Union.

Article 7-1

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

Any secession or attempt at secession of one or several autonomous islands is forbidden.

Any act infringing the territorial integrity and the national unity is qualified as secession.

Any act or any measure of a nature infringing the unity of the Republic or to place in peril the integrity [of the] national territory taken by an authority of an autonomous island or of the Union[,] is null of plain right. Notwithstanding judicial prosecutions, the nullity is declared by the Constitutional Court, referred to [the matter] by the President of the Union or by the President of the Assembly of the Union or by five Deputies of the Assembly of the Union or by any citizen.

Article 7-2

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

In the autonomous islands, the functions, executive and deliberative, are exercised by separate [*distincts*] organs.

The executive function is exercised by a Governor assisted by Commissioners.

The Governor is elected by direct[,] universal[,] and majority suffrage in two rounds for a mandate of five years, renewable one time. In the case of resignation or of definitive incapacity intervening within the nine hundred days following the date of investiture of his mandate, duly declared by the Constitutional Court referred to [the matter] by the Executive of the Island, the functions of Governor are provisionally exercised by the President of the Council of the Island. It proceeds to the election of a new Governor, within a period of forty-five days, by indirect suffrage by those elected to the Council of the Island and [by] the mayors meeting in congress.

The vote takes place with the absolute majority of the members composing the congress. If this majority is not obtained at the first round, it proceeds to a second round and the vote is acquired with the simple majority of the members present. The new Governor is elected for the rest of the mandate. In the course of the period of forty-five days, the Governor assuring the substitution [*suppléance*] may not proceed to any nomination of [a] commissioner.

If the vacancy or the definitive incapacity intervenes later than the nine hundred days of [the] exercise of the mandate of the Governor, the interim is assured by the President of the Council of the Island until the end of the mandate.

The Governor is the Head of the autonomous island.

He exercises by way of order [*arrêté*] the competences which are attributed to him by the Constitution and the statutory law of the autonomous island. He assures respect for the Constitution and guarantees the execution of the laws and regulations of the Union in the Island.

He promulgates the deliberations [*délibérations*] of the Council of the Island.

He is the Head of the relevant administration of the autonomous island.

The Governor is held to report [*informé*] on the implementation of the actions of the Union in the Island.

The Governor appoints the Commissioners of which the number may not exceed six (6), and terminates their functions.

The deliberative function is exercised by the Council of the Island.

The Council of the Island regulates by its deliberations the affairs the autonomous island.

The Councilors of the Island are elected with their substitutes by uninomial majority ballot in one round for a mandate of five years. A law of the Union determines the number of circumscriptions and the modalities of the ballot.

The number of the Councilors may not exceed:

- for Mwali, nine (9);
- for Maoré, eleven (11);
- for Ndzuwani, nineteen (19);
- for N'gazidja, twenty-three (23).

The mandate of Councilor of the Island does not give right to remuneration. However[,] indemnities for travel and for attendance may be attributed to him by order of the Governor within the limits established by the statutory law.

The composition, the organization and the functioning of the Council of the Island as well as the modalities and conditions of election of its members are established by the statutory law.

The conditions concerning the attributions and the functioning of the Governorship [*Gouvernerat*] as well as the relations between the Governorship and the Council of the Island are established by the statutory law.

Article 7-3

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

The autonomous island includes the territorial collectivities which administer themselves freely by organs, elected executive and deliberative, according to the modalities and conditions established by the law of the Union.

Article 8

The law of the Union takes precedence over [*prime*] the law of the Islands; it is executory on the whole of the territory of the Comoros.

Article 9

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

The following matters belong [*relève*] to the competence of the autonomous islands:

- the administration of the local collectivities;
- the organization of establishments and organs of administrative, commercial or industrial character of island interest other than the corporations [*sociétés*] of the State;
- the urban and rural police;
- the fairs and markets;
- the distribution of island grants and scholarships;
- the [management of] highways
- the management of secondary routes;
- the management of the territory of the Island;
- the construction, the equipping, the maintenance as well as the management of preschool, primary and secondary establishments of education and [their] personnel;
- the local basic professional training;
- the non-commercial [*artisanal*] fishing;
- agriculture and animal husbandry, with the exclusion of policies [*stratégies*] and of research;
- the construction, the equipping, and the maintenance as well as the management of the establishments and personnel of basic health.

The matters other than those specified in the preceding paragraph belong to the Union.

For the exercise of their competences, the autonomous islands raise [*tirent*] their own receipts from collection of internal [*intérieur*] duties and taxes on goods and services in accordance with the Law of Finance.

Article 10

The peace treaties, the commercial treaties, the treaties or agreements concerning international organization, those which engage the finances of the Union, those which modify the provisions of legislative nature, those concerning the state of persons, [and] those involving cession, exchange or addition of territory, may only be ratified or approved by virtue of a law. They only take effect after having been ratified or approved.

If the Constitutional Court, referred to [the matter] by the President of the Union, by the President of the Assembly of the Union or by the Heads of the Island Executives, has declared that an international engagement contains a clause contrary to the Constitution, the authorization to ratify it or to approve it may only intervene after the revision of the Constitution.

The treaties or agreements regularly ratified or approved have on their publication an authority superior to that of the laws of the Union and of the Islands, under reserve, for each agreement or treaty, of its application by the other party.

Article 11

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

The Islands enjoy financial autonomy. They enact [*élaborent*] and manage [*gèrent*] their budgets freely according to the principles applicable in matters of management of the public finances.

An organic law establishes the quantum [*quote-part*] of public receipts belonging respectively to the Union and to the Islands. This allocation is effected within the framework of the annual Law of Finance of the Union.

Within the conditions specified by the organic law, the Islands may create to the profit of their budgets the levies and taxes not specified by the law of the Union.

The Union distributes equitably the foreign aid and investments among the Islands, always in preservation of the principles of solidarity and of complementarity between them.

TITLE III OF THE INSTITUTIONS OF THE UNION

1

Of the Executive Power

Article 12

The President of the Union is the symbol of the National Unity. He is the guarantor of the inviolability of the frontiers such as they are internationally recognized and of the sovereignty of the Union. He is the arbiter and the moderator of the regular functioning of its institutions. He assures the highest representation of the Union in international relations. He is the guarantor of respect for the international treaties and agreements.

The President of the Union determines and conducts foreign policy. He appoints and accredits the ambassadors and the extraordinary envoys to foreign powers; the foreign ambassadors and extraordinary envoys are accredited to him. He negotiates and ratifies the treaties.

The President of the Union is the Head of Government.

In this title [*titre*], he determines and conducts the policy of the Union. He conducts [*dispose*] the administration of the Union; he exercises the regulatory power. He appoints to the civil and military offices [*emplois*] of the Union.

The President of the Union is the Head of the Armies. He is responsible for the external defense.

The President of the Union has the right of pardon.

Article 12-1

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

The President of the Union can, after consultation of the President of the Assembly of the Union, declare the dissolution of the Assembly of the Union.

The general elections of the representatives of the Union take place twenty days at least and forty days at most after the dissolution.

In this case, each Island appoints new representatives to the Assembly of the Union from *[issus]* its Council.

The former representatives of the Islands appointed to the Assembly of the Union cannot be *[so]* again in the year which follows the election of the new Assembly unless there should be a renewal of the Council of the Island concerned.

The Assembly of the Union meets of plain right *[on]* the second Thursday which follows the election. If this meeting takes place outside of the period specified for the ordinary session, a session is opened of right for a period of fifteen days.

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

Article 12-2

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

The President of the Union can delegate certain of his powers to the Vice Presidents.

Article 12-3

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

When the constitutional institutions, the independence of the Nation, the integrity of its territory or the execution of its international engagements are menaced in a grave and immediate manner, and *[when]* the regular functioning of the constitutional institutions is interrupted, the President of the Union, after official consultation of the Council of Ministers, of the President of the Assembly of the Union and of the Constitutional Court*[,]* takes the exceptional measures required by the circumstances.

These measures must be inspired by the will to assure to the constitutional institutions, with the least delay, the means to accomplish their mission.

The President of the Union informs the Nation of it by *[a]* message. The Assembly of the Union meets of plain right. It may not be dissolved during the exercise of the exceptional powers. It can terminate these exceptional powers by a vote with the majority of two-thirds of the members that compose it.

Article 12-4

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

The President of the Union can, *[being]* enabled by the Assembly of the Union, legislate by ordinances *[ordonnances]* on the matters of its competence. These ordinances are deposited with the Bureau of the Assembly at the session following the termination of the period established by the enabling law.

Article 12-5

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

Within respect for the Constitution of the Union, with a view to the examination of the questions concerning the national political, social or economic life, the President of the Union can convoke *[réunir]* and preside over a Conference in which the Vice Presidents, the President of the Assembly of the Union, the Governors and the Presidents of the Council of the Islands participate.

A Vice President or the President of the Assembly of the Union can, on delegation of the President of the Union, preside over the Conference.

Article 13

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

The presidency is rotated between the Islands. The President and the Vice Presidents are elected together by universal[,] direct[,] majority suffrage in one round for a mandate of five years, renewable within respect for the rotation. A primary election is organized in that Island and only the three candidates having obtained the greatest number of [the] suffrage expressed can be presented in the presidential election. In any case the primary cannot be held two successive times in the same Island.

Before entering into [his] functions the President of the Union and the Vice Presidents take [an] oath before the Constitutional Court according to the following formulation and in Comorian:

“I swear before Allah, the Merciful and the most Compassionate to loyally and honestly fulfill the duties of my charge, to only act in the general interest and within respect for the Constitution.”

The conditions of eligibility and the modalities of application of this Article are established by an organic law.

Article 14

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

In the case of vacancy or of definitive incapacity of the President, intervening within the nine hundred days following the date of investiture of his mandate and declared by the Constitutional Court referred to [the matter] by the Government, it proceeds to the election of a new President. If the vacancy or the definitive incapacity intervenes later than the nine hundred days, the Vice President from [issu] the Island which is next due in the rotation completes [termine] the mandate. In the first case and, within a period of forty-five days, the councilors and mayors of the Island meeting in congress proceed to a vote, and only the three candidates having obtained the greatest number of votes [voix] may be presented to the indirect suffrage of [those] elected to the Councils of the Islands and of the Union meeting in congress. The vote takes place with the absolute majority of the members composing the congress. If this majority is not obtained at the first round, it proceeds to a second round and the vote is acquired with the simple majority of the members present. The President elected completes the mandate in course.

During the period of forty-five days mentioned in the first paragraph of this Article, the functions of the President are exercised provisionally by the Vice President from [issu] the Island which is next due in the rotation. He may not change the Government, or dissolve the Assembly, or have recourse to the exceptional powers. In case of vacancy or of definitive incapacity of a Vice President, it proceeds to his replacement by the Council of his Island of origin on proposal of the President of the Union.

In case of temporary absence or incapacity, the President of the Union is substituted by one of his Vice Presidents.

Article 15

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

The functions of President of the Union and of Vice President are incompatible with the exercise of any other elective mandate, of any other political function, of any public office [*emplois*], of any public or private professional activity or of any function in a directive organ of a political party or group. However, the Vice Presidents of the Union are responsible for [*chargés*] a ministerial department.

An organic law determines the matters for which the countersignature of the Vice Presidents is required.

The Vice President coordinates the implementation [by] the different ministerial departments of the Union, in the Island from which he comes [*issu*] and sees to the legality of the decisions of the Executive of Island.

Article 16

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

The President of the Union, assisted by three Vice-Presidents[,] appoints the Ministers and the other members of the Government of which the number may not exceed ten. The Government of the Union is composed in a manner to assure the just and equitable representation of the Islands.

The functions of Minister are incompatible with the exercise of any national elective mandate except those concerning the territorial collectivities, of any function of professional representation, and of any public office or of any professional activity.

Article 17

The President of the Union must promulgate the laws of the Union within the fifteen days which follow the transmission to the Government of the law definitively adopted. He can, before the expiration of this time, demand of the Assembly of the Union, which decides with [an] absolute majority, a new deliberation of the law or of certain of its articles. This new deliberation cannot be refused.

Article 18

The President of the Union prepares [*établit*] an annual report on the state of the Union for the attention [*intention*] of the Assembly of the Union, of the Constitutional Court as well as the of the Councils and of the Executives of the Islands.

2

Of the Legislative Power

Article 19

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

The Assembly of the Union is the legislative organ of the Union. It votes the laws, including the including the laws of regulation [*lois de règlement*], adopts the budget and controls the action of the Ministers and of the other members of the Government.

Article 20

[Amended by Decree No. 09-066/PR of 23 May 2009, promulgating the Referendum Law of 17 May 2009; and by Constitutional Law No. 13-013/AU as promulgated by Decree No. 14-045/PR of 24 March 2014]

The Assembly of the Union is composed of:

- of twenty-four (24) representatives of the Nation, elected by universal suffrage within the framework of a majority uninominal ballot in two rounds for a mandate of five years counting from the date of the publication of the results of the elections by the Constitutional Court;
- of the representatives of the autonomous islands appointed by the Councils of the Islands [*Conseils insulaires*] from within [them], on the basis [*raison*] of three (3) per autonomous island.

The members of the Assembly of the Union have [*portent*] the title of Deputy of the Union. The National Assembly is completely [*intégralement*] renewed.

[Paragraph Abrogated 2014]

[Paragraph Abrogated 2014]

The modalities and the conditions of the designation of the representatives of the autonomous islands to the Assembly of the Union are determined by the internal regulations of the Council of the Island concerned. The Council of the Island proceeds each year to the designation of its representatives to the Assembly of the Union.

The functions of Deputy of the Assembly of the Union of a representative of an autonomous island, end at the same time as the powers of the Council of that Island.

Each Deputy who ceases to belong to [*appartenir*] the Council of the Island, from which he comes, ceases at the same time to belong to the Assembly of the Union. It is provided for his replacement.

The President of the Assembly of the Union is elected for the duration of the legislature. An organic law determines the conditions and the modalities of the election of the Deputies of the Assembly of the Union and of its President, the regime of ineligibilities and incompatibilities, as well as the indemnities of the Deputies.

It specifies [*précise*] the conditions under which the persons named to assure, in case of vacancy of the seat, the replacement of the Deputies until the general or partial renewal of the Assembly of the Union.

The Assembly of the Union adopts, with the majority of two-thirds of its members, its internal regulations. Before the entry into application of these, the Constitutional Court decides on their conformity with the Constitution.

Article 21

No Member of the Assembly of the Union may be prosecuted, investigated, arrested, detained or tried on the basis [*occasion*] of the opinions or votes emitted by him in the exercise of his functions. No member of the Assembly of the Union may, during the time of the sessions, be prosecuted or arrested in [a] criminal or correctional matter without the authorization of the Assembly, except in the case of [a] flagrante offense. No Member of the Assembly of the Union may, out of session, be arrested without the authorization of the Bureau of the Assembly, except in case of [a] flagrante offense, of authorized prosecutions or of definitive condemnation.

Article 22

Any imperative mandate is null. The right to vote of the Members of the Assembly of the Union is personal. The law of the Union may exceptionally authorize the delegation of the vote to another Deputy. In this case, no one may receive [the] delegation of more than one mandate.

Article 23

The Assembly of the Union meets of plain right in two ordinary sessions per year, of which the total duration may not exceed six months. The calendar of the sessions is established according to the modalities determined by the internal regulations of the Assembly of the Union.

The Assembly of the Union meets in extraordinary session, at the demand of the President of the Union or of the absolute majority of the Deputies on a specific [*déterminé*] agenda. The extraordinary session may not exceed fifteen days counting from its meeting.

Article 24

The sittings of the Assembly of the Union are in principle public, except [for] the cases specified in the internal regulations of the Assembly.

Article 25

The initiative of law belongs concurrently to President of the Union and to the Deputies. The Bills of law are debated in the Council of Ministers and deposited with the Bureau of the Assembly of the Union.

The Deputies and the Government have the right of amendment.

The proposals of law and amendments of members of the Assembly of the Union are not receivable when their adoption has as a consequence, either a diminution of the public resources of the Union, or the creation or aggravation of any public expense [*charge*] of the Union.

The Bills and proposals of law are, at the demand of the Government or of the Assembly of the Union, sent [*envoyés*] for examination to commissions created by the internal regulations of the Assembly of the Union or specially established to this effect.

Article 26

The laws to which the Constitution confers the character of organic laws are voted and modified within the following conditions. A bill or proposal of law is only submitted to the deliberation and to the vote of the Assembly of the Union at the expiration of a time of fifteen days after its deposit. The organic laws are adopted with the majority of two-thirds of the members composing the Assembly of the Union. At the demand of the totality the Deputies of one Island, the law is made the object of a second reading. The laws are promulgated after the declaration of the Constitutional Court of their conformity to the Constitution.

Article 27

The Assembly of the Union votes the Bill of the Law of Finance with a majority of two-thirds. If the Assembly of the Union does not decide within a time of sixty days, the provisions of the bill may be brought into force by ordinance.

Of the Judicial Power

Article 28

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

The judicial power is independent of the legislative power and of the executive power. The judges are only submitted, in the exercise of their functions[,] to the authority of the law. The presiding magistrates [*magistrats du siège*] are not removable. The President of the Union is the guarantor of the independence of justice. He is assisted by the Superior Council of the Magistrature, of which the composition, the organization and the functioning and the procedure to be followed before it are determined by an organic law.

An organic law concerns [*porte*] the status of the magistrates.

An organic law concerns the organization of justice.

Article 29

The Supreme Court is the highest jurisdiction of the Union in judicial matters, administrative [matters] and [those] of the accounts of the Union and of the Islands. The decisions of the Supreme Court are not susceptible to any recourse and impose themselves on the executive power, on the legislative power as well as [on] all the jurisdictions of the territory of the Union.

An organic law determines the composition as well as the rules of functioning of the Supreme Court.

Article 30

In [the] case of high treason the President, the Vice Presidents and the members of the Government of the Union are brought before the Supreme Court sitting [as] a High Court of Justice.

An organic law establishes the composition of the High Court, the rules of its functioning as well as the procedures applicable before it.

TITLE IV

OF THE RELATIONS BETWEEN THE LEGISLATIVE POWER AND THE EXECUTIVE POWER

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

Article 31

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

Other than the matters assigned to them by the other articles of the Constitution, the laws of the Union establish the rules concerning:

- the civic rights and the fundamental guarantees granted to the citizens for the exercise of their public freedoms; the constraints [*sujétions*] imposed on the citizens on their person and on their assets;
- the regime of the associations and of the political parties as well as the status of the opposition;
- nationality, the state and capacity of persons, the law of the family, inheritance and gifts;

- the determination of the crimes and misdemeanors as well as the penalties applicable to them; the criminal procedure; amnesty; the creation of new orders of jurisdiction;
- the right to work, the syndical right, the right to security and of social security [*protection*];
- the basis, the rate and the modalities of collection of taxes of any nature; the regime of issuing of money.

The law establishes equally the rules concerning:

- the administration of the customs services;
- the mode of management of the domains of the State and of registry [*cadastre*];
- the mode of management of the companies of public capital;
- the regimes of ownership, of real rights and of civil and commercial obligations;
- the electoral regime of the Assembly of the Union;
- the creation of categories of public establishments;
- the status of the functionaries and military [*personnel*] as well as the guarantees accorded to them;
- the nationalization of enterprises and the transfer of ownership of enterprises of the public sector to the private sector;
- the expropriations for reason [*cause*] of public utility.

The law determines the fundamental principles:

- of the general organization of the national defense and security;
- of the general organization of the administrative, social and financial investigative [organs] [*inspections*];
- of education and of national public diplomas;
- of information and of the new technologies of information.

Article 32

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

The matters other than those of the domain of the law have a regulatory character.

Article 33

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

The Assembly of the Union can place in question [*met en cause*] the responsibility of one or several Ministers or other members of the Government by the address of a petition to the President of the Union. Such a petition is only receivable if it is signed by one-third at least of the members of the Assembly of the Union.

The vote may only take place forty-eight hours after its deposit. Only the votes favorable to the petition are counted, [and] it may only be adopted with the majority of two-thirds of the members composing the Assembly of the Union.

The Assembly of the Union may not vote [on] more than two petitions per year and no petition may be deposited in the course of an extraordinary session.

The President is held to terminate the functions of one or several Ministers, [and] other members of the Government, specified [*visée*] by the petition. He may not

appoint them, once again to ministerial functions, within the six months following the date of their dismissal [*limogeage*].

TITLE V

OF DECENTRALIZED COOPERATION

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

Article 34

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

Within respect for the Constitution and within the limits of their respective competences, the Union and the autonomous islands or the autonomous islands between them may conclude conventions of social, economic or financial character.

Article 35

*[Amended by Decree No. 09-066/PR of 23 May 2009,
promulgating the Referendum Law of 17 May 2009]*

Within the limits of their respective competences and within respect for the Constitution of the Union of the Comoros and of the international engagements of the Union, the autonomous islands may enter into [*nouer*] and maintain cooperation with foreign local collectivities or of non-governmental organs.

No convention concluded on the basis [*titre*] of this Article may be adopted [*passée*] between an autonomous island and a foreign State or an inter-statal international organization except if this convention is written into a framework agreement between the Union of the Comoros and that foreign State or the inter-statal international organization.

TITLE VI

OF THE CONSTITUTIONAL COURT

Article 36

The Constitutional Court is the judge of the constitutionality of the laws of the Union and of the Islands. It sees to the regularity of the electoral operations both in the Islands and at the level of the Union, including in matters of referendum; it is the judge of electoral disputes. Finally[,] it guarantees the fundamental rights of the human person and the public freedoms.

The Constitutional Court is the guarantor of the distribution of competences between the Union and the Islands.

It is charged to decide on the conflicts of competence between two or several institutions of the Union, between the Union and the Islands and between the Islands themselves.

Any citizen can refer the Constitutional Court to [a matter] concerning the constitutionality of the laws, either directly or by the procedure of a pleadings [*exception*] of unconstitutionality in an affair that concerns him before a jurisdiction of the Union or of the Islands. These must suspend [proceedings] until the decision of the Constitutional Court which must intervene within a time of thirty days.

Article 37

The President of the Union, the Vice Presidents of the Union, the President of the Assembly of the Union, as well as the Heads of the Executives of the Islands each appoint one member of the Constitutional Court.

Article 38

The members of the Constitutional Court must be of great morality and probity as well as of recognized competence in the juridical, administrative, economic or social domain. They must demonstrate [*justifier*] a minimal professional experience of fifteen years. They are appointed for a mandate of six-years[,] renewable.

The President of the Constitutional Court is designated by his peers for a mandate of a duration of six years[,] renewable.

The members of the Constitutional Court are not removable. Except in the case of [a] flagrant offense, they may not be prosecuted or arrested without authorization of the High Jurisdiction

The functions of member of the Constitutional Court are incompatible with the quality of member of the institutions of the Union or of the Islands, as well as with any public office [*emploi*] or professional activity.

Article 39

An organic law determines the rules of organization and of functioning of the Constitutional Court, the procedure to be followed before it and notably the conditions, modalities and time [limit] for referring it to [a matter], as well as the status, the immunities and the disciplinary regime of its members.

Article 40

A provision declared unconstitutional is null and may not be implemented. The decisions of the Constitutional Court are not susceptible to any recourse. They impose themselves on any authority as well as on the jurisdictions on all the territory of the Union.

TITLE VII

OF THE CONSULTATIVE ORGANS

Article 41

Consultative organs may be created under the Presidency of the Union. The consultative organs, including the Council of Ulemas and the Economic and Social Council assist as need be, the Government of the Union and the Heads of the Executives of the Island in the formulation of the decisions affecting [*touchant*] the religious, economic and social life of the country.

A law of the Union establishes the modalities of consultation and of functioning of these organs.

TITLE VIII

OF THE REVISION OF THE CONSTITUTION

Article 42

[Amended by Constitutional Law No. 13-013/AU as promulgated by Decree No. 14-045/PR of 24 March 2014]

The initiative of revision of the Constitution belongs concurrently to the President of the Union and to at least one-third of the members of the Assembly of the Union. To be adopted, the bill or proposal of revision must be approved:

either by referendum;

or by two-thirds of the total of the number of the members of the Assembly of the Union and of the Councilors of the Islands meeting in Congress at the seat of the Assembly of the Union and presided over by the President of the Assembly of the Union or one of its Vice Presidents.

The President of the Union convokes the said Congress.

No procedure of revision may be initiated or pursued when it infringes the unity of the territory and the inviolability of the internationally recognized frontiers as well as the autonomy of the Islands.

TITLE IX

OF TRANSITORY AND MISCELLANEOUS PROVISIONS

[Amended by Constitutional Law No. 13-013/AU as promulgated by Decree No. 14-045/PR of 24 March 2014]

Article 43

[Previously Art. 44. Renumbered by Constitutional Law No. 13-013/AU as promulgated by Decree No. 14-045/PR of 24 March 2014]

The institutions of Maoré (Mayotte) shall be established within a period not exceeding six months[,] counting from the day where the situation which prevents that Island from effectively rejoining the Union of the Comoros comes to an end.

This Constitution will be revised in order to account [for] the institutional consequences of the return of Maoré (Mayotte) within the Union.

Article 44

[Inserted by Constitutional Law No. 13-013/AU as promulgated by Decree No. 14-045/PR of 24 March 2014]

The election of the President of the Union and those of the the Governors of the Autonomous Islands take place within the 60 days preceding the expiration of the mandate of the President of the Union and of the Governors in exercise [of the functions].

They enter into [their] functions:

in that which concerns the President of the Union on the day of his taking of the oath[;]

in that which concerns the Governors, on the day of their installation.

Article 45

[Inserted by Constitutional Law No. 13-013/AU as promulgated by Decree No. 14-045/PR of 24 March 2014]

The elections of the Councilors of the Islands and of the representatives of the nation[,] save the case of dissolution of the Assembly of the Union[,] take place within the 60 days preceding the expiration of the mandates of those who are in exercise [of the functions].

Article 46

[Inserted by Constitutional Law No. 13-013/AU as promulgated by Decree No. 14-045/PR of 24 March 2014]

The powers of the Assembly of the Union in exercise [of the functions] expire on 22 December 2014.

TITLE X
OF FINAL PROVISIONS

*[Abrogated by Constitutional Law No. 13-013/AU as promulgated by
Decree No. 14-045/PR of 24 March 2014]*
