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Côte d'Ivoire

Constitution of the Republic of Côte d'Ivoire
1 August 2000
As Amended to 2012

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William S. Hein & Co., Inc.
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This translation is based on: the French text of Law No. 2000-513 of 1 August 2000 provided by the Secretariat General of the Government of Côte d'Ivoire: <http://www.sgg.gouv.ci> [consulted May 2016]; the official French text as published in the *Journal Officiel de la République de Côte d'Ivoire*, 42nd Year, No. 30 of 3 August 2000 and the errata published in the edition of 17 August 2000; and on the consolidated text of the Ministry of Justice of Côte d'Ivoire: <http://www.justice-droitsdelhommelp.ci> [consulted May 2016].

Law No. 2012-1134 of 13 December 2012 inserted a new Art. 85bis into the Constitution of 1 August 2000.

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Law No. 2000-513 of 1 August 2000

concerning the

CONSTITUTION OF THE REPUBLIC OF CÔTE D'IVOIRE

The President of the Republic, conforming to the provisions of Article 15 of the Ordinance No. 1/99/PR of 27 December 1999 concerning suspension of the Constitution and the provisional organization of the public powers, has submitted to referendum,

The Ivorian People have adopted,

The President of the Republic promulgates the constitutional law with the following tenor:

PREAMBLE

The People of Côte d'Ivoire,

Conscious of their liberty and of their national identity, of their responsibility before history and humanity;

Conscious of their ethnic, cultural and religious diversity, and desirous to build one unified nation, in solidarity and prosperous;

Convinced that union with respect for this diversity assures economic progress and social well-being;

Profoundly attached to the constitutional legality and to the democratic institutions, to the dignity of the human person, to the cultural and spiritual values;

Proclaims its adherence to the rights and freedoms as defined in the Universal Declaration of the Rights of Man of 1948 and in the African Charter of the Rights of Man and of Peoples of 1981;

Expressing its attachment to the democratic values recognized to all the free people, notably:

- The respect [for] and the protection of the fundamental freedoms[,] both individual as well as collective,
- The separation and the equilibrium of the powers,
- Transparency in the conduct of public affairs,

Commits itself to the promotion of regional and sub-regional integration, in view of the construction of African Unity,

Gives itself freely and solemnly as the fundamental law this Constitution adopted by Referendum.

TITLE I

OF THE FREEDOMS, OF THE RIGHTS, AND OF THE DUTIES

CHAPTER I

OF THE FREEDOMS AND OF THE RIGHTS

Article 1

The State of Côte d'Ivoire recognizes the freedoms, the fundamental rights and duties provided for [*énoncer*] in this Constitution and commits itself to take the legislative or regulatory measures to assure its effective application.

Article 2

The human person is sacred.

All human beings are born free and equal before the law. They enjoy the inalienable rights which are the right to life, to liberty, to the full realization of their personality and to the respect of their dignity.

The rights of the human person are inviolable. The Public Authorities have the obligation to assure the respect, the protection and the promotion of them.

Any sanction tending to the deprivation of human life is prohibited.

Article 3

Slavery, forced labor, inhuman and cruel treatment, degrading and humiliating [treatment], physical or moral torture, physical violence and mutilation and all the forms of debasement of the human being[,] are prohibited and punished by the law.

Article 4

The domicile is inviolable. Infringements [*atteintes*] or restrictions may only be provided for [*apporter*] by the law.

Article 5

The family constitutes the basic unit [*cellule*] of the society. The State assures its protection.

Article 6

The State assures the protection of children, of the aged and of handicapped persons.

Article 7

Every human being has the right to the development and to the full realization of his personality in the material, intellectual and spiritual dimensions.

The State assures to all citizens equal access to health, to education, to culture, to information, to professional training [*formation*] and to employment.

The State has the duty to safeguard and to promote the national values of civilization as well as the cultural traditions not contrary to the law and to good morals.

Article 8

The State and the Public Collectivities have the duty to see to the development of youth. They create the conditions favorable to their civic and moral education and assure to them protection against moral exploitation and abandonment.

Article 9

The freedom of thought and of expression, notably the freedom of conscience, of religious or philosophical opinion are guaranteed to all, under reserve of respect of the law, of the rights of others, of the national security and of the public order.

Article 10

Each has the right to express and to freely disseminate their ideas.

All propaganda having for [its] object or for [its] effect to make one social group prevail over another, or to encourage racial or religious hatred is prohibited.

Article 11

The freedoms of assembly and of demonstration are guaranteed by the law.

Article 12

No Ivorian may be forced into exile.

Any person persecuted for reason of his political, religious, [or] philosophical convictions, or of his ethnic identity can benefit from the right of asylum in the territory of the Republic of Côte d'Ivoire, under the condition of conforming to the laws of the Republic.

Article 13

The Political Parties and Groups form themselves and exercise their activities freely under the condition of respecting the laws of the Republic, the principles of national sovereignty and of democracy. They are equal in rights and subject to the same obligations.

Political Parties or Groups created on regional, confessional, tribal, ethnic or racial bases, are prohibited.

Article 14

The Political Parties and Groups concur in [*concourent*/contribute to] the formation of the will of the people and in the expression of suffrage.

Article 15

The right of property is guaranteed to all.

None may be deprived of their property if it is not for [a] cause of public utility and under the condition of a just and previous indemnity.

Article 16

The right of every citizen to free enterprise is guaranteed within the limits provided for by the law.

Article 17

Any person has the right to freely chose his profession or his employment.

Access to public or private employment is equal for all.

Any discrimination in the access [to] or exercise [of] employment, based on sex, political, religious or philosophical opinions, is prohibited.

Article 18

The syndical right and the right to strike are recognized to workers of the public and private sectors who exercise them within the limits determined by the law.

Article 19

The right to a healthy environment is recognized to all.

Article 20

Every person has the right to a free and equal access to Justice.

Article 21

No one may be prosecuted, arrested, detained [*gardé à vue*] or charged, except by virtue of a law promulgated prior to the acts of which he is accused.

Article 22

No one may be arbitrarily detained.

Any accused is presumed innocent until his culpability has been established following a procedure offering to him the guaranties indispensable to his defense.

**CHAPTER II
OF THE DUTIES**

Article 23

Every person living in the national territory is held to respect the Constitution, the laws and the regulations of the Republic.

Article 24

The defense of the Nation and of the territorial integrity is a duty for every Ivorian. It is assured exclusively by the forces of defense and of national security within the conditions determined by the law.

Article 25

The public assets are inviolable. Every person is held to respect them and to protect them.

Article 26

Every citizen, invested with a public mandate or entrusted with a public employment or with a mission of public service, has the duty to accomplish it with conscience, loyalty and probity.

Article 27

The duty of acquitting oneself of one's fiscal obligations, in conformity with the law, is imposed on all.

Article 28

The protection of the environment and the promotion of the quality of life are a duty for the community and for each physical or juridical [*morale*] person.

TITLE II

OF THE STATE AND OF SOVEREIGNTY

Article 29

The State of Côte d'Ivoire is an independent and sovereign Republic.

The national emblem is the tricolor flag [of] orange, white [and] green in vertical bands and of equal dimensions.

The hymn of the Republic is *l'Abidjanaise*.

The motto of the Republic is *Union, Discipline, Travail* [Union, Discipline, Work].

The official language is French.

The law establishes the conditions of promotion and of development of the national languages.

Article 30

The Republic of Côte d'Ivoire is one and indivisible, secular, democratic and social.

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

Its principle is government of the people[,] by the people and for the people.

Article 31

Sovereignty belongs to the people.

No section of the people nor any individual may arrogate the exercise of it.

Article 32

The people exercise their sovereignty by way of referendum and by their elected representatives.

The conditions of recourse to the referendum and of designation of the representatives of the people are determined by this Constitution and by an organic law.

The Constitutional Council controls the regularity of the operations of the referendum and of the election of the representatives of the people.

The organization and supervision of the referendum and of the elections are assured by an Independent Commission within the conditions provided for by the law.

Article 33

Suffrage is universal, free, equal and secret.

All Ivorian nationals of both sexes[,] eighteen years old at least and enjoying their civil and political rights[,] are electors within the conditions determined by the law.

TITLE III OF THE PRESIDENT OF THE REPUBLIC AND OF THE GOVERNMENT

Article 34

The President of the Republic is the Head of State. He incarnates the national unity. He sees to respect for the Constitution. He assures the continuity of the State. He is the guarantor of the national independence, of the integrity of the territory, of respect for international commitments.

Article 35

The President of the Republic is elected for five years by universal direct suffrage. He is only reeligible one time.

The candidate to the presidential election must be forty years of age at least and of sixty-five years at most.

He must be Ivorian of origin, born of [a] father and of [a] mother themselves Ivorian of origin.

He must never have renounced the Ivorian nationality.

He must never have possessed [*prévalu*] another nationality.

He must have resided in Côte d'Ivoire in continuous fashion during [the] five years preceding the date of the elections and have totaled ten years of effective presence.

The obligation of residence indicated in this Article is not applicable to the members of the diplomatic and consular representations, to the persons designated by the State to occupy a post or accomplish a mission abroad, to international functionaries and to political exiles.

The candidate to the Presidency of the Republic must present a complete statement [*état*] of his physical and mental well-being duly determined by a college of three physicians designated by the Constitutional Council from a list proposed by the Council of the Order of Physicians. These three physicians must take an oath before the Constitutional Council.

He must be of good morality and of grand probity. He must declare his patrimony and substantiate [*justifier*] the origin of it.

Article 36

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

If this is not obtained, it proceeds to a second round, fifteen days after the proclamation of the results of the first round. Only the two candidates having received the greatest number of votes in the first round can present themselves.

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

The first round of the ballot takes place in the course of the month of October of the fifth year of the mandate of the President of the Republic.

Article 37

If, in the seven days preceding the deadline for the deposit of the candidatures, one of the persons having, less than thirty days before that date, announced publicly his decision to be a candidate, dies or is found incapacitated, the Constitutional Council can decide on the postponement of the election.

If before the first round, one of the candidates dies or is found incapacitated, the Constitutional Council declares the postponement of the election.

In the case of death or of incapacity of one of the two candidates coming in ahead as a result of the first round, the Constitutional Council decides on the complete repetition of the electoral operations.

Article 38

In case of events or of grave circumstances, notably infringing on the integrity of the territory, or of natural catastrophes rendering impossible the normal holding of the elections or the proclamation of the results, the President of the Commission entrusted with the elections immediately refers [the matter to] the Constitutional Council to the end of declaring [*constatation*] on this situation.

The Constitutional Council decides within twenty-four hours, to stop or to continue the electoral operations or to suspend the proclamation of the results.

The President of the Republic informs the Nation of it by a message. He remains in [his] functions.

In the case where the Constitutional Council orders the stoppage of the electoral operations or decides on the suspension of the proclamation of the results, the Commission entrusted with the elections establishes and communicates daily [with] it on the state of the evolution of the situation.

When the Constitutional Council declares the cessation of these events or of these grave circumstances, it establishes a new time period which cannot exceed thirty days for the proclamation of the results and ninety days for the holding of the elections.

Article 39

The powers of the President of the Republic in office [*exercice*] expire at the date of the taking of office [*fonction*] of the President-elect, which occurs at the taking of the oath.

Within forty-eight hours of the definitive proclamation of the results, the President-elect of the Republic takes the oath before the Constitutional Council meeting in solemn audience. The wording [*formule*] of the oath is:

“Before the sovereign people of Côte d’Ivoire, I solemnly swear and on [my] honor to respect and faithfully defend the Constitution, to protect the Rights and Freedoms of the citizens, to conscientiously fulfill the duties entrusted to me in the superior interest of the Nation.

May the people withdraw their confidence in me and may I be submitted to the rigor of the laws, if I betray my oath”.

Article 40

In case of vacancy of the Presidency of the Republic due to death, resignation, [or] absolute incapacity, the interim of the President of the Republic is assured by the President of the National Assembly, for a period of forty-five days to ninety days in the course of which it proceeds to the election of the new President of the Republic.

The absolute incapacity is declared without delay by the Constitutional Council referred [to the the matter] to this end by a request of the Government, approved by the majority of its members.

The provisions of the paragraphs 1 and 5 of Article 38 are applied in case of [an] interim.

The President of the National Assembly, assuring the interim of the President of the Republic may not make use of Articles 41 paragraphs 2 and 4, 43, and 124 of the Constitution.

In case of death, of resignation, or of absolute incapacity of the President of the National Assembly, the vacancy [of the Presidency] of the Republic then occurring, the interim of the President of the Republic is assured, in the same conditions, by the First Vice President of the National Assembly.

Article 41

The President is the exclusive holder of the executive power.

He appoints the Prime Minister, [the] Head of Government, who is responsible to him. He terminates his functions.

The Prime Minister animates and coordinates the governmental action.

On the proposal of the Prime Minister, the President of the Republic appoints the other members of the Government and determines their attributions. He terminates their functions under the same conditions.

Article 42

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 days which follow the transmittal which is made of them to him by the President of the National Assembly. This time period is reduced to five days in case of urgency.

A law not promulgated by the President of the Republic until the expiration of the time period provided for in this Article is declared executory by the Constitutional Council referred [to the matter] by the President of the National Assembly, if it conforms to the Constitution.

The President of the Republic can, before the expiration of this time period, demand of the National Assembly a second deliberation of the law or of certain of its Articles. This second deliberation cannot be refused.

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

The vote for this second deliberation is acquired by the majority of two-thirds of the members present of the National Assembly.

Article 43

The President of the Republic, after consultation with the Bureau of the National Assembly, can submit to referendum any text or any question which appears to him should require the direct consultation of the people.

When the referendum has concluded with the adoption of the draft [*projet*], the President of the Republic promulgates it within the time period provided for in the preceding Article.

Article 44

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

Article 45

The President of the Republic accredits the ambassadors and the extraordinary envoys to foreign powers; the ambassadors and the extraordinary envoys of foreign powers are accredited to him.

Article 46

The President of the Republic is the head of the administration. He appoints to the civil and military offices [*emplois*].

Article 47

The President of the Republic is the Supreme Head of the Armies. He presides over the Superior Council of Defense.

Article 48

When the Institutions of the Republic, the independence of the Nation, the integrity of its territory or the execution of its international commitments are threatened in a grave and immediate manner, and that the regular functioning of the constitutional public powers is interrupted, the President of the Republic takes the exceptional measures required by those circumstances after [the] obligatory consultation of the President of the National Assembly and of that of the Constitutional Council.

He informs the Nation of it by a message.

The National Assembly meets of plain right.

Article 49

The President of the Republic has the right of pardon.

Article 50

The President of the Republic determines and conducts the policy of the Nation.

Article 51

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

The Council of Ministers deliberates obligatorily:

- On the decisions determining the general policy of the State;
- On the bills of law, of ordinance and of regulatory decree;
- On the nominations to the superior offices of the State, of which the list is established by the law.

Article 52

The bills of law, of ordinance and of regulatory decree may be submitted to the Constitutional Council for [its] opinion, before being examined in the Council of Ministers.

Article 53

The President of the Republic can, by decree, delegate certain of his powers to the members of the Government.

The Prime Minister substitutes for the President of the Republic when he is outside of the national territory. In this case, the President of the Republic can, by decree, delegate to him the presidency of the Council of Ministers, on a specific agenda.

The President of the Republic can delegate, by decree, certain of his powers to the Prime Minister or to a member of the Government who assures the interim of this. This delegation of powers must be limited in its time and concern [*porter*] a specific matter or object.

Article 54

The functions of the President of the Republic are incompatible with the exercise of any parliamentary mandate, of any public employment, of any professional activity and of any directive function of [a] Political Party.

Article 55

When he enters into [his] functions and at the end of them, the President of the Republic is held to produce an authentic declaration of his patrimony before the Court of Accounts.

During the exercise of his functions, the President of the Republic may neither, by himself, nor through a third party [*personne interposée*], acquire or rent anything which belongs to the domain of the State and of the Public Collectivities, without the previous authorization of the Court of Accounts within the conditions established by the law.

The President of the Republic may not bid [*soumissionner*] for the transactions [*marchés*] of the State and of the Public Collectivities.

Article 56

The functions of a member of the Government are incompatible with the exercise of any office [*emploi*] and of any professional activity.

A parliamentarian appointed [as a] member of the Government may not sit in the National Assembly, for the duration of his ministerial functions.

The provisions of paragraphs 2 and 3 of the preceding Article are applicable to the members of the Government during the term of their functions.

Article 57

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

These communications do not give rise to any debate.

TITLE IV OF THE PARLIAMENT

Article 58

The Parliament is constituted by one sole chamber called [the] National Assembly of which the members carry the title of Deputy.

The Deputies are elected by universal direct suffrage.

Article 59

The duration of the legislature is of five years.

The parliamentary mandate is renewable.

The powers of the National Assembly expire at the end of the second ordinary session of the last year of its mandate.

The elections to take place twenty days at least and fifty days at most before the expiration of the powers of the National Assembly.

The law establishes the number of the members of the National Assembly, the conditions of eligibility, the regime of ineligibilities and incompatibilities, the modalities of the ballot, the conditions within which it is necessary to organize new elections in the case of vacancy of seats of Deputies.

Article 60

The Constitutional Council decides on the eligibility of the candidates, the regularity and the validity of the elections of the Deputies to the National Assembly.

Article 61

The National Assembly votes the law and consents to taxation [*l'impôt*].

Article 62

Each year, the Parliament meets of plain right in two ordinary sessions.

The first session is opened the last Wednesday of April; its duration may not exceed three months.

The second session commences the first Wednesday of October and ends the third Friday of December.

Article 63

The National Assembly is convoked in extraordinary session by its President on a specific agenda, at the demand of the President of the Republic or of that of the absolute majority of the Deputies.

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

Article 64

The complete account of the debates is published in the *Journal Officiel des Debats* [Official Gazette of the Debates].

The National Assembly can sit in secret committee at the demand of the President of the Republic or of one-third of the Deputies.

Article 65

The President of the National Assembly is elected for the duration of the legislature.

The President of the National Assembly and the First Vice President are subject to the same conditions of eligibility as the President of the Republic.

Article 66

Every 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 reason of sickness, of execution of a

mandate or of a mission conferred on him by the Government or the National Assembly or in order to fulfill his military obligations or for any other justified motive. None may receive, for one ballot, more than one delegation of [the] vote.

Article 67

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

Article 68

No Deputy may[,] during the term of the sessions, be prosecuted or arrested in a criminal or correctional matter 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 cases of *flagrant delicto*, authorized prosecutions or definitive condemnations.

The detention or the prosecution of a member of Parliament is suspended if the National Assembly requires it.

Article 69

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

Article 70

The National Assembly establishes its regulations. Before their entry into force, the regulations and their subsequent modifications are submitted to the Constitutional Council which declares on their conformity with the Constitution.

The Constitutional Council decides within a time period of fifteen days.

TITLE V

OF THE RELATIONS BETWEEN THE EXECUTIVE POWER AND THE LEGISLATIVE POWER

Article 71

The National Assembly holds the legislative power. It alone votes the law.

The law establishes the rules concerning:

- Citizenship, the civic rights and the fundamental guarantees granted to the citizens for the exercise of the public freedoms;
- Nationality, the state and the capacity of persons, the matrimonial regimes, inheritance and gifts;
- The procedure according to which customs will be recognized [*constatées*] and harmonized with the fundamental principles of the Constitution;
- The determination of crimes and misdemeanors as well as the penalties which are applicable to them, the penal procedure, [and] amnesty;
- The organization of judicial and administrative tribunals and the procedure to be followed before these Jurisdictions;
- The Statute of the magistrates, of the ministerial officers and of the auxiliaries of Justice;
- The General Statute of the Public Function;
- The Statute of the Prefectoral Corps;
- The Statute of the Diplomatic Corps;

- The Statute of the personnel of the Local Collectivities;
- The Statute of the Military Function;
- The Statute of personnel of the National Police;
- The bases, rate and modalities of collection of taxes of all kinds;
- The regime of the issuance of currency;
- The electoral regime of the National Assembly and of the Local Assemblies;
- The creation of categories of Public Establishments;
- The state of siege and the state of urgency.

The law determines the fundamental principles:

- Of the general organization of the Administration;
- Of Education and of Scientific Research;
- Of the organization of the National Defense;
- Of the regime of property, of real rights and of civil and commercial obligations;
- Of the right to work, of the syndical right and of the Social Institutions;
- Of the alienation and of the management of the domain of the State;
- Of the transfer of enterprises of the public sector to the private sector;
- Of mutual insurance companies and of savings;
- Of the protection of the environment;
- Of the organization of production;
- Of the Statute of the Political Parties;
- Of the regime of transport and of telecommunications.

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

The program laws establish the objectives of the economic and social action of the State.

The organic laws are those which have for [their] object the governing of the different Institutions, structures and systems specified or qualified as such by the Constitution.

The laws to which the Constitution confers the character of organic laws are voted and modified within the following conditions:

The bill or the proposal is only submitted to the deliberation and to the vote of the National Assembly referred [to the matter] at the expiration of a time period of fifteen days after its deposit.

The text can only be adopted by the National Assembly with the majority of 2/3 of its members.

The organic laws can only be promulgated after the declaration by the Constitutional Council of their conformity with the Constitution.

Article 72

The matters other than those which are of the domain of the law, arise in the regulatory domain.

The texts of legislative form intervening in these matters before the entry into force of this Constitution, can be modified by decree taken after [the] opinion of the Constitutional Council.

Article 73

The declaration of war is authorized by the National Assembly.

Article 74

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

The extension of the state of siege beyond fifteen days can only be authorized by the National Assembly, by the simple majority of the Deputies.

Article 75

The President of the Republic can, for the execution of his program, demand of the National Assembly, the authorization to take by ordinance, for a limited time, the measures which 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 Constitutional Council. 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.

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

Article 76

The proposals and amendments which are not of the domain of the law are not receivable. The irreceivability is declared by the President of the National Assembly.

In the case of dispute, the Constitutional Council, referred [to the matter] by the President of the Republic or by one-quarter at least of the Deputies, decides within a time period of fifteen days counting from its referral [to the matter].

Article 77

The laws may, before their promulgation, be deferred to the Constitutional Council by the President of the National Assembly or by one-tenth at least of the Deputies or by the parliamentary groups.

The associations of defense of the Rights of Man legally constituted can equally defer to the Constitutional Council the laws concerning the public freedoms.

The Constitutional Council decides within a time period of fifteen days counting from its referral [to the matter].

Article 78

The Deputies have the right of amendment.

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

Article 79

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

Article 80

The National Assembly is referred [to the matter] of the bill of the Law of Finance at the opening of the session of October. The bill of the Law of Finance must provide for the receipts necessary for the complete covering of the expenditures.

The National Assembly votes [a] balanced budget.

If the National Assembly has not decided within a time period of seventy days, the bill of law can be put into force by ordinance.

The President of the Republic refers [the matter], for ratification, [to] the National Assembly convoked in extraordinary session, within a time period of fifteen days.

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

If the bill of the Law of Finance has not been deposited in a timely way to be promulgated before the beginning of the fiscal year [*exercice*], the President of the Republic demands of urgency of the National Assembly, the authorization to repeat the budget of the previous year by provisional twelfths.

Article 81

The National Assembly regulates the accounts of the Nation according to the modalities provided for by the Law of Finance. The bill of the law of regulation must be deposited with the Bureau of the National Assembly one year at the latest after the execution of the budget.

Article 82

The means of information of the National Assembly with regard to the governmental action are the oral question, the written question, [and] the commission of inquiry.

During the term of the ordinary session, one sitting per month is reserved by priority to the questions of the Deputies and to the responses of the President of the Republic.

The President of the Republic can delegate to the Head of Government and to the ministers the power to respond to the questions of the Deputies.

In the circumstance, the National Assembly can take a resolution to make recommendations to the Government.

Article 83

The members of the Government have access to the commissions of the National Assembly. They are heard at the demand of the commissions.

They can be assisted by the commissioners of the Government.

TITLE VI

OF TREATIES AND INTERNATIONAL AGREEMENTS

Article 84

The President of the Republic negotiates and ratifies the treaties and international agreements.

Article 85

The Peace Treaties, the Treaties and Agreements concerning international organization, [and] those that modify the internal laws of the State can only be ratified after [adoption] of a law.

Art 85 bis

[As inserted by Law No. 2012-1134 of 13 December 2012]

The Republic can recognize the jurisdiction of the International Criminal Court within the conditions provided for by the Treaty signed [on] 17 July 1998.

Article 86

If the Constitutional Council, referred [to the matter] by the President of the Republic, or by the President of the National Assembly or by one-quarter at least of the Deputies, has declared that an international commitment includes a clause contrary to the Constitution, the authorization to ratify it can take place only after revision of the Constitution.

Article 87

The Treaties or Agreements regularly ratified have, on their publication, an authority superior to that of the laws, under reserve, for each Treaty or Agreement, of its application by the other party.

TITLE VII

OF THE CONSTITUTIONAL COUNCIL

Article 88

The Constitutional Council is [the] judge of the constitutionality of the laws. It is the regulating organ of the functioning of the public powers.

Article 89

The Constitutional Council is composed:

- Of a President;
- Of the former [*anciens*] Presidents of the Republic, except [on] express renunciation on their part;
- Of six councilors[,], of which three are designated by the President of the Republic and three by the President of the National Assembly.

The Constitutional Council is renewed by half every three years.

Article 90

The President of the Constitutional Council is appointed by the President of the Republic for a non-renewable term of six years, from among notable persons [*personnalités*] recognized for their competence in juridical or administrative matters.

Before his entry into [his] functions, he takes an oath before the President of the Republic in these terms:

“I swear to well and faithfully fulfill my function, to exercise it in all independence and in all impartiality with respect for the Constitution, to maintain [garder] the secrecy of the deliberations and of the votes, the same after the cessation of my functions, to take no public position in the political, economic or social domains, to give no consultation of private character [titre] on the questions relevant to the competence of the Constitutional Council.”

Article 91

The Councilors are appointed for a non-renewable term of six years by the President of the Republic from among noted persons recognized for their competence in juridical or administrative matters.

Before their entry into [their] functions, they take an oath before the President of the Constitutional Council, in these terms:

“I swear to well and faithfully fulfill my functions, to exercise them in all impartiality with respect for the Constitution and to maintain [garder] the secrecy of the deliberations and of the votes, the same after the cessation of my functions.”

The first Constitutional Council includes:

- Three councilors of which two are designated by the President of the National Assembly, appointed for three years by the President of the Republic;
- Three councilors of which one is designated by the President of the National Assembly, appointed for six years by the President of the Republic.

Article 92

The functions of members of the Constitutional Council are incompatible with the exercise of any political function, of any public or elective office [*emploi*] and of any professional activity.

In case of death, resignation or absolute incapacity for whatever cause that may be, the President and the councilors are replaced within a time period of eight days for the duration of the functions remaining to be served [*courrir*].

Article 93

No member of the Constitutional Council may, during the term of his mandate, be prosecuted, arrested, detained or judged in [a] criminal or correctional matter without the authorization of the Council.

Article 94

The Constitutional Council controls the regularity of the operations of the referendum and proclaims the results.

The Council decides on:

- The eligibility of the candidates to the presidential and legislative elections;
- The disputes concerning the election of the President of the Republic and of the Deputies.

The Constitutional Council proclaims the definitive results of the presidential elections.

Article 95

The international commitments provided for in Article 84 before their ratification, the organic laws before their promulgation, [and] the regulations of the National Assembly before their entry into application, must be deferred by the President of the Republic or the President of the National Assembly to the Constitutional Council which pronounces on their conformity with the Constitution.

To the same ends, the laws, before their promulgation, may be deferred to the Constitutional Council by the President of the Republic, the President of the National Assembly, any parliamentary group or 1/10 of the members of the National Assembly.

The referral [of the matter] to the Constitutional Council suspends the time period of promulgation.

Article 96

Any pleader [*plaideur*] can raise the *exception* [pleadings] of unconstitutionality of a law before any jurisdiction. The conditions for referral [of the matter] to the Constitutional Council are determined by the law.

Article 97

The bills or proposals of law and the drafts of ordinance may be submitted for [the] opinion of the Constitutional Council.

Article 98

The decisions of the Constitutional Council are not susceptible to any recourse. They imposed themselves on the public powers, on every administrative, jurisdictional, [and] military authority and on every physical and juridical person.

Article 99

A provision declared contrary to the Constitution cannot be promulgated or put into application.

Article 100

The organic law determines the rules of organization and of functioning of the Constitutional Council, the procedure and the time periods in which it has to decide.

**TITLE VIII
OF THE JUDICIAL POWER**

Article 101

The judicial power is independent of the executive power and of the legislative power.

Article 102

Justice is rendered on the whole extent of the national territory in the name of the people by the Supreme Jurisdictions: Court of Cassation, Council of State, Court of Accounts, and by the Courts of Appeal and the tribunals.

Organic laws establish the composition, the organization and the functioning of these Jurisdictions.

Article 103

The magistrates are only subject, in the exercise of their functions, to the authority of the law.

The Magistrates of the Bench [*du Sièges*] are irremovable.

Article 104

The President of the Republic is the guarantor of the independence of the magistrature. He presides over the Superior Council of the Magistrature.

Article 105

The Superior Council of the Magistrature includes:

- The President of the Court of Cassation, Vice President of right;
- The President of the Council of State;
- The President of the Court of Accounts;
- The Procurator General before the Court of Cassation;
- Six notable persons from outside of the Magistrature of which three titular [members] and three substitutes are appointed in equal number by the President of the Republic and the President of the National Assembly;
- Three Magistrates of the Bench of which two titular [members] and one substitute[,] and three Prosecuting Magistrates [*du Parquet*] of which two titular

[members] and one substitute, are designated by their peers. These magistrates may not sit when they are affected [*concernés*] by the deliberations of the Council.

Article 106

The Superior Council of the Magistrature meets on [the] convocation and under the presidency of the Presidency of the Republic to examine all the questions relative to the independence of the Magistrature.

Under the presidency of its Vice President, the Superior Council of the Magistrature:

- Makes proposals for the appointment of the magistrates of the Supreme Jurisdictions, of the first presidents of the Courts of Appeal and of the Presidents of the tribunals of first instance;
- Gives its opinion concerning the appointment and the promotion of the Magistrates of the Bench;
- Decides as [a] council of discipline of the Magistrates of the Bench and of the Prosecuting [Magistrates].

Article 107

An organic law determines the conditions of application of the provisions concerning the Superior Council of the Magistrature.

TITLE IX OF THE HIGH COURT OF JUSTICE

Article 108

The High Court of Justice is composed of Deputies that the National Assembly elects from within it, at the first session of the legislature. It is presided over by the President of the Court of Cassation.

An organic law determines the number of its members, its attributions and the rules of its functioning as well as the procedure to be followed before it.

Article 109

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

Article 110

The High Court of Justice is competent to judge the members of the Government for reason of acts classified [as] crimes or misdemeanors committed in the exercise of their functions.

Article 111

The impeachment of the President of the Republic and of the members of the Government is voted in secret ballot, by the National Assembly with a majority of 2/3 for the President of the Republic, and with an absolute majority for the members of the Government.

Article 112

The High Court of Justice is bound by the definition of the crimes and misdemeanors and by the determination of the resultant penalties of the penal laws in force at the time of the acts accounted for in the prosecution.

TITLE X
OF THE ECONOMIC AND SOCIAL COUNCIL

Article 113

The Economic and Social Council gives its opinion on the bills of law, of ordinance or of decree as well as on the proposals of law which are submitted to it.

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

The President of the Republic may consult the Economic and Social Council on any problem of economic and social character.

Article 114

The composition of the Economic and Social Council and the rules of its functioning are established by an organic law.

TITLE XI
THE MEDIATOR OF THE REPUBLIC

Article 115

An organ of mediation denominated “the Mediator [*Mediateur*] of the Republic” is instituted.

The Mediator of the Republic is an independent administrative authority, invested with a mission of public service. It receives instructions from no authority.

Article 116

The Mediator of the Republic is appointed by the President of the Republic, for a non-renewable mandate of six years, after [the] opinion of the President of the National Assembly.

He can be terminated in his functions, before the expiration of this time period, in case of incapacity declared by the Constitutional Council referred [to the matter] by the President of the Republic.

Article 117

The Mediator of the Republic may not be prosecuted, investigated, arrested, detained or judged because of the opinions or of the acts emitted by him in the exercise of his functions.

The functions of the Mediator of the Republic are incompatible with the exercise of any political function, of any other public employment and of any professional activity.

Article 118

The attributions, the organization and the functioning of the Mediator of the Republic are established by an organic law.

TITLE XII
OF THE TERRITORIAL COLLECTIVITIES

Article 119

The law determines the fundamental principles of the free administration of the territorial collectivities, of their competences and of their resources.

Article 120

The Territorial Collectivities are the regions and the communes.

Article 121

The other territorial collectivities are created and suppressed by the Law.

TITLE XIII

OF ASSOCIATION AND OF COOPERATION BETWEEN STATES

Article 122

The Republic of Côte d'Ivoire may conclude agreements of association with other States.

It accepts to create with these States Intergovernmental Organizations of common management, of coordination, and of free cooperation.

Article 123

The Organizations provided for in the previous Article may have notably for [their] object:

- The harmonization of monetary, economic and financial policy;
- The establishment of customs unions;
- The creation of funds of solidarity;
- The harmonization of plans of development;
- The harmonization of foreign policy;
- The pooling [*mise en commun*] of appropriate means to assure national defense;
- The coordination of judicial organization;
- Cooperation in matters of security and of protection of persons and of assets;
- Cooperation in matters of Superior Education and of Research;
- Cooperation in matters of Health;
- The harmonization of the rules concerning the Statute of the Public Function and the right to work;
- The coordination of transport, of communications and of telecommunications;
- Cooperation in matters of protection of the environment and of management of natural resources.

TITLE XIV

OF REVISION

Article 124

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

Article 125

To be taken into consideration, the bill or the proposal of revision must be voted by the National Assembly with the majority of 2/3 of its members effectively in [their] functions.

Article 126

The revision of the Constitution is only definitive after having been approved by referendum with the absolute majority of the suffrage expressed.

It is obligatory to submit to referendum the bill or the proposal of revision having for its object the election of the President of the Republic, the exercise of the presidential mandate, the vacancy of the Presidency of the Republic and the procedure of revision of this Constitution.

The bill or the proposal of revision is not presented to the referendum in all the other matters when the President of the Republic decides to submit it to the National Assembly. In this case, the bill or proposal of revision is only adopted if it meets [*réunit*] the majority of 4/5 of the members of the National Assembly effectively in [their] functions.

The text concerning constitutional revision, approved, by referendum or by parliamentary vote [*voie*], is promulgated by the President of the Republic.

Article 127

No procedure of revision may be undertaken or pursued if it infringes on the integrity of the territory.

The republican form and the secular [form] of the State may not be made the object of a revision.

TITLE XV

TRANSITORY AND FINAL PROVISIONS

Article 128

This Constitution enters into force counting from the day of its promulgation.

Article 129

The President of the Republic-elect enters into [his] functions, and the National Assembly meets within a time period of six months counted from this promulgation.

Until the President of the Republic-elect enters into [his] functions, the President of the Republic in exercise and the Government of transition take the measures necessary for the functioning of the public powers, for the life of the Nation, for the protection of persons and of assets and to safeguard the freedoms.

However, the President of the Republic assuming the transition cannot, in any fashion and in whatever form that may be, modify the Constitution, the Electoral Code, the law concerning the Political Parties and Groups and the law establishing the regime of associations and of the press.

Article 130

Until the implementation of the other Institutions, the Institutions established continue to exercise their functions and attributions conforming to the laws and regulations in force.

Article 131

For the elections of the year 2000, the Supreme Court exercises the functions of control and of verification devolved by this Constitution to the Constitutional Council within the conditions established by the law, and receives, in solemn audience, the oath of the President of the Republic.

Article 132

Civil and penal immunity is granted to the members of the National Committee of Public Salvation (C.N.S.P.) and to all of the authors of the events having brought about the change of regime [which] intervened [on] 24 December 1999.

Article 133

The legislation currently in force in Côte d'Ivoire remains applicable, save [with] the intervention of new texts, if it contains nothing contrary to this Constitution.

Article 134

Publication.

This law will be published in the *Journal Officiel de la République de Côte d'Ivoire* [Official Gazette] and executed as the law of the State.

Done at Abidjan, 1 August 2000

General Robert GUEI
