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# CONSTITUTION of the REPUBLIC OF GABON<sup>1</sup>

February 21, 1961, amended in 1966 and 1968

## PREAMBLE

The People of Gabon, conscious of its responsibility before God, animated by the will to maintain its national independence and unity, and to order its common life in accordance with the principles of social justice, solemnly reaffirms the rights and liberties of Man defined in 1789 and consecrated by the Universal Declaration of the Rights of Man in 1948.

By virtue of these principles and of that of the self-determination of peoples, the People of Gabon adopts the present Constitution.

## PRELIMINARY SECTION

*Art. 1.* The People of Gabon proclaims furthermore, its attachment to the following principles:

- (1) Everyone has the right to the free development of his personality, within the limits of respect for the rights of others and for public order.
- (2) Freedom of conscience and the free practice of religion, within the limits of public order, are guaranteed to all.
- (3) The secrecy of correspondence, of postal, telegraphic, and telephonic communications is inviolable. No restriction on this inviolability may be ordered except in application of a law.
- (4) Everyone has the right to work and the right to obtain employment. No one may be injured in his work by reason of sex, origin, beliefs, or opinions.
- (5) The State, insofar as possible, shall guarantee to all, and in particular to children, mothers and aged workers, the protection of their health, material security, rest, and leisure.
- (6) Every one, individually or collectively, has the right to property.

<sup>1</sup> *Constitution de la République Gabonaise*. Supplied by the Gabon Mission to the United Nations in June 1972. Translated by the Editor. Ed.

No one may be arbitrarily deprived of his property unless public necessity, legally established, so requires, and then only on condition of just and prior indemnification.

(7) The domicile is inviolable. No search can be ordered except by a judge or by the other authorities designated by law. Searches cannot be carried out except in the form prescribed by law. Measures infringing or restricting the inviolability of the domicile may be taken only to meet collective danger or to protect persons in danger of death. Such measures may also be taken in furtherance of a law to protect public order against imminent danger, in particular to combat the risk of an epidemic or to protect endangered youth.

(8) The right to form associations or societies or establishments for social purposes, as well as religious communities, is guaranteed to all, under the conditions stipulated by law.

Religious communities shall regulate and administer their affairs in an independent way, on condition that they respect the principles of national sovereignty and public order.

Associations or societies whose aims or activities are contrary to the penal law and to the good understanding of ethnic groups are forbidden. All acts of racial, ethnic, or religious discrimination, as well as all regional propaganda which may threaten the internal security of the State or the integrity of the territory of the Republic, are punishable in accordance with the law.

(9) Marriage and the family form the natural basis of Society. They are placed under the special protection of the State.

(10) The care and education of children constitute a natural right and duty for the parents, which they shall perform under the surveillance and with the aid of the State and public bodies. Parents shall have the right, within the framework of schooling requirements, to decide on the education of their children.

Children born outside of wedlock shall have the same rights as legitimate children, both in regard to their assistance and to their physical, intellectual, and moral development.

(11) The protection of youth against exploitation and against moral, intellectual, and physical abandonment, is an obligation of the State and of the public bodies.

(12) The State shall guarantee the equal access of children and adults to instruction, professional training, and culture.

The State has the duty to organize public education on the basis of free instruction and religious neutrality.

The right to found private schools is guaranteed to everyone, to all religious communities and all legally constituted associations which agree to submit to the pedagogic control of the State and to the laws in force. A law shall regulate the conditions for participation of the State and of

public bodies in the financial burdens of private establishments which the State recognizes to be of public utility.

In public educational establishments, religious instruction may be given to the pupils at the request of their parents, under the conditions determined by the regulations.

(13) The Nation proclaims the solidarity and equality of all with respect to expenditures arising out of national calamities.

Everyone must participate in proportion to his resources in public expenditures.

## TITLE I

### THE REPUBLIC AND SOVEREIGNTY

*Art. 2.* Gabon is an indivisible, democratic, and social Republic. It affirms the separation of religion and State.

The Republic of Gabon guarantees equality before the law of all citizens without distinction of origin, race, or religion. It respects all beliefs.

The national emblem is the tricolor flag, green, yellow, blue, with three horizontal stripes of equal dimensions.

The national anthem is "*La Concorde*."

The motto of the Republic is "Union—Work—Justice."

The seal of the Republic is a Nursing Mother.

Its principle is: "Government of the People, by the People and for the People."

The Republic of Gabon adopts French as the official language.

Its capital is Libreville. It cannot be transferred except by law.

*Art. 3.* National sovereignty derives from the people who exercise it directly by election and referendum, and indirectly by the organs invested with the Legislative, Executive, and Judicial powers.

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

Suffrage shall be universal, equal, and secret. It may be direct or indirect under the conditions stipulated by the Constitution or by law.

All Gabonese nationals of both sexes, who are 21 years of age and who enjoy civil and political rights may vote under conditions stipulated by law.

This age may be reduced to 18 years in cases stipulated by law.

Aliens residing in Gabon may be given the right to vote, in addition to other rights reserved to Gabonese nationals, under the conditions and in the cases stipulated by law.

The Supreme Court shall supervise the regularity of referendum procedures and shall proclaim their results.

*Art. 4. Abrogated.*

*Art. 5.* The Republic of Gabon is organized in accordance with the principle of the distinction of the Legislative, Executive, and Judicial Powers.

## TITLE II

### THE PRESIDENT OF THE REPUBLIC AND THE GOVERNMENT

*Art. 6.* The President of the Republic shall be the Head of State, he shall embody the national unity, ensure respect for the Constitution, the regular functioning of the governmental authorities and the continuity of the State.

He shall be the guarantor of the national independence, of the integrity of the territory, and of respect for agreements and treaties.

He shall determine and conduct the policy of the Nation.

He shall be the exclusive holder of the Executive Power.

The President of the Republic shall be assisted by a Vice-President of the Republic who shall replace him in case of a temporary or permanent impediment and shall exercise the prerogatives, rank and powers of the Head of State.

The Vice-President of the Republic may, moreover, exercise certain powers of the Head of State by delegation of the President.

*Art. 7.* The President and Vice-President of the Republic shall be elected by direct universal suffrage on the basis of a ballot list whose order may not be altered nor the parties mixed. They may be re-elected.

They shall be elected by an absolute majority on the first or second ballot, the latter taking place fifteen days after the first count.

The presidential election must take place in the seventh year of the President of the Republic's term of office on a date fixed by decree in the Council of Ministers.

The elections shall take place at least 20 days and at most 50 days before the expiration of the powers of the incumbent President.

A law shall prescribe the conditions for eligibility, for presentation of candidacies, for the method of balloting, counting of votes, and announcement of the results.

The Supreme Court shall supervise the regularity of these operations.

*Art. 8.* In case of a temporary impediment in the functions of the Vice-President, the President of the Republic shall appoint a Minister from among the members of the Government to replace him in some or all of his functions.

*Art. 9.* The Supreme Court shall, at the request of the Vice-President so commissioned by the Council of Ministers, attest to a definitive impediment

in the functioning of the President of the Republic. When the Vice-President of the Republic replaces the President thus prevented from exercising office, his term shall expire on the same date as the President's term would normally have expired.

*Art. 10.* In the situation foreseen in the preceding Article, the new President of the Republic may be assisted by a Vice-President of Government whom he shall appoint and who shall exercise the powers which may be delegated to him in his name.

In case of a temporary impediment in the functioning of the President of the Republic, the Vice-President of the Government shall exercise his functions with the exception of the powers provided in Articles 16, 17, 18 and 19. In the case that the Presidency of the Republic has been vacated, for any cause whatsoever, as officially noted by the Supreme Court to which the matter has been referred by the Government or by the President of the National Assembly, the President of the Republic shall provisionally be replaced by a Vice-President of the Republic until the election by direct universal suffrage of a new President of the Republic, which election must take place at the latest within three months of the establishment of the vacancy.

*Art. 11.* When they assume office, the President and Vice-President of the Republic shall solemnly swear, before the National Assembly, the following oath: "I swear to devote my strength to the good of the Gabonese people, with the object of enhancing its welfare and protecting it from all harm, to respect and defend the Constitution, to fulfil conscientiously the duties of my office, and to be just toward all."

They may, in exceptional cases, take the oath before the Secretariat of the National Assembly.

*Art. 12.* The President of the Republic shall promulgate the laws within fifteen days following the transmission to the Government of the finally adopted law. This time limit shall be reduced to five days in cases of urgency so declared by the National Assembly.

The President of the Republic may, before the expiration of the time limit, request a second reading of the law or of certain of its articles. This second reading may not be refused.

When the text thus submitted to a second reading is adopted by a majority of two thirds of the deputies, either in its initial form or after modification, the President of the Republic shall promulgate it within the time limit specified above.

In the absence of promulgation of the law by the President of the Republic in the conditions and time limits specified above, promulgation shall be made by the President of the National Assembly.

*Art. 13.* The President of the Republic shall ensure the execution of laws and of decisions of justice.

He shall hold the regulatory power.

He shall sign orders and decrees.

The acts of the President of the Republic, with the exception of those specified in Articles 8, 16, 17, 19, 21, 32, 34, 46 and 53, shall be countersigned by the appropriate Ministers.

*Art. 14.* The President of the Republic shall accredit Ambassadors and Envoys Extraordinary to foreign powers. Foreign Ambassadors and Envoys Extraordinary shall be accredited to him.

*Art. 15.* The President of the Republic shall have the right of pardon under the conditions stipulated by law.

*Art. 16.* The President of the Republic, after consultation with the Council of Ministers and the Secretariat of the National Assembly, may submit to referendum any question which seems to him to demand the direct consultation of the people.

When the bill is adopted by the referendum, the President of the Republic shall promulgate it in accordance with the procedures set forth above.

*Art. 17.* In case of necessity, the President of the Republic may, after consultation with the Council of Ministers and with the President of the National Assembly, declare the dissolution of the National Assembly. He may, under the same conditions, prorogue once the powers of the National Assembly for a period of at the most eighteen months.

The election of a new National Assembly shall take place within at least twenty days and at most forty days after such dissolution and its term shall end at the normal date for concluding the legislature whose term began with that of the President.

Convocation of the voters shall be by decree in the Council of Ministers.

*Art. 18.* The President of the Republic may, when circumstances so require, proclaim by decree a state of siege or emergency, which shall entail special powers under conditions stipulated by law.

*Art. 19.* When the institutions of the Republic, the independence or higher interests of the Nation, the integrity of its territory, or the execution of its international engagements are threatened by a clear and present danger, and the regular functioning of the Governmental authorities is interrupted, the President of the Republic shall take the measures required by the circumstances, after consultation with the President of the National Assembly.

He shall inform the Nation of these measures by a message.

*Art. 20.* The President of the Republic shall be the Head of the civil and military administrations.

He shall have all government forces under his command.

He shall make appointments to the civil and military offices of the State.

A law shall determine the higher offices of the State to be filled by a decree in the Council of Ministers, as well as the conditions under which the power of the President of the Republic to make appointments to office may be delegated by him and exercised in his name.

*Art. 21.* The President of the Republic shall be the Head of the Government; he shall appoint its members and determine their powers.

The members of the Government shall be responsible to him.

He shall terminate their functions by a decree in the Council of Ministers.

Members of the Government must be at least 25 years of age and must enjoy civil and political rights.

They shall be chosen both from among the members of the National Assembly and from outside it.

They shall be criminally responsible for crimes and misdemeanors committed in the exercise of their functions.

The number of members of the Government, the activities deemed incompatible with their functions, and their emoluments shall be determined by the law.

*Art. 22.* The President of the Republic shall preside over the Council of Ministers.

He shall cause minutes of the meetings to be drawn up and kept.

With the exception of the cases expressly specified in other articles of this Constitution, the following matters must be referred to the Council of Ministers:

- decisions concerning the general policy of the Republic;
- agreements with foreign powers;
- bills;
- regulatory ordinances and decrees;
- proclamations of martial law and siege law.

*Art. 23.* Bills, ordinances, and regulatory decrees, before being submitted to the Council of Ministers, may be examined by the Supreme Court for its opinion.

*Art. 24.* The President of the Republic may delegate his powers to the members of the Government, with the exception of those specified in Articles 16, 17 and 19.

*Art. 25.* The President of the Republic shall communicate with the National Assembly either directly or by messages which he shall cause to be read. These communications shall not be followed by any debate.

Between sessions, the National Assembly shall be convened especially for this purpose.

### TITLE III

#### THE NATIONAL ASSEMBLY

*Art. 26.* The Parliament of the Gabonese Republic shall consist of a single Assembly, called the National Assembly.

The members of the National Assembly shall bear the title of deputies.

They shall be elected by direct universal suffrage and, subject to the provision of the Article 17, for the same term as the President of the Republic.

The elections to the National Assembly shall take place on the same day as the presidential elections. Voting shall be for the same list and shall follow the same rules as the Presidential elections.

In the case provided in Article 10, the National Assembly shall be renewed.

The National Assembly shall pass laws, approve taxes, and supervise the action of the Government under the conditions specified by the Constitution.

*Art. 27.* A law shall determine the number of deputies, the conditions of their election, the conditions of eligibility and ineligibility and the offices incompatible with membership in the Assembly, and their emoluments.

A law shall also establish the conditions of election for persons who may be called upon to replace deputies, in case a seat falls vacant, until the general renewal of the National Assembly.

No one may be prevented from being legally invested with a parliamentary mandate or from exercising it.

*Art. 28.* The National Assembly shall pronounce on the validity of the election of its members. In case of dispute, the Supreme Court, on the appeal of a candidate, shall rule on the eligibility of the deputies and the regularity of their election.

*Art. 29.* No deputy may be prosecuted, arrested, detained, or tried as a result of the opinions or votes expressed by him in the exercise of his functions.

No deputy may, during sessions, be prosecuted or arrested for criminal or minor offences without the authorization of the National Assembly.

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

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

*Art. 30.* All binding instructions on deputies shall be null and void.

The right to vote of deputies shall be personal.

The rules of procedure of the National Assembly may exceptionally authorize the delegation of the vote in specific cases. No one may be delegated more than one vote.

*Art. 31.* The National Assembly shall meet by right on the first working day following the fifteenth day after its election. Other than urgent questions submitted to it by the President of the Republic, its agenda shall then comprise exclusively the designation of its President and of its secretariat.

The President and Secretariat of the National Assembly shall be elected for the entire duration of the legislature.

*Art. 32.* The National Assembly shall meet by right in two ordinary sessions a year.

The first session shall open on the third Tuesday in April; its duration may not exceed fifty days. The second session shall open on the first Tuesday in October and shall end at the latest on the third Friday of December.

The opening of the session shall be postponed to the following day if the day specified is a holiday.

Ordinary sessions shall be adjourned by decree of the President of the Republic given after advice by the Secretariat of the National Assembly.

*Art. 33.* The National Assembly shall meet by right for the duration of martial law and may not be dissolved at such a time.

*Art. 34.* The National Assembly shall meet in extraordinary session upon convocation by its President and to consider a specific agenda, at the request of either the President of the Republic or of half the members comprising the National Assembly. As soon as the agenda has been exhausted, or fifteen days at the latest after the opening of the session, closure shall be pronounced by decree of the President of the Republic.

Only the President of the Republic may ask for a new session before the end of the month following the closure of decree.

*Art. 35.* Meetings of the National Assembly shall be public. An *in extenso* report of the debates shall be published in the *Journal des Débats*.

The National Assembly may sit in secret session at the request of the President of the Republic or of one third of its members.

*Art. 36.* The National Assembly shall vote its rules of procedure which may not, however, take effect, until the Supreme Court has ruled that they conform to the Constitution.

#### TITLE IV

#### THE RELATIONS BETWEEN THE ASSEMBLY AND THE GOVERNMENT

*Art. 37.* With the exception of the cases expressly provided in other articles of the Constitution, laws shall establish the regulations concerning:

- the exercise of the rights and duties of citizens;
- the obligations imposed by the public welfare and in particular by the national defense upon the persons and property of the Gabonese;
- nationality, status and legal capacity of persons, marriage contracts, inheritance and gifts;
- the organization of civil status;
- the electoral system of the National Assembly and of the Assemblies of the territorial units;
- the organization and operation of the territorial units;

- judicial organization; the creation of new juridical systems and the status of magistrates;
- the organization of public ministerial offices, the professions of ministerial officers;
- the determination of crimes and misdemeanors as well as the penalties therefor, criminal procedure; the prison system, amnesty and the right of pardon;
- the state of siege, the state of emergency, and the state of defense;
- regulations of associations;
- the basis, the rate and the method of collecting taxes of all types; the issuance of currency;
- the general statute for public offices;
- the nationalization of enterprises and transfer of property from the public to the private sector;
- the creation or the suppression of autonomous public establishments and services in respect of which the Government has the sole initiative;
- the general administrative and financial organization;
- the conditions for the participation of the State in the activity of certain societies and for State control of the operations of these societies:
- public domain, landed property, forests and mines;
- property rights, civil and commercial obligations;
- the loans and financial engagements of the State;
- plans of economic and social action;
- the conditions under which finance laws are presented and voted and the national accounts regulated.

Laws shall determine, in addition, the fundamental principles of:

- education;
- the right to work;
- social security;
- the rights of unions, including the conditions for exercising the right to strike;
- benefit societies and savings;
- the general organization of defense.

Laws shall delegate to the President of the Republic the power to specify and complete their provisions by decrees after consultation, if necessary, with the Supreme Court.

The President of the Republic shall take by decree the measures necessary for the implementation of laws.

The provisions of this article may be elaborated, revised, or completed by law, with the consent of the Government and after consultation with the Supreme Court.

*Art. 38.* All of the resources and expenditures of the Republic must be calculated and entered in the budget for each financial year.

The budget shall be filed by the Government at the opening of the

second ordinary session and at the latest on November 15, and issued as a law, entitled the finance law, before the beginning of the new financial year. This law may include only provisions of a strictly financial nature.

If the National Assembly adjourns at the end of the budget session without having voted the budget in balance, the President of the Republic shall draw it up provisionally by ordinance on the basis of the budget of the preceding year and of the rate of assessments and taxes voted by the National Assembly.

These ordinances may, however, where necessary provide for reductions of expenditures or increases of fiscal or other revenues.

At the request of the President of the Republic, the National Assembly shall be convoked within fifteen days in an extraordinary session, for further deliberation. If the National Assembly has not voted the budget in balance at the end of this extraordinary session, the budget shall be definitively implemented by ordinance of the President of the Republic. The new revenues which may be created thereby, whether derived from direct levies and contributions or from comparable taxes, shall be assigned for payment reckoning from January first.

*Art. 39.* The National Assembly shall authorize the declaration of war.

*Art. 40.* Prorogation of martial law beyond fifteen days may be authorized only by the National Assembly.

*Art. 41.* Matters other than those that fall within the domain of law shall be of a regulatory character.

They shall be the subject of decrees of the President of the Republic.

For the application of such decrees, orders may be issued on such matters by the responsible Ministers or by any other administrative authority competent to do so, upon delegation by the President of the Republic.

Legislative texts concerning matters which fall within the regulatory domain may be modified by decree of the President of the Republic.

*Art. 42.* The President of the Republic may, in order to carry out his program, ask the National Assembly to authorize him for a limited period, to take through ordinances measures which normally fall within the domain of law.

These ordinances shall be enacted after consultation with the Supreme Court. They shall come into force upon their publication.

At the expiration of the time limit referred to in the first paragraph of the present article, the ordinances may be modified only by law in those matters which are within the legislative domain.

*Art. 43.* The President of the Republic and the Deputies alike shall have the right to initiate legislation.

Proposals for laws emanating from the deputies shall be filed with the secretariat of the National Assembly and transmitted, to the Government for its opinion.

The Government must give its opinion, at the latest, during the session following the date of filing.

If the Government responds unfavorably and the proposal does not fall within the provisions of Articles 45 and 46, its author may request the National Assembly directly to examine his proposal during the session.

*Art. 44.* Discussion of Government bills shall, if it so requests, pertain to the text presented by the Government. Discussion of Assembly bills shall pertain to the commission's text.

In case of a counter-proposal, discussion shall pertain first to the text presented by the Government.

*Art. 45.* The deputies have the right of amendment. Bills or amendments presented by the deputies shall not be admissible when their adoption would have as a consequence either a decrease in receipts, or the creation or increase of a public debt without provision of the corresponding receipts.

*Art. 46.* If it appears in the course of the legislative procedure that a bill or an amendment is not within the domain of law or is contrary to a delegation of authority granted by virtue of Article 42, the President of the Republic or the President of the National Assembly may declare its inadmissibility.

In case of disagreement, the Supreme Court, upon the request of the President of the Republic or of the President of the National Assembly, shall rule within a time limit of eight days.

The period for promulgation shall, if necessary, be suspended pending the Supreme Court's ruling.

*Art. 47.* The Government shall be informed of the agenda of the Assembly and of the commissions. The members of the Government shall have access to the National Assembly; they shall participate in the debates and may be assisted by commissioners of the Government.

The Ministers and their commissioners shall have access to the commissions of the Assembly; they shall be heard by them at their request and at the request of the commissions.

*Art. 48.* The discussion of the bills filed or agreed upon by the Government shall have priority on the agenda of the National Assembly in the order set by the Government.

*Art. 49.* Either the Government or the deputies may request that a law be voted urgently. When the Government so requests it shall be done by right. When it is requested by deputies, the Assembly shall pronounce on the need for urgency.

*Art. 50.* The Assembly's means of supervision of the Government shall be:

- the written question;
- the oral question without debate;
- the commission of inquiry.

One meeting per week shall be reserved by priority for questions of the deputies and replies by the Government.

A law shall determine the organization and operation of commissions of inquiry.

## TITLE V

### TREATIES AND INTERNATIONAL AGREEMENTS

*Art. 51.* The President of the Republic shall have the supreme direction of international negotiations. He shall sign and ratify treaties and international agreements.

*Art. 52.* Peace treaties, commercial treaties, treaties relating to international organization, those that imply a commitment for the finances of the State, those that modify provisions of a legislative nature, those relative to the status of persons, those that call for the cession, exchange, or addition of territory, may be ratified only by a law.

They shall take effect only after having been regularly ratified.

No cession, no exchange, no addition of territory shall be valid without the consent of the Gabonese people expressed in a referendum and after consultation with the populations concerned.

*Art. 53.* If the Supreme Court, the matter having been referred to it by the President of the Republic or by the President of the National Assembly, shall declare that an international commitment contains a clause contrary to the Constitution, the authorization to ratify this commitment may be given only after amendment of the Constitution.

*Art. 54.* Treaties or agreements duly ratified shall, upon their publication, have an authority superior to that of laws, subject for each agreement or treaty, to its application by the other party.

## TITLE VI

### THE JUDICIAL AUTHORITY

*Art. 55.* Justice shall be rendered over the territory of the State in the name of the Gabonese People.

*Art. 56.* The judicial authority shall be independent. Judges, in the exercise of their functions, shall be subject only to the law.

Magistrates may not be removed from office except under conditions stipulated by law.

*Art. 57.* The President of the Republic shall be the guarantor of the independence of the judicial authority.

He shall be assisted by the High Council of the Judiciary over which he shall preside.

The organization and powers of the High Council of the Judiciary shall be stipulated by law.

*Art. 58.* No one may be arbitrarily detained. Every accused person is presumed innocent until he has been found guilty after a trial giving him the guarantees indispensable to his defense.

The judicial authority, guardian of individual liberty, shall ensure respect for these principles under the conditions stipulated by law.

## TITLE VII

### THE SUPREME COURT

*Art. 59.* A supreme Court shall be instituted consisting of four Chambers:

- the Constitutional Chamber;
- the Judiciary Chamber;
- the Administrative Chamber;
- the Chamber of Accounts.

A law shall determine the jurisdiction of the Supreme Court and of each of its Chambers, as well as their composition, organization, rules and the procedure to be followed before them.

*Art. 60.* The juridical decisions of the Supreme Court may not be appealed to any jurisdiction whatsoever. They shall be binding upon the Governmental authorities and upon all administrative and juridical authorities.

A provision declared unconstitutional may not be promulgated or implemented.

*Art. 61.* The Supreme Court shall exercise consultative powers in the cases stipulated by the Constitution or by law. It shall give its opinion on all bills or decrees and on all juridical and administrative questions submitted to it by the Government.

It may also, on its own initiative, call the attention of the Government to reforms of a legislative or regulatory nature which seem to it to be consonant with the general interest.

## TITLE VIII

### THE HIGH COURT OF JUSTICE

*Art. 62.* A High Court of Justice shall be instituted, composed of members elected by the National Assembly from among its members after each general election.

A law shall determine its composition, its rules and also the procedure to be followed before it.

*Art. 63.* The High Court of Justice shall try the President of the Republic solely in the case of high treason, and the members of the Govern-

ment, as well as their accomplices, in cases of plots against the security of the State.

The President of the Republic and the members of the Government may be indicted before the High Court of Justice only by the National Assembly ruling by secret vote by a majority of two thirds of its members.

The National Assembly may be distrained only by at least one third of the deputies.

The High Court shall be bound by the definition of crimes and misdemeanors, as well as by the determination of penalties as they are established by the criminal laws in force when the acts are committed.

## TITLE IX

### THE ECONOMIC AND SOCIAL COUNCIL

*Art. 64.* The Economic and Social Council, whenever the Government calls upon it, shall give its opinion on problems of an economic and social character. Any plan and any bill dealing with a plan, as well as any provision of a fiscal nature, shall be submitted to it for its advice.

A member of the Economic and Social Council may be designated by the latter, at the request of the President of the Republic or of the President of the National Assembly, to present before the Assembly the opinion of the Council on Government or parliamentary bills that have been submitted to it.

*Art. 65.* The composition of the Economic and Social Council, its organization, and its rules of procedure shall be determined by law.

*Art. 66.* Nationals of the French Republic may be members of the Economic and Social Council.

Nationals of other countries may also be members under conditions to be determined by law.

## TITLE X

### TERRITORIAL UNITS

*Art. 67.* The territorial units of the Republic shall be created by law. They may not be modified or suppressed except after notification by the Councils involved and under the conditions stipulated by law.

They shall be free to govern themselves through elected Councils, under the conditions stipulated by law, particularly insofar as their jurisdiction and resources are concerned.

In the territorial units, the delegate of the Government shall, in particular, be responsible for the national interests, for the maintenance of public order, for administrative supervision, and for seeing that the laws are respected.

TITLE XI  
AGREEMENTS OF CO-OPERATION AND  
ASSOCIATION

*Art. 68.* The Gabonese Republic may conclude agreements of co-operation or association with other States. It agrees to create together with others international organizations for common administration, for coordination, and for voluntary co-operation.

TITLE XII  
AMENDMENT

*Art. 69.* The President of the Republic, the Council of Ministers and the deputies alike have the right to initiate amendment of the Constitution.

A proposal for amendment must, in order to be considered, be filed by at least one-half of the deputies making up the National Assembly.

An amendment shall become operative when it has been approved by referendum, except when the amendment in question has been approved by a majority of two thirds of the members making up the National Assembly.

*Art. 70.* No amendment procedure can be undertaken or continued when it threatens the integrity of the territory.

The republican and democratic form of the State may not be the subject of amendment.

TITLE XIII  
TRANSITIONAL PROVISIONS

*Art. 71.* The institutions provided for by the present Constitution shall be established within six months after its promulgation. During this transitional period, the President of the Republic shall take all measures necessary to ensure the regular functioning of the governmental authorities and the continuity of the State, in the form of ordinances.

*Art. 72.* The laws and regulations currently in force, insofar as they are not contrary to the present Constitution, shall remain applicable so long as they have not been modified or abrogated.

*Art. 73.* The present Constitution, which abrogates that of November 14, 1960, shall be published in the *Journal Officiel* and executed as the Law of the State.

*Libreville, February 21, 1961*

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