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Gabon

**Constitution of the Gabonese Republic, 1991
As Consolidated to Law No. 001/2018
of 12 January 2018**

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Introductory Note on the Translation

The Constitution of Gabon of 1991 was further amended by Law No. 001/2018 of 12 January 2018, promulgated by Decree No. 00028/PR of 17 January 2018.

The amended Articles are: the Preliminary Title, 8, 9, 10, 11, 12, 14a, 15, 17, 20, 22, 28, 35, 36, 44, 47, 61, 67, 70, 73, 75, 76, 78, 79, 80, 81, 84, 85, 86, 87, 89, 103, 104, 105, 106, 107, 108, 109, 110, 111, and 118. The wording of Titles V and VIII was amended. Title VII (consisting of Arts. 94 to 102) was abrogated. The translation of the amended Articles is based on the official French text published in the *Journal Officiel de la République Gabonaise*, Fifty-ninth Year, No. 382, of 24 to 31 January 2018.

This translation is based on the previous translation in *World Constitutions Illustrated* published in 2014 which followed the French texts of the amending Law No. 047/2010 and the consolidated French texts made available by the National Assembly: <http://www.assemblee-nationale.ga> [consulted August 2014] and the Senate: <http://www.senat.ga> [consulted August 2014]. As noted in 2014, these are often divergent in their division of Articles into their constituent paragraphs, and contain a number of typographical errors or inconsistencies. They also contain substantive differences. These can generally be considered casual or accidental omissions, rather than of intent.

Difficulties arise from the amending Law No. 047/2010. It calls for the Preamble, and Arts. 1 ¶15, 12, 20, 24, 35 and 40 to be amended. However, the previous and amended language is identical. In the translation here, as previously, the references to this amending law are marked with an asterisk [*]. The language of the amending law is, in other cases, less than clear as to whether all, or parts, of certain amended articles are to retain previous text which has not been amended.

In the consolidated texts of 2014 of the National Assembly and the Senate, the concluding Art. 120, concerning publication in the *Journal Officiel*, has been omitted. As previously, it is retained here, as there is no indication that it has been expressly abrogated.

Taking the above into consideration, and as previously, it cannot be said that a consolidated French text has been made available which can be considered definitive. Therefore, the translation here should likewise be so construed.

CONSTITUTION OF THE GABONESE REPUBLIC

Law No. 3/91 of March 26, 1991

Modified by:

Law No 1/94 of 18 March 1994

Law No. 18/95 of 29 September 1995

Law No. 1/97 of 22 April 1997

Law No. 14/2000 of 11 October 2000

Law No. 13/2003 of 19 August 2003

Law No. 047/2010 of 12 January 2011

Law No. 001/2018 of 12 January 2018

The National Assembly and the Senate,
have deliberated and adopted:

The President of the Republic, Head of State,
promulgates the law having the following wording:

PREAMBLE

*[Amended by Law No. 1/97 of 22 April 1997; 14/2000 of 11 October 2000;
047/2010 of 12 January 2011*]*

The Gabonese people, conscious of their responsibility before God and before History, animated by the will to assure its independence and its national unity, to organize the common life following the principles of national sovereignty, of pluralist democracy, of social justice, and of republican legality;

Solemnly affirm their adherence to the rights of Man and to the fundamental freedoms such as they derive from the Declaration of the Rights of Man and of the Citizen of 1789 and [from] the Universal Declaration of Human Rights of 1948, consecrated by the African Charter of the Rights of Man and of Peoples of 1981, and by the National Charter of Liberties of 1990;

Solemnly proclaim their adherence to their profound and traditional social values, to their cultural, material and spiritual patrimony, to respect for the freedoms, the rights and the duties of the citizen.

In virtue of these principles and of the sovereignty of the people, they adopt this Constitution.

PRELIMINARY TITLE

Of Fundamental Rights and Principles

Article One

*[Amended by Law No. 047/2010 of 12 January 2011; 001/2018 of
12 January 2018]*

The Gabonese Republic recognizes and guarantees the inviolable and imprescriptible rights of Man, which obligatorily constrain the public powers:

1) Each citizen has the right to the free development of their [sa] person with respect for the rights of others and of the public order. None may be humiliated, mistreated, or tortured, even when they are [il est] in a state of arrest or imprisonment;

2) The freedom of conscience, of thought, of opinion, of expression, of communication, [and] the free practice of religion, are guaranteed to all, under reserve of respect for the public order;

3) The freedom to travel [*aller et venir*] within the interior of the territory of the Gabonese Republic, to leave it and to return to it, are guaranteed to all Gabonese citizens, under reserve of respect for the public order;

4) The rights to [a] defense, within the order of a process, are guaranteed to all;

Preventative detention cannot exceed the time specified by the law;

5) The secrecy of correspondence, of postal, telegraphic, telephonic, and telematic communications[,] is inviolable. Restriction of this inviolability can only be ordered in application of the law, for reasons of public order and of security of the State;

6) The limits of the usage of information systems for [the] protection of Man, the personal and familial intimacy of persons, and the full exercise of their rights, are established by the law;

7) Each citizen has the duty to work and the right to obtain employment. None may be discriminated against in their [son] work for reason of their origins, of their [son] sex, of their [sa] race, [or] of their opinions;

8) The State, according to its possibilities, guarantees to all, notably to the child, to the mother, to the handicapped, to the aged workers and to the elderly, the protection of health, social security, a preserved natural environment, rest and leisure;

9) Every Gabonese citizen traveling or resident abroad benefits from the protection and the assistance of the State, under conditions established by the national laws or international agreements;

10) Every person, individually as well as collectively, has the right to property. None can be deprived of their [sa] property, unless public necessity, legally declared, requires it and under the condition of a just and prior compensation; however, the expropriations of real property undertaken for cause of public utility, for the insufficiency or absence of productive use, and regarding unregistered properties, are regulated by the law;

11) Every Gabonese has the right to freely establish their [son] domicile or their [sa] residence in any place whatever of the national territory and to exercise all activities there, under reserve of respect for the public order and of the law;

12) The domicile is inviolable. A search may only be ordered by a judge or by the other authorities designated by the law. Searches may only be executed in the forms prescribed for them. The measures infringing on the inviolability of the domicile or limiting it may only be taken in order to parry [parer] collective dangers or to protect the public order from imminent threats, notably to combat the risks of epidemics or to protect persons in danger;

13) The right to form associations, political parties or formations, unions [syndicats], companies [sociétés], establishments of social interest as well as religious communities, is guaranteed to all under the conditions established by the law; the religious communities conduct and administrate their affairs in an independent manner, under reserve of respect for the principles of national sovereignty, the public order and of the preservation of the moral and mental integrity of the individual.

The political associations, parties or formations, unions, companies, establishments of social interest, as well as religious communities, of which the

activities are contrary to the laws, to good morals, or to the good relations of ethnic groups or ensembles[,] may be forbidden according to the terms of the law.

Any act of racial, ethnic, or religious discrimination[,] also of any regionalist propaganda infringing on the internal or external security of the State or the integrity of the Republic is punishable by the law;

14) The family is the basic natural unit [*cellule*] of society; marriage, [the] union between two persons of different sex is the legitimate support of it. They are placed under the particular protection of the State;

15) The State has the duty of organizing a general census of the population every ten years;

16) The support to be given to children and their education constitute for parents a natural right and a duty which they exercise under the surveillance and with the aid of the State and of the public collectivities. The parents have the right, in the order of the educational obligation, to decide on the moral and religious education of their children. The children have, vis-à-vis the State, the same rights in that which concerns them as well as [its] assistance in their physical, intellectual and moral development;

17) The protection of the young against exploitation and against moral, intellectual and physical abandon, is an obligation for the State and the public collectivities;

18) The State guarantees equal access of the child and of the adult to instruction, to professional education and to culture;

19) The State has the duty to organize public education on the principle of religious neutrality and, according to the possibilities, on the basis of gratuity; the granting of diplomas remains the prerogative of the State;

However, the freedom of education is guaranteed to all. Any person may open a preschool, primary, secondary, [or] superior establishment or a university, under the conditions established by the law.

The law establishes the conditions of participation of the State and of the public collectivities in the financial expenses of private establishments of education, recognized of public utility.

In the establishments of public education, religious instruction may be dispensed to students on the demand of their parents, under conditions determined by the regulations.

The law establishes the conditions of functioning of establishments of private education taking into account their specificity;

20) The Nation proclaims the solidarity and the equality of all concerning public taxes [*charges*]; each must participate, in proportion to their resources, to the financing of public expenditures.

The Nation proclaims in addition the solidarity of all concerning the charges [*charges*] which result from natural and national calamities;

21) Each citizen has the duty to defend the fatherland and the obligation to protect and to respect the Constitution, the laws and the regulations of the Republic;

22) The defense of the Nation and the safeguarding of the public order are essentially assured by the national forces of defense and security.

In consequence, no person, no group of persons, may constitute itself in [a] private militia or paramilitary group; the national forces of defense and security are at the service of the State.

In times of peace, the Gabonese Armed Forces may participate in the work of economic and social development of the Nation;

23) No one may be arbitrarily detained.

None may be placed under surveillance or placed under a warrant for arrest if they [i/] present sufficient guarantees of representation, under reserve of the necessities of security and of procedure.

Any accused is presumed innocent until the establishment of their [sa] culpability following a regular process, offering the guarantees indispensable to their [sa] defense.

The judicial power, guardian of individual liberty, assures respect for these principles within the time periods established by the law.

24) The State favors the equal access of women and of men to the electoral mandates as well as to the political and professional responsibilities.

TITLE I

Of the Republic and of Sovereignty

Article 2

Gabon is an indivisible, secular, democratic and social Republic. It affirms the separation of State and of the religions and recognizes all beliefs, under reserve of respect for public order.

The Gabonese Republic assures the equality of all citizens before the law, without distinction of origin, of race, of sex, of opinion or of religion.

The national emblem is the tricolor flag, green, yellow, [and] blue in three horizontal bands, of equal dimension.

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 Gabonese Republic adopts French as the official working language. In addition, it strives for the protection and the promotion of the national languages.

The capital of the Republic is Libreville. It may only be transferred by virtue of a law by referendum.

The national holiday is celebrated on 17 August.

Article 3

[Amended by Law No. 1/94 of 18 March 1994; 047/2010 of 12 January 2011]

National sovereignty belongs to the people who exercise it directly, by referendum or by election, according to the principle of pluralist democracy, and indirectly by the constitutional institutions.

No faction [section] of the people, no group, [or] no individual may arrogate the exercise of the national sovereignty nor interfere with the regular functioning of the institutions of the Republic.

Article 4

[Amended by Law No. 1/94 of 18 March 1994; 13/2003 of 19 August 2003; 047/2010 of 12 January 2011; 001/2018 of 12 January 2018]

Suffrage is universal, equal and secret. It can be direct or indirect, within the conditions provided for by the Constitution or by the law. The ballot is [by]

uninominal majority [*majoritaire uninominal/first-past-the-post*] in two rounds for the presidential and parliamentary elections. It is in one round for the local elections.

Within the conditions specified by the Constitution and by the law, all Gabonese of both sexes, being already eighteen years of age, enjoying their civil and political rights, are electors and eligible.

In case of force majeure duly established by the Constitutional Court referred to [the matter] by the Government, the (singular/plural) member (singular/plural) of the institution concerned remains in (his/their) function until the proclamation of the results of the election organized within the time period established by the Constitutional Court.

Article 5

[Amended by Law No. 1/94 of 18 March 1994]

The Gabonese Republic is organized according to the principles of national sovereignty, of the separation of the executive, legislative, and judicial powers and of the State of Law.

Article 6

[Amended by Law No. 1/94 of 18 March 1994; 001/2018 of 12 January 2018]

The political parties and the groupings of political parties legally recognized concur in the expression of suffrage. They form themselves and exercise their activity freely, within the framework established by the law, according to the principles of multipartism.

They contribute to the equal access of women, of men, of young [persons] and of the handicapped to the electoral mandates, within the conditions established by the law.

They must respect the Constitution, the law and regulations of the Republic.

Article 7

Any act infringing on the republican form, on the unity [or] on the secularity of the State, on [its] sovereignty and on [its] independence, constitutes a crime of high treason punishable by the law.

TITLE II

Of the Executive Power

I

The President of the Republic

Article 8

[Amended by Law No. 001/2018 of 12 January 2018]

The President of the Republic is the Head of State; he sees to the respect for the Constitution; he assures, by his arbitration, the regular functioning of the public powers as well as the continuity of the State.

He is the guarantor of the national independence, of the integrity of the territory, of respect for the agreements and treaties. He determines the policy of the Nation.

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

Article 9

[Amended by Law No. 1/94 of 18 March 1994; 1/97 of 22 April 1997; 13/2003 of 19 August 2003; 001/2018 of 12 January 2018]

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

The election of the President of the Republic takes place by uninominal majority [*majoritaire uninominal/first-past-the-post*] ballot in two (2) rounds.

The President of the Republic is elected by the absolute majority of the suffrage expressed. If this is not obtained in the first round of the ballot, it proceeds, the fourteenth day after the announcement of the results, to a second round.

Only the two candidates who received the greater number of votes [*suffrages*] in the first round can present themselves at the second round.

In the case of withdrawal of one of the two candidates who arrived ahead in the first round, he is replaced by the candidate who follows him in the order of their ranking after the first round of the ballot.

The candidate having obtained the majority of the votes expressed, is declared elected in the second round.

Article 10

[Amended by Law No. 1/97 of 22 April 1997; 13/2003 of 19 August 2003; 047/2010 of 12 January 2011; 001/2018 of 12 January 2018]

All Gabonese of both sexes enjoying their civil and political rights are eligible to the Presidency of the Republic.

Any Gabonese benefitting from another nationality under [the] title of which they [*il*] exercised political or administrative responsibilities in another country, cannot stand [*se porter*] as a candidate.

Any person having acquired Gabonese nationality may not present themselves as a candidate for the Presidency of the Republic. Only their [*sa*] descendants, having remained without discontinuity in Gabon can [do so], starting with the fourth generation.

If, before the ballot, the Constitutional Court referred to [the matter] in the conditions specified by the law, declares the death or incapacity of a candidate, it decides on the postponement of the election.

The Constitutional Court may extend the periods specified, in conformity with Article 11 below, as long as the ballot does not take place more than thirty-five (35) days after the date of the decision of the Constitutional Court. If the application of the provisions of this Article has for its effect the postponement of the election to a date after the expiration of the mandate of the President in exercise, he continues in [the] functions until the election of his successor.

The modalities of application of this Article are established by an organic law.

Article 11

[Amended by Law No. 1/94 of 18 March 1994; 1/97 of 22 April 1997; 14/2000 of 11 October 2000; 001/2018 of 12 January 2018]

The mandate of the President of the Republic debuts [on] the day of his taking of the oath and ends on the expiration of the seventh year following his taking of the oath.

The election of the President of the Republic takes place one (1) month at least and two (2) months at most, before the expiration of the mandate of the President in exercise [of his functions].

He cannot shorten his mandate in whatever manner in order to solicit another.

If the President of the Republic in exercise presents himself as a candidate, the National Assembly may not be dissolved. He may not, in addition, beginning with the official announcement of his candidature until the election, exercise his power to legislate by ordinance. In the case of necessity, the Parliament is convoked in extraordinary session.

In the case of reelection of the president of the Republic in exercise [of his functions], he can take the oath [as of] the proclamation of the results of the election by the Constitutional Court.

Article 11a

[Amended by Law No. 1/94 of 18 March 1994; 047/2010 of 12 January 2011]

The taking of the oath marks the debut of the presidential mandate. It cannot take place before the decision of promulgation of the results by the Constitutional Court.

If there are no disputes, the decision of the Constitutional Court intervenes [on] the eight day following the announcement of the results by the competent administrative authority.

If there are disputes, the decision of the Constitutional Court intervenes within a maximum time period of fifteen days counting from the eighth day which follows the announcement of the results.

In the case of death or definitive incapacity of the President of the Republic in exercise, [who has] not [been] reelected, intervening before the end of his mandate, the President elect immediately takes the oath. If the decision of the proclamation of the results by the Constitutional Court has not intervened, the interim is assured conforming to Article 13 below.

The death or definitive incapacity of the President of the Republic elect or reelect, intervening within the period that separates the proclamation of the results [and] of the expiration of the mandate of the President in exercise, leads to the repetition of the whole of the electoral operations within the conditions and time periods provided for in Article 10 above.

In this case, once the vacancy is established, the functions of the President of the Republic are assured in accordance to the provisions of Article 13 below.

During the period which separates the proclamation of the results of the presidential election and the beginning of the new presidential mandate, the National Assembly may be not dissolved, nor may the revision of the Constitution be started or achieved.

Article 12

[Amended by Law No. 047/2010 of 12 January 2011; 001/2018 of 12 January 2018]*

When he enters into [the] functions, the President of the Republic solemnly takes the oath below, before the Constitutional Court, in the presence of the Parliament, his left hand placed on the Constitution, his right hand raised before the national flag:

“I swear to consecrate all my efforts for the good of the Gabonese People with the view to assure their well-being and to preserve them from all harm, to respect and

to defend the Constitution and the State of Law, to conscientiously fulfill the duties of my charge and to be just toward all.”

Article 13

[Amended by Law No. 1/94 of 18 March 1994; 1/97 of 22 April 1997; 047/2010 of 12 January 2011]

In the case of vacancy of the Presidency of the Republic for whatever case that may be, or of definitive incapacity of its office-holder [*titulaire*] established by the Constitutional Court referred to [the matter] by the Government [and] deciding by the absolute majority of its members, or in default by the Bureaus of the two Chambers of the Parliament deciding jointly by a majority of their members, the functions of the President of the Republic are provisionally exercised by the President of the Senate or, in case of incapacity of him duly established by the Constitutional Court referred to [the matter] in the same conditions, [by] the First Vice President of the Senate.

The authority that assures the interim of the Presidency of the Republic is invested, in temporary title, with the full functions of the President of the Republic, with the exception of those provided for in Articles 18, 19 and 116, 1st paragraph. He may not present himself as a candidate in the presidential election.

Before his entering into [his] functions, the concerned authority takes the oath in the conditions specified by Article 12 above.

In the case of vacancy or when the incapacity is declared definitive by the Constitutional Court, the ballot for the election of the new President takes place, except in the case of force majeure established by the Constitutional Court, thirty days at least and sixty days at most, after the opening of the vacancy or of the declaration of the definitive character of the incapacity.

Article 14

The functions of the President of the Republic are incompatible with the exercise of any other public function and private activity of lucrative character.

Article 14a

[Amended by Law No. 1/97 of 22 April 1997; 001/2018 of 12 January 2018]

The President of the Republic is assisted by a Vice President of the Republic.

The Vice President of the Republic is appointed by the President of the Republic who terminates his functions. The Vice President of the Republic is chosen from within the Parliament or outside of it.

Article 14b

[Amended by Law No. 1/97 of 22 April 1997]

The functions of Vice President of the Republic are incompatible with the exercise of any other public function or private activity of lucrative character.

Article 14c

[Amended by Law No. 1/97 of 22 April 1997]

The Vice President of the Republic takes an oath on the Constitution before the President of the Republic and in the presence of the Constitutional Court in the following terms:

“I swear to respect the Constitution and the State of Law, to conscientiously fulfill the duties of my charge within strict respect for the [ses] obligations of loyalty and confidentiality with regard to the Head of State.”

Article 14d

[Amended by Law No. 1/97 of 22 April 1997]

The Vice President of the Republic substitutes the President of the Republic in the functions which he delegates to him.

The modalities of application of this article are established by an organic law.

Article 14e

[Amended by Law No. 1/97 of 22 April 1997]

The functions of Vice President of the Republic cease on the issue of the proclamation of the presidential election by the Constitutional Court[,] and in case of vacancy of the Presidency of the Republic for any cause that may be or of [the] definitive incapacity of the President of the Republic.

Article 15

[Amended by Law No. 1/94 of 18 March 1994; 001/2018 of 12 January 2018]

The President of the Republic appoints the Prime Minister.

He terminates his functions, on his own initiative, or on presentation by the Prime Minister of the resignation of the Government, or following a vote of no confidence or of the adoption of a motion of censure by the National Assembly.

On proposal of the Prime Minister, he appoints the other members of the Government and terminates their functions.

Before they enter into [their] functions, the members of the Government take an oath before the President of the Republic, in the presence of the Constitutional Court, in the terms [given] hereafter:

“I swear to respect the Constitution and the State of Law, to conscientiously fulfill the duties of my office [charge] within strict respect for its obligations of loyalty vis-à-vis the Head of the State, to religiously keep, even after the cessation of my functions, the confidentiality of the dossiers and of the information classified as State secrets and of which I will have taken cognizance in the exercise of these.”

Article 16

[Amended by Law No. 1/97 of 22 April 1997]

The President of the Republic convokes and presides over the Council of Ministers and orders its agenda.

The Vice President is a member of it of right. He substitutes[,] the case arising, the President of the Republic, expressly enabled [for] a specific agenda.

Article 17

[Amended by Law No. 1/94 of 18 March 1994; 14/2000 of 11 October 2000; 001/2018 of 12 January 2018]

The President of the Republic promulgates the laws definitively adopted within the twenty-five (25) days which follow their transmission to the Government. This time period may be reduced to ten (10) days in case of urgency declared by the National Assembly, the Senate or the Government.

The President of the Republic can, during the time period of promulgation, demand of the Parliament a new deliberation on the law or certain of its articles. This new deliberation cannot be refused. The text so submitted to a second deliberation must be adopted by majority of two-thirds (2/3) of its members, either in its initial form, or after modification. The President of the Republic promulgates it within the time period established above.

On default of promulgation of the law by the President of the Republic, within the conditions and time periods [specified] above, he must defer the text to the Constitutional Court.

In case of rejection of the recourse by the Constitutional Court, the President of the Republic promulgates the law within the ten (10) days following the notification of the decision of the Court.

Article 18

[Amended by Law No.14/2000 of 11 October 2000]

The President of the Republic, on his own initiative, or on proposal of the Government, or on proposal of the National Assembly and of the Senate, made by an absolute majority can, during the sessions, submit to referendum any bill of law concerning application of the principles contained in the Preamble or the Preliminary Title of the Constitution and affecting [*touchant*] directly or indirectly the functioning of the institutions.

When the referendum has concluded with the adoption of the bill, the President of the Republic promulgates it in accordance with Article 17 above.

Article 19

[Amended by Law No. 1/94 of 18 March 1994; 1/97 of 22 April 1997]

The President of the Republic can, after consultation with the Prime Minister and with the Presidents of the two Chambers of the Parliament, pronounce the dissolution of the National Assembly.

However, the recourse to this prerogative, limited to two times in the course of the same presidential mandate, may not take place consecutively within the twelve months which follow the first dissolution.

The general elections take place thirty days at least and forty-five days at most, after the publication of the decree confirming dissolution.

The National Assembly convenes of right on the second Tuesday which follows its election. If this meeting takes place outside the periods specified for the ordinary sessions, a session is opened of right for a duration of fifteen days.

Article 20

[Amended by Law No. 047/2010 of 12 January 2011; 001/2018 of 12 January 2018]*

The President of the Republic appoints, in the Council of Ministers, to the superior employments [*emplois*], civil and military of the State, in particular, the ambassadors and extraordinary envoys as well as the superior and general officers.

Before they enter into [their] functions, the commanders-in-chief of the forces of defense and of security take an oath before the President of the Republic in the terms [given] hereafter:

“I swear to defend the fatherland [patrie] and the State of Law, to conscientiously fulfill the duties of my office, within strict respect for its obligations of loyalty vis-à-vis the Head of the State, to religiously keep, even after the cessation of my functions, the confidentiality of the dossiers and the information of which I will have taken cognizance in the exercise of these.”

Before they enter into [their] functions, [those] promoted to the superior civil employments of the State, the Ambassadors as well as the envoys extraordinary take an oath before the Court of Cassation, in the terms [given] hereafter:

“I swear to conscientiously fulfill the duties of my office, to respect the neutrality of the Administration and to religiously keep, even after the cessation of my

functions, the secrecy of the dossiers and the information of which I will have taken cognizance in the exercise of my functions.”

An organic law specifies the employments concerned as well as the mode of accession to these employments.

Article 21

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

Article 22

[Amended by Law No. 047/2010 of 12 January 2011; 001/2018 of 12 January 2018]

The President of the Republic is the supreme Head of the forces of defense and of security. In this capacity [*titre*], the questions of defense and of security belong [*relèvent*] to his direct authority.

The President of the Republic presides over the Superior Council of the national defense and of the public security and the committees of defense and of security.

He is substituted, the need arising, by the Prime Minister, expressly enabled and for a specific agenda.

The Ministers in charge of defense and of security assure the direction of the committees of defense and of security according to their domain of competence.

A law establishes the modalities of application of this Article.

Article 23

The President of the Republic has the right of pardon.

Article 24

[Amended by Law No. 1/97 of 22 April 1997; 047-201 of 12 January 2011]*

The President of the Republic communicates with each chamber of the Parliament by messages which he has read by the President of each of them. On his demand, he is heard by the chambers of Parliament meeting in congress. These communications do not give rise to any debate.

Out of session, each of the Chambers is specially convoked to this effect.

Article 25

[Amended by Law No. 1/94 of 18 March 1994; 1/97 of 22 April 1997]

The President of the Republic can, when circumstances require it, after deliberation of the Council of Ministers and [after] consultation with the Bureaus of the National Assembly and of the Senate, proclaim by decree the state of urgency or the state of siege, which confers special powers to him under conditions determined by the law.

Article 26

[Amended by Law No. 14/2000 of 11 October 2000; 047-2010 of 12 January 2011]

When the institutions of the Republic, the independence or the superior interests of the Nation, the integrity of the territory or the execution of its international commitments are menaced in a grave and immediate manner and [when] the regular functioning of the constitutional public powers is interrupted, the President of the Republic takes the measures required by the circumstances, after official

consultation of the Prime Minister, of the Presidents of the National Assembly and of the Senate as well as of the Constitutional Court.

He informs the nation by a message.

These measures must be inspired by the will to assure to the constitutional public powers, within the shortest delay, the means to accomplish their mission.

The Constitutional Court is consulted on their subject.

The Parliament meets of plain right.

The National Assembly may not be dissolved during the exercise of exceptional powers, nor revision of the Constitution be initiated or achieved.

Article 27

[Amended by Law No. 1/97 of 22 April 1997]

The acts of the President of the Republic other than those specified [*visés*] in Articles 15 (paragraph 1), 17, (paragraphs 1, 2 and 3), 18, 19, 23, 89, 98 and 116 must be countersigned by the Prime Minister and the members of the Government charged with their execution.

II

Of the Government

Article 28

[Amended by Law No. 001/2018 of 12 January 2018]

The Government conducts the policy of the Nation under the authority of the President of the Republic; he has at [his] disposal, to this effect, the administration and the forces of defense and of security.

The Government is responsible before the President of the Republic.

It is responsible before the National Assembly within the conditions provided for by this Constitution.

Article 28a

[Amended by Law No. 1/94 of 18 March 1994; 1/97 of 22 April 1997]

Within a time period of forty-five (45) days at most, after his appointment and after deliberation of the Council of Ministers, the Prime Minister presents to the National Assembly his general political program which gives rise to debate, followed by a vote of confidence. The vote is acquired by the absolute majority of the members of the National Assembly.

Article 29

The Prime Minister directs the action of the Government. He assures the execution of the laws. Under reserve of the provision of Article 20 above mentioned, he exercises the regulatory power and appoints to the civil and military employments of the State. He substitutes for the President of the Republic in the specified [*précités*] cases. He can delegate certain of his powers to the other members of the Government.

The interim of the Prime Minister is assured by a member of the Government designated by a decree of the President of the Republic, following the order of nomination of the decree establishing the composition of the Government.

The Minister assuring the interim of the Prime Minister is invested, in temporary title, with the plenitude of powers of the Prime Minister.

The acts of the Prime Minister are countersigned by the members of the Government charged with their execution.

Article 29a

[Amended by Law No. 1/94 of 18 March 1994; 1/97 of 22 April 1997]

The Prime Minister can, when the circumstances require it, after deliberation of the Council of Ministers and consultation with the Presidents of the Chambers of the Parliament, proclaim by order the state of readiness [*état de mise en garde*] within the conditions determined by the law.

The proclamation of the state of alert [*état de alerte*], by order of the Prime Minister, takes place after deliberation of the Council of Ministers and consultation with the Bureaus of the two Chambers of the Parliament.

The extension of the state of readiness or of the state of alert for more than twenty-one days is authorized by the Parliament.

Article 30

[Amended by Law No. 1/94 of 18 March 1994]

The bills of law, of ordinances and of regulatory decrees are deliberated, in the Council of Ministers, after the opinion of the Council of State.

Article 31

[Amended by Law No. 1/94 of 18 March 1994; 1/97 of 22 April 1997]

The Government is composed of the Prime Minister and of the other members of the Government.

The Prime Minister is the Head of the Government.

The members of the Government are chosen from within the National Assembly and outside of it. They must be thirty years of age at least and enjoy all of their civil and political rights.

A member of the Government is eligible to one national mandate and one local mandate.

Article 32

The functions of a member of the Government are incompatible with the exercise of a parliamentary mandate.

An organic law establishes the treatment and benefits accorded to members of the Government and enumerates the other public functions and private activities of which the exercise is incompatible with their functions.

Article 33

The members of the Government are politically interdependent [*solidaires*]. They are penally responsible for the crimes and misdemeanors committed in the exercise of their functions.

Article 34

[Amended by Law No. 1/94 of 18 March 1994; 047/2010 of 12 January 2011]

The functions of the Government cease at the occurrence of the taking of the oath by the President of the Republic, of the proclamation of the results of the legislative elections by the Constitutional Court and in case of vacancy of the Presidency of the Republic for whatever cause that may be or the definitive impeachment of the President of the Republic.

In all the cases, the Government assures the expedition of current affairs until the formation of a new Government.

TITLE III
Of the Legislative Power

Article 35

*[Amended by Law No. 1/94 of 18 March 1994; 14/2000 of 11 October 2000;
047/2010 of 12 January 2011*; 001/2018 of 12 January 2018]*

The legislative power is represented by a Parliament composed of two (2) Chambers: the National Assembly and the Senate.

The members of the National Assembly have the title of Deputy. They are elected by direct universal suffrage for a renewable term of five (5) years.

The members of the Senate have the title of Senator. They are elected by indirect universal suffrage for a renewable term of six years. The Senate assures the representation of the local collectivities.

The Chambers of the Parliament are completely renewed one (1) month at least and six (6) months at most before the expiration of the current legislature.

The mandate of the Deputies and of the Senators debuts on the day of the election of the members of the Bureaus of the two Chambers of the Parliament and is respectively terminated with the expiration of the fifth (5th) and of the sixth (6th) year following these elections.

No division of electoral circumscriptions may proceed in the year preceding the normal date of renewal of each of the Chambers.

Article 36

[Amended by Law No. 001/2018 of 12 January 2018]

The Parliament votes the law, consents to taxes, controls the action of the Government and evaluates the public policies within the conditions provided for by this Constitution.

Article 37

[Amended by Law No. 1/94 of 18 March 1994]

An organic law establishes, for each of the Chambers, the number of parliamentarians, their indemnity, the modalities and the conditions of their election as well as the regime of ineligibilities and of incompatibilities.

It equally establishes the conditions in which the persons[,] named to assure, in case of vacancy of a seat, the replacement of parliamentarians until the renewal of the concerned Chamber, are elected, as well as the regime of ineligibilities and of incompatibilities.

Article 38

[Amended by Law No. 1/94 of 18 March 1994]

No member of the Parliament may be prosecuted, investigated, arrested, detained or judged as a result of the opinions or votes emitted by him in the exercise of his functions.

Any member of Parliament, during the sessions, may only be prosecuted, investigated, arrested in a criminal, correctional or simple police matter with the authorization of the Bureau of the Chamber concerned, except in the case of flagrant offense or of definitive condemnation.

The detention or the prosecution of a member of Parliament is suspended until the end of his mandate, except in the case of waiving of parliamentary immunity.

Article 39

[Amended by Law No. 1/94 of 18 March 1994; 18/95 of 29 September 1995]

Any imperative mandate is null.

However, in the case of resignation or of the exclusion within the statutory conditions of a member of Parliament of a political party to which he belongs at the time of his election, and if this party has presented his candidature, his seat becomes vacant from the date of his resignation or of its exclusion.

It subsequently proceeds within a time period of two months at most, to a partial election.

The right to vote of the members of Parliament is personal.

The regulations of each Chamber exceptionally authorize the delegation of the vote.

No one can receive the delegation of more than one mandate.

Article 40

[Amended by Law No. 1/94 of 18 March 1994; 1/97 of 22 April 1997; 047/2010 of 12 January 2011]*

Each Chamber of the Parliament meets of plain right on the first working day following the fifteenth day after its election. Its agenda [is] then composed exclusively of election of its President and of its Bureau.

The Presidents and the other members of the Bureaus of the National Assembly and of the Senate are elected by their peers for the duration of the legislature, by secret ballot, in accordance with the provisions of the regulations of the Chamber concerned.

At any time, after entering into their functions, the Chamber concerned may relieve the President and the other members of the Bureau of their mandate following a vote of no-confidence, by absolute majority.

Article 41

[Amended by Law No. 1/94 of 18 March 1994; 1/97 of 22 April 1997]

The Parliament meets of plain right in the course of two sessions per year.

The first session is opened [on] the first working day of March and terminates, at the latest, [on] the last working day of June.

The second session is opened [on] the first working day of September and terminates, at the latest, [on] the last working day of December.

Article 42

The Parliament meets of plain right during the term of a state of siege and in the case provided for in Article 26 above.

Article 43

[Amended by Law No. 1/94 of 18 March 1994]

The Chambers of the Parliament meet in extraordinary session, on convocation of their Presidents, for a specific agenda, at the demand, either of the President of the Republic on the proposal of the Prime Minister, or of the absolute majority of their members.

The extraordinary sessions are opened and closed by decree of the President of the Republic.

They cannot exceed a time period of fifteen days.

Article 44

[Amended by Law No. 1/94 of 18 March 1994; 001/2018 of 12 January 2018]

The sessions of the Parliament are public. A complete account of the debates is published in the *Journal des débats* [Gazette of Debates].

Each of the two (2) Chambers can, under the control of its Bureau, have broadcast by the media of the State a retransmission of the debates, with respect for pluralism and conforming to the provisions of its Regulations.

Each of the two (2) Chambers may receive the President of the Republic, a foreign Head of State or of a [foreign] Government or the Head of an international institution.

Each Chamber of the Parliament may sit in closed session, at the demand, either of the President of the Republic, or of the Prime Minister or of one-fifth (1/5) of its members.

Article 45

[Amended by Law No. 1/94 of 18 March 1994]

Each Chamber of the Parliament votes its own regulations which enter into force only after having been recognized as conforming to the Constitution by the Constitutional Court. Any subsequent modification is equally submitted to the latter.

Article 46

[Amended by Law No. 1/94 of 18 March 1994; 1/97 of 22 April 1997]

Each Chamber of the Parliament enjoys administrative and financial autonomy.

TITLE IV

Of the Relations Between the Executive Power and the Legislative Power

Article 47

[Amended by Law No. 1/94 of 18 March 1994; 14/2000 of 11 October 2000; 047-2010 of 12 January 2011; 001/2018 of 12 January 2018]

Besides the cases expressly provided for by the Constitution, the law establishes the rules concerning:

- the exercise of the fundamental rights and duties of the citizens;
- the constraints imposed on Gabonese and on foreigners on their person and on their property, in view of public utility and of national defense, notably;
- the nationality, the state and the capacity of persons, the matrimonial regimes, inheritance and gifts, the status of foreigners and immigration;
- the organization of civil estate;
- audiovisual, cinematographic or written communication;
- the conditions of the usage of information systems [*informatique*] to the end that honor, personal and familial intimacy of citizens as well as the full exercise of their rights will be safeguarded;
- the electoral regime of the President of the Republic, of the National Assembly, of the Senate and of the local Councils;
- the organization of Justice by an organic law;
- the status of the magistrates;

- the organization of ministerial and public offices, the professions of ministerial officers;
- the determination of crimes and misdemeanors as well as the penalties which are applicable to them, the criminal procedure, the civil procedure, the penitentiary regime and amnesty;
- the state of readiness, the state of urgency, the state of alert and the state of siege;
- the regime of associations, of parties, of political groups, and of unions;
- taxes, the tax rate and the modalities of recovery of impositions of any nature, the regime of issuing currency;
- the general status of the public function and particular statuses;
- the nationalization of enterprises and the transfer of property of enterprises of the public sector to the private sector;
- the general administrative and financial organization;
- the creation, the functioning and the free management of the territorial collectivities, their competences, their resources and their tax bases [*assiettes d'impôts*];
- the conditions of participation of the State in the capital of all companies [*sociétés*] and of the control by it of the management of these companies;
- the regime of domain, land use, forestry, mining and habitat;
- the protection of artistic, cultural and archeological patrimony;
- the protection of nature and the environment;
- the regime of ownership, of real rights and of civil and commercial obligations;
- the debts and financial commitments of the State;
- the programs of economic and social action;
- the conditions within which the laws of finance and the accounting regulations of the Nation are introduced and adopted;
- the Laws of Finance determining the resources and the obligations [*charges*] of the State within the conditions provided for by an organic law;
- the program laws [*lois de programme*] establishing the objectives of the State in economic, social, cultural and national defense matters;
- the creation and the suppression of autonomous public establishments and services.

The law determines in addition the fundamental principles:

- of education;
- of health;
- of social security;
- of the right to work;
- of the syndical right including the exercise of the right to strike;
- of insurance and of savings;
- of the general organization of the national defense and of public security.

The administrative organization of the territory of the Republic is established by an organic law.

The provisions of this Article may be made specific or completed by an organic law.

Article 48

[Amended by Law No. 1/94 of 18 March 1994; 1/97 of 22 April 1997; 14/2000 of 11 October 2000]

All the resources and the obligations of the State must, for each financial year [*exercice*], be evaluated and inscribed in the annual bill of the Law of Finance deposited by the Government to the National Assembly forty-five (45) days at most after the opening of the second ordinary session.

If the National Assembly has not decided on the first reading in a time period of forty-five (45) days after the deposit of the bill, the Government refers the Senate [to the matter] which must decide in a time period of twenty (20) days. It subsequently proceeds to its examination within the conditions provided for in Article 58a.

If, at the termination of the budgetary session, the Parliament adjourns without having adopted a balanced budget, the Government is authorized to renew by ordinance the preceding budget. This ordinance may nevertheless, in case of necessity, provide for any reduction of expenditures or augmentation of receipts. On the demand of the Prime Minister, the Parliament is convoked within fifteen days in extraordinary session for a new deliberation. If the Parliament has not voted the balanced budget at the end of this extraordinary session, the budget is definitively established by ordinance taken in the Council of Ministers and signed by the President of the Republic.

The new receipts which may be created, if they consist of direct taxes and of similar contributions or taxes, are recoverable from the first of January.

The Court of Accounts assists the Parliament and the Government in the control of the execution of the Law of Finance. The bill of the law of regulation established by the Government, accompanied by the general declaration of conformity and of general report of the Court of Accounts, must be deposited with the Parliament, at the latest, at the beginning of the first ordinary session of the second year which follows the exercise of execution of the budget concerned.

Article 49

[Amended by Law No. 1/94 of 18 March 1994; 14/2000 of 11 October 2000]

The declaration of war by the President of the Republic is authorized by the Parliament.

Article 50

[Amended by Law No. 1/94 of 18 March 1994; 14/2000 of 11 October 2000]

The extension of a state of urgency or of a state of siege beyond fifteen days, is authorized by the Parliament.

Article 51

The matters other than those which are of the domain of the law have a regulatory character. They are made the subject of decrees of the President of the Republic.

These matters can, for the application of these decrees, be made the subject of orders taken by the Prime Minister, by the responsible Ministers or by the other administrative authorities habilitated to make them.

Article 52

The Government can, in case of urgency, for the execution of its program, demand of the Parliament the authorization to take by ordinance during the parliamentary intersession, the measures which are normally of the domain of the law.

The ordinances are taken in the Council of Ministers after the opinion of the Council of State and signed by the President of the Republic. They enter into force on their publication.

They must be ratified by the Parliament in the course of its next session.

Parliament has the possibility to modify the ordinances by way of amendments.

In the absence of a law of ratification, the ordinances are stricken [*frappées*] and lapse.

The ordinances may be modified by another ordinance or by a law.

Article 53

The initiative of law belongs concurrently to the Government and to the Parliament.

Article 54

[Amended by Law No. 1/94 of 18 March 1994]

The bills of law are deliberated in the Council of Ministers, after the opinion of the Council of State and deposited with the Bureau of one of the two Chambers of the Parliament.

In the name of the Prime Minister, a member of the Government is charged, as the case may be, with explaining the motives and conducting the discussion before the Chambers of the Parliament.

The bill or the proposal of an organic law can only be submitted to the deliberation and to the vote of the Parliament on the expiration of a time period of fifteen days after its deposit.

The bills of [the] Law of Finance and the bills of revision of the Constitution are deposited in the first reading to the National Assembly. The bills of law concerning the local collectivities are deposited in the first reading before the Senate.

Any proposal of law transmitted to the Government by the Parliament and which has not been the subject of an examination within a time period of sixty days is[,] of office[,] put into deliberation within the Parliament.

Article 55

[Amended by Law No. 1/94 of 18 March 1994]

The members of the Parliament have the right of amendment. The proposals of law and the amendments of parliamentary origin are irreceivable when their adoption would have as a consequence, either a diminution of public receipts, or the creation or the aggravation of a public charge without providing for [*dégagement*] the corresponding receipts.

The amendments must not lack [a] link to the text to which they correspond.

If the Government demands it, the Chamber referred to [the matter] decides by a single vote on all or part of the text in discussion and retaining only the amendments proposed or accepted by the Government.

Article 56

[Amended by Law No. 1/94 of 18 March 1994]

If it appears, in the course of the legislative procedure, that a text or an amendment is not of the domain of the law, in the sense of Article 47 above, or exceeds the limits of legislative habilitation accorded to the Government by virtue of Article 52, the Prime Minister can raise the irreceivability, as well as the President of the concerned Chamber, at the demand of one-fifth of its members.

In case of disagreement, the Constitutional Court is referred to [the matter.] It decides within a time period of eight days.

Article 57

[Amended by Law No. 1/94 of 18 March 1994]

The agenda of the Parliament consists of the discussion of the bills of law deposited by the Government and of the proposals of law accepted by it.

The Government is informed of the agenda of the work of the Chambers and of their commissions.

The Prime Minister and the other members of the Government have the right of access and of speech in the Chambers of the Parliament and of their commissions. They are heard at their [own] demand or at that of the parliamentarians.

Article 58

The urgency of a vote of a law may be demanded, either by the Government, or by the members of Parliament by an absolute majority. Concerning urgency on the organic laws, the time period of fifteen days is reduced to eight days.

Article 58a

[Amended by Law No. 1/94 of 18 March 1994]

Any bill or proposal of law is examined successively in the two Chambers of the Parliament with the view of the adoption of an identical text.

When, following a disagreement between the two Chambers, a bill or a proposal of law could not be adopted after one single reading by each of the Chambers, the Prime Minister has the faculty to initiate the meeting of a mixed commission of the two Chambers, charged with proposing a text concerning the provisions remaining in discussion.

If the mixed commission is unable to adopt a common text, the Government refers the National Assembly [to the matter] which decides definitively.

If the mixed commission adopts a common text, this [text] becomes that of Parliament only if it is adopted separately by each of the Chambers.

The procedure concerning the budget is identical to that of the ordinary law, under reserve of the particular provisions specified in Article 48 above.

Article 59

[Amended by Law No. 1/94 of 18 March 1994]

The bills and proposals of law are sent, for examination, to the competent commissions of each Chamber of the Parliament before deliberation in plenary session.

After the opening of the public debates, no amendment can be examined if it has not been previously submitted to the competent commission.

Article 60

The organic laws specified by this Constitution are deliberated and voted according to the normal legislative procedure.

The organic laws, before their promulgation, are deferred to the Constitutional Court by the Prime Minister.

Article 61

[Amended by Law No. 1/94 of 18 March 1994; 001/2018 of 12 January 2018]

The means of control and of evaluation of the Parliament on the Government are the following: the interpellations, the written and oral questions, the commissions of inquiry, of control and of evaluation, [and] the motion of censure exercised by the National Assembly within the conditions provided for in Article 64 of this Constitution.

One meeting per week is reserved to the questions of the parliamentarians and to the responses of the members of the Government. The current questions may be the subject of interpellations of the Government, even during the extraordinary sessions of the Parliament.

The Government is required to furnish to the Parliament all the elements of information which are demanded of it concerning its management and its activities.

Article 62

An organic law determines the conditions in which the written question can be transformed into an oral question with debate, and the conditions of organization and of functioning of the commissions of inquiry and of control.

One meeting per week is devoted to the examination of oral questions relative to current affairs.

Article 63

[Amended by Law No. 1/97 of 22 April 1997; 047-2010 of 12 January 2011]

The Prime Minister, after deliberation of the Council of Ministers, engages the responsibility of Government before the National Assembly, by posing the question of confidence, either on a declaration of general policy, or on the vote of a text of law.

The debate on the question of confidence intervenes in a time period of three full days after it has been raised. Confidence may only be refused by an absolute majority of the members composing the National Assembly.

Article 64

The National Assembly engages the responsibility of the Government by the vote of a motion of censure. Such a motion is only receivable if it is signed by a least one-quarter of the members of the National Assembly.

The vote of the motion of censure can only take place three full days after its deposit. The motion of censure can only be adopted by an absolute majority of the members of the National Assembly.

In case of rejection of the motion of censure, the signatories cannot propose a new one in the course of the same session, except in the case provided for in Article 65 below.

Article 65

When the National Assembly adopts a motion of censure or refuses its confidence to the Prime Minister, he must immediately submit his resignation to the President of the Republic.

The resignation of the Prime Minister leads to the collective resignation of the Government.

A new Prime Minister is then appointed under the conditions provided for by Article 15.

Article 66

The closing of ordinary or extraordinary session is delayed of right in order to permit, as the case may be, the application of the provisions of Articles 25, 26 and 50 above.

TITLE V

Of the Judicial Power

I

Of the Judicial Authority

Article 67

[Amended by Law No. 1/94 of 18 March 1994; 14/2000 of 11 October 2000; 047-2010 of 12 January 2011; 001/2018 of 12 January 2018]

Justice is rendered in the name of the Gabonese people by the Constitutional Court, the jurisdictions of the judicial order, the jurisdictions of the administrative order, the jurisdictions of the financial order, the High Court of Justice, the Court of Justice of the Republic and the other jurisdictions of exception.

Article 68

[Amended by Law No. 14/2000 of 11 October 2000; 047-2010 of 12 January 2011]

The President of the Republic is the guarantor of the independence of the judicial power, with respect for the provisions of this Constitution.

The Judges are only submitted, in the exercise of their functions, to the authority of the law.

Article 69

[Amended by Law No. 1/94 of 18 March 1994; 14/2000 of 11 October 2000; 047-2010 of 12 January 2011]

The judicial authority is exercised by the Superior Council of the Magistrature which sees to the good administration of justice and decides for this purpose on the nominations, the placement, the advancements, and the discipline of the magistrates.

Article 70

[Amended by Law No. 047-2010 of 12 January 2011; 001/2018 of 12 January 2018]

The Superior Council of the Magistrature is presided over by the President of the Republic.

The first Vice Presidency of the Superior Council of the Magistrature is assured by the Minister of Justice, Guardian of the Seals.

The second Vice Presidency is assured in a rotating basis [*de façon rotative*] by the Presidents of the Court of Cassation, of the Council of State and of the Court of Accounts.

The Parliament is represented by three (3) Deputies and two (2) Senators designated by the President of each Chamber, with consultative voice.

Article 71

[Amended by Law No. 1/94 of 18 March 1994; 047-2010 of 12 January 2011]

The Minister charged with the Budget assists the Superior Council of the Magistrature with consultative voice.

Article 72

The composition, the organization and the functioning of the Superior Council of the Magistrature are established by an organic law.

II

Of the Court of Cassation

[Amended by Law No. 1/94 of 18 March 1994; 14/2000 of 11 October 2000; 047-2010 of 12 January 2011]

Article 73

[Amended by Law No. 1/94 of 18 March 1994; 14/2000 of 11 October 2000; 047-2010 of 12 January 2011; 001/2018 of 12 January 2018]

The Court of Cassation is the highest jurisdiction of the State in civil, social, [and] criminal matters and [matters] of petition. It is divided into civil, social, [and] criminal Chambers and [a Chamber] of petition.

Each Chamber deliberates separately according to its domain [*chef*] of competence.

The Court of Cassation may sit [with] all the Chambers together under the conditions specified by the law.

The orders [*arrêts*] of the Court of Cassation are invested with absolute authority over the matter judged.

Article 73a

[Amended by Law No. 14/2000 of 11 October 2000; 13/2003 of 19 August 2003]

The Court of Cassation enjoys autonomy of financial management.

The credits necessary for its functioning are inscribed in the Law of Finance.

Article 73b

[Amended by Law No. 1/94 of 18 March 1994; 13/2003 of 19 August 2000; 047-2010 of 12 January 2011]

An organic law establishes the organization, the composition, the competence and the functioning of the Court of Cassation as well as of the Courts of Appeal and the judicial tribunals, competent in civil, commercial, social, [and] criminal matters and [matters] of petition.

III

Of the Council of State

[Amended by Law No. 1/94 of 18 March 1994; 14/2000 of 11 October 2000]

Article 74

[Amended by Law No. 1/94 of 18 March 1994; 14/2000 of 11 October 2000]

The Council of State is the highest jurisdiction of the State in administrative matters.

Article 75

[Amended by Law No. 1/94 of 18 March 1994; 14/2000 of 11 October 2000; 001/2018 of 12 January 2018]

In addition to its jurisdictional competences, the Council of State is consulted under the conditions established by the organic law provided for in Article 75c below, and by other laws.

When it is referred by the Government to [the matter] of the bills of legislative or regulatory texts, the Council of State renders [its] opinions in separate acts.

The Government is not bound by the opinions of the Council of State.

Article 75a

[Amended by Law No. 1/94 of 18 March 1994; 14/2000 of 11 October 2000]

The orders [*arrêts*] of the Council of State are invested with absolute authority over the matter judged.

Article 75b

[Amended by Law No. 1/94 of 18 March 1994; 14/2000 of 11 October 2000; 13/2003 of 19 August 2003]

The Council of State enjoys autonomy of financial management. The credits necessary for its functioning are inscribed in the Law of Finance.

Article 75c

[Amended by Law No. 13/2003 of 19 August 2003; 047-2010 of 12 January 2011]

An organic law establishes the organization, the composition, the competence and the functioning of the Council of State, of the Courts of Appeal and of the administrative tribunals.

IV

Of the Court of Accounts

[Amended by Law No. 1/94 of 18 March 1994]

Article 76

[Amended by Law No. 1/94 of 18 March 1994; 047-2010 of 12 January 2011; 001/2018 of 12 January 2018]

The Court of Accounts is the Highest Jurisdiction of the State in matters of control of the public finances. It is the superior institution of control of the public finances.

To this effect:

– it verifies the regularity of the receipts and of the expenditures described in the public accounts and assures, concerning these latter[,] of the good use of the credits, funds and assets [*valeurs*] managed by the services of the State or by the other juridical [*morales*] persons of public law;

- it assures the verification of the accounts and of the management of public enterprises and organs [*organismes*] with public financial participation;
- it reviews the accounts of public accountants;
- it declares and audits the active management [*gestions de fait*];
- it sanctions the errors of management committed concerning the State, the local collectivities and the organs submitted to its control.

In addition to its jurisdictional missions, the Court of Accounts assists the Parliament in the control of the action of the Government.

To this effect:

- it assures the control of the execution of the laws of finance and informs the Parliament and the Government;
- it certifies, at the latest one (1) month after the debut of the second ordinary session of the year following the fiscal year [*exercice*], the regularity, the sincerity and the fidelity of the accounts of the State;
- it proceeds to the evaluation of the public policies and to the audit of performance.

Article 77

[Amended by Law No. 1/94 of 18 March 1994; 13/2003 of 19 August 2003]

The Court of Accounts enjoys autonomy of financial management. The credits necessary for its functioning are inscribed in the Law of Finance.

Article 77a

[Amended by Law No. 13/2003 of 19 August 2003; 047-2010 of 12 January 2011]

An organic law establishes the organization, the composition, the competence and the functioning of the Court of Accounts and of the Provincial Chambers of Accounts.

V

Of the High Court of Justice, of the Court of Justice of the Republic and of the Other Jurisdictions of Exception

[Amended by Law No. 1/94 of 18 March 1994; 001/2018 of 12 January 2018]

A

Of the High Court of Justice

Article 78

[Amended by Law No. 1/94 of 18 March 1994; 1/97 of 22 April 1997; 14/2000 of 11 October 2000; 001/2018 of 12 January 2018]

The High Court of Justice is a non-permanent jurisdiction of exception.

The High Court of Justice judges the President of the Republic in the case of violation of the oath or of high treason.

The President of the Republic is impeached by the National Assembly and the Senate deciding by an identical vote by public ballot and by an absolute majority of the members composing them.

During the intersession, the decree of convocation of the Parliament will be exceptionally taken by the Prime Minister.

The President of the Republic who has ceased in the exercise of his functions cannot be charged, prosecuted, investigated, arrested, detained or judged for the acts defined by the organic law on the High Court of Justice.

Article 79

[Amended by Law No. 001/2018 of 12 January 2018]

The High Court of Justice is composed of twenty-one (21) members of which six (6) are designated from within by the National Assembly, six (6) are designated from within by the Senate and nine (9) members of the Constitutional Court.

Each of the Chambers of Parliament must respect the political configuration of its assembly.

The President is elected from among the nine (9) members of the Constitutional Court by the college of members composing the High Court of Justice.

Two Vice Presidents are elected[.] one, from among the members designated by the National Assembly and the other, from among the members designated by the Senate, by the college of members composing the High Court of Justice.

Article 80

[Amended by Law No. 001/2018 of 12 January 2018]

The rules of the functioning of the High Court of Justice, the procedure applicable before it as well as the definition of crimes attributable to the President of the Republic are established by an organic law.

Article 81

[Amended by Law No. 001/2018 of 12 January 2018]

The High Court of Justice of the Republic is a non-permanent jurisdiction of exception.

It judges the Vice President of the Republic, the Presidents and Vice Presidents of the constitutional institutions, the members of the Government, the heads of the High Courts and the members of the Constitutional Court for acts committed in the exercise or on the occasion of the exercise of their functions and qualified as crimes or misdemeanors at the time they were committed, as well as their accomplices and co-authors in the case of infringement of the security of the State.

At the cessation of their functions, the notable persons [*personnalités*] cited in the above paragraph lose the privilege of jurisdiction of the Court of Justice of the Republic and answer for acts committed in the exercise of their functions or on the occasion of these before the jurisdictions of common law.

Nevertheless, if the cessation of function intervenes when a procedure implicating one of the above-cited notable persons is already open before the Court of Justice of the Republic, this remains referred to [it] until it [has] decided definitely on the matter.

Article 81a

[Inserted by Law No. 001/2018 of 12 January 2018]

The Court of Justice of the Republic consist of thirteen (13) judges, of which seven (7) [are] professional magistrates designated by the Superior Council of the Magistrature, and six (6) [are] members elected by the Parliament from within, on the basis of three (3) by the National Assembly and three (3) by the Senate, pro rata with the members [*effectifs*] of the parliamentary groups.

The President and the Vice President of the Court of Justice of the Republic are elected from among the professional magistrates referred to in the paragraph above by all the members of this jurisdiction.

The Court of Justice of the Republic is referred to [a matter], either by the President of the Republic, or by the Procurator General before the Court of Cassation acting ex officio or by referral of any person prejudiced by a crime or a misdemeanor committed in the exercise of their functions by one of the notable persons cited in Article 81 above. The Procurator General, after the opinion of the Commission of Petitions [*Commission de Requêtes*], orders either the closing of the procedure without future action [*sans suite*], or the referral to the Court of Justice of the Republic.

Article 81b

[Inserted by Law No. 001/2018 of 12 January 2018]

The Court of Justice of the Republic is bound by the definition of the crimes and misdemeanors as well as by the determination of the penalties as they result from the law at the moment of the acts.

Article 81c

[Inserted by Law No. 001/2018 of 12 January 2018]

The rules of functioning of the Court of Justice of the Republic as well as the procedure applicable before it are established by an organic law.

B

Of the Other Jurisdictions of Exception

Article 82

[Amended by Law No. 1/94 of 18 March 1994]

The other jurisdictions of exception are equally non-permanent instances, created by the law.

TITLE VI

Of the Constitutional Court

Article 83

[Amended by Law No. 047/2010 of 12 January 2011]

The Constitutional Court is the highest Jurisdiction of the State in constitutional matters. It is the judge of the constitutionality of the laws and of the regularity of the elections. It guarantees the fundamental rights of the human person and the public freedoms. It is the regulatory organ of the functioning of the institutions and of the activity of the public powers.

Article 84

[Amended by Law No. 1/94 of 18 March 1994; 18/95 of 29 September 1995; 1/97 of 22 April 1997; 14/2000 of 11 October 2000; 13/2003 of 19 August 2003; 047/2010 of 12 January 2011; 001/2018 of 12 January 2018]

The Constitutional Court decides obligatorily on:

- the treaties and international agreements before their entry into force, concerning their conformity with the Constitution, after the adoption by the Parliament of the law of authorization;
- the constitutionality of the organic laws and of the laws before their promulgation, as well as of the ordinances after their publication;

- the regulations of the National Assembly and of the Senate, the regulations of procedure of the Constitutional Court and the regulations of the Economic, Social and environmental Council, before their implementation, concerning their conformity with the Constitution;
- the regulations of the independent administrative authorities determined by the law, before their implementation, concerning their conformity with the Constitution;
- the conflicts of attribution between the institutions of the State;
- the regularity of the presidential [and] parliamentary elections, and of the operations of the referendum of which it proclaims the results.

The Constitutional Court is referred to [the matter] in case of dispute concerning the validity of an election, by any elector, any candidate, any political party or delegate of the Government under the conditions provided for by the organic law on the Constitutional Court.

Article 85

[Amended by Law No. 1/94 of 18 March 1994; 001/2018 of 12 January 2018]

The organic laws and the ordinances concerning the domain arising from the organic law are submitted by the Prime Minister to the Constitutional Court before their promulgation or their publication.

The other categories of law as well as ordinances may be deferred to the Constitutional Court, either by the President of the Republic, or by the Prime Minister, or by the Presidents of the Chambers of Parliament or one-tenth (1/10) of the members of each Chamber, or by the Presidents of the Court of Cassation, of the Council of State and of the Court of Accounts, or by any citizen or any juridical person prejudiced by the law or the ordinance contested.

The Constitutional Court decides, according to an adversarial [*contradictoire*] procedure of which the modalities are established by an organic law, within a time period of one (1) month. However, at the demand of the Government and in case of urgency, this time period is reduced to eight (8) days. The recourse suspends the time period of promulgation of the law or of the application of the ordinance contested.

A provision declared unconstitutional cannot be promulgated or applied.

Article 86

[Amended by Law No. 1/97 of 22 April 1997; 047-2010 of 12 January 2011; 001/2018 of 12 January 2018]

Any justiciable [person] may, by way of a process before an ordinary tribunal, raise a pleadings [*exception*] of constitutionality against a law or an ordinance which affects recognition [*méconnaît*] of their fundamental rights.

The presiding judge refers the Constitutional Court to [the matter] by way of prejudicial pleadings.

The Constitutional Court decides within a time period of one (1) month. If it declares the law or the ordinance contested contrary to the Constitution, this law or this ordinance ceases to produce these effects from the time of the decision.

The Parliament examines, during the course of the next session, within the order of a procedure of remittal [*procédure de renvoi*], the consequences deriving from the decision of non-conformity to the Constitution rendered by the Court.

When the Constitutional Court admits the unconstitutionality of an ordinance, the Government remediates the juridical situation resulting from the decision of the Court in a time period of one (1) month.

Article 87

[Amended by Law No. 001/2018 of 12 January 2018]

The international commitments, specified in Articles 113 to 115 below must be deferred, before their ratification, to the Constitutional Court, either by the President of the Republic or by the Prime Minister, or by the President of the National Assembly, or by one-tenth (1/10) of the Deputies, or by the President of the Senate or by one-tenth (1/10) of the Senators. The Constitutional Court verifies, within a time period of one (1) month, if these commitments contain a clause contrary to the Constitution. However, at the demand of the Government, if there is urgency, this time period is reduced to eight (8) days.

In the affirmative, these commitments cannot be ratified.

Article 88

[Amended by Law No. 1/97 of 22 April 1997]

In addition to the other competences provided for by the Constitution, the Constitutional Court has the power to interpret the Constitution, and the other texts of constitutional status [*valeur*], at the demand of the President of the Republic, of the Prime Minister, of the President of the Senate, of the President of the National Assembly, [or] of one-tenth of the Deputies or of Senators.

Article 89

[Amended by Law No. 1/94 of 18 March 1994; 1/97 of 22 April 1997; 047-2010 of 12 January 2011; 001/2018 of 12 January 2018]

The Constitutional Court consists of nine (9) appointed members and members of right.

The members of the Constitutional Court have the title of Constitutional Judge.

The duration of the mandate of the appointed members is of nine (9) years, non-renewable.

The nine (9) appointed members of the Constitutional Court are designated as follows:

- three (3) by the President of the Republic, including the President;
- three (3) by the Parliament on the basis of two (2) by the National Assembly and one (1) by the Senate;
- three (3) by the Superior Council of the Magistrature.

The Magistrates designated by the appointing authorities above are chosen from among the non-hierarchical magistrates of rank [*de grade*] exercising or having exercised [the functions] from within the Constitutional Court, the Court of Cassation, the Council of State, the Court of Accounts or the central administration of Justice.

The Constitutional Judges are chosen principally from among the professors of law, the lawyers and the magistrates at least fifty (50) years old and giving proof of at least fifteen (15) years of professional experience, as well as qualified persons of distinction [*personnalités*] having been honored for service to the State and at least fifty (50) years old.

The President of the Constitutional Court is appointed for the duration of the mandate.

In the case of temporary incapacity, the interim of the President is assured by the Eldest of the Constitutional Judges.

In the case of death or of resignation of a member, the new member appointed by the authority of nomination concerned completes the mandate commenced.

The former Presidents of the Republic are members of the Constitutional Court of right.

The Constitutional Judges are only submitted, in the exercise of their function, to the authority of the law.

Article 90

[Amended by Law No. 1/94 of 18 March 1994; 14/2000 of 11 October 2000]

The functions of members of the Constitutional Court are incompatible with any other public function and with any private professional activity, under reserve of the exceptions specified by the organic law.

The members of the Constitutional Court take [an] oath in the course of a solemn ceremony presided over by the President of the Republic, before the Parliament, the Court of Cassation, the Council of State and the Court of Accounts[,] together.

They take the following oath, the left hand placed on the Constitution and the right hand raised before the national flag:

"I swear to conscientiously fulfill the duties of my charge in strict respect of the obligations of neutrality and of impartiality [reserve], and to conduct myself as a dignified and loyal magistrate."

Article 91

[Amended by Law No. 1/94 of 18 March 1994; 047-2010 of 12 January 2011]

The Constitutional Court addresses a report of [its] activities each year to the President of the Republic and to the Presidents of the Chambers of Parliament.

It may, on this occasion, call the attention of the public powers to the effect of its decisions on legislative and regulatory matters and make any suggestion that it judges useful for the consolidation of the State of law.

Article 92

The decisions of the Constitutional Court are not susceptible to any recourse. They are imposed on the public powers, on all the administrative and jurisdictional authorities and on all physical and moral persons.

Article 93

[Amended by Law No. 14/2000 of 11 October 2000]

The Constitutional Court enjoys autonomy of financial management. The credits necessary to its functioning are inscribed in the Law of Finance.

The rules of organization and functioning of the Constitutional Court, as well as the procedure to be followed before it, are determined by an organic law.

TITLE VII

Of the National Council of Communication

[Abrogated [supprimés] by Law No. 001/2018 of 12 January 2018]

Article 94

[Abrogated [supprimés] by Law No. 001/2018 of 12 January 2018]

Article 95

[Abrogated [supprimés] by Law No. 001/2018 of 12 January 2018]

Article 96

[Abrogated [supprimés] by Law No. 001/2018 of 12 January 2018]

Article 97

[Abrogated [supprimés] by Law No. 001/2018 of 12 January 2018]

Article 98

[Abrogated [supprimés] by Law No. 001/2018 of 12 January 2018]

Article 99

[Abrogated [supprimés] by Law No. 001/2018 of 12 January 2018]

Article 100

[Abrogated [supprimés] by Law No. 001/2018 of 12 January 2018]

Article 101

[Abrogated [supprimés] by Law No. 001/2018 of 12 January 2018]

Article 102

[Abrogated [supprimés] by Law No. 001/2018 of 12 January 2018]

TITLE VIII

Of the Economic, Social and Environmental Council

Article 103

[Amended by Law No. 001/2018 of 12 January 2018]

The Economic, Social and Environmental Council, under reserve of the provisions of Articles 8, paragraph 3, 28 paragraph 1 and 53 above, gives its opinion on all the questions of economic, social cultural and environmental development, that is to say:

- the general orientation of the economy of the country;
- the financial and budgetary policy;
- the policy concerning raw materials [*matières premières*];
- the social and cultural policy;
- the environmental policy and [policy] of sustainable development.

Article 104

[Amended by Law No. 001/2018 of 12 January 2018]

The Economic, Social and Environmental Council participates in all commissions of national interest with economic, social, environmental character and [character] of sustainable development.

It compiles and drafts, with the participation of the different entities which compose it, for the review [*attention*] of the President of the Republic, of the Government and of the Parliament, the annual report [*recueil*] of forecasts [*attentes*] of needs of the population and of the problems of the civil society with explanations [*orientations*] and with proposals.

Article 105

[Amended by Law No. 1/94 of 18 March 1994; 001/2018 of 12 January 2018]

The Economic, Social and Environmental Council is charged to give its opinion on all questions of economic, social, cultural, [and] environmental character and [character] of sustainable development, brought to its examination by the President of the Republic, the Government, the Parliament or any other public institution.

It is obligatorily consulted on any draft of a plan or any draft of a program of economic, social, cultural, [and] environmental character and [character] of sustainable development. It can be, from the outset, associated with their drafting.

The Economic, Social and Environmental Council is referred to [a matter], in the name of the Government, by the Prime Minister, by demands for opinion [*avis*] or for studies on all questions of economic, social, cultural [and] environmental development and of sustainable development.

Article 106

[Amended by Law No. 14/2000 of 11 October 2000; 001/2018 of 12 January 2018]

The Economic, Social and Environmental Council may equally proceed with the analysis of any problem of economic, social [and] environmental development and of sustainable development. It presents its conclusions to the President of the Republic, to the Government and to the Presidents of the Chambers of the Parliament.

The Government and the Parliament have the obligation, when they are referred to [a matter], to give a follow-up [*suite*] to the opinions and reports formulated by the Economic, Social and Environmental Council, in a maximum period of three (3) months for the Government and before the end of the current session for the Parliament.

Article 107

[Amended by Law No. 14/2000 of 11 October 2000; 001/2018 of 12 January 2018]

The Economic, Social and Environmental Council can designate one of its members, at the demand of the President of the Republic, of the Government or of the Presidents of the Chambers of the Parliament, to present before these institutions the opinion of the Council on the bills or proposals of law which have been submitted to it.

The Economic, Social and Environmental Council receives obligatorily from the Government an authentic copy [*ampilation*] of the laws, ordinances and decrees on which it was consulted, on their promulgation. It monitors [*suivre*] the decisions of the Government concerning the economic, social, cultural [and] environmental organization and the [organization] of sustainable development.

Article 108

[Amended by Law No. 1/94 of 18 March 1994; 13/2003 of 19 August 2003; 047/2010 of 12 January 2011; 001/2018 of 12 January 2018]

The Economic, Social and Environmental Council meets each year of plain right in two (2) ordinary sessions of twenty-one (21) days each. The first session opens the third Tuesday of February and the second, the first Tuesday of September.

The opening of each session is delayed to the next day if the specified day is not a working day.

If, outside of [an] ordinary session, it is referred to [the matter] of a bill of the law of finance, the Economic, Social and Environmental Council may be convoked in extraordinary session for a time period of ten (10) days at most.

The sessions of the Economic, Social and Environmental Council are public.

Article 109

[Amended by Law No. 1/94 of 18 March 1994; 14/2000 of 11 October 2000; 13/2003 of 19 August 2003; 047/2010 of 12 January 2011; 001/2018 of 12 January 2018]

[The following] are members of the Economic, Social and Environmental Council:

- the superior officers [*cadres*] of the State in the economic, social, cultural and environmental domain appointed by decree of the President of the Republic;
- the representatives of the local collectivities designated by their peers.
- the representatives of the autonomous unions, of the union confederations, of the associations, of the socio-professional groups and of the non-governmental organizations, the most representative, elected by their groups of origin, after clearance [*quitus*] by the competent authorities, and of the representatives of the religious confessions;

In case of death, of resignation of a member, or of loss of qualification [*qualité*] in his sector of origin, the new member concerned completes the mandate commenced.

Article 110

[Amended by Law No. 1/94 of 18 March 1994; 14/2000 of 11 October 2000; 13/2003 of 19 August 2003; 001/2018 of 12 January 2018]

The President of the Economic, Social and Environmental Council, the First Quaestor [*Questeur*] and the First Secretary of the Bureau are appointed by decree of the President of the Republic from among the superior orders of the State appointed to the Economic, Social and Environmental Council.

The two Vice Presidents and the other members of the Bureau are appointed by decree of the President of the Republic on the proposal of the representatives of the autonomous unions, of the union confederations, of the associations, of the socio-professional groups, of the non-governmental organizations, the most representative, and of the religious confessions.

The members of the Bureau of the Council are appointed for the duration of the mandate.

No member of the Economic, Social and Environmental Council can be prosecuted, investigated or judged for the opinions expressed by him during the sittings of the Council.

Article 111

[Amended by Law No. 1/94 of 18 March 1994; 001/2018 of 12 January 2018]

The internal organization, the rules of functioning and of designation of the members of the Economic, Social and Environmental Council are established by an organic law.

TITLE IX
Of the Local Collectivities

Article 112

The local collectivities of the Republic are created by the law. They can only be modified or suppressed following the opinion of the interested Councils and under the conditions established by the law.

They administer themselves freely by Councils elected within the conditions specified by the law, notably in that which concerns the competences and their resources.

Article 112a

[Amended by Law No. 1/94 of 18 March 1994]

Local consultations, concerning specific problems not relevant to the domain of the law, may be organized on the initiative of either the elected Councils, or of the interested citizens, under the conditions established by the law.

Article 112b

[Amended by Law No. 1/94 of 18 March 1994]

The conflicts of competence between the local collectivities on the one hand, or between a local collectivity and the State on the other hand, are brought before the administrative jurisdictions, at the diligence of the responsible authorities or of the representative of the State.

The representative of the State sees to respect for the national interests.

An organic law specifies the modalities of the application of this Title.

TITLE X
Of the International Treaties and Agreements

Article 113

[Amended by Law No. 1/94 of 18 March 1994]

The President of the Republic negotiates the international treaties and agreements and ratifies them after the vote of a law of authorization by the Parliament and the verification of their constitutionality by the Constitutional Court.

The President of the Republic and the Presidents of the Chambers of the Parliament are informed of any negotiation leading to the conclusion of an international agreement not submitted to ratification.

Article 114

The peace treaties, the commercial treaties, the treaties concerning international organization, the treaties which commit the finances of the State, [and] those which modify provisions of legislative nature, [and] those which concern the status of persons can only be approved and ratified by virtue of a law.

No amendment is receivable on this occasion. The treaties take effect only after having been regularly ratified and published.

No cession, no exchange, [and] no addition of territory is effective [*valable*] without the prior consultation of the Gabonese people by way of referendum.

TITLE XI

Of the Agreements of Cooperation and of Association

Article 115

The Gabonese Republic may sovereignly conclude agreements of cooperation or of association with other States. She [Gabon] accepts to create with them international organs of common management, coordination and free cooperation.

TITLE XII

Of the Revision of the Constitution

Article 116

*[Amended by Law No. 1/94 of 18 March 1994; 1/97 of 22 April 1997;
13/2003 of 19 August 2003]*

The initiative of revision belongs concurrently to the President of the Republic, the Council of Ministers being heard, and to the members of Parliament.

Any proposal of revision must be deposited with the Bureau of the National Assembly by at least one-third of the Deputies or with the Bureau of the Senate by at least one-third of the Senators.

Any bill or any proposal of revision of the Constitution as well as any amendment concerning it is submitted, for opinion, to the Constitutional Court prior to the referendum or the meeting of the Parliament in congress.

The revision is adopted wither by way of referendum, or by the parliamentary method [voie].

In the first case, the bill or the proposal of revision of the Constitution is submitted to referendum by the President of the Republic in accordance with the provisions of Article 18 above.

In the second case, the bill or the proposal of revision must be voted respectively by the National Assembly and by the State in identical terms before being submitted for adoption by the Parliament meeting in congress.

The adoption of any bill or of any proposal of revision of the Constitution by the parliamentary method requires the presence of at least two-thirds of the members of the two Chambers together. The Presidency of the Congress is assured by the President of the National Assembly. The Bureau of the Congress is that of the National Assembly.

A qualified majority of two-thirds of the suffrage expressed is required for the adoption of the bill or of the proposal of the revision of the Constitution.

The revision of the Constitution cannot be initiated or achieved, in case of the interim of the Presidency of the Republic, of recourse to the emergency powers of crisis of Article 26 above, or of infringement of the territorial integrity, as well as during the period which separates the proclamation of the results of the presidential election and the beginning of a presidential mandate.

Article 117

The Republican form of the State, as well and the pluralist character of the democracy are intangible and cannot be the object of any revision.

TITLE XIII

Of the Transitory and Final Provisions

Article 118

[Amended by Law No. 1/94 of 18 March 1994; 18/95 of 29 September 1995; 1/97 of 22 April 1997; 047/2010 of 12 January 2011; 001/2018 of 12 January 2018]

The renewal of the Constitutional Court and of the Senate will intervene at the normal term of their current mandate.

Article 119

[Amended by Law No. 1/97 of 22 April 1997; 047/2010 of 12 January 2011]

This law will be registered, [and] published according to the procedure of urgency and executed as law of the Republic.

Article 120

This Constitution will be published in the *Journal officiel* [Official Gazette] and executed as law of the Republic.

Done at Libreville, 26 March 1991

By the President of the Republic, Head of State;

El Hadj Omar BONGO

The Prime Minister, Head of Government;

Casimir OYE-MBA

The Minister of State, Minister of Justice, Guardian of the Seal;

Michel ANCHOUÉY

Modified by Law No. 1/94 of 18 March 1994

By the President of the Republic, Head of State;

El Hadj Omar BONGO

The Prime Minister, Head of Government;

Casimir OYE MBA

Modified by Law No. 18/95 of 29 September 1995

By the President of the Republic, Head of State;

El Hadj Omar BONGO

The Prime Minister, Head of Government;

Dr. Paulin OBAME NGUÉMA

The Minister delegated to the Minister of Justice, Guardian of the Seals;

Pierre-Claver ZENG EBOME

The Minister of the Interior, of Decentralization and of Mobile Security;

Louis-Gaston MAYILA

Modified by Law No. 1/97 of 22 April 1997

By the President of the Republic, Head of State;

El Hadj Omar BONGO

For the Prime Minister, Head of Government by Mission, Minister of State,
Minister of Foreign Affairs and of Cooperation assuring the Interim;

Casimir OYE MBA

The Minister of State, Minister of Justice, Guardian of the Seals, Charged with the
Rights of Man;

Marcel Eloi RAHANDI CHAMBRIER

Modified by Law No. 14/2000 of 11 October 2000

By the President of the Republic, Head of State;

El Hadj Omar BONGO

The Prime Minister, Head of Government;

Jean François NTOUTOUME EMANE

Modified by Law No. 13/2003 of 19 August 2003

By the President of the Republic, Head of State;

El Hadj Omar BONGO

The Prime Minister, Head of Government;

Jean François NTOUTOUME EMANE

Modified by Law No. 097/2010 of 12 January 2011

Done at Libreville, 12 January 2011

The President of the Republic, Head of State;

Ali BONGO ONDIMBA

The Prime Minister, Head of Government;

Paul BIYOGHE MBA

The Minister of Justice, Guardian of the Seals;

Anicette NANDA OVIGA

Modified by Law No. 001/2018 of 12 January 2018

Done at Libreville, 12 January 2018

The President of the Republic, Head of State

Ali BONGO ONDIMBA

The Prime Minister, Head of Government

Emmanuel ISSOZE NGONDET

The Minister of State, Minister of Justice, Guardian of the Seals, responsible or
Human Rights

Francis NKEA NDZIGUE

The Minister of State, Minister of the Budget and of the Public Accounts
Jean Fidèle OTANDAULT
