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## *Mali*

**Constitution of the Sudanese Republic**  
**23 January 1959**

*Translated by*  
Maria del Carmen Gress

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# Constitution of the Sudanese Republic

23 January 1959

## Preamble

The Sudanese People confirm the act voted on 24 November 1958 by the elected representatives, and affirms their faith in the Sudanese Republic, State member of the Community [*Communauté*].

The Sudanese Republic, forms with the other States members a Community founded on a common ideal of liberty, of equality and of fraternity.

This Community has as [its] objective to constitute a political, economic, social and cultural whole [*ensemble*], in view to its democratic evolution.

The Sudanese People, conscious of the historical, moral and material imperatives that unite the States of Western Africa, concerned about realizing the political, economical and social Unity indispensable to the affirmation of the African personality within [*au sein*] the Community, confirm the adhesion of the Sudanese Republic to the Federation of Mali and reaffirm its resolution to continue its work [*œuvre*] in view to African Unification.

The Sudanese Republic solemnly reaffirms the Rights and the Freedoms of Man and of the Citizen consecrated by the declaration of rights of 1789, completed by the Universal Declaration of the Rights of Man of 10 December 1948, as well as by the preambles of the Constitution of 5 October 1958 and of the Constitution of the Federation of Mali.

It recognizes to all men, the right to work, and to rest, the right to strike, the freedom to group themselves within organizations of cooperation or union organizations of their choice for the defense of their professional interests. Work is also a duty for every Sudanese citizen, but no one may be constrained to a determined work except in the case of accomplishing an exceptional public service of general interest, equal for all within the conditions determined by the law.

The Sudanese Republic organizes the conditions necessary for the harmonious evolution of the individual and of the family within a modern society and within respect for the African personality.

## Title I

### Of Sovereignty

#### Article 1

The Sudanese Republic is indivisible, democratic, secular and social.

It assures to all equality before the law, without distinction of origin, of race, of gender [*sexe*] or of religion.

The French language is the official language of expression.

The emblem, the anthem and the motto are those of the Federation of Mali.

Its principle is Government of the people, by the people and for the people.

#### Article 2

Sovereignty belongs to the whole people. No fraction of the people, no individual may arrogate its exercise.

The people exercise their sovereignty through their representatives and in certain cases, by way [*voie*] of referendum. Suffrage is universal, equal and secret. It may be direct or indirect within the conditions provided for either by this Constitution,

or by the Constitution of 5 October 1958, or by the Constitution of the Federation of Mali.

All the citizens of the Federation of Mali of majority [of age] of both genders, enjoying their civil and political rights and, within the same conditions, under reserve for reciprocity, the citizens of the Community[,] are electors within the conditions determined by the law.

#### Article 3

The political parties and groups concur normally in the expression of the suffrage. They form themselves and exercise their activity freely within respect for the democratic principles, the interests, the laws and the regulations of the State.

#### Article 4

Any act of racial or ethnic discrimination as well as any regionalist propaganda that could infringe the internal security of the State, [or] the integrity of the territory of the Republic, are punished by the law.

#### Article 5

The Sudanese Republic has exclusive competence in all the domains that are not assigned to the Community and to the Federation of Mali.

### **Title II**

#### **Of the Executive Power**

#### Article 6

The Government of the Sudanese Republic is composed of the President of the Council, of the Vice President and of the Ministers. It is responsible before the Legislative Assembly.

#### Article 7

At the debut of each legislature or in the case of vacancy of the Government, under reserve for the provisions of Articles 38, 39 and 40 below, the President of the Legislative Assembly, after consultation, designates a candidate to the functions of President of the Council. The notable person [*personnalité*] designated presents his program to the Legislative Assembly which grants him the investiture by the absolute majority of the members composing it. The President of the Council is elected for a duration that may not exceed that of the legislature. He is re-eligible.

#### Article 8

After the investiture of the Assembly, the President appoints by decree the Vice President as well as the other members of the Government and establishes their attributions. In the case of vacancy or of impediment, the functions of President of the Council are provisionally exercised by the Vice President.

#### Article 9

The President of the Council exercises the prerogatives of the Head [*Chef*] of State within the framework of internal autonomy. He is the head of the Executive. He sees to the respect for the Constitution. He is guarantor of the integrity of the territory of the Republic, of the respect for the agreements with the Community, the Federation of Mali and the other States members of the Community. He has the force of internal security at his disposal. He calls upon [*requiert*] the armed force in accordance with provisions ordered [*arrêtées*] with the Community and the Federation.

#### Article 10

The President of the Council accredits the envoys extraordinary to the Government of the Community and to the other States of the Community. The envoys of the States of the Community are accredited to him.

#### Article 11

The President of the Council presides over the Council of Ministers. The Ministers are responsible before him. He terminates their functions.

The President of the Council directs the action of the Government. He has the initiative of the laws concurrently with the members of the Legislative Assembly. He exercises the regulatory power. He assures the execution of the laws, of the regulations and of the decisions of Justice.

The President of the Council is the supreme head of the administration. He appoints to the superior employments of the State. He may delegate his powers of appointment to a member of the Government. A law determines the employments which are provided for in the Council of Ministers.

The Council of Ministers is obligatorily referred to [the matter] of the decisions determining the general policy of the State, of the bills of law, of the ordinances and of the regulatory decrees.

#### Article 12

The acts of the President of the Council are countersigned[.] the case arising[.] by the Vice President and the Ministers in charge of the execution.

#### Article 13

The President of the Council may delegate certain of his powers to the Vice President or to a Minister. The Vice President may substitute for the President at the Executive Council of the Community.

#### Article 14

The President of the Council promulgates the laws within the fifteen days that follow their transmission to the Government. He may before the expiration of this time period, demand of the Assembly a new deliberation of the law or of certain of its Articles. This new deliberation is of right. In the case where the Assembly maintains its vote, the Government may pose the question of confidence concerning the general policy. If confidence is accorded, the bill of the Government[.] accompanied by the amendments consented to[.] takes the force of law.

In the case of urgency declared or stated [*constaté*] by the Legislative Assembly, the promulgation and the publication of the laws must intervene within three days.

#### Article 15

The functions of President of the Council, of Vice President and of Minister are incompatible with any public employment and the exercise of a professional activity within the conditions determined by the law.

#### Article 16

The President of the Council signs the decree of cloture of the ordinary and extraordinary sessions of the Legislative Assembly.

#### Article 17

The President of the Council can, after deliberation of the Council of Ministers, engage before the Legislative Assembly the responsibility of the Government.

**Title III**  
**The Parliament**

Article 18

The Parliament is constituted of a sole [*unique*] Assembly, said Legislative Assembly. The seat of the Assembly is Bamako. The Deputies of the Legislative Assembly are elected by universal and direct suffrage for five years.

In the case of grave trouble or external threats susceptible of compromising the normal development of the electoral consultation, the Government can, with the agreement of the President of the Assembly, postpone the elections and extend [*proroger*] the duration of the legislature.

Article 19

A law will establish the number of Deputies, their indemnities, the conditions of eligibility, the regime of the ineligibilities and of the incompatibilities.

It will also establish the conditions of the election of the persons called to assure in the case of vacancy the replacement of the Deputies until the renewal of the Assembly.

Article 20

Any imperative mandate is null.

The right to vote of the Deputies is personal. However, the delegation of the vote is permitted when a Deputy is absent for cause of illness, for execution of a mission or a mandate entrusted to him by the Government or the Assembly, or for fulfillment of his military obligations. No one may receive, for a [*sole*] ballot, more than one delegation of the vote.

No Deputy, may be prosecuted, investigated, arrested, detained or judged for the opinions or the votes emitted by him in the exercise of his functions.

No Deputy may, during the duration of the sessions, be prosecuted, or arrested, in a criminal or correctional matter, except with the authorization of the Legislative Assembly, except in the case of flagrante delicto

No Deputy may, out of session, be arrested, except with the authorization of the Bureau of the Legislative Assembly, except in the cases of flagrante delicto or of definitive conviction.

The detention or the prosecution of a Deputy is suspended if the Legislative Assembly so requires.

Article 21

The Legislative Assembly votes the law. It ratifies the specific [*particuliers*] agreements intervening on the transfers of competence between the Sudanese State, the Community and the Federation of Mali. It designates the representatives of the Sudanese Republic to the Senate of the Community and to the Federal Assembly.

It decides on the modifications of the reports of the Sudanese Republic with the Community, in accordance with the provisions of Article 86 of the Constitution of 5 October 1958.

Article 22

Each year, the Legislative Assembly meets of plain right in two ordinary sessions, on the convocation of its President. However, the budget must be voted before the

opening of the budgetary period. The duration of each ordinary session may not exceed two months.

#### Article 23

The Legislative Assembly is convoked in extraordinary session by its President on a determined agenda at the demand of the President of the Council or of the absolute majority of the Deputies.

The President of the Council has sole competence to demand the convocation of the Assembly during the month that follows the cloture of the preceding extraordinary session. The duration of the extraordinary sessions may not exceed fifteen days.

#### Article 24

The Legislative Assembly establishes its internal regulations. Each year, at the opening of the first ordinary session, it elects its Bureau and designates its Commissions.

#### Article 25

The sittings [*séances*] of the Assembly are public, unless it decides otherwise. The record is published in the *Journal Officiel des Débats* [Official Gazette of [the] debates].

At the demand of the President of the Council, the Assembly may sit in secret committee.

#### Article 26

The President of the Council, the Vice President and the Ministers may be heard at any moment by the Assembly and its Commissions.

They may be assisted by the Commissioners of the Government.

### **Title IV**

#### **Of the Relations Between the Assembly and the Government**

#### Article 27

Within the framework of the provisions of the Constitution of the Community, of the Constitution of Mali and of this Constitution, the law establishes the rules concerning:

- the local civil right;
- the base [*l'assiette*], the rate and the modalities for recovering taxes [*impositions*];
- the electoral regime of the Legislative Assembly and of the local Assemblies;
- the creation of Public Services and Organs [*organismes*];

The law determines the fundamental principles:

- of the general organization of the Administration;
- of the free administration of the local collectivities, of their competences and of their resources;
- of teaching [*enseignement*];
- of the regime of property;
- of the alienation and of the administration [*gestion*] of the domain of the State;
- of mutual insurance companies and of savings;



- of the organization of production;
- of the penitentiary regime;

The laws of finance determine the resources and the expenses of the State.

The program laws [*lois de programmes*] determine the objectives of the economic and social action of the State.

The provisions of this Article may be made precise and completed by an organic law.

#### Article 28

Matters other than those which are of the domain of the law have a regulatory character.

The texts of legislative form [that] intervened in this matters before the entrance into force of this Constitution may be modified by decree taken after the opinion [*avis*] of the Court of State.

#### Article 29

The Legislative Assembly may authorize by a law the President of the Council to take by ordinances, for the execution of his program, during a limited time period, measures that are normally of the domain of the law. These ordinances are taken in the Council of Ministers after the opinion of the Court of State. They enter into force from their publication, but become lapsed if the bill of law of ratification is not deposited before the Assembly before the date established by the law.

At the expiration of the time period mentioned in the preceding paragraph of this Article, the ordinances may only be modified by the law in the matters that are of the legislative domain

#### Article 30

The proposals and amendments that are not of the domain of the law are irreceivable. The irreceivability is pronounced by the President of the Legislative Assembly, ex officio or at the request of the President of the Council. In the case of doubt, the President of the Assembly consults the Court of State.

#### Article 31

The Deputies may deposit proposals and amendments. However, the proposals and amendments are not receivable when their adoption would have as consequence the aggravation of a public charge, unless they are accompanied by a proposal of augmentation of receipts or of equivalent economies.

#### Article 32

The discussion of the bills of law focuses on the text presented by the Government.

#### Article 33

The Government has also the right of amendment. After the opening of the debate, the Government may oppose itself to the examination of any amendment that has not previously been submitted to it.

#### Article 34

Urgency for the vote of a law may be decided by the Government or by the Deputies. When it is demanded by the Government it is always granted. When it is demanded by the Deputies, the Assembly decides on the urgency. In all the cases

where urgency is granted, the examination of the law made the object of it has priority on the agenda.

#### Article 35

The Legislative Assembly votes the bill of the law of finance within the conditions determined by a law.

#### Article 36

The Legislative Assembly is referred to [the matter] of the bill of the law of finance from the opening of the ordinary session preceding the budgetary period. The bill of the law of finances must provide for the receipts necessary for the complete coverage of the expenses.

If the Assembly has not decided before the opening of the budgetary period or if it does not vote [a] balanced budget, the Government returns the bill of the budget within fifteen days to the Assembly convoked to this effect in extraordinary session.

The Legislative Assembly must then decide within eight days. If this deliberation does not result in the vote of [a] balanced budget, it is then established ex officio by the Government on the basis of the receipts of the preceding fiscal year [*exercice*] and after the opinion of the Court of State.

#### Article 37

The state of urgency is decreed in the Council of Ministers. The extension of the state of urgency over eight days may only be authorized by the Legislative Assembly which meets then of plain right.

#### Article 38

The President of the Council can, after deliberation in the Council of Ministers, engage the responsibility of the Government on a declaration of general policy.

In all the cases where the question of confidence is so posed, the Assembly may be referred to [the matter] of one or several motions of censure during a time period of twenty-four hours. All motions of censure must enounce the principles of a program of Government and indicate the name of the notable person [*personnalité*] whose investiture is proposed.

If at the expiration of the specified time period no motion of censure has been presented, the President declares that the confidence has not been withdrawn from the Government. It is the same when none of the motions of censure deposited is adopted.

#### Article 39

It may only proceed to the ballot on a motion of censure after a time period of forty-eight hours following the presentation of that motion.

The adoption of a motion of censure is only obtained with the absolute majority of the members composing the Assembly. Only the votes favorable to the motion of censure are counted. It entails of plain right the resignation of the Government and the investiture of the President proposed.

#### Article 40

The Assembly may engage [*mettre en cause*] the responsibility of the Government on general policy by the presentation of a motion of censure signed by one-quarter at least of its members. In this case, the procedure is identical to that specified in Articles 38 and 39.

#### Article 41

If two ministerial crises arise in the course of a period of twenty-four consecutive months, the Legislative Assembly is dissolved of plain right. The Bureau of the Assembly assures permanence until its renewal. The Government assures the expedition of current affairs. The general elections intervene at the latest [on] the fifth Sunday that follows the dissolution of the Legislative Assembly.

#### **Title V**

#### **Of the Territorial Collectivities**

#### Article 42

The territorial collectivities of the Republic are:

- the circumscriptions;
- the communes;
- the villages.

Any other territorial collectivity is created by the law. These collectivities administer themselves freely by elected Councils and within the conditions provided for by the law.

In the circumscriptions, the delegate of the Government is responsible for the interests of the Republic, for administrative control and for the respect for the laws.

#### **Title VI**

#### **Of the Judicial Power**

#### Article 43

The Sudanese Republic assures and guarantees the independence of judicial authority, guardian of individual freedom and responsible for applying, in the domain proper to it, the laws of the Republic, of the Federation of Mali and those of the Community.

#### **Title VII**

#### **Of the Court of State**

#### Article 44

A Court of State is instituted that includes a constitutional section, and within the framework of the provisions of the federal law, a section of Disputes [*Contentieux*] and a section of Accounts.

#### Article 45

The constitutional section sees to the regularity of the operations of the referendum and proclaims the result; it decides on the regularity of the election of the members of the Legislative Assembly.

The bill of laws and the bills of regulation of public administration are obligatorily submitted to it by the Government for the examination of their conformity with the Constitution. To the same ends the laws voted by the Legislative Assembly may be submitted to it by the President of the Council or the President of the Assembly. In this two cases, the section has a time period of fifteen days to decide. In the case of urgency the time period may be reduced to eight days.

In all the cases where the constitutional section is referred to [a matter], the time period of promulgation specified in Article 15 is suspended.

The constitutional section decides equally on the constitutionality of the regulations of the Assembly.

Article 46

The presidency of the Court of State is attributed to the Minister of Justice or in default to the Minister of the Interior. The presidents of [the] sections are appointed in the Council of Ministers.

Article 47

A law will determine the organization and the functioning of the Court of State as well as the procedure followed before it.

**Title VIII**

**Of the High Court of Justice**

Article 48

The High Court of Justice is composed of Deputies that the Legislative Assembly elects from within after each renewal. It elects its President from among its members.

The law establishes the number of its members, the rules of its functioning as well as the procedure followed before it.

Article 49

The High Court of Justice is competent to judge the President of the Council, the Vice President and the Ministers impeached before it by the Legislative Assembly on account of the acts, qualified [as] crimes or misdemeanors, accomplished in the exercise of their functions, as well as to judge their accomplices in the case of [a] plot against the security of the State.

The impeachment is voted by public ballot with a majority of two-thirds of the Deputies composing the Assembly.

The High Court is bound [*liée*] by the definition of crimes and misdemeanors and by the determination of the resulting penalties in force at the time of the acts included in the prosecution.

**Title IX**

**Of Revision**

Article 50

The initiative of the revision of the Constitution belongs concurrently to the President of the Council and to the Deputies.

The bill or the proposal of revision is adopted by the Legislative Assembly by a majority of three-quarters of its members.

No procedure of revision may be engaged or followed when it infringes the integrity of the Territory.

The republican form of the Government may not be made the object of a revision.

**Title X**

**Divers Provisions**

Article 51

The rules of application of this Constitution are made the object of laws voted by the Legislative Assembly. Within the conditions established by Article 29

aforementioned, the Government can be enabled by the Assembly to take ordinances to this effect.

Article 52

The legislation in force remains valid insofar as it does not have anything contrary to the Constitutions of the Community, of the Federation of Mali or of the Sudanese Republic and insofar as it has not been made the object of an express abrogation.

Article 53

The provisional Legislative Assembly remains in [its] function until the establishment of the new Assembly.

Article 54

The provisional Government of the Sudanese Republic remains in [its] function until the establishment of the new Government.

Article 55

This Constitution will be submitted to referendum within a time period of thirty days, in the case that it would obtain a number of votes [*suffrages*] inferior to two-thirds of that of the Deputies.

In the case of approval, the Constitution will be promulgated within a time period of ten days.

Deliberated and adopted in public sitting at Bamako, on 23 January 1959.

The Secretary

THIOYE AMADOU.

The President

H Aidara Mahamane Allassane.

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