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Edited by
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Constitution of the Republic of Mali
2 June 1974

Translated by
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William S. Hein & Co., Inc.
Getzville, New York
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**No. 03 PG-RM – DECREE concerning promulgation of the
Constitution of the Republic of Mali**

THE PRESIDENT OF THE GOVERNMENT,

Considering Constitutional Ordinance No. 1 of 28 November 1968, concerning organization of the public powers, modified by Ordinance No. 47 CMLN of 29 August 1969;

Considering Ordinance No. 10 CMLN of 12 March 1974, instituting a referendum, modified by Ordinance No. 14 CMLN of 14 April 1974;

Considering Ordinance No. 15 CMLN of 24 April 1974, concerning convocation of the electoral college;

Considering the proclamation of the definitive results of the referendum ballot by the Constitutional Section of the Supreme Court, in its solemn and public audience of 18 June 1974.

DECREES:

Article 1.–The Military Committee of National Liberation has proposed,

The Malian people have adopted,

The President of the Government promulgates the “Constitution” of 2 June 1974 below:

CONSTITUTION

Preamble

The Malian people solemnly proclaim the Republic of Mali, founded on an ideal of liberty and of justice.

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

The Republic of Mali solemnly reaffirms the rights and freedoms of Man and of the Citizen consecrated by the Universal Declaration of the Rights of Man of 10 December 1948.

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 syndical organizations of their choice, for the defense of their professional interests. Work is a duty for every citizen, but no one may be constrained to a determined work, except in the case of accomplishing an exceptional service of general interest, equal for all, within the conditions determined by the law.

The Malian People, conscious of the historical, moral and material links and imperatives that unite the States of Africa, concerned about realizing the liberation, the political, economic and social unity indispensable to the affirmation of the African personality, affirm their determination to continue its work [*œuvre*] with a view to the total realization of this liberation and of this unity.

Title I

Of the State and of Sovereignty

Article 1

The Republic of Mali is indivisible, democratic, secular, and social.

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

The institutions of the Republic are: the Party, the President of the Republic, the Government, the National Assembly, the Supreme Court and the High Court of Justice.

The seat of the institutions is at Bamako. It may be transferred to any other place by a law.

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

The national emblem is composed of three vertical and equal stripes, of colors: green, gold and red.

The motto is: “*Un Peuple, Un But, Une Fois*” [“One People, One Goal, One Creed”].

The national anthem is: “The Mali”.

The law determines the seal and the coat-of-arms of the Republic,

The official language is French.

Article 2

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

Article 3

The people exercises their sovereignty by their representatives or by way [*voie*] of referendum.

Article 4

Suffrage is universal, equal and secret.

Article 5

The Party is single [*unique*]. It is the expression of the national unity and the supreme political authority of the country. It defines the policy of the State and concurs in the expression of universal suffrage, in accordance with the regulatory provisions in force.

Article 6

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

Title II

Of the Fundamental Rights and Duties of Man and of the Citizen

Article 7

One may only be arrested or detained in accordance with the provisions of the law in force and with the commandment of the legally competent authority.

Article 8

An infraction, or penalty may only be inflicted by virtue of the law. The penalties may only be applied for infractions committed posterior to the law that punishes [*réprime*] them.

Article 9

The penalty is personal.

Article 10

The domicile is inviolable. This provision may only be derogated from in the cases provided for by the law and following the forms prescribed by it.

Article 11

The State assures the protection of the free exercise of all religions or beliefs in accordance with the usage and under reserve for respect for the public order.

Article 12

Education [*L'enseignement*] is a right for all Malians. Is it public and secular.

Article 13

The Republic of Mali guarantees to its citizens, within the framework of the law:

- the right to work;
- equality before employment;
- the right to rest, to social assistance, to instruction;
- the freedom to group themselves within organizations of their choice, for the defense of their professional interests.

Article 14

The right to property is guaranteed by the Constitution. It may only be infringed in the case of public necessity declared in the legal forms.

Article 15

The freedom of enterprise is guaranteed by the Constitution and it is exercised within the framework of the laws that regulate it.

Article 16

All citizens without distinction of race, of ethnicity, of religion, of gender or of opinion are electors and eligible within the conditions determined by the law.

Article 17

The defense of the Fatherland and the integrity of the territory is a sacred duty for all Malians.

Article 18

The payment of tax [*fiscales*] contributions is an obligation for all in accordance with the laws in force.

Article 19

All persons residing the Malian territory must conform themselves to the Constitution and the other laws of the Republic.

Title III

Of the President of the Republic

Article 20

The President of the Republic is the Head [*Chef*] of the State.

He is the guardian of the Constitution.

He assures the regular functioning of the Public Powers as well as the continuity of the State.

The President of the Republic is the guarantor of the national independence, of the integrity of the territory, of respect for the international treaties, conventions and agreements.

Article 21

The President of the Republic is elected for five years by universal direct suffrage.

The candidates to the function of President of the Republic must be of Malian nationality, enjoy all their civil and political rights and already be thirty-five years old on the date of the election.

Article 22

The National Directorate [*Direction*] of the Party designates the candidate to the Presidency of the Republic. This candidature is submitted to the suffrage of the electors.

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

The elections take place twenty days at least and fifty days at most before the expiration of the powers of the President in exercise [of the functions].

The law establishes the conditions of the development and of the counting of the ballot.

The Supreme Court controls the regularity of these operations, decides on the claims, [and] proclaims the results of the ballot.

The departing President is re-eligible one sole time.

Article 23

Before entering into [his] functions, the President of the Republic takes before the National Assembly, the following oath:

“I swear before the Malian people to preserve with all fidelity the republican regime, to observe and to have observed the Constitution and the law, to fulfill my responsibility [*charge*] in the superior interest of the people and to preserve the independence of the Fatherland and the integrity of the national territory”.

The functions of President of the Republic are incompatible with the exercise of any elective mandate of any liberal profession or commercial, financial or industrial activity.

Article 24

In the case of temporary impediment of the President of the Republic, the President of the National Assembly assumes [his] [*en*] functions.

Article 25

In the case of resignation of the President of the Republic, of definitive impediment or of death, the presidency is provisionally assumed by the President of the National Assembly. It proceeds to the election of the new President of the Republic, for a period of five years, within the time period of fifty days, counting from the date of the vacancy of the presidency.

Article 26

The President of the Republic addresses his letter of resignation to the National Directorate of the Party[,] which informs the nation through a message within forty-eight hours

Article 27

The definitive impediment of the President of the Republic, declared by a vote by the majority of 2/3 of the members composing the National Assembly after the conforming opinion of the Supreme Court, is pronounced by the National Directorate of the Party.

Article 28

In the case of fundamental disagreement between the National Directorate of the Party and the President of the Republic an extraordinary congress can end the mandate of the latter with a vote by a majority of two-thirds (2/3) of its members.

Article 29

The President of the Republic conducts the policy of the State.

He has, concurrently with the National Assembly, the initiative of the laws.

Article 30

The President of the Republic appoints the Ministers who are responsible before him. He establishes their attributions and terminates their functions.

He presides over the Council of Ministers.

The President of the Republic is the Head of the Administration. He appoints to the military and civil employments of the State. He can delegate his powers of appointment to a member of the Government.

The members of the Supreme Court, the Grand Chancellor of the National Orders, the General Officers, the Ambassadors and the Extraordinary Envoys, the Governors of [a] Region, are appointed in the Council of Ministers.

The law determines the other employments for which it is provided in the Council of Ministers.

The President of the Republic signs and ratifies the treaties.

He accredits the Ambassadors and the Extraordinary Envoys to Foreign Powers; the Ambassadors and the Extraordinary Envoys of Foreign Powers are accredited to him.

He exercises the right of pardon within the conditions provided for by the law.

The general amnesty is granted by the law.

Article 31

The President of the Republic is the Supreme Head of the Armies.

Article 32

When the institutions of the Republic, the independence of the State, the integrity of the territory or the execution of the international engagements are menaced in a grave and immediate manner or [when] the regular functioning of the constitutional public power is interrupted, the President of the Republic takes, after deliberation of the Council of Ministers and consultation of the Presidents of the National Assembly and of the Supreme Court, the exceptional measures demanded by these circumstances.

He informs the nation of it by a message.

The National Assembly meets of plain right and may not be dissolved during the exercise of the exceptional powers.

Nevertheless when the regular functioning of the institutions is interrupted by virtue of a disagreement between the National Assembly and the President of the Republic, he can, on an express authorization of the National Directorate of the Party, pronounce the dissolution of the National Assembly.

The elections for the establishment of the new Assembly take place forty-five days at least and sixty days at most after this dissolution.

It may not proceed to a new dissolution in the year that follows these elections.

Article 33

The President of the Republic decrees the state of siege and the state of urgency in the Council of Ministers, within the conditions provided for in Article 51 below.

Article 34

The President of the Republic promulgates the law within the fifteen days following the communication to the Government of the text adopted. In the case of urgency declared by the National Assembly, this time period of promulgation is reduced to eight days.

Article 35

The President of the Republic can, within the time period of promulgation, demand a second reading of the law. This second reading may not be refused.

Article 36

If, after a second reading, the National Assembly votes the text by a majority of 2/3 of its members, the law is promulgated.

Article 37

The President of the Republic, after the opinion of the National Assembly, can submit to referendum any bill of law which appears to him necessitates the direct consultation of the people.

When the referendum concludes to the adoption of the bill, the President promulgates it within the time periods provided for in Article 34 above.

Title IV

Of the Government

Article 38

The Government is composed of the President of the Republic and of the Ministers. The President of the Republic is the President of the Government.

Article 39

The functions of members of the Government are incompatible with the exercise of any elective mandate, of any public employment or of any professional activity.

Article 40

The President of the Republic has the right to bring any Minister to justice by virtue of the infractions committed by them, in the exercise of their functions.

Title V

Of the National Assembly

Article 41

The legislative power is entrusted to a single assembly called [the] National Assembly.

The National Assembly is elected for four years by universal suffrage following the system of uninominal ballot in one round.

Its members bear the title of Deputy.

The law establishes the number of Deputies to the National Assembly, their indemnities, the conditions of eligibility and the regime of the ineligibilities.

Article 42

No member of the National Assembly may be prosecuted, investigated, arrested or judged on the basis of the opinions or votes emitted by him in the exercise of his functions.

Except in the case of flagrante delicto, no member of the National Assembly may, during the duration of the sessions, be prosecuted or arrested in a correctional or criminal matter except with the authorization of the National Assembly; out of session, no member may be arrested except with the authorization of the Bureau of the National Assembly, except in the cases of flagrante delicto, of authorized prosecutions or of definitive conviction.

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

Article 43

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 impeded for cause of illness or of authorized absence.

No one may receive, per ballot, more than one delegation of [the] vote.

Article 44

The National Assembly votes the law.

Each year, it 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 45

The National Assembly meets in extraordinary session, on a determined agenda, at the demand of the President of the Republic or of the majority of the members composing the National Assembly.

When the extraordinary session is held at the demand of the members of the National Assembly, the decree of cloture intervenes as soon as it has exhausted the agenda for which it was convoked.

The duration of the extraordinary session may not exceed twelve days.

Only the President of the Republic may demand a new session before the expiration of the month following the decree of cloture.

Except for the cases when the National Assembly meets of plain right, the extraordinary sessions, are opened and closed by decree of the President of the Republic.

The National Directorate of the Party designates the candidate to the Presidency of the National Assembly. This candidature is submitted to the suffrage of the National Assembly.

Article 46

The President of the National Assembly is elected for the duration of the legislature; however he may be terminated in his functions at the written demand of 2/5 of the Deputies and after the vote by the majority of 2/3 of the members composing the National Assembly.

In the case of vacancy of the Presidency of the National Assembly by death, resignation or any other cause, the National Assembly elects a new president within the fifteen days following the vacancy, if it is in session; in the contrary case, it meets of plain right.

Each year, at the opening of the first ordinary session, it elects its Bureau and designates its commissions.

The National Assembly establishes its internal regulations.

Article 47

The sittings [*séances*] of the National Assembly are public. However, this may sit in secret committee at the demand of the President of the Republic or of the majority of its members.

The record of the works of the National Assembly is published in the *Journal Officiel* [Official Gazette].

Article 48

The Ministers may be heard by the National Assembly or by its specialized commissions.

Title VI

Of the Relations Between the National Assembly and the Government

Article 49

The law is voted by the National Assembly.

The bill or the proposal of law is submitted to the deliberation of the National Assembly fifteen days after its deposit with the Bureau of it in session. It is adopted by simple majority.

The law establishes the rules concerning:

- civic rights and the fundamental guarantees granted to the citizens for the exercise of public freedoms; the constraints imposed by the National Defense on the citizens on their persons and on their assets;
- nationality, civil rights, the state of the persons, the matrimonial regimes, inheritance and gifts, the regime of property, of real rights and of civil and commercial obligations, the regime of societies, expropriation;
- the determination of crimes and misdemeanors as well as of the penalties applicable to them, the penal procedure, the judicial police, extradition, amnesty, the creation of the jurisdictions, the Statute of the Ministerial Officers and of the Bar Associations [*Barreaux*];
- the general status and the particular status of the Public Function;
- the regime of emission of the currency, the base [*l'assiette*], the rate and the modalities for recovering taxes [*impositions*].

The law determines the [following] fundamental principles:

- of the general organization of defense and of security;

- of the right to work [*droit du travail*], of social security, of the syndical right, of the organization and of the competence of the professional orders;
- of teaching [*enseignement*] and of scientific research;
- of public accounting;
- of the creation of public services and organs [*organismes*];
- of the electoral regime of the National Assembly;
- of the free administration of the local collectivities, of their competences and of their resources;
- of the alienation and of the administration of the domain of the State;
- of the organization of production;
- of the organization of justice;
- of the penitentiary regime.

The law of finance determines the resources and the charges of the State.

The plan is adopted by the National Assembly. It establishes the objectives of the economic and social action of the Republic.

Article 50

The National Assembly authorizes the declaration of war.

Article 51

The state of siege or the state of urgency is decreed in the Council of Ministers. Its extension over fifteen days must be authorized by the National Assembly.

Article 52

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

Article 53

The Government can, for the execution of its program, demand of the National Assembly the authorization to take by ordinance for a limited time period, the measures that are normally of the domain of the law. These ordinances are taken in the Council of Ministers after the opinion [*avis*] of the Supreme Court. They enter into force on their publication, but become lapsed if the bill of law of ratification is not deposited with the National Assembly before the date established by the law.

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

Article 54

The proposals and amendments that are not of the domain of the law or that are contrary to a delegation granted by virtue of Article 52, are irreceivable. The irreceivability is decided by the President of the National Assembly *ex officio* or at the request of the President of the Republic.

In case of disagreement, the Supreme Court referred to [the matter] either by the President of the Republic, or by the President of the National Assembly, decides within eight days.

Article 55

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

The bills of law are deliberated in the Council of Ministers after the opinion of the Supreme Court and deposited with the Bureau of the National Assembly.

Article 56

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

Article 57

The members of the Government and of the National Assembly have the right of amendment.

After the opening of the debates, the Government can oppose itself to any amendment not previously submitted to it.

If the Government so demands, the National Assembly decides by a sole vote on all or part of the text in discussion retaining only the amendments proposed or accepted by the Government.

Article 58

Urgency on the vote of a law may be demanded by the Government or by the Deputies. When it is demanded by the Government, it is always granted. When it is requested by the Deputies, the National Assembly decides on the urgency. In all the cases where urgency is granted, the examination of the bill of law made the object of [examination] has priority on the agenda.

Article 59

The National 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 finance must provide for the receipts necessary for the complete coverage of the expenses.

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

The National Assembly must then decide within eight days. If this deliberation does not result in the vote of the budget balanced, 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 Supreme Court.

Article 60

The Government is held to supply to the National Assembly any explanation demanded of it on its administration [*gestion*].

Title VII

Of the International Treaties and Agreements

Article 61

The President of the Republic negotiates and ratifies the treaties. He is informed of any negotiation aiming to the conclusion of an international agreement not submitted to ratification.

Article 62

The treaties of peace, of commerce, the treaties or agreements relative to the international organizations, those which engage the finances of the State, those which are relative to the status [*état*] of persons, those that include cession, exchange or adjunction of the territory, may only be ratified or approved by virtue of the law.

They only come into effect after having been ratified or approved.

No cession, no exchange, no adjunction of territory is valid without the consent of the interested populations.

Article 63

If the Supreme Court referred to [the matter] by the President of the Republic or the President of the National Assembly has declared that an international engagement includes a clause contrary to the Constitution, the authorization to ratify it or to approve it may only intervene after the revision of the Constitution.

Article 64

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

Title VIII

Of the Judicial Authority

Article 65

Justice is rendered on the territory of the Republic in the name of the Malian people.

The judicial authority is independent. It assures respect for the rights and freedoms specified by the Constitution and by the law.

A law concerns the status of the magistrature.

Title IX

Of the Supreme Court

Article 66

The Supreme Court includes:

- a constitutional section;
- a judicial section;
- an administrative section;
- a section of accounts.

Article 67

The Supreme Court sees to the regularity of the operations of the referendum and proclaims its [*en*] results.

It decides on the electoral disputes.

It may be consulted on bills or proposals of law and on bills of regulations.

It takes cognizance of the constitutionality of the laws and of the international engagements. In these cases, it is referred to [the matter] by the President of the Republic or by the President of the National Assembly, and must decide within a time period of fifteen days. In the case of urgency, this time period is reduced [*ramené*] to eight days.

Title X

Of the High Court of Justice

Article 68

The High Court of Justice is competent to judge the President of the Republic and the Ministers impeached [*mis en accusation*] before it by the National Assembly on the basis of acts qualified as, crimes or misdemeanors committed 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 by a majority of 2/3 of the Deputies composing the National Assembly.

The High Court of Justice is bounded [*liée*] by the definition of crimes and misdemeanors and by the determination of sentences resulting from the penal laws in force at the time [*époque*] of the acts included in the prosecution.

Article 69

The High Court of Justice is composed of members designated by the National Assembly in each general 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.

Title XI

Of African Unity

Article 70

The Republic may conclude with any African State agreements of association or of community, including a partial or total abandonment of sovereignty in order to realize African Unity.

Title XII

Of Revision of the Constitution

Article 71

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

Article 72

The principle of a constitutional revision must be voted by a majority of 3/4 of the members composing the National Assembly.

The text concerning revision is submitted to referendum except if the bill or the proposal in question was adopted by a majority of 4/5 of the members composing the National Assembly.

Article 73

No procedure of revision may be engaged or prosecuted when the integrity of the territory is infringed.

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

Title XIII

Of the Territorial Collectivities

Article 74

The territorial collectivities of the Republic are created by the law.

Article 75

The collectivities are administrated within the conditions provided for by the law.

In the territorial collectivities, the Delegate of the Government has the responsibility for the interests of the State, for administrative control and for the respect for the laws.

Title XIV

Of Specific Provisions

Article 76

Persons having, before 19 November 1968, assumed the following responsibilities may not be members of the Party, of the National Assembly, of the Government, or of the syndical bureaus for a time period of ten years counting from the date of the promulgation of this Constitution:

- Members of the National Political Bureau and of the National Committee of the Defense of the Revolution;
- Members of the Legislative Delegation instituted by ordinance No. I PG-RM of 22 January 1968;
- General Secretaries of section and of sub-section of the US.-RDA
- Political Secretaries of section and of sub-section of the same party;
- Presidents of Local Committees of Defense of the Revolution;
- National or local [persons] responsible for the popular militia;
- Heads [Chefs] and adjunct heads [*chefs adjoints*] of [a] zone;
- Members of the Bureau of the National Union of Workers of Mali [*Bureau de l'Union Nationale des Travailleurs du Mali (UNTM)*]

Article 77

The provisions of Article 76 are applicable to any person made the object of a detention of six months because of the events of 19 November 1968.

Title XV

Of Transitory Provisions

Article 78

During a period of five years, the Military Committee of National Liberation will define and conduct the policy of the State.

Article 79

This Constitution will be submitted to referendum on a date established by ordinance. It will enter into force after the installation of the future constitutional

regime. The legislative and regulatory provisions necessary for its application and for the establishment [*mis en place*] of the institutions, will be made the object where necessary, either of ordinances having the force of a law, or of decrees of the Government, until the installation of the President of the Republic, of the National Assembly and of the Government.

Article 80

The authorities established in the Republic will continue to exercise their functions, and the current institutions will be maintained until the establishment of the new authorities and institutions.

Article 81

The legislation currently in force in Mali remains applicable, save intervention of new texts, insofar as it does not have anything contrary to this CONSTITUTION.

Art. 2. – This decree will be published in the Official Gazette of the Republic.

Bamako, 1 July 1974.

The President of the Government

Colonel Moussa TRAORE
