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CONSTITUTION of the TUNISIAN REPUBLIC¹

June 1, 1959, amended 1971

RESOLUTION of the NATIONAL CONSTITUENT ASSEMBLY proclaiming the republic

We, the deputies of the Tunisian nation, members of the National Constituent Assembly,

By virtue of the plenary powers we hold from the people,

In order to strengthen the foundations of the independence of the State and the sovereignty of the People and to establish a democratic system, which has been the Assembly's purpose in drawing up the Constitution,

Take, in the name of the people, the following decisions, to come into effect immediately:

1. That the monarchy be completely abolished;
2. That Tunisia be a republican State;
3. That Mr. Habib Bourguiba, Head of the Government, be entrusted with the duties of Head of the State in the present circumstances until the Constitution comes into effect, and therefore confer upon him the title of "President of the Tunisian Republic."
4. That the government be entrusted with the task of implementing this decision and of taking all measures necessary for safeguarding the republican regime; that, furthermore, the President of the Assembly, the Secretary General of the Bureau of the Assembly, and the Government be entrusted with the task of making these decisions known to all.

¹ Published by the *Imprimerie Officielle*, Tunis. Supplied in English by the Ministry of Foreign Affairs in January 1972. Amendment to Article 51 translated by the Editor. Ed.

Proclaimed at the seat of the Assembly, at Le Bardo, on the 25th July 1957.

PREAMBLE

In the name of God, the Clement and the Merciful!

We, the representatives of the Tunisian people, meeting as a National Constituent Assembly,

Proclaim that this people, having freed itself from foreign domination thanks to its unity and to its struggle against tyranny, exploitation and backwardness, is resolved:

– To consolidate national unity and remain faithful to human values, the common heritage of peoples attached to human dignity, justice and liberty, and working for peace, progress and free co-operation between nations;

– To remain faithful to the teachings of Islam, to the unity of the Greater Maghreb, to its membership of the Arab family, to co-operation with the African peoples in building a better future and with all peoples struggling for liberty;

– To establish a democracy based on the sovereignty of the people, having a stable political system and based on the principle of the separation of powers.

We declare that a republican regime is the best guarantee for safeguarding human rights and for preserving equality among citizens both in their rights and in their duties, that it constitutes the best means for achieving the nation's prosperity and developing its economy, for exploiting the country's wealth for the good of the people and for protecting the family and the right of all citizens to work, health services and education.

By the grace of God, we, the representatives of the free and sovereign Tunisian people, decree the present Constitution.

CHAPTER ONE

GENERAL PROVISIONS

Art. 1. Tunisia shall be a free, independent and sovereign State, Islamic in religion, Arabic in language and republican in regime.

Art. 2. The Tunisian Republic is part of the Greater Maghreb and shall work for its unity, within the framework of common interests.

Art. 3. Sovereignty is vested in the Tunisian people, which shall exercise it in accordance with the Constitution.

Art. 4. The Tunisian flag shall be red. As prescribed by law, it shall have a white circle in the middle and, in this circle, a five-pointed red star within a red crescent.

The motto of the Republic shall be: "Liberty, Order, Justice."

Art. 5. The Tunisian Republic shall guarantee the dignity of the individual and freedom of religious belief and safeguard public worship, provided such worship disturb not public order.

Art. 6. All citizens shall have equal rights and duties and be equal before the law.

Art. 7. The individual citizen shall enjoy all the rights to which he be entitled by law. These rights shall only be limited by laws made to safeguard the rights of others, protect public order, assure national defence or promote economic prosperity or social progress.

Art. 8. Freedom of thought and expression, of the press, publication and assembly, and freedom of association shall be guaranteed and exercised in accordance with the law. Trade union rights shall be guaranteed.

Art. 9. The inviolability of the home and secrecy of correspondence shall be guaranteed, save in exceptional cases prescribed by law.

Art. 10. Every citizen shall have the right to move freely within the country, to leave it and to live where he may wish, in accordance with the provisions of the law.

Art. 11. No citizen shall be exiled from the country or forbidden to return to it.

Art. 12. Every accused person shall be presumed innocent until his guilt be proved in accordance with procedure offering him the necessary guarantees for his defence.

Art. 13. Sentence shall be passed on a personal basis and shall only be pronounced by virtue of a law existing prior to the act to be sanctioned.

Art. 14. The right to property shall be guaranteed and exercised within the limits of the law.

Art. 15. The defence of the country and of its territorial integrity shall be the sacred duty of every citizen.

Art. 16. It shall be the duty of every individual to pay taxes and contribute to public expenditure on an equitable basis.

Art. 17. Political refugees shall not be extradited.

CHAPTER TWO

THE LEGISLATIVE POWER

Art. 18. The people shall exercise legislative power through a representative body called the "National Assembly."

Art. 19. The National Assembly shall be elected by free, direct and secret universal suffrage, in accordance with the provisions of the law.

Art. 20. All citizens who shall have held Tunisian nationality for at least five years and who shall have attained twenty years of age shall have the right to vote.

Art. 21. All electors born of a Tunisian father and at least thirty years of age may stand for election to the National Assembly.

Art. 22. The National Assembly and the President of the Republic shall be elected simultaneously for a period of five years, the elections taking place during the last thirty days of the previous term of office.

Art. 23. If, on account of war or imminent danger, elections cannot be held at the appointed date, the mandate of the Assembly and that of the President of the Republic may be extended by law until such time as elections can be held.

Art. 24. The seat of the National Assembly shall be in Tunis and its suburbs. In exceptional cases, the Assembly may meet elsewhere.

Art. 25. Every member of the National Assembly shall be considered as representing the whole nation.

Art. 26. No member of the National Assembly shall be sued, arrested or tried for opinions or suggestions expressed by him or for activities undertaken in the performance of his duties within the National Assembly.

Art. 27. No member of the National Assembly shall be arrested or prosecuted during his term of office for crimes or misdemeanors, unless deprived of his immunity by the National Assembly. Notwithstanding, in the event of flagrant offence, he may be arrested immediately, but the Assembly shall be informed without delay. His detention shall be suspended if so required by the Assembly.

Art. 28. The National Assembly shall exercise the legislative power. The President of the Republic and every member of the National Assembly shall have the right to propose laws, but the proposals of the President of the Republic shall take precedence.

The National Assembly may, for a limited period and for a specific purpose, empower the President of the Republic to issue decrees, which shall be submitted to the Assembly for approval at the expiration of this period.

Art. 29. The National Assembly shall hold one ordinary session each year, starting during the month of October and ending during the month of July. The first session of each legislative term shall, however, begin during the first fortnight in November.

When in recess, the National Assembly may hold an extraordinary session at the request of the President of the Republic or a majority of its members.

Art. 30. The National Assembly shall set up permanent commissions from among its members, which will remain active during recesses.

Art. 31. The President of the Republic may, during the recesses of the Assembly and in Agreement with the permanent commission concerned, issue decrees, which shall be submitted to the Assembly for ratification during the next ordinary session.

Art. 32. In times of danger threatening the institutions of the Republic

and the independence of the country and hampering the machinery of the state, the President of the Republic shall take such exceptional measures as required by circumstances. These measures shall cease to be applicable once the crisis is over. On such occasions the President of the Republic shall send a message to that effect to the National Assembly.

Art. 33. The draft national budget shall be submitted to the National Assembly for adoption.

Art. 34. The law shall specify the procedure for drawing up and submitting the budget to the National Assembly. The law shall also delimit the budgetary year.

Art. 35. The National Assembly shall decide upon the final figures of the national budget.

Art. 36. State taxation, public loans and financial undertakings shall only be effected by law.

CHAPTER THREE

THE EXECUTIVE POWER

Art. 37. The President of the Republic shall be the Head of State and shall be Islamic in religion.

Art. 38. The President of the Republic shall exercise the executive power in accordance with the provisions of the Constitution. He shall safeguard the Constitution.

Art. 39. Every Tunisian shall have the right to stand as candidate for the Presidency of the Republic provided that he himself as well as his father and grand-father have continuously held Tunisian nationality. Candidates shall be at least forty years of age and enjoy full civil rights. The declaration of candidature shall be entered in a special register kept by a committee composed of the President of the National Assembly, who will act as chairman, and of four other members: the Mufti of Tunisia, the First President of the Supreme Court of Appeal, the First President of the Court of Appeal of Tunis and the Attorney General of the Republic.

This committee shall examine the credentials of candidates and announce the results of the elections. The period between registration of candidatures and the elections shall be limited to two months, the first month being reserved for the registration of candidatures.

Art. 40. The President of the Republic, shall be elected for five years by free, direct and secret universal suffrage, by electors as defined in Article 20. The President of the Republic shall not be eligible for reelection more than three times successively.

Art. 41. The newly-elected President of the Republic shall take the following oath before the National Assembly:

“I swear by Almighty God that I shall protect the independence and

safety of the country, that I shall respect the Constitution and the law and that I shall scrupulously watch over the interests of the nation.”

Art. 42. The President of the Republic shall have his official residence in Tunis and its suburbs.

Art. 43. The President of the Republic shall determine the general policy of the government, see that it be implemented and keep the National Assembly informed of the development of this policy. He shall choose the members of his government, who shall be responsible to him.

The President of the Republic may address the National Assembly either in person or by message.

Art. 44. The President of the Republic shall promulgate the legislative and constitutional texts, and see that they be published in the *Journal Officiel* within a period not exceeding fifteen days from the date on which they shall have been submitted to him by the President of the National Assembly.

The President of the Republic may, during this period, refer draft laws back for a second reading. If the text be passed a second time with a two-thirds majority, it shall be promulgated and published within a second period not exceeding fifteen days.

Art. 45. The President of the Republic shall see that the laws be enforced. He shall make both civil and military appointments.

Art. 46. The President of the Republic shall be the Commander-in-Chief of the Armed Forces.

Art. 47. The President of the Republic shall accredit the diplomatic representatives of the Republic to foreign States. He shall receive the letters of accreditation of the representatives of foreign States.

Art. 48. Treaties shall have full legal effect after having been approved by the National Assembly. When duly ratified they shall take precedence over internal laws.

Art. 49. The President of the Republic shall sign treaties. He may with the approval of the National Assembly, declare war and make peace.

Art. 50. The President of the Republic shall exercise the prerogative of mercy.

Art. 51. In the event of temporary incapacity, the President of the Republic may delegate all or part of his powers to the Prime Minister. He shall so inform the President of the National Assembly.

In the event of the office of President of the Republic falling vacant on account of death, resignation or definite incapacity, the Prime Minister shall immediately be invested with the functions of President of the Republic for the remainder of the Presidential term. He shall address a message to the President of the National Assembly. He shall take the oath provided in Article 41 before the National Assembly or, if it is not in session, before the secretariat of the National Assembly or before the President of the National Assembly.

CHAPTER FOUR

THE JUDICIARY POWER

Art. 52. Judgement shall be given in the name of the people and shall be carried out in the name of the President of the Republic.

Art. 53. The judiciary shall be independent: in the performance of their duties, judges shall be subject to no authority other than that of the law.

Art. 54. Judges shall be appointed by order of the President of the Republic upon recommendation of the Supreme Council of Justice. The mode of their recruitment shall be specified by law.

Art. 55. The guarantees granted to judges regarding their appointment, their promotion, the changing of posts and discipline shall be applied under the supervision of the Supreme Council of Justice, whose composition and powers shall be determined by law.

CHAPTER FIVE

THE HIGH COURT

Art. 56. The High Court shall meet in the event of high treason committed by a member of the government. The law shall specify the powers of this court, its composition and judicial procedure.

CHAPTER SIX

THE COUNCIL OF STATE

Art. 57. The Council of State shall be composed of two bodies:

1) An administrative judiciary body, to deal with legal disputes between individuals and the State or public bodies, and with actions *ultra vires*.

2) An Audit Office, with the task of verifying the State accounts and submitting a report to the President of the Republic and to the National Assembly.

The Composition, procedure and powers of the Council of State shall be determined by law.

CHAPTER SEVEN

THE ECONOMIC AND SOCIAL COUNCIL

Art. 58. The Economic and Social Council shall be an advisory body for economic and social affairs. Its composition and its relations with the National Assembly shall be specified by law.

CHAPTER EIGHT

LOCAL COUNCILS

Art. 59. The Municipal and Regional Councils shall deal with questions of local interest, as prescribed by law.

CHAPTER NINE

REVISION OF THE CONSTITUTION

Art. 60. The President of the Republic or at least one third of the members of the National Assembly shall have the right to make proposals for the amendment of the Constitution, providing that such proposals in no way affect the republican system of the State.

Art. 61. The National Assembly shall not discuss any such proposal for amendment unless a resolution to do so be passed by an absolute majority, the Commission concerned having given a full report before hand.

The Constitution shall not be amended unless the National Assembly adopt the amendment proposal by a two-thirds majority of its members. Two readings shall be necessary, the second of which shall take place at least three months after the first.

Art. 62. The President of the Republic shall promulgate the text amending the Constitution in the form of a constitutional law, in accordance with the provisions of Article 44.

CHAPTER TEN

TRANSITIONAL PROVISIONS

Art. 63. The present Constitution shall be promulgated and published by the President of the Republic on the 1st June 1959 at a meeting of the National Constituent Assembly which body shall continue to sit till the National Assembly be elected and installed.

Art. 64. The present Constitution, promulgated in accordance with Article 63, will take effect as from the date of its publication.

Until the election of the President of the Republic and of the National Assembly, which shall take place in November 1959, the public powers shall remain as set up under the resolution of the National Constituent Assembly dated the 25th July 1957.

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UGANDA

NOTE

Uganda is a member of the United Nations,¹ (October 25, 1962). It is a member of the Organizations of African Unity, the Commonwealth of Nations, the East African Community and of other international organizations.

Uganda became independent on October 9, 1962, following upon constitutional conferences in 1959 and in September-October 1961 in Uganda and London respectively.

¹ It accepts the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute.