



The Constitution Of The Union of the Comoros

THE CONSTITUTION OF THE UNION OF THE COMOROS, 2001 (as Amended to 2009)

December 23, 2001, as amended on May 17, 2009, entered into force May 23, 2009

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PREAMBLE

The Comorian people solemnly affirm their will

- to draw from Islam, the religion of the state,^[1] the permanent inspiration of the principles and rules that govern the Union;
- to guarantee the pursuit of a common destiny of the Comorians;
- to give themselves new institutions which are founded on the rule of law and democracy, respect the principles of good governance and guarantee a power-sharing between the Union and the islands which are its members in order to allow them to realize their legitimate aspirations, to administer and manage freely, without obstacles, their own affairs and to promote their socio-economic development;
- to emphasize their commitment to the principles and fundamental rights defined by the Charter of the United Nations, by the Charter of the Organization of African Unity, by the Pact of the League of Arab States, by the Universal Declaration of Human Rights and by the African Charter on Human and Peoples' Rights, as well as by the international conventions, particularly those relating to childrens' and womens' rights.

They proclaim:

- the solidarity between the Union and the islands and among the islands themselves;
- the equality of the islands concerning rights and duties;

- the equality of all concerning rights and duties without distinctions based on sex, origin, race, religion or belief;
- the equality of all before the courts and the right of anyone who is subject to the jurisdiction of the courts to defend himself;
- the freedom and security of each individual under the sole condition that he does not commit any act likely to harm others;
- the right to obtain information from a variety of sources and to freedom of the press;
- freedom of expression and of assembly, freedom of association and freedom to organize trade unions, subject to respect for morals and public order;
- freedom of enterprise as well as the safety of capital and investments;
- the inviolability of the domicile in the conditions defined by law;
- the right to strike within the framework of the laws which regulate it;
- the guarantee of property rights, save in cases of public utility or necessity determined in accordance with the law and subject to just compensation;
- the right to health and education for all;
- the right of the child and of the youth to be protected by the public authorities against any form of abandonment, exploitation and violence;
- the right to an intact environment and the duty of all to preserve that environment.

This Preamble shall be considered an integral part of the Constitution.

TITLE ONE UNION OF THE COMOROS

Article 1

The Union of the Comoros shall be a Republic, consisting of the autonomous islands of Mwali (Mohéli), Maoré (Mayotte), Ndzuwani (Anjouan), N'gazidja (Grande Comore).

The national emblem shall be yellow, white, red, blue, a white crescent turned to the right and four white stars aligned from one end of the crescent to the other in an isosceles triangle on a green undercoat.

The national hymn shall be: Umodja Wa Massiwa.

The motto of the Union shall be "Unity-Solidarity-Development."

An Act of the Union shall determine the seal of the Union.

The official languages shall be the Shikomor, the national language, French and Arabic.

Article 2[2]

Moroni shall be the capital of the Union. An Institutional Act shall fix the status of the city and determine the islands where the institutions of the Union have their seat.

Article 3

Sovereignty shall vest in the people which shall exercise it, in each island and in the Union as a whole, through its elected representatives or by referendum. No section of the people nor any individual may arrogate to itself, or to himself, the exercise thereof.

Article 4

In the conditions determined by statute suffrage shall be universal, equal and secret. It may be direct or indirect.

All Comorians of either sex who are in possession of their civil and political rights may vote as provided for by statute.

Article 5

Comorian nationality may be acquired, kept and lost according to statute. No one who is Comorian by birth may be deprived of his nationality.

Article 6

Political parties and groups shall contribute to the exercise of suffrage, as well as to civic and political education of the people. They shall be formed and carry on their activities freely, in accordance with Union legislation. They shall respect national unity, sovereignty and the inviolability of the borders of the Comoros as internationally recognized, as well as the principles of democracy.

TITLE II RESPECTIVE POWERS OF THE UNION AND THE ISLANDS

Article 7

Respecting the unity of the Union and the inviolability of its borders as internationally recognized, each island shall administer and manage its affairs freely.

Each island shall freely establish its status law while respecting the Constitution of the Union.^[3]

Comorans shall have the same rights, liberties and duties in each part of the Union.

No authority may adopt measures which either directly or indirectly would restrict the free movement and the freedom of residence of persons or the free circulation of goods in any part of the territory of the Union.

Article 7–1^[4]

Any secession or attempt at secession of one or several autonomous islands shall be prohibited.

Each act which infringes the territorial integrity or national unity shall be considered as secession.

Each act or measure which is likely to infringe the unity of the Republic or to endanger the integrity of the national territory taken by an authority of an autonomous island or the Union shall be null and void. Judicial prosecutions notwithstanding, the nullity shall be declared by the Constitutional Court upon request by the President of the Union, by the President of the Assembly of the Union, by five Members of the Assembly of the Union, or by each citizen.

Article 7–2

In the autonomous islands the executive and deliberative functions shall be exercised by different organs.

The executive function shall be exercised by a Governor assisted by Commissioners.

The Governor shall be elected by direct universal suffrage under a system of majority voting in two rounds^[5] for a term of five years, renewable once. In the case of resignation or permanent incapacity occurring within nine-hundred days after the start of his term and duly declared by the Constitutional Court upon request of the executive of the island the functions of Governor shall temporarily be exercised by the President of the Island Council. The election of a new Governor shall take place within forty-five days by indirect suffrage by the representatives of the Island Council and the mayors sitting as Congress.

The election shall take place by absolute majority of the members of the Congress. If this majority is not obtained on the first ballot, a second round of voting shall be held in which a simple majority of the members present shall suffice. The new Governor shall be elected for the rest of the term. During the period of forty-five days the Interim-Governor shall not appoint any new Commissioners.

If the vacancy or the permanent incapacity occurs later than nine-hundred days after the start of the Governor's term, the interim shall be ensured by the President of the Island Council until the end of the term.

The Governor shall be the Head of the autonomous island.

He shall exercise by way of edict the powers which are assigned to him by the Constitution and the status law of the autonomous island. He shall ensure due respect for the Constitution and guarantee the implementation of the statutes and regulations of the Union in the island.

He shall make public the deliberations of the Island Council.

He shall be the Head of the relevant administration of the island.

The Governor shall be kept informed of the implementation of the measures of the Union in the island.

The Governor shall appoint the Commissioners whose number may not exceed six (6), and terminate their functions.

The deliberating function shall be exercised by an Island Council.

The Island Council shall regulate the matters of the autonomous island through its deliberations.

The Councilors of the Island shall be elected together with their substitutes (*suppléants*) by simple majority in singlemember constituencies for a term of five years. An Act of the Union shall determine the number of the constituencies and the modalities of the vote.

The number of the Councilors shall not exceed:

- nine (9) for Mwali;
- eleven (11) for Maoré;
- nineteen (19) for N'dzuwani;
- twenty-three (23) for Ngazidja.

The office of Island Councilor does not give a right to remuneration. However, travel and attendance allowances may be granted to him by edict of the Governor within the limits fixed by statutory legislation.

The composition, organization and functioning of the Island Council as well as the modalities and terms for the election of its members shall be determined by statutory legislation.

The terms concerning the competences and the functioning of the office of Governor as well as the relations between the Governor's office and the Island Council shall be fixed by statutory regulation.

Article 7–3

The autonomous islands shall comprise territorial communities which shall freely govern themselves through elected executive and deliberating organs, in the procedures and conditions determined by the legislation of the Union.

Article 8

Union law shall take precedence over the law of the islands; it shall be executed in the whole territory of the Comoros.

Article 9[6]

The following matters shall fall within the jurisdiction of the autonomous islands:

- administration of the local communities;
- organization of administrative, commercial or industrial entities and units of an island character other than State companies;
- police in the cities and in the rural areas;
- Fairs and markets;
- distribution of island grants and scholarships;
- road administration;
- administration of secondary roads;
- local planning with regard to the island territory;
- construction, furnishing, maintenance and management of facilities in preparatory, primary and secondary
- education as well as of their staff;
- local professional training at the elementary level;
- non-industrial fishing;
- agriculture and breeding, with the exception of breeding schemes and research activities;
- construction, furnishing, maintenance and management of basic healthcare facilities and of their staff.

Matters other than those referred to in the preceding paragraph shall fall within the jurisdiction of the Union.

The autonomous islands shall generate their own revenues for the exercise of their powers by levying fees and internal taxes on goods and services in accordance with the Finance Act.

Article 10

Peace Treaties, Trade agreements, treaties or agreements relating to international organization, those committing the finances of the State, those modifying provisions which are the preserve of statute law, those relating to the status of persons, and those involving the ceding, exchanging or acquiring of territory, may be ratified or approved only by an Act of Parliament.

They shall not take effect until such ratification or approval has been secured.

If the Constitutional Court, upon referral by the President of the Union, by the President of the Assembly of the Union or by the Heads of the island executives has held that an international undertaking contains a clause contrary to the Constitution, authorization to ratify or approve the international undertaking involved may be given only after amending the Constitution.

Treaties or agreements duly ratified or approved shall, upon publication, prevail over Acts of the Union or the islands, subject, with respect to each agreement or treaty, to its application by the other party.

Article 11

The islands shall enjoy financial autonomy.

They shall freely enact and execute their budgets in accordance with the principles applicable to the management of public finances.

An Institutional Act shall determine the respective share of the revenues to which the Union and the islands shall be entitled. The division of revenues shall be implemented within the framework of the annual Finance Act of the Union.

Subjects to the conditions defined by the Institutional Act the islands may create for the benefit of their budgets taxes and levies not provided for by the law of the Union.

The Union shall distribute external aid and investments equitably among the islands, while upholding the principles of solidarity and complementarity which govern their relations.^[7]

TITLE III INSTITUTIONS OF THE UNION

Chapter I Executive Power

Article 12

The President of the Union shall be the symbol of national unity. He shall be the guarantor of the inviolability of the borders as internationally recognized and of the sovereignty of the Union. He shall be the arbiter and the moderator of the proper functioning of the institutions. He shall be the highest representative of the Union in international relations.

The President of the Union shall determine and conduct the foreign policy. He shall accredit ambassadors and envoys extraordinary to foreign powers; foreign ambassadors and envoys extraordinary shall be accredited to him. He shall negotiate and ratify treaties.

The President of the Union shall be the Head of Government. In this capacity, he shall determine and conduct the policy of the Union. He shall have at his disposal the administration of the Union and shall have the power to make regulations.

He shall make appointments to civil and military posts of the Union.

The President of the Union shall be the Commander-in-Chief of the Armies. He shall be responsible for external defense.

The President of the Union shall be vested with the power to grant pardons.

Article 12–1[8]

The President of the Union may, after consulting the President of the Assembly of the Union, declare the Union Assembly dissolved.

The general election of the representatives of the Union shall take place no fewer than twenty days and no more than forty days after the dissolution.

In this case each island shall appoint new representatives to the Assembly of the Union from the ranks of its Council.

The former representatives of the islands appointed to the Assembly of the Union shall not be reappointed in the year which follows the election of the Assembly, unless a renewal of the Council of the island concerned has taken place.

The Assembly of the Union shall sit as of right on the second Thursday following its election. Should this sitting fall in a period between two sessions, a session shall be convened as of rights for a fifteen-day period.

No further dissolution shall take place within a year following said election.

Article 12–2

The President of the Union may delegate certain of his powers to the Vice Presidents.

Article 12–3

Where the constitutional institutions, the independence of the nation, the integrity of its territory or the fulfillment of its international commitments are under serious and immediate threat, and where the proper functioning of the constitutional authorities is interrupted, the President of the Union shall take the emergency measures required by these circumstances, after formally consulting the Council of Ministers, the President of the Assembly of the Union and the Constitutional Court.

These measures shall be inspired by the will to provide the constitutional authorities as swiftly as possible with the means to carry out their duties.

The President of the Union shall address the nation and inform it of such measures. The Assembly of the Union shall sit as of right. It shall not be dissolved during the exercise of the emergency powers. It may terminate the emergency powers by vote of a two-thirds majority of its members.

Article 12–4

The President of the Union may, upon authorization by the Assembly of the Union, enact legislation by ordinance on matters which fall normally within its jurisdiction. The ordinances shall be tabled before the bureau of the Assembly in the session following the end of the authorization period fixed by the Enabling Act.

Article 12–5

In order to discuss issues concerning the political, social or economic life of the nation the President of the Union may, subject to the terms of the Constitution of the Union, convene and chair a conference in which the Vice Presidents, the President of the Assembly of the Union, the Governors and the Presidents of the Island Councils take part.

A Vice President or the President of the Assembly of the Union may chair the conference upon delegation by the President of the Union.

Article 13

The presidency shall rotate among the islands. The President and the Vice Presidents shall be elected by direct universal suffrage under a system of majority voting in two rounds^[9] for a term of five years, subject to the rotation. A primary shall be held in the island concerned and only the three candidates which have received the highest numbers of votes cast may stand in the presidential election. In no case may the presidential primary be held on two successive occasions on the same island.^[10]

Before taking office the President of the Union and the Vice residents take an oath before the Constitutional Court with these words spoken in the Comorian language:

“I swear before Allah, the Merciful and the most Compassionate, to loyally and honestly fulfill the duties of my office, to act only in the general interest and in conformity with the Constitution.”

The conditions of eligibility and the modalities of application of the present Article shall be fixed by Institutional Act.

Article 14^[11]

In the case of a vacancy or permanent incapacity of the President occurring within nine-hundred days after the beginning of his term and duly declared by the Constitutional Court upon request by the Government, a new President shall be elected. If the vacancy or the permanent incapacity occurs later than nine-hundred days after the start of the term, the Vice President from the island which is next in line for the presidency shall complete the presidential term. In the first case the councilors and mayors of the island concerned convene in Congress within forty-five days and vote, and only the three candidates who have obtained the highest numbers of votes are allowed to stand in the indirect election by the representatives of the assemblies of the islands and the Union convened in Congress. The election takes place with the absolute majority of the members of the Congress. If this majority is not obtained on the first ballot, a second round of voting will be held in which a simple majority of the members present shall suffice for the election.

The elected President shall complete the current term.

During the period of forty-five days mentioned in the first paragraph of the present Article, the functions of the President shall temporarily be exercised by the Vice President from the island whose turn it is to take over the rotating presidency. He shall not change the Government, nor dissolve the Assembly, nor have recourse to the emergency powers.

Article 15

The functions of President of the Union and of Vice President shall be incompatible with the exercise of any other elective mandate, any other political function, any public post, any public or private professional activity and any leadership function in a political party or group. Nevertheless the Vice Presidents of the Union shall be given responsibility for a ministerial department. An Institutional Act shall determine the issues for which the countersignature of the Vice Presidents is needed.

The Vice President shall coordinate the action of the different ministerial departments in the island he comes from and monitor the lawfulness of the decisions taken by the executive of that island.[12]

Article 16

The President of the Union, with the assistance of the three Vice-Presidents, shall appoint the Ministers and other members of the Government whose number shall not exceed ten (10). The Government of the Union shall be composed in a manner which ensures the just and equitable representation of the islands.[13]

The functions of Minister shall be incompatible with the exercise of any elective national mandate except those conferred by the territorial communities, any function of professional representation, any public post and any professional activity.

Article 17

The President of the Union shall promulgate Acts of the Union within fifteen days following the final passage of an Act and its transmission to the Government. He may, before the expiry of this time limit, ask the Assembly of the Union, which shall decide by absolute majority, to reopen debate on the Act or any sections thereof. Such reopening of debate shall not be refused.

Article 18

The President of the Union shall establish an annual report on the state of the Union for the information of the Assembly of the Union, the Constitutional Court as well as the assemblies and executives of the islands.

Chapter II Legislative Power

Article 19

The Assembly of the Union shall be the legislative body of the Union.

It shall enact the statutes, including the statutes on the execution of the budget, adopt the budget and control the action of the Ministers and other members of the Government.[14]

Article 20[15]

The Assembly of the Union shall be composed of:

- twenty-four (24) representatives of the nation elected by universal suffrage in single-member constituencies on the basis of majority voting in two rounds;[16]
- representatives of the autonomous islands appointed by the Island Councils from among their ranks, at the number of three (3) for each autonomous island.

The members of the Assembly of the Union shall wear the title of Deputy of the Union. The National Assembly shall be renewed integrally. The powers of the Assembly shall expire at the start of ordinary April session of the fifth year following the election of the representatives of the nation. In the case of a dissolution, the elections of the representatives of the nation shall take place in the sixty days preceding the expiry of the powers of the Assembly of the Union.

An Elections Act shall determine the modalities of the vote and the delimitation of the constituencies whose number shall not be inferior to three in each island. The modalities and the terms of the appointment of the representatives of the autonomous islands in the Assembly of the Union shall be determined by the Rules of Procedure of the Council of the island concerned. The Island Council shall proceed each year to the appointment of its representatives at the Assembly of the Union. The functions of Deputy of the Union Assembly of a representative from an autonomous island shall expire simultaneously with the powers of the Council of that island. Each Deputy who ceases to be a member of the Council of the island he comes from shall cease at the same time to be a member of Assembly of the Union. He shall be replaced.

The President of the Assembly of the Union shall be elected for the duration of the legislature.

An Institutional Act shall determine the conditions and modalities for the election of the Deputies of the Assembly of the Union and its President, the terms of disqualifications and incompatibilities applying to members as well as their allowances. It shall specify the manner of election of those persons called upon to replace the Deputies whose seats have become vacant until the general or partial renewal of the Assembly of the Union.

The Assembly of the Union shall adopt with the majority of two thirds of its members its Rules of Procedure. Before their application the Constitutional Court shall rule on their conformity with the Constitution.

Article 21

No Member of the Assembly of the Union shall be prosecuted, investigated, arrested, detained or tried in respect of opinions expressed or votes cast in the discharge of his functions.

No Member of the Assembly of the Union shall be prosecuted or arrested in penal matters nor shall he be subjected to other custodial or semi-custodial measures during the session period without the authorization of the Assembly, except in the case of a crime or offense committed *flagrante delicto*.

No Member of the Assembly of the Union may be arrested between session periods without the authorization of the Bureau of the Assembly, except where a crime or offense has been committed *flagrante delicto*, prosecutions have been authorized or a conviction has become final.

Article 22

No Member shall be elected with any binding mandate.

The right to vote of the Members of the Assembly of the Union shall be exercised in person. Union legislation may in exceptional cases authorize voting by proxy. In that event, no member shall be given more than one proxy.

Article 23

The Assembly of the Union shall sit as of right in two ordinary sessions each year whose total duration shall not exceed six months. The days and hours of sittings shall be determined by the Rules of Procedure of the Assembly of the Union.

The Assembly of the Union shall meet in extraordinary session at the request of the President of the Union or of the absolute majority of the Deputies to debate a specific agenda. The extraordinary session shall be closed not later than fifteen days after the Assembly's first sitting.

Article 24

The sittings of the Assembly of the Union shall in principle be public, except in the cases provided for in the Rules of Procedure of the Assembly.

Article 25

Both the President of the Union and the Deputies shall have the right to initiate legislation. Government Bills shall be discussed in the Council of Ministers and shall be tabled in the Bureau of the Assembly of the Union.

The Deputies and the Government shall have the right of amendment.

Private Members' Bills and amendments introduced by Members of the Assembly of the Union shall not be admissible where their enactment would result in either a diminution of public revenue of the Union or the creation or increase of any public expenditure of the Union.

At the request of the Government or of the Assembly of the Union Government Bills and Private Members' Bills shall be referred for consideration to committees established by the Rules of Procedure of the Assembly of the Union or specially set up for this purpose.

Article 26

Acts of Parliament which are defined by the Constitution as being Institutional Acts shall be enacted and amended as provided for hereinafter.

A Government or Private Member's Bill shall not be debated and put to the vote in the Assembly of the Union until fifteen days have elapsed since the tabling thereof.

Institutional Acts shall be passed by a majority of two thirds of the Members of the Assembly.

At the request of all the Deputies from one island the debate on the Act must be reopened.

The Acts shall be promulgated after the Constitutional Court has declared their conformity with the Constitution.

Article 27

The Assembly of the Union shall adopt the Finance Bills with a two-thirds majority.

Should the Assembly of the Union fail to reach a decision within sixty days, the provisions of the Bill may be brought into force by Ordinance.

Chapter III Judicial Power

Article 28^[17]

The judicial power shall be independent of the legislative power and the executive power.

In the exercise of their functions the judges shall only be subject to the authority of the law.

Judges shall be irremovable from office.

The President of the Republic shall be the guarantor of the independence of the judiciary. He shall be assisted by the High Council of the Judiciary, whose composition, organization and functioning as well as the procedure to be followed before it shall be determined by Institutional Act.

An Institutional Act shall regulate the status of judges and prosecutors.

Article 29

The Supreme Court shall be the highest judicial authority of the Union in criminal and private law cases, administrative and auditing matters of the Union and the islands. The decisions of the Supreme Court shall not be subject to appeal and shall be binding on the executive power, the legislative power and all authorities in the territory of the Union. An Institutional Act shall determine the composition as well as the rules for the functioning of the Supreme Court.

Article 30

In the case of high treason the President, the Vice Presidents and the members of the Government shall be brought before the Supreme Court sitting as High Court of Justice. An Institutional Act shall determine the composition of the High Court, the rules for its functioning and the procedures applicable before it.

TITLE IV^[18] RELATIONS BETWEEN THE LEGISLATIVE POWER AND THE EXECUTIVE POWER

Article 31

In addition to the matters assigned to them by other articles of the Constitution, Union statutes shall determine the rules concerning:

- civic rights and the fundamental guarantees granted to citizens for the exercise of their civil liberties; the obligations imposed upon the person and property of citizens;
- the law governing associations and political parties and the status of the opposition;
- nationality, the status and capacity of persons, family law, inheritance and gifts;
- the determination of serious crimes and other major offences and the penalties they carry; criminal procedure; amnesty; the setting up of new categories of courts;
- the base, rates and methods of collection of all types of taxes; the issuing of currency.

Statutes shall also determine the rules governing:

- the administration of customs services;
- the management of State lands and of the land registry;
- the management of publicly funded companies;
- systems of ownership, property rights and civil and commercial obligations;
- the system for electing Members of the Assembly of the Union;
- the setting up of categories of public legal entities;
- the status of civil servants and members of the Armed Forces and the fundamental guarantees granted to them;

- nationalization of companies and the transfer of ownership of companies from the public to the private sector;
- expropriations in the public interest.

Statutes shall lay down the basic principles of:

- the general organization of defense and national security;
- the general organization of the administrative, social and financial investigation authorities;
- education and national public diploma;
- information and the new information technologies.

Article 32

Matters other than those coming under the scope of statute law shall be matters for regulation.

Article 33

The Assembly of the Union may call one or several Ministers or other members of the Government to account by addressing a petition to the President of the Union. Such a petition shall not be admissible unless it is signed by at least one third of the members of the Assembly of the Union.

Voting may not take place within forty-eight hours after the petition has been tabled. Solely votes cast in favor of the petition shall be counted and the latter can be adopted only by a majority of two thirds of the Members of the Assembly of the Union.

The Assembly of the Union shall not vote on more than two petitions per year, and no petition shall be tabled in the course of an extraordinary session.

The President is under an obligation to terminate the functions of the Minister or Ministers or other members of the Government targeted by the petition. He shall not re-appoint them to ministerial functions in the six months following their dismissal.

TITLE V[19] DECENTRALIZED COOPERATION

Article 34

Subject to the Constitution and within the limits of their respective powers, the Union and the autonomous islands and the autonomous islands among themselves may conclude accords of a social, economic or financial character.

Article 35

Within the limits of their respective powers and subject to the Constitution of the Union of the Comoros and the international undertakings of the Union, the autonomous islands may establish and maintain cooperation with foreign local communities and non-governmental bodies.

No convention under the present Article may be concluded between an autonomous island and a foreign State or an intergovernmental international organization unless it forms part of a framework agreement between the Union of the Comoros and that foreign State or intergovernmental international organization.

TITLE VI CONSTITUTIONAL COURT

Article 36

The Constitutional Court shall rule on the constitutionality of the statutes of the Union and the islands. It shall monitor the proper conduct of the electoral operations in the islands as well as at Union level, including referendums; it shall rule on electoral disputes. Finally, it shall guarantee the fundamental rights of the individual and public liberties.

The Constitutional Court shall guarantee the distribution of powers between the Union and the islands. It shall be competent to rule on the conflicts of jurisdiction between two or several institutions of the Union, between the Union and the islands, and among the islands themselves.

Every citizen may request a ruling of the Constitutional Court on the constitutionality of statutes, either directly or by way of objecting to the application of an allegedly unconstitutional statute before a court of the Union or of an island in a case involving him. The court shall stay the proceedings until the Constitutional Court has given its ruling, which it shall do within thirty days.

Article 37

The President of the Union, the Vice Presidents of the Union, the President of the Assembly of the Union, and the heads of the island executives shall each appoint one member to the Constitutional Court.

Article 38

The members of the Constitutional Court shall be persons of great morality and honesty and shall have recognized standing in legal, administrative, economic or social matters. They must be able to point to a professional experience of at least fifteen years. They shall be appointed for a renewable six-year term.

The President of the Constitutional Court shall be designated by his peers for a term of six years, renewable once.

The members of the Constitutional Court shall be irremovable from office. They may not be prosecuted or arrested without authorization of the Court, except in the case of committing a crime or offense flagrante delicto.

The functions of a member of the Constitutional Court shall be incompatible with the membership in the institutions of the Union or the islands, as well as with any public employment or professional activity.

Article 39

An Institutional Act shall determine the rules governing the organization and the functioning of the Constitutional Court, the procedure to be followed before it, especially the conditions, modalities and time limits for a referral to the Court, as well as the status of and the immunities and disciplinary rules applicable to its members.

Article 40

A provision which has been declared unconstitutional shall be void and shall cease to apply.

The decisions of the Constitutional Court shall not be subject to appeal. They shall be binding on all public authorities and courts in the territory of the Union.

TITLE VII CONSULTATIVE BODIES

Article 41

Consultative bodies may be established under the authority of the Presidency of the Union.

The consultative bodies, including the Council of Ulemas and the Economic and Social Council, shall assist the Government of the Union and the heads of the island executives in the elaboration of decisions affecting the religious, economic and social life of the country.

A Union statute shall determine the modalities of consultation and of functioning of these bodies.

TITLE VIII REVISION OF THE CONSTITUTION

Article 42

The President of the Union and a minimum of one third of the Members of the Assembly of the Union shall both have the right to initiate amendments to the Constitution.

To be adopted, a Government or a Private Member's Bill to amend the Constitution must be approved by two thirds of the total membership of the Assembly of the Union as well as by two thirds of the total membership of the Island Councils, or by referendum.

No amendment procedure shall be initiated or continued where the integrity of the national territory, the inviolability of its internationally recognized borders or the autonomy of its islands is placed in jeopardy.

TITLE IX TRANSITIONAL PROVISIONS

Article 43

The institutions of the Union provided for in the present Constitution shall be established within a period not exceeding twelve months starting with the adoption of the present Constitution.

Article 44

The institutions of Maoré shall be established within a period not exceeding six months, starting on the day on which the circumstances which prevent the island from rejoining the Union of the Comoros cease to exist.

The present Constitution shall be revised in order to draw the institutional consequences of the return of Maoré to the Union of the Islands of Comoros.^[20]

Article 45

The present Constitution shall be adopted by referendum.

Article 46^[21]

The election of the President of the Union shall take place at the same time as the election of the Governors.

TITLE X^[22]
FINAL PROVISIONS

During the transitional period the election of the councilors of the islands of Mwali, N'dzuwani and Ngazidja shall be held at the same time as the election of the Deputies of the Assembly of the Union.

During the transitional period and with a view to harmonizing the elections of the heads of the island executives and of the Union, the Deputies and the councilors of the islands convened in Congress shall fix by absolute majority the date of the elections of the President of the Union and of the Governors.

The provisions necessary for the application of the present Referendum Act shall be issued either by ordinance or by decree adopted in the Council of Ministers.

The present Act shall enter into force with its promulgation by the President of the Union within seven days of the proclamation of the referendum results by the Constitutional Court.