



# **The Constitution Of The Gabonese Republic**

## CONSTITUTION OF THE GABONESE REPUBLIC

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The National Assembly deliberated and adopted:

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

### PREAMBLE

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

Solemnly affirms its adherence to the rights of man and the fundamental liberties such as they result from the Declaration of the Rights of Man and the Citizen of 1789 and the Universal Declaration of Human Rights of 1948, consecrated by the African Charter of the Rights of Man and the Rights of Peoples of 1981, and by the National Charter of Liberties of 1990;

Solemnly proclaims its adherence to profound and traditional social values, to the cultural patrimony, material and spiritual, to the respect of liberties, rights and duties of the citizen.

In virtue of these principles and of those of the sovereignty of the people, it adopts the present Constitution.

**PRELIMINARY TITLE**  
**Fundamental Rights and Principles**

***Article One***

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

1) each citizen has the right to the free development of his person, in respect of the rights of others and public order. No one will be humiliated, mistreated, or tortured, especially when he is in a state of arrest or imprisonment;

2) the freedom of conscience, thought, opinion, expression, communication, the free practice of religion, are guaranteed to all, under the reservation of respect of public order;

3) the freedom to come and go in the interior of the territory of the Gabonese Republic, to exit it and to reenter it, are guaranteed to all Gabonese citizens, under the reservation of respect of public order;

4) the right to a defense, in the judicial process, are guaranteed to all; preventative detention cannot exceed the time allocated by the law;

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

6) the limits of the usage of information systems for the safeguard of Man, the personal and familial intimacy of persons, and the full exercise of their rights, are fixed by law;

7) each citizen has the right to work and the right to obtain employment. No one can be impaired in his work by reason of his origins, his sex, his race, his opinions;

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

9) every Gabonese citizen sojourning or residing abroad benefits from the protection and the assistance of the State, under conditions fixed by national law or international accords;

10) every person, individually as well as collectively, has the right to property. No one can be deprived of his property, if it is not when public necessity, legally declared, urges it and under the condition of a just and prior compensation; however, the expropriations of immovable engaged in for the cause of public utility, for the insufficiency or absence of productive use, and regarding unregistered properties, are regulated by law;

11) every Gabonese has the right to freely fix his domicile or residence in no matter what area of the national territory and to there exercise all activities, under the reservation of respect of public order and of the law;

12) the domicile is inviolable. It can only be ordered searched by a judge or by other authorities designated by the law. Searches can only be executed in the forms provided for herein. Measures touching upon the inviolability of the domicile or limiting it can only be taken in order to prepare for collective dangers or to protect public order from imminent menaces, notably in order to fight against the risks of epidemic or in order to protect persons in danger;

13) the right to form associations, political parties or formations, syndicates, societies, establishments for social interests as well as religious communities, is guaranteed to all under conditions fixed by the law; religious communities conduct and administrate their affairs in an independent manner, under reserve of respect of the principles of national sovereignty, public order and the preservation of the moral and mental integrity of the individual.

Political associations, parties or formations, syndicates, societies, establishments for social interests as well as religious communities of which the activities are contrary to law, or to the good relations of ethnic groups or ensembles may be prohibited according to the terms of the law.

Any act of racial, ethnic, or religious discrimination as well as any regionalist propaganda capable of touching the internal or external security of the State or the integrity of the Republic shall be punished by law;

14) the family is the basic natural unit of society; marriage is the legitimate support of it. They are placed under the particular protection of the State;

15) the State has the duty to organize a general census of the population every ten years;

16) the support to be given to children and their education constitute, for parents, a natural right and duty which they exercise under the surveillance and with the aid of the State and public entities. Parents have the right, in the area of scholarly obligation, to decide upon the moral and religious education of their children. The children have, vis-a-vis the State, the same rights concerning assistance as well as their physical, intellectual and moral development;

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

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

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

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

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

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

The law establishes the conditions of operation of private educational institutions taking into account their specificity;

20) the Nation proclaims the solidarity and equality of all before the public charges; everyone must participate, in proportion to his resources, to the financing of public expenses.

The Nation proclaims in addition the solidarity of all before the charges which result from natural and national calamities;

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

22) the defense of the nation and the safeguard of public order shall be essentially assured by the national defense and security forces. In consequence, no person, no group of persons may constitute itself in private militia or paramilitary grouping; the national defense and security forces are at the service of the State.

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

23) no one can be arbitrarily detained;

No one can be kept under watch or placed under a warrant for arrest if he presents sufficient guarantees of representation, under reservation of the necessities of security and procedure.

Any accused is presumed innocent until the establishment of his culpability following regular process, offering indispensable guarantees to his defense.

Judicial authority, the guardian of individual liberty, assures the respect of these principles within the periods fixed by the law.

## **TITLE I** **The Republic and Sovereignty**

### ***Article 2***

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

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

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

The national anthem is "La Concorde".

The motto of the Republic is: "Union-Work-Justice".

The seal of the Republic is a "Nursing Maternity".

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

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

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

The national holiday is celebrated on August 17.

### ***Article 3***

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

No faction of the people, no group, no individual can attribute to itself the exercise of the national sovereignty.

#### **Article 4**

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

Under the conditions provided by law, all Gabonese of both sexes, 18 years of age, possessing their civil and political rights are electors.

Under the conditions provided by the Constitution and by the law, all Gabonese of both sexes, possessing their civil and political rights are eligible.

#### **Article 5**

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

#### **Article 6**

Parties and political groupings concur in the expression of suffrage. They form themselves and exercise their activities freely, in the area fixed by law, according to the principles of multipartism. They must respect the Constitution and the laws of the Republic.

#### **Article 7**

Any act touching upon the republican form, unity, secularity, sovereignty and independence, constitutes a crime of high treason punishable by law.

### **TITLE II Executive Power**

#### **I - THE PRESIDENT OF THE REPUBLIC**

#### **Article 8**

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

He is the guarantor of national independence, of territorial integrity, of respect of accords and treaties.

He determines, in concert with the Government, the policy of the Nation.

He is the supreme holder of the executive power which he shares with the Prime Minister.

#### **Article 9**

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

The President of the Republic is elected by an absolute majority of the votes cast. If this is not obtained in the first round, there shall be a second round, the second Sunday following the proclamation of the results by the Constitutional Court.

Only the two candidates having received the largest number of votes in the first round can be presented in the second round.

In the second round, the election is obtained by absolute majority of the votes cast.

#### **Article 10**

If, before the first round, one of the candidates dies or finds himself incapacitated, the Constitutional Court shall pronounce the results of the election.

In the case of death or incapacity of one of the two most favored candidates in the first round before eventual withdrawals, the Constitutional Court shall declare that a new set of elections must proceed; it shall be the same in the case of the death or incapacitation of one of the two candidates remaining in competition in the second round.

The Constitutional Court may extend the periods provided, in conformity with Article 11 hereafter, as long as the balloting does not take place more than thirty five days after the date of the decision of the Constitutional Court. If the application of the provisions of the present article have for effect the delay of the election to a date after the expiration of the mandate of the incumbent President, he shall continue to function until the election of his successor.

All Gabonese of both sexes possessing their civil and political rights, at least forty (40) years of age are eligible to the Presidency of the Republic.

Any person having acquired the Gabonese nationality cannot present himself as a candidate for the Presidency of the Republic. Only a descendance having demoured without discontinuity in Gabon is eligible, starting with the fourth generation.

The means of application of the present article are fixed by an organic law.

#### **Article 11**

The mandate of the President of the Republic begins the day of his taking the oath and ends upon the expiration of the seventh year following his election.

The election of the President of the Republic takes place at least one month and at most two months before the expiration of the mandate of the incumbent President.

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

If the incumbent President of the Republic presents himself as a candidate, the National Assembly shall not be dissolved.

He shall not, in addition, from the moment of the official announcement of his candidacy until the election, exercise his power to legislate by ordinance. In the case of necessity, the National Assembly shall be convened in extraordinary session.

#### **Article 11a**

The taking of the oath defines [*marque*] the beginning of the presidential mandate. It cannot take place before the decision of the Constitutional Court concerning any contentious electoral matter which would have been brought before it. The decision of the Constitutional Court must intervene within a maximum of one month starting from the fifteenth day after the proclamation of the results of the election.

If there is no contention, the President of the Republic elect or reelect takes his oath upon expiration of the mandate of the current President.

If there is contention, the current President of the Republic remains in function until the decision of the Constitutional Court.

In the case of death or permanent incapacity of the President of the Republic in function but not reelected, intervening before the end of his mandate, the President elect would immediately take the oath, if there is no contention. In the case of contention, the interim is assured according to the provisions of Article 13, below.

The death or permanent incapacity of the President of the Republic elect or reelect, intervening within the period between the proclamation of the results [and] of the expiration of the mandate of the current president or the decision of the Constitutional Court in case of contention, leads to a rerun of the whole electoral operation according to the conditions and time periods provided in Article 10 above. In this case, as soon as the vacancy is established, the functions of the President of the Republic are assured according to the provisions of the following Article 13.

Within the period intervening between the proclamation of the results of the presidential election and the beginning of the new presidential mandate, the National Assembly may not be dissolved, neither may a revision of the Constitution started or achieved.

#### **Article 12**

When he takes office, the President of the Republic solemnly takes the oath here-under, in the presence of Parliament, the Constitutional Court, his left hand placed upon the Constitution, his right hand raised before the national flag:

*"I swear to consecrate all my efforts for the good of the Gabonese People, with the view of assuring their well-being and to preserve it from all malaise, to respect and defend the Constitution and the State of law, to conscientiously fulfill the duties of my charge and to be just toward all."*

#### **Article 13**

In the case of vacancy of the Presidency of the Republic for whatever reason or definitive incapacity of its title holder established by the Constitutional Court summoned [*saisir*] by the Government and stating by an absolute majority of its members, or for the lack of it, by the Bureaus of the two Chambers of the Parliament stating jointly by a majority of their members, the functions of the President of the Republic, with the exception of those provided for in Articles 18, 19, and 116, 1st paragraph, shall be provisionally exercised by the President of the Senate or, if he is incapacitated in his turn and this is duly ascertained by the Constitutional Court summoned in the same conditions as above, by the First Vice-President of the Senate.

The authority that assures the interim of the Presidency of the Republic, according to the conditions of the present article may not present its candidacy in the presidential election.

In the case of vacancy or when the incapacity is declared definitive by the Constitutional Court, the balloting for the election of a new President shall take place, except in the case of force majeure declared by the Constitutional Court, at least thirty days and at most forty-five days after the opening of the vacancy or of the declaration of the definitive character of the incapacity.

#### **Article 14**

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

**Article 14a**

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

The Vice-President of the Republic is appointed by the President of the Republic who terminates his functions, after consulting the Presidents of the two Chambers of the Parliament. The Vice-President of the Republic is chosen from within the Parliament or outside of the latter.

**Article 14b**

The functions of Vice-President of the Republic are not compatible with the exercise of any other public function or private activity of lucrative nature.

**Article 14c**

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

"I swear to respect the Constitution and the State of law, to fulfill the duties of my function conscientiously in the strict respect of its obligations of loyalty and confidentiality towards the Chief of State"

**Article 14d**

The Vice-President of the Republic acts for the President of the Republic in the functions which the latter delegates to him.

The modalities of application of the present article are defined by an organic law.

**Article 14e**

The functions of Vice-President of the Republic come to an end upon proclamation of the presidential election by the Constitutional Court, and in case of vacancy of the Presidency of the Republic for whatever reason or of the definitive incapacity of the President of the Republic.

**Article 15**

The President of the Republic names the Prime Minister.

He [the President] ends his [the Prime Minister's] functions, upon his own initiative, or upon the presentation by the Prime Minister of the resignation of the Government, or following a vote of defiance or the adoption of a motion of censure by the National Assembly.

Upon the proposal of the Prime Minister, he names the other members of the Government and ends their functions.

**Article 16**

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

The Vice-President is a member of it by right. He substitutes for the President of the Republic, should need be, upon an express appointment [*habilitation*] and for a fixed agenda.

#### **Article 17**

The President of the Republic promulgates the definitively adopted laws within the twenty-five days which follow their transmission to the Government. This period may be reduced to ten days in the case of emergency declared by the National Assembly or the Government.

The President of the Republic may, during the period of promulgation, demand of Parliament a new deliberation on the law or on certain articles. This new deliberation cannot be refused. The text thus submitted to a second deliberation is adopted by a two-thirds majority of its members, either in its original form, or after modification. The President of the Republic promulgates it within the time limits fixed above.

Upon default of promulgation of the law by the President of the Republic within the conditions and delays provided above, he can defer the text in the Constitutional Court.

In case of rejection of review by the Constitutional Court, the President of the Republic promulgates the law within the conditions and the time periods provided for above.

#### **Article 18**

The President of the Republic, upon his own initiative or upon the proposal of the Government, or upon the proposal of the National Assembly by an absolute majority of its members may, during the sessions, submit to referendum any bill of law touching the application of the principles contained in the Preamble or Title I of the Constitution and touching directly or indirectly the operation of institutions.

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

#### **Article 19**

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

However, the recourse to this prerogative, limited to two times over the course of the same Presidential mandate, may not intervene consecutively in the twelve months which follow the first dissolution.

General elections take place at least thirty days and at most forty five days, after publication of the decree enacting dissolution.

The National Assembly convenes by right on the second Tuesday which follows its election. If this meeting takes place outside the periods provided for ordinary sessions, a session shall open by right for a period of fifteen days.

#### **Article 20**

The President of the Republic appoints, in the Council of Ministers, to high civil and military offices of the State, in particular, Ambassadors and Extraordinary Envoys as well as superior and general military officers.

An organic law defines the system of accession to these positions.

#### **Article 21**

The President of the Republic accredits Ambassadors and Extraordinary Envoys before foreign powers and international organizations. Ambassadors and Extraordinary Envoys are accredited before him.

**Article 22**

The President of the Republic is the Supreme Chief of the Armed Forces and of Security. He presides over the High Councils and Committees of national defense.

He is supplanted, should need be, by the Prime Minister, upon an express appointment and for a fixed agenda.

**Article 23**

The President of the Republic has the right of pardon.

**Article 24**

The President of the Republic communicates with each Chamber of the Parliament by messages which he has read by the President of each of them. Upon his demand, he may be heard by either one of the Chambers. Out of session, each of the Chambers is specially convoked for this purpose. These communications do not give rise to any debate.

**Article 25**

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

**Article 26**

When the institutions of the Republic, independence or the superior interests of the nation, territorial integrity or the execution of its international engagements are menaced in a grave and immediate manner and that the regular operation of constitutional public powers is interrupted, the President of the Republic takes by ordinance, during the intersessions, with the least delay, measures necessitated by the circumstances, and after consultation of the National Assembly as well as the Constitutional Court. He informs the nation of this by a message.

During the sessions, these measures arise in the domain of the law.

The National Assembly cannot be dissolved, nor revision of the Constitution be commenced or achieved.

**Article 27**

The acts of the President of the Republic other than those specified in Articles 15 paragraph 1, 17 paragraphs 1,2, and 3, 18, 19, 23, 89, 98, and 116 are countersigned by the Prime Minister and the members of the Government in charge of their execution.

**II - THE GOVERNMENT**

**Article 28**

The Government conducts the policy of the Nation, under the authority of the President of the Republic and in concert with him.

It conducts, to this effect, the administration of the Armed and Security Forces.

The Government is responsible before the President of the Republic and the National Assembly, under conditions and procedures provided by the present Constitution.

#### **Article 28a**

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

#### **Article 29**

The Prime Minister directs the action of the Government. He assures the execution of the laws. Under reserve of the provision of the above-mentioned Article 20, he exercises the regulatory power and appoints civil and military positions of the State. He supplants the President of the Republic in the pre-cited cases. He may delegate certain of his powers to other members of the Government.

The interim of the Prime Minister is assured by a member of the Government designated by a decree of the President of the Republic, in conformity with the order of nomination of the decree fixing the composition of the Government.

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

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

#### **Article 29a**

The Prime Minister can, when the circumstances require it, after deliberation of the Council of Ministers and consultation with the Presidents of the Chambers of the Parliament, to proclaim by decree the state of watch [*mise en garde*], according to conditions determined by law.

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

The extension of the state of watch or the state of alert beyond twenty-one days is authorized by the Parliament.

#### **Article 30**

Bills of law, ordinances and regulatory decrees are deliberated in the Council of Ministers, after the advice of the Administrative Court.

#### **Article 31**

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

The Prime Minister is the Head of the Government.

The members of the Government are chosen both from within the National Assembly and outside of it.

They must be at least 30 years of age, and possess all of their civil and political rights.

Any member of the Government is eligible to both a national and local mandate.

**Article 32**

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

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

**Article 33**

The members of the Government shall be politically cohesive. They are penally responsible for the crimes and misdemeanors committed in the exercise of their functions.

**Article 34**

The functions of the Government come to an end upon taking the oath by the President of the Republic, and upon proclamation of the results of the legislative elections by the Constitutional Court.

In case of resignation, the Government assures the prompt handling of current affairs until the constitution of a new Government.

**TITLE III  
Legislative Power**

**Article 35**

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

The members of the National Assembly carry the title of Deputy. They are elected for a duration of five years by direct universal suffrage.

The members of the Senate carry the title of Senator. They are elected for a duration of six years by indirect universal suffrage. They must be forty years of age, at least. The Senate assures the representation of the local collectivities.

The Chambers of the Parliament are completely renewed at the end of their mandate.

No division [*découpage*] of electoral districts may occur within the year preceding the normal date of renewing of each of the Chambers.

**Article 36**

The Parliament votes upon law, consents to taxes and controls the action of the executive power under conditions provided by the present Constitution.

**Article 37**

An organic law determines, for each of the Chambers, the number of Parliamentarians, their indemnity, the forms and the conditions of their election as well as the system of ineligibilities and incompatibilities.

It equally determines the conditions according to which the persons called to assure, in the case of vacancy of a seat, the replacement of Parliamentarians until the renewal of the concerned Chamber are elected, as well as the system of ineligibilities and incompatibilities.

**Article 38**

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

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

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

**Article 39**

Any imperative mandate is null. The right to vote of the members of Parliament is personal.

The regulations of each Chamber exceptionally authorize the delegation of the vote. No one can receive the delegation of more than one mandate.

**Article 40**

Each Chamber of the Parliament meets by right on the first business day following the fifteenth day after its election. Its agenda then comprises exclusively the election of its President and of its Bureau.

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

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

**Article 41**

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

The first session opens on the first business day of March and end, at the latest on the last business day of June.

The second session opens on the first business day in September and end at the latest on the last business day of December.

**Article 42**

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

**Article 43**

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

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

They cannot exceed a duration of fifteen days.

#### ***Article 44***

The sessions of the Parliament are public. An integral account of the debates is published in the Journal of debates.

Each of the two Chambers, can, under supervision of its Bureau, have diffused by the media of the State a retransmission of the debates, with respect for pluralism and conforming to the provisions of its regulations. Each of the two Chambers may receive the President of the Republic or any Chief of State or of a foreign Government.

Each Chamber of the Parliament may meet in closed session, at the demand, either of the President of the Republic, or of the Prime Minister or one-fifth of its members.

#### ***Article 45***

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

#### ***Article 46***

Each Chamber of Parliament enjoys administrative and financial autonomy.

### **TITLE IV Relations Between Executive Power And Legislative Power**

#### ***Article 47***

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

- the exercise of fundamental rights and duties of citizens;
- the constraints imposed on Gabonese and on foreigners in their person and their goods, notably in view of public utility and national defense;
- the nationality, state and capacity of persons, matrimonial regimes, successions and gifts, status of foreigners and immigration;
- the organization of the civil state;
- any audiovisual, cinematographical or written communication;
- the conditions of the usage of information systems so that honor, personal and familial intimacy of citizens, as well as the full exercise of their rights shall be safeguarded;
- the electoral system of the National Assembly and local assemblies;

- the judicial organization, the creation of new orders of jurisdiction and the status of magistrates;
- the organization of ministerial and public offices, the professions of ministerial officers;
- the determination of crimes and misdemeanors as well as the penalties which are applicable to them, the penal procedure, the penitentiary and amnesty system;
- the state of readiness, state of emergency, state of alert and state of siege;
- the system of associations, parties, political groups, and syndicates;
- the tax base, the tax rate and the means of recovery of impositions of any nature, the system of currency regulation;
- the general status of the public function and particular statuses;
- the nationalization of enterprises and the transfer of ownership of enterprises of the public sector to the private sector;
- the creation or the suppression of autonomous public establishments and services;
- the general administrative and financial organization;
- the creation, operation and free development of territorial units, their competencies, their resources and their tax base;
- the conditions of participation of the State in the ownership of all societies and the control by these means of the development of these societies;
- the administration of public goods, land use, forestry, mining and habitat;
- the protection of the artistic, cultural and archeological patrimony;
- the protection of nature and the environment;
- the system of ownership, of real rights and of civil and commercial obligations;
- the debts and financial engagements of the State;
- the programs of economic and social action;
- the conditions in which the laws of finance and the accounts of the Nation are presented and voted;
- the laws of finance determining the resources and the obligations of the State under conditions provided for by an organic law;
- the laws of a program fixing the objectives of the State in economic, social, cultural and national defense matters.

The law otherwise determines the fundamental principles:

- of education;
- of health;
- of social security;
- of the right to work;
- of the right to syndicate and there comprising the exercise of the right to strike;
- of mutuality and savings;
- of the general organization of the national defense and of public security.

The provisions of the present article may be made more precise or more complete by an organic law.

#### **Article 48**

All resources and obligations of the State must, for each financial exercise, be evaluated and inscribed into the annual Bill of the Law of Finance filed by the Government before the National Assembly thirty (30) days at most after the opening of the second ordinary session.

If, at the end of the budgetary session, the Parliament adjourns without having passed a balanced budget, the Government shall be authorized to repromulgate by ordinance the preceding budget. This ordinance may in spite of this provide for, in case of necessity, any reduction of expenditures or increase in revenues. Upon the demand of the Prime Minister, Parliament is convoked in two weeks in extraordinary session for a new deliberation. If Parliament has not passed the balanced budget at the end of this extraordinary session, the budget shall be definitively established by ordinance taken in the Council of Ministers and signed by the President of the Republic.

The new revenues which may be created, if they consist of direct taxes and contributions or similar taxes, become effective the first of January.

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

#### **Article 49**

A Declaration of War by the President of the Republic is authorized by the National Assembly by a two-thirds majority of its members.

#### **Article 50**

The extension of a state of urgency or of a state of siege, beyond fifteen days, is authorized by the National Assembly enacting by the absolute majority of its members.

#### **Article 51**

Matters other than those which are of the domain of the law have a regulatory character. They are made the objects of decrees of the President of the Republic.

These matters may, for the application of these decrees, be the object of administrative decisions taken by the Prime Minister or, upon delegation of the Prime Minister, by the ministers responsible or by the other administrative authorities habituated to making them.

#### **Article 52**

The Government may, in case of emergency, for the execution of its program, demand of Parliament the authorization to be taken by ordinance during Parliamentary recess, measures which are normally of the domain of the law.

The ordinances are taken in the Council of Ministers, after the advice of the Administrative Chamber and signed by the President of the Republic. They become effective upon their publication.

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

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

In the absence of a law of ratification, the ordinances are null and void.

Ordinances may be modified by another ordinance or by a law.

#### **Article 53**

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

#### **Article 54**

Bills of law are deliberated in the Council of Ministers, after the advice of the Administrative Court, and filed with the Bureau of one of the two Chambers of Parliament.

In the name of the Prime Minister, a member of the Government is charged, should the need arise, with describing their motives and conducting the discussion before the Chambers of Parliament.

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

The bills of the Law of Finance and the bills of revision of the Constitution are filed with the National Assembly first. The bills concerning the local collectivities are filed with the Senate first.

All proposals of law transmitted to the Government by the Parliament and which have been the object of an examination within a time period of sixty days are automatically [*d'office*] put to deliberation within the Parliament.

#### **Article 55**

Members of the Government have the right of amendment. Proposals of law and amendments of Parliamentary origin are irreceivable when their adoption would have as a consequence, either a diminution of public revenues, or the creation or aggravation of a public charge without the removal of the corresponding revenues.

Amendments need not be deprived of all agreement with the text to which they correspond.

If the Government demands it, the concerned [*saisir*] Chamber pronounces by a single vote upon all or part of the text under discussion retaining only the amendments proposed or accepted by the Government.

#### **Article 56**

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

In the case of disagreement, the Constitutional Court is seized. It decides within a time period of eight days.

#### **Article 57**

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

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

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

#### **Article 58**

The urgency of a vote of a law may be demanded, either by the Government, or by the members of Parliament by an absolute majority.

When consisting of an urgency upon organic laws, the time period of fifteen days is shortened to eight days.

#### **Article 58a**

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

When, following a disagreement between the two Chambers, a bill or a proposal of law could not be adopted after one reading by each of the Chambers, the Prime Minister has the authority [*faculté*] to summon the meeting of a mixed commission of the two Chambers, charged with proposing a text about the provisions remaining in discussion.

If the mixed commission is unable to adopt a common text, the Government seizes the National Assembly which will decide definitively.

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

The proceeding concerning the budget is identical to that of ordinary law, with reservation for the particular provisions stated in Article 48 above.

#### **Article 59**

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

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

#### **Article 60**

Organic laws provided for in the present Constitution are deliberated and passed according to the normal legislative procedure.

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

#### **Article 61**

The means of control of the legislative upon the executive are the following: interpellations, written and oral questions, commissions of inquiry and control, the motion of censure exercised by the National Assembly under the conditions provided for in Article 63 of the present Constitution.

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

The executive is held to furnish to Parliament all the elements of information which it has demanded on its conduct and its activities.

#### **Article 62**

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

One meeting per week is consecrated to the examination of oral questions relative to current affairs [*actualité*].

#### **Article 63**

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

The debate on the question of confidence may only intervene three full days after it was raised. The confidence may only be refused by an absolute majority of the members composing the National Assembly.

#### **Article 64**

The National Assembly puts to issue the responsibility of the Government by the passing of a motion of censure. Such a motion can only be receivable if it is signed by at least one-quarter of the members of the National Assembly.

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

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

**Article 65**

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

The resignation of the Prime Minister encompasses the resignation of the entire Government.

A new Prime Minister is then appointed under the conditions of Article 15.

**Article 66**

The closing of ordinary and extraordinary sessions is delayed by right in order to permit, the case necessitating, the application of the provisions of Articles 25, 26 and 50 above.

**TITLE V  
Judicial Power**

**I - JUDICIAL AUTHORITY**

**Article 67**

Justice is rendered in the name of the Gabonese people by the Constitutional Court, the Judicial Court, the Administrative Court, the Court of Accounts, the Courts of Appeal, the Tribunals, the High Court of Justice and the other jurisdictions of exception.

**Article 68**

Justice is an authority independent of the legislative power and the executive power.

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

**Article 69**

The President of the Republic is the guarantor of the independence of the judicial power, with respect to the provisions of the present Constitution, notably in its Article 36. He is assisted by the Superior Council of the Magistrature and the presidents of the Judicial and Administrative Courts and [the Court] of Accounts.

**Article 70**

The Superior Council of the Magistrature sees to the good administration of justice, and decides for this purpose upon the nominations, placements, advancements, and the discipline of the magistrates.

**Article 71**

The Superior Council of the Magistrature is presided over by the President of the Republic assisted by the Minister charged with Justice, [as] Vice President.

The legislative power is represented within the Superior Council of the Magistrature by three Deputies and two Senators chosen by the President of each Chamber of Parliament from the different parliamentary groups, and having consultative voice.

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

**Article 72**

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

**II - THE JUDICIAL COURT**  
**Article 73**

The Judicial Court is the highest jurisdiction in civil, commercial, social and penal matters. It is divided into civil, commercial, social and penal chambers.

Each chamber deliberates separately according to its area [*chef*] of competence.

The Judicial Court may sit all the chambers at once [*réunion*] according to conditions provided by law.

The decisions are invested with absolute authority over the matter judged.

**Article 73a**

An organic law determines the organization, the composition, the competence and the functioning of the Judicial Court as well as of the Courts of Appeal and the Tribunals of First Instance competent in civil, commercial, social and penal matters.

**III - THE ADMINISTRATIVE COURT**  
**Article 74**

The Administrative Court is the highest jurisdiction of the State in administrative matters.

**Article 75**

In addition to its jurisdictional competences, the Administrative Court is consulted according to conditions provided by the organic law mentioned in Article 75b below, and other laws.

**Article 75a**

Decisions of the Administrative Court are invested with absolute authority over the matter [*chose*] judged.

**Article 75b**

An organic law determines the organization, the composition, the competence and the functioning of the Administrative Court.

**IV - THE COURT OF ACCOUNTS**  
**Article 76**

The Court of Accounts is charged with controlling the public finances. For this purpose :

— It assures the control of the execution of the Law of Finance and informs the Parliament and the Government of it;

— It verifies the regularity of the returns [*recettes*] and expenses described in the public accounts and assures, looking at the latter, that the credits, funds and assets managed by the services of the State or by the other moral persons of public law, are put to good use;

- It assures the verification of the accounts and of the management of public organisms with public financial participation;
- It judges the accounts of public accountants;
- It declares and audits [*apure*] the actual management [*gestions de fait*];
- It sanctions the errors of management committed against the State, the local collectivities and the organisms subjected to its control.

#### **Article 77**

An organic law determines the organization, composition, the other competences and the functioning of the Court of Accounts as well as the rules of procedure to be followed before it.

### **V - THE HIGH COURT OF JUSTICE AND OTHER JURISDICTIONS OF EXCEPTION**

#### **Article 78**

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

It judges the President of the Republic in the case of violation of the oath or high treason.

The President of the Republic shall be impeached by Parliament deciding by a two-thirds majority of its members, by public ballot.

Between sessions, the decree of convocation of Parliament will be exceptionally made by the Prime Minister.

The Vice-President of the Republic, the Presidents and Vice-Presidents of the constituent bodies, the members of the Government and the members of the Constitutional Court are penally responsible before the High Court of Justice for acts accomplished in the exercise of their functions and qualified as crimes or misdemeanors at the moment they were committed, as well as their accomplices and co-authors in the case of threat [*atteinte*] to the security of the State.

In this case, the High Court of Justice is seized, either by the President of the Republic, or by the Presidents of the Chambers of Parliament, or by the Procurator General of the Judicial Court acting by right [*d'office*] or on the seizing by all interested persons.

#### **Article 79**

The High Court of Justice is constrained, with the exception of judgement of the President of the Republic, by the definition of crimes and misdemeanors as well as by the determination of penalties such as they result from the penal laws in force at the moment when the acts were committed.

#### **Article 80**

The High Court of Justice is composed of thirteen members of which seven professional magistrates are designated by the Superior Council of the Magistrature and six members elected by Parliament from within, in proportion to the members [*effectifs*] of parliamentary groups.

The President and the Vice-President of the High Court of Justice are elected from among the resultant magistrates of the preceding paragraph by the group of members of this institution.

#### **Article 81**

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

## **VI - OTHER JURISDICTIONS OF EXCEPTION**

### **Article 82**

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

## **TITLE VI The Constitutional Court**

### **Article 83**

The Constitutional Court is the highest jurisdiction of the State in constitutional matters. It is the judge of the constitutionality of laws and it guarantees the fundamental rights of the human person and public liberties. It is the regulatory organ of the operation of the institutions and of the activities of the public powers.

### **Article 84**

The Constitutional Court decides obligatorily on:

- the constitutionality of organic laws and laws before their promulgation, regulatory acts which touch upon the fundamental rights of the human person and public liberties;
- the rules of the national assembly, of the National Council of Communication and of the Economic and Social Council before their effectuation, regarding their conformity to the Constitution;
- conflicts of attribution between the institutions of the State;
- the regularity of all political elections and operations of the referendum of which it proclaims the results.

The Constitutional Court is seized, in the case of contestation of the validity of an election, by any voter, any candidate, any political party or the delegate of the Government under the conditions provided for by the organic law.

### **Article 85**

Organic laws are submitted by the Prime Minister to the Constitutional Court before their promulgation. The other categories of laws as well as regulatory acts may be deferred to the Constitutional Court, either by the President of the Republic, or by the Prime Minister, or by the presidents of the Chambers of Parliament or one-tenth of the members of each Chamber, or by the presidents of the Judicial and Administrative Courts and [the Court] of Accounts, or by any citizen or any moral person aggrieved by the law or contested act.

The Constitutional Court decrees, according to an adversarial procedure of which the processes are established by the organic law, in a period of one month. However, upon the demand of the Government and in case of emergency, this delay is shortened to eight days. The review suspends the period of promulgation of the law or the application of the act.

A provision declared unconstitutional cannot be promulgated or applied.

### **Article 86**

Any accused may, by means of a process before an ordinary tribunal, raise an exception of unconstitutionality when faced with a law or an act which does not recognize his fundamental rights.

The judge on the bench seizes the Constitutional Court by way of prejudicial exception.

The Constitutional Court decrees within a period of one month. If it declares the incriminatory law unconstitutional, this law ceases to produce these effects from the moment of the decision.

The Parliament examines, during the course of the next session, within the scope of a procedure of remittal, the consequences deriving from the decision of non-conformity to the Constitution rendered by the Court.

### **Article 87**

International engagements, provided for in Articles 113 to 115 below are deferred, before their ratification, to the Constitutional Court, either by the President of the Republic, or by the Prime Minister, or by the President of the National Assembly, or by a tenth of the Deputies.

The Constitutional Court verifies, within a period of one month, if its provisions contain a clause contrary to the Constitution. However, at the demand of the Government, if there is urgency, this period shall be shortened to eight days.

In the affirmative, these provisions cannot be ratified.

### **Article 88**

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

### **Article 89**

The Constitutional Court consists of nine (9) appointed members who carry the title of Counselors.

The duration of the mandate of the Counselors is seven (7) years renewable once.

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

- three by the President of the Republic, one of which will be the President;
- three, by the President of the Senate;
- three, by the President of the National Assembly.

Each of the authorities listed in the above line is obliged to designate two (2) jurists at least one of which a magistrate. The latter is chosen from a list of aptitude established by the Superior Council of the Magistrature.

The Counselors are principally chosen from among professors of law, lawyers and magistrates at least forty (40) years old and [having] at least 15 years of professional experience as well as qualified persons [*personnalités*] having honored the service of the State and being at least forty (40) years old.

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

In the case of temporary incapacity, the interim of the President is assured by the eldest Counselor.

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

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

#### **Article 90**

The functions of a member of the Constitutional Court are incompatible with any other public function or private professional activity, excluding the exceptions provided by the organic law.

The members of the Constitutional Court take an oath during the course of a solemn ceremony presided over by the President of the Republic, before the Parliament and the three courts jointly, the Judicial and Administrative Courts and [the Court] of Accounts.

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

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

#### **Article 91**

The Constitutional Court presents a report of activities each year to the President of the Republic, and to the Presidents of the Chambers of Parliament. On this occasion it may call the attention of public powers to the effect of its decisions upon legislative and regulatory matters.

#### **Article 92**

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

#### **Article 93**

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

### **TITLE VII The National Council of Communication**

#### **Article 94**

Audiovisual and written communication is free in the Gabonese Republic, under the reservation of respect of public order, of liberty and dignity of citizens.

#### **Article 95**

To this effect a National Council of Communication is instituted, charged to see:

- to the respect of the expression of democracy and the freedom of the press in all that which arises in the territory;
- to the access of citizens to free communication;
- to equal treatment of all political parties and associations;
- to the respect of rules concerning conditions of production, of programming and the diffusion of emissions relative to electoral campaigns;
- to the control of programs and of the regulation in force in the matter of communication, as well as rules of exploitation;
- to the respect of the status of communications professionals;
- to the harmonization of programs between public stations of radio and television;
- to the policy of production of audiovisual and cinematographic works;
- to the promotion and the development of techniques of communication and instruction of personnel;
- to the respect of the quotas of Gabonese programs diffused on the public and private radio and television stations;
- to the control of the content and means of planning publicity emissions diffused by public and private radio and television stations;
- to the control of conditions of operation of public and private enterprises;
- to the protection of the infancy and the adolescence in the programming of emissions diffused by public and private enterprises of audiovisual communication;
- to the defense and the illustration of the Gabonese culture.

#### **Article 96**

In case of violation of the law by interested parties, the National Council of Communication may address to them public observations and have appropriate sanctions applied.

#### **Article 97**

Any conflict opposing the National Council of Communication to another public organism will be resolved, through the diligence of one of the parties, by the Constitutional Court.

#### **Article 98**

The National Council of Communication consists of nine members chosen as follows:

- three by the President of the Republic, of which one is the President;
- three by the President of the Senate;
- and three by the President of the National Assembly.

Each of the authorities listed in the above paragraph designates obligatorily two specialists in communication[s].

**Article 99**

The members of the National Council of Communication have competence in the matter of communication, public administration, sciences, law, culture or arts, having a professional experience of at least fifteen years and be at least forty years of age.

**Article 100**

The duration of the mandate of members of the National Council of Communication is five years renewable one time.

In case of death or resignation of a member, the new member shall be appointed by the concerned nomination authority to complete the current mandate.

**Article 101**

The President of the National Council of Communication is elected for the whole duration of the mandate. In case of temporary vacancy, the oldest member shall assure the interim of the President.

**Article 102**

An organic law establishes the organization and the functioning of the National Council of Communication, as well as the regime of incompatibilities.

**TITLE VIII**  
**The Economic and Social Council**

**Article 103**

The Economic and Social Council, under reserve of the provisions of Articles 8, paragraph 3, 28 paragraph 1 and Article 53 above has competence over all aspects of economic, social and cultural development:

- the general orientation of the country's economy;
- financial and budgetary policy;
- industrial policy;
- social and cultural policy;
- environmental policy.

**Article 104**

The Economic and Social Council participates in all national interest commissions of an economic or social character.

It compiles and directs, with the participation of the different entities of which it is composed, to the attention of the President of the Republic, the annual summation of achievements, needs and problems of the civil society with explanations and proposals.

#### ***Article 105***

The Economic and Social Council is charged to give its advice upon all questions of economic social or cultural nature, brought for its examination by the President of the Republic, the Government, the Parliament or any other public institution.

It is obligatorily consulted on any draft of a Plan or any draft of a Program of economic, social or cultural character as well as on any legislative provisions of a fiscal, economic, social or cultural character. It can be, to begin with, associated with their elaboration.

The Economic and Social Council is seized, in the name of the Government, by the Prime Minister of the demands of advice or of studies.

#### ***Article 106***

The Economic and Social Council may equally proceed with the analysis of any problem of economic or social development. It submits its conclusions to the President of the Republic, to the Government and the National Assembly.

#### ***Article 107***

The Economic and Social Council may designate one of its members, at the demand of the President of the Republic, of the Government or of the National Assembly, in order to expound before these organs the advice of the Council on the projects or proposals which are submitted to it.

The Government and the Parliament has the obligation, when in session, to follow up on the advice and reports formulated by the Economic and Social Council within a maximum period of three months for the Government and before the end of the current session for Parliament.

The Economic and Social Council receives an official copy of the laws, ordinances and decrees upon their promulgation.

It follows the decisions of the Government relative to economic and social organization.

#### ***Article 108***

Members of the Economic and Social Council are:

- representatives of syndicates, socio-professional associations and groups, elected by their associations or groups of origin;
- high officials of the State in the economic and social domain;
- representatives of local units designated by their peers.

The duration of the mandate of the members of the Economic and Social Council is four years, renewable;

In case of death or resignation of a member, the new member representing the sector concerned, completes the unfinished mandate.

#### ***Article 109***

The Economic and Social Council meets each year by right in two ordinary sessions of fifteen days each. The first session opens the third Tuesday of February and the second, the first Tuesday of September.

The opening of each session is delayed to the next day if the day provided for is not a business day.

The meetings of the Economic and Social Council are public.

#### **Article 110**

The President and the Vice-President of the Economic and Social Council are elected from within the Council by their peers at the opening meeting of the first session for a mandate of four years renewable.

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

#### **Article 111**

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

### **TITLE IX Local Collectivities**

#### **Article 112**

Local collectivities of the Republic are created by law. They can only be modified or abolished after the advice of the interested councils and under the conditions fixed by law.

They freely administer themselves by councils elected under the conditions provided by law, notably in that which their competences and their resources.

#### **Article 112a**

Local consultations, concerning specific problems falling outside the domain of the law, may be organized on the initiative of either the elected councils or the interested citizens, according to conditions determined by law.

#### **Article 112b**

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

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

An organic law prescribes [*précise*] the modalities of the application of the present title.

### **TITLE X International Treaties and Accords**

#### **Article 113**

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

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

#### ***Article 114***

Peace treaties, commercial treaties, treaties relative to international organization, treaties which engage the finances of the State, those which are relative to the state of persons can only be approved and ratified by virtue of a law.

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

No cession, no exchange, no junction of territory can be effective without the consultation of the Gabonese people by way of referendum.

### **TITLE XI Cooperation and Association Accords**

#### ***Article 115***

The Gabonese Republic sovereignly concludes accords of cooperation or association with other States. She accepts to create with them international organisms of common interest, coordination and free cooperation.

### **TITLE XII Amendment of the Constitution**

#### ***Article 116***

The initiative of amendment belongs concurrently to the President of the Republic, the Council of Ministers thereupon focused, and the members of Parliament.

Any proposal of amendment is filed with the Bureau of the National Assembly by at least one-third of the Deputies or with the Bureau of the Senate by at least one-third of the Senators.

Any bill or proposal to revise the Constitution as well as any amendment concerning it, is submitted, for advice, to the Constitutional Court.

The amendment is adopted either by way of referendum, or by the parliamentary [vote]. When the parliamentary [vote] is chosen, the bill or proposal to revise the Constitution must be voted upon respectively by the National Assembly and by the Senate in identical terms.

The adoption of any bill or of any proposal of revision of the Constitution by the parliamentary [vote] requires the presence of at least two-thirds of the members of the Parliament convened in congress. The presidency of the congress is assured by the President of the National Assembly.

The Bureau of the congress is that of the National Assembly.

A qualified majority of two-thirds of the expressed votes is required to adopt the bill or proposal to revise the Constitution.

Additionally, amendment of the Constitution shall not be attempted or achieved, in case of the interim of the Presidency of the Republic, of the recourse to the emergency powers of Article 26 above, or in case of effect upon the territorial integrity, as well as during the period which separates the proclamation of the results of the presidential election and the beginning of a new presidential mandate.

***Article 117***

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

**TITLE XIII  
Temporary Provisions**

***Article 118***

The provisions concerning the duration of the mandate of the President of the Republic shall come into effect upon the first presidential election following the promulgation of the present law.

The renewing of the Constitutional Court, and of the National Council of the Communication shall occur at the regular end of their current mandate, at the time of promulgation of the present law.

The provisions concerning the duration of the mandate of the Bureaus of the Chambers of the Parliament, the duration of the sessions and the administrative and financial autonomy of the Chambers of Parliament shall come into effect upon promulgation of the present law.

***Article 119***

The present Law which abrogates all previous [and] contrary provisions will be registered, published in the official journal and executed as law of the Republic.

***Article 120***

The present Constitution will be published in the Official Journal and executed as law of the Republic.