



The Constitution Of Mali

DECREE N° 92-073 /P-CTSP

CONCERNING PROMULGATION OF THE CONSTITUTION

Conforming to the Fundamental Act N°1/CTSP of 31 March 1991

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The National Conference has elaborated,

The Malian People, regarding decision N°002 of 14 February 1992 of the Supreme Court proclaiming the results of the Constitutional Referendum of 12 January 1992, has adopted,

The President of the Committee of Transition for the Welfare of the People promulgates the Constitution as follows:

PREAMBLE

The sovereign people of Mali, strong from their traditions of heroic struggle, pledge to remain faithful to the ideals of the victims of repression and the fallen martyrs of the battlefield for the rise of a state of law and pluralist democracy,

- affirm their volition [*volonté*] to preserve and reinforce the democratic gains of the Revolution of March 26, 1991,
- undertake solemnly to defend the republican and secular form of the State,
- proclaim their determination to defend the rights of Women and Children as well as the cultural and linguistic diversity of the national community,
- reaffirm their determination to maintain and consolidate the national unity,
- undertake to assure the amelioration of the quality of life, the protection of the environment and the cultural patrimony,
- subscribe to the Universal Declaration of the Rights of Man of December 10, 1948 and to the African Charter of the Rights of Man and People of June 27, 1981,
- reaffirm their attachment to the realization of African Unity, to the promotion of peace, regional and international cooperation, to the peaceful resolution of differences between States in deference [*respect*] to justice, equality, liberty and the sovereignty of the people.

TITLE I

THE RIGHTS AND DUTIES OF THE HUMAN PERSON

ARTICLE 1.

The human person is sacred and inviolable.
Every individual has the right to the life, to the liberty, to the security and to the integrity of his person.

ARTICLE 2.

Every Malian is born and remain free and equal in rights and duties. All discrimination founded on social origin, color, language, race, sex, religion and political opinion shall be prohibited.

ARTICLE 3.

No one shall be submitted to torture, nor to inhuman, cruel, degrading or humiliating treatment.
Every individual, every agent of the State who by his actions is culpable of such acts, whether of his own initiative, or by instruction, shall be punished in conformity with the law.

ARTICLE 4.

Every person has the right to freedom of thought, conscience, religion, worship [*culte*], opinion, expression and creation with respect to the law.

ARTICLE 5.

The State recognizes and guarantees, within the conditions determined by law, the freedom to come and go, the free choice of residence, freedom of association, of assembly, of procession and demonstration [*manifestation*].

ARTICLE 6.

The domicile, the domain, the private and family life, the secrecy of correspondence and communication are inviolable. These areas cannot be touched except within the conditions specified by the law.

ARTICLE 7.

The freedom of the press is recognized and guaranteed. It is exercised within the conditions specified by the law. Equal access for all to the State media is assured by an independent organ whose statute is established by an organic law.

ARTICLE 8.

Freedom of artistic and cultural creation is recognized and guaranteed. It is exercised within conditions established by the law.

ARTICLE 9.

Punishment is personal.
No one may be pursued, arrested or accused except by virtue of a law promulgated anterior to the acts for which he is reproached. The accused is presumed innocent until his culpability is established by the competent jurisdiction. The right to a defense encompassing the assistance of the advocate of his choice is guaranteed after the preliminary investigation.

ARTICLE 10.

Any person who is deprived of his freedom has the right to be examined by the doctor of his choice.
No one may be detained for a period of more than forty-eight hours except by a justified decision of a Magistrate of the judicial order.
No one may be detained in a penal institution except by mandate delivered by a Magistrate of the judicial order.

ARTICLE 11.

Anything not prohibited by the law may not be hindered and no one can be forced to do that which it does not order.

ARTICLE 12.

No one can be forced into exile.

Any person persecuted by reason of his political or religious convictions, his ethnic connection, may benefit from the right of asylum in the Republic of Mali.

ARTICLE 13.

The right of property is guaranteed. None can be expropriated except for reason of public utility and only against a just and previous indemnification.

ARTICLE 14.

The freedom of enterprise is guaranteed within the framework of the law and regulations in force.

ARTICLE 15.

Every person has the right to a healthy environment. The protection, defense and promotion of the environment are an obligation for all and for the State.

ARTICLE 16.

In case of a declared national calamity, all citizens have the duty to conduct themselves under the conditions specified by the law.

ARTICLE 17.

The education, instruction, formation, work, housing, leisure, health, and social protection constitute recognized rights.

ARTICLE 18.

Every citizen has the right to education. Public education is obligatory, free and secular. Private education is recognized and exercised within the conditions defined by the law.

ARTICLE 19.

The right to work and to rest is recognized and equal for all.

Work is a duty for every citizen but no one can be forced into a determined work except in the case of the accomplishment of an exceptional service of a general interest, equal for all within the conditions determined by the law.

ARTICLE 20.

The freedom of syndication is guaranteed. The syndicates exercise their activities without constraints and without limit other than those specified by the law.

ARTICLE 21.

The right to strike is guaranteed. It is exercised within the framework of the laws and regulations in force.

ARTICLE 22.

The defense of the fatherland [*patrie*] is a duty of every citizen.

ARTICLE 23.

Every citizen must work for the common good.

He must fulfill all of his civic obligations and notably fulfill his fiscal contributions.

ARTICLE 24.

Every citizen, every person living within the Malian territory has the duty to respect the Constitution in all circumstances.

TITLE II

THE STATE AND SOVEREIGNTY

ARTICLE 25.

Mali is an independent, sovereign, indivisible, democratic, secular and social Republic. Its principle is government of the People, by the People and for the People. The institutions of the Republic are:

- the President of the Republic;
- the Government;
- the National Assembly;
- the Supreme Court;
- the Constitutional Court;
- the High Court of Justice;
- the High Council of Territorial Collectivities;
- the Economic, Social and Cultural Council.

The national emblem is composed of three equal vertical bands of green, gold and red.

The motto of the Republic is “ONE PEOPLE — ONE GOAL — ONE FAITH.”

The national hymn is “LE MALI”.

The law determines the seal and arms of the Republic.

French is the official language of expression.

The law establishes the modalities of the promotion and the officialization of the national languages.

ARTICLE 26.

The national sovereignty belongs to the people as a whole who exercise it by their representatives or by means *[voie]* of referendum.

No fraction of the people nor any individual can arrogate *[attribuer]* its exercise.

ARTICLE 27.

Suffrage is universal, equal and secret.

Electors are, within the conditions determined by law, all the citizens of voting age, possessing *[jouissant]* their civic and political rights.

ARTICLE 28.

The Parties concur in the expression of suffrage. They form and exercise freely their activities within the conditions determined by the law.

They respect the principles of national sovereignty, democracy, territorial integrity, national unity and the secularity of the State.

TITLE III

THE PRESIDENT OF THE REPUBLIC

ARTICLE 29.

The President of the Republic is the Chief of State.

He is the guardian of the Constitution. He incarnates the national unity. He is the guarantor of national independence, the integrity of the territory, of respect of Treaties and International Agreements. He sees to the regular function of public powers and assures the continuity of the State.

ARTICLE 30.

The President of the Republic is elected for five years by direct universal suffrage and by an absolute majority in two stages *[à deux tours]*. He is re-eligible only once.

ARTICLE 31.

Any candidate for the functions of President of the Republic must be of native Malian nationality and in possession of all civic and political rights.

ARTICLE 32.

The presidential elections are set at least twenty-one days and not more than forty days before the expiration of the mandate of the current President.

ARTICLE 33.

Law determines the procedures, the conditions of eligibility and of presentation of candidates for the presidential elections, of the conduct of the balloting, of the scrutiny and the proclamation of the results. It provides all required regulations so that the elections shall be free and regular.

The President of the Republic is elected by an absolute majority of the ballots cast. If this is not obtained on the first round of balloting, there shall be a second ballot, the second Sunday following. This second ballot is open only to the two candidates having gained the greatest number of votes.

If one of the candidates withdraws, the ballot remains open to the candidate coming next in order of the number of votes obtained.

If within the seven days preceding the date limit of filing the presentation of the candidatures, one of the persons having, less than thirty days before that date, publicly announced his decision to be a candidate, dies or finds himself incapacitated [*empêchée*], the Constitutional Court can decide the procedure of the election.

If before the first round, one of the candidates dies or finds himself incapacitated, the Constitutional Court can decide the procedure [*report*] of the election.

In case of death or incapacitation of one of the two most favored candidates in the first round before the eventual withdrawal, the one of the two candidates who remained present following the withdrawal, the Constitutional Court shall decide the rerun of the electoral operations. The convocation of the electors is done by decree taken in the Council of Ministers. The Constitutional Court controls the regularity of these operations, decides on contestations, [and] proclaims the results of ballots.

ARTICLE 34.

The functions of President of the Republic are incompatible with the exercise of any other political function, of any other electoral mandate, of any public employment, of any other professional and lucrative activity.

ARTICLE 35.

During his mandate, the President of the Republic cannot, himself, nor by intermediary, buy or take in bailment anything which belongs to the domain of the State, without prior authorization by the Supreme Court within the conditions determined by the law.

He cannot take part either himself nor by intermediary in the purchase of supplies nor in auctions for the administrations or institutions dependent on the State or subject to their control.

ARTICLE 36.

In the event the President of the Republic is temporarily incapacitated from fulfilling his functions, his powers are provisionally exercised by the Prime Minister.

In the case of [a] vacancy of the Presidency of the Republic for any cause whatsoever of absolute or definitive incapacity declared by the Constitutional Court called upon by the President of the National Assembly and the Prime Minister, the functions of the President of the Republic are exercised by the President of the National Assembly.

One proceeds to the election of a new President for a new term of five years.

The election of the new President takes place at least twenty-one days after and at most forty days after the official declaration of the vacancy or of the definitive character of the incapacitation.

In all cases of incapacitation or of vacancy application cannot be made of Articles 38, 41, 42 and 50 of the present Constitution.

ARTICLE 37.

The elected President assumes his functions fifteen days after the official proclamation of the results. Before assuming his functions he swears before the Supreme Court the following oath:

“I SWEAR BEFORE GOD AND THE MALIAN PEOPLE TO PRESERVE FAITHFULLY [*eh haute fidelité*] THE REPUBLICAN REGIME, TO RESPECT AND TO SEE THAT THE CONSTITUTION AND THE LAW ARE RESPECTED, TO CARRY OUT MY DUTIES IN THE HIGHER INTEREST OF THE PEOPLE, TO PRESERVE THE DEMOCRATIC ACHIEVEMENTS [*acquis*], TO GUARANTEE THE NATIONAL UNITY, THE INDEPENDENCE OF THE FATHERLAND AND THE INTEGRITY OF THE NATIONAL TERRITORY.

I COMMIT MYSELF SOLEMNLY AND ON MY HONOR TO UNDERTAKE AND UTILIZE EVERYTHING FOR THE REALIZATION OF AFRICAN UNITY.”

After the ceremony of investiture and within 48 hours, the President of the Supreme Court receives publicly the written declaration of the assets of the President of the Republic.
This declaration is made the object of an annual updating.

ARTICLE 38.

The President of the Republic appoints the Prime Minister. He ends his functions upon his presentation of the resignation of the Government.

Upon the proposition of the Prime Minister, he appoints the other members of the Government and sets limits upon their functions.

ARTICLE 39.

The President of the Republic presides over the Council of Ministers. The Prime Minister substitutes for him within the conditions established by the present Constitution.

ARTICLE 40.

The President of the Republic promulgates the laws within the 15 days that follow the transmission to the Government of the text definitively adopted.

He can before the expiration of this time demand of the National Assembly a new deliberation of the law or of certain of its articles.

This new deliberation cannot be refused and suspends the time period of the promulgation.

In the case of urgency, the time of promulgation can be shortened to eight days.

ARTICLE 41.

The President of the Republic, on the proposal of the Government, during the sessions of or upon proposition of the National Assembly, after consultation by the Constitutional Court published in the Official Journal, can submit to referendum all questions of national interest, any bill dealing with the organization of the public powers, entailing approval of a Community agreement, or providing to authorize the ratification of a treaty that, without being contrary to the Constitution, might effect the functioning of Institutions.

When the Referendum ends in the adoption of the bill, the President of the Republic promulgates it according to the time limit specified in Article 40.

ARTICLE 42.

The President of the Republic can, after consultation with the Prime Minister and the President of the National Assembly, pronounce the dissolution of the National Assembly.

General elections take place twenty-one days at the least and forty days at the most, after the dissolution.

The National Assembly cannot be dissolved in the year following these elections.

ARTICLE 43.

The President of the Republic shall communicate with the National Assembly and the High Council of the Collectivities by messages which he has read by the President of the National Assembly or by the same of the High Council of the

Collectivities. Out of session, the National Assembly or the High Council of the Collectivities meet especially for this purpose.

ARTICLE 44.

The President of the Republic is the Commander-in-Chief of the Armies. He presides over the High Council and the Committee of Defense of the National Defense.

ARTICLE 45.

The President of the Republic is the President of the High Council of the Judiciary. He exercises the power of pardon. He proposes laws of amnesty.

ARTICLE 46.

The President of the Republic signs the Ordinances and decrees taken in the Council of Ministers. He appoints higher civil servants and military officers determined by the law.

The High Chancellor of the National Orders, the General Officers, the Ambassadors and the Envoys Extraordinary, the Governors of the Regions, [and] the Directors of the Central Administrations are appointed by decree taken in the Council of Ministers.

ARTICLE 47.

The Members of the Supreme Court are appointed by decree taken in the Council of Ministers.

ARTICLE 48.

The President of the Republic accredits the Ambassadors and the Envoys Extraordinary to foreign powers. Foreign Ambassadors and Envoys Extraordinary are accredited to him.

ARTICLE 49.

The President of the Republic decrees after deliberation in the Council of Ministers, the state of siege and the state of urgency.

ARTICLE 50.

When the Institutions of the Republic, the independence of the Nation, the integrity of national territory, [or] the execution of its international engagements are threatened in a grave and immediate manner and when the regular functioning of the constitutional public powers is interrupted, the President of the Republic takes the exceptional measures required by these circumstances, after consultation with the Prime Minister, the Presidents of the National Assembly and of the High Council of the Collectivities as well as the Constitutional Court.

He informs the Nation of these by a message.

The application of these exceptional powers by the President of the Republic must not in any case compromise the national sovereignty nor the territorial integrity. The exceptional powers must seek to assure the continuity of the State and the reestablishment in a short time of the regular functioning of institutions in conformity with the Constitution.

The National Assembly meets by right and cannot be dissolved during the exercise of exceptional powers.

ARTICLE 51.

The President of the Republic can delegate certain of his powers to the Prime Minister. The acts of the President of the Republic other than those specified in Articles 38, 41, 42, 45 and 50 as well as the first paragraph of this article are countersigned by the Prime Minister and in the applicable case by the Ministers concerned.

ARTICLE 52.

The law establishes the perquisites [*avantages*] accorded to the President of the Republic and organizes the manner of granting [*modalités d'octroi*] a pension to former Presidents of the Republic possessing their civic rights.

TITLE IV

THE GOVERNMENT

ARTICLE 53.

The Government determines and conducts the policy of the Nation and oversees the Administration of the armed force.

ARTICLE 54.

The Government is responsible before the National Assembly under the conditions and following the procedures specified in Articles 78 and 79.

ARTICLE 55.

The Prime Minister is the Head [***Chef***] of the Government; under this title, he directs and coordinates governmental action.

He assures the execution of the laws. Under reservation of the terms of Article 46, he exercises the regulatory power.

He is responsible for the execution of the national defense policy.

He may delegate certain of his powers to the Ministers.

He supplants, if need be, the President of the Republic at the Presidency of the Council and the Committee specified in Article 44.

He supplants him in the Presidency of the Council of Ministers, by virtue of an express delegation and by an order of fixed duration.

ARTICLE 56.

The acts of the Prime Minister are countersigned, if need be, by the Ministers charged with their execution.

ARTICLE 57.

Before assuming [his] function the Prime Minister and the Ministers must submit to the President of the Supreme Court a written declaration of their property. This declaration shall be the object of an annual updating.

The provisions of Article 35 above are applicable to the members of the Government.

ARTICLE 58.

The functions of a member of the Government are incompatible with the exercise of any parliamentary mandate, any function of professional representation at the national or local level, of any public employment or of any professional and lucrative activity. An organic law specifies the conditions in which it is necessary to replace the holders of such mandate, functions, or employment.

The replacement of members of Parliament who are appointed [***appelée***] to the Government takes place in accordance with the provisions of Article 63.

TITLE V

THE NATIONAL ASSEMBLY

ARTICLE 59.

The Parliament consists of a single chamber called the National Assembly.

ARTICLE 60.

The members of the National Assembly carry the title of Deputies.

ARTICLE 61.

The Deputies are elected for five years by universal direct suffrage. A law determines the modalities of this election.

ARTICLE 62.

The Deputies benefit from parliamentary immunity.

No member of the National Assembly may be prosecuted, sought, arrested, detained, or judged because of his opinions or votes expressed by him in the exercise of his functions.

No member of the National Assembly can, during its sessions, be prosecuted or arrested for criminal or correctional offenses without the authorization of the National Assembly, except in the case of a flagrant offense.

No member of the National Assembly may, out of session, be arrested without the authorization of the Bureau of the National Assembly, except in the case of flagrant offense, of authorized prosecutions or of definitive condemnation.

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

ARTICLE 63.

An organic law determines the number of members of the National Assembly, their indemnification, the conditions of eligibility, the regime of ineligibilities and of incompatibilities.

The organic law determines also the conditions in which the persons, appointed to assure, in case of vacancy of a seat, the replacement of Deputies until the renewal of the National Assembly, are elected.

ARTICLE 64.

Any imperative mandate is null.

The right to vote of members of the National Assembly is personal.

The organic law may authorize, exceptionally, the delegation of a vote. In this case, no one can receive a delegation of more than one mandate.

ARTICLE 65.

The National Assembly convenes by right in two ordinary sessions per year.

The first session begins the first Monday in October.

It may not exceed 75 days.

The second session begins the first Monday in April and may not exceed a duration of ninety days.

ARTICLE 66.

The National Assembly convenes in extraordinary session upon the demand of the Prime Minister or of the majority of its members to consider a specific agenda.

When the extraordinary session is held at the request of the members of the National Assembly, the closure decree takes effect as soon as the National Assembly has exhausted the agenda for which it was called and at the latest fifteen days from the date of its convening.

The Prime Minister can demand a new session before the expiration of the month following the closure decree and upon a specific agenda.

ARTICLE 67.

Apart from the cases in which the National Assembly meets by right, extraordinary sessions are opened and closed by decree of the President of the Republic.

ARTICLE 68.

The National Assembly establishes its internal regulations. The President of the National Assembly is elected for the duration of the legislature.

ARTICLE 69.

The sessions of the National Assembly are public. However, it may meet in closed session on its own initiative or on the demand of the Prime Minister. The internal regulations shall establish the modalities. The integrated report of the debates are published in the Official Journal.

TITLE VI

RELATIONS BETWEEN THE GOVERNMENT AND THE NATIONAL ASSEMBLY

ARTICLE 70.

The law is passed by the National Assembly by a simple majority. However, the laws to which this Constitution gives the character of organic law is passed under the following conditions:

- the proposition or project is only be submitted for the deliberation and vote of the National Assembly after the expiration of a period of fifteen days after its filing with the Bureau of the National Assembly;
- the text can only be adopted by an absolute majority of the members composing the National Assembly. The organic laws can only be promulgated after a declaration by the Constitutional Court as to their conformity with the Constitution.

The law determines the rules concerning:

- the civic rights and fundamental guarantees accorded to citizens for the exercise of public liberties, the obligations **[sujétions]** imposed on citizens by the National Defense upon their persons and possessions;
- the nationality, civil rights, status and legal capacity of persons, matrimonial regime, inheritance and gifts **[libéralités]**, property rights, real rights and civil and commercial obligations, the regime of societies, expropriation;
- the crimes and misdemeanors **[délits]** as well as the penalties which are applicable, criminal procedure, judicial police, extradition, amnesty, the creation of jurisdictions, the statute of Ministerial Officers, the statute of the juridical professions and the Judiciary;
- the general statute of government employees **[fonctionnaires]**;
- the general statute of Armed Forces and Security personnel;
- the regulation of currency, the bases, taxes and the modalities of tax collection. The law determines equally the fundamental principles:
 - of the general organization of defense and security;
 - of the right to work, of Social Security, of Syndical Law;
 - of the organization and the competence of professional orders;
 - of instruction and research;
 - of the protection of the cultural and archeological patrimony;
 - of public accountability;
 - of the creation, the organization and control of public services and public organisms;
 - of nationalizations of enterprises, of privatizations **[dénationalisations]** and of the transfer of the property of enterprises of the public to the private sector;
 - of the electoral regime;
 - of the free administration of local collectivities, of their competence and their resources;
 - of the administrative organization of territory;
 - of the management and the transfer from the domain of the State;
 - of the organization of production;
 - of the organization of justice;
 - of the penal regime.

The Law on Finances determines the resources and the charges of the State.

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

ARTICLE 71.

The declaration of war is authorized by the National Assembly specially convened for this purpose.

The President of the Republic informs the Nation by a message.

ARTICLE 72.

The state of urgency and the state of siege are decreed in the Council of Ministers. Their extension beyond ten days cannot be authorized except by the National Assembly. A law determines the conditions.

ARTICLE 73.

Matters other than those coming within the domain of the law have a regulatory character.

Legislative texts concerning these matters before the entry into force of the present Constitution can be modified by decree after consultation **[avis]** with the Supreme Court.

Those of these texts which may be passed after the entry into force of the present Constitution can only be modified by decree if the Constitutional Court has declared that they are of a regulatory character with respect to the preceding paragraph. The laws and regulations must be published in the Official Journal.

ARTICLE 74.

The Government can, for the execution of its program or in areas determined by law, demand the authorization of Parliament to take by Ordinances, during a specified period of time or between the two sessions, measures that are normally within the domain of the law.

The Ordinances are taken in the Council of Ministers after consultation with the Supreme Court. They enter into force from the time of their adoption, but become lapsed [*caduques*] if the bill for their ratification is not deposited at the National Assembly before the date set by the enabling law [*loi d'habilitation*]. Upon the expiration of the date mentioned in the first paragraph of the present Article, Ordinances cannot be further modified except by the law in matters which are in the legislative domain.

ARTICLE 75.

Initiation of laws belongs concurrently to the Government and to the members of the National Assembly. Bills are deliberated in the Council of Ministers after consultation with the Supreme Court and filed with the Bureau of the National Assembly.

ARTICLE 76.

The members of the National Assembly and the Government have the right of amendment. After the opening of debate, the Government can oppose the examination of any amendment that was not first submitted to it.

ARTICLE 77.

The National Assembly considers the draft law on finances at the opening of the ordinary session preceding the budgetary period. The appropriations bill must anticipate the necessary receipts for completely meeting all expenditures.

If the National Assembly has not acted on this matter before the beginning of the budgetary period or if it has not passed the budget, the Government resubmits the proposed budget within fifteen days to the National Assembly convened in special session for this purpose.

The National Assembly must then act within eight days. If this deliberation has not resulted in a vote on the budget, it is then officially [*d'office*] established by the Government on the basis of the revenues of the preceding fiscal period and after consultation with the Supreme Court.

ARTICLE 78.

The Prime Minister, after the deliberation of the Council of Ministers, assumes before the Assembly the responsibility of the Government with regard to its program or eventually with respect to a declaration of general policy.

The National Assembly questions the responsibility of the Government by the vote of a motion of censure. Such a motion is only receivable if it is signed by at least one-tenth of the members of the National Assembly. The vote may only take place forty-eight hours after its introduction [*dépôt*]. The only votes counted are those favorable to the motion of censure which may only be adopted by a two-thirds majority of the members composing the Assembly. If the motion of censure is rejected, the signatories may not propose a new one during the course of the same session.

The Prime Minister can, after deliberation of the Council of Ministers, assume the responsibility of the Government before the National Assembly on the vote of a text. In this case, the text is considered adopted, unless a motion of censure, introduced in the following twenty-four hours, is passed.

ARTICLE 79.

When the National Assembly adopts a motion of censure or when it disapproves the program or the declaration of general policy of the Government, the Prime Minister must submit to the President of the Republic the resignation of the Government.

ARTICLE 80.

The close of ordinary or extraordinary sessions is by right delayed in order to permit, should the case arise, the application of the provisions of Article 78.

TITLE VII

THE JUDICIAL POWER

ARTICLE 81.

The judicial power is independent of the executive and legislative powers. It is exercised by the Supreme Court and the other Courts and Tribunals.

The judicial power is the guardian of the liberties defined in the present Constitution. It sees to the respect of the rights and liberties defined by the present Constitution. It is charged to apply in its proper domain of the laws of the Republic.

ARTICLE 82.

The Magistrates in the exercise of their functions are subject only to the authority of the law. The Magistrates are irremovable from their seats. The President of the Republic is the guarantor of the independence of the judicial power. He is assisted by the High Council of the Judiciary.

The High Council of the Judiciary watches over the progress of the careers of Magistrates and gives its advice on all questions concerning the independence of the judiciary.

The High Council of the Judiciary acts [*statue*] as Council of discipline for Magistrates.

An organic law determines the organization, the composition, the attributes and the functioning of the High Council of the Judiciary.

The law determines equally the Statute of the Judiciary with respect to the principles contained in the present Constitution.

TITLE VIII

THE SUPREME COURT

ARTICLE 83.

The Supreme Court consists of:

- a Judicial section;
- an Administrative section;
- an Accounts section.

An organic law determines its organization, the rules of its functioning as well as the procedure followed before it.

ARTICLE 84.

The Supreme Court is presided over by a Magistrate of the judicial order appointed by the President of the Republic upon a conforming proposition of the High Council of the Judiciary.

The President of the Supreme Court is assisted by a Vice President appointed under the same conditions.

TITLE IX

THE CONSTITUTIONAL COURT

ARTICLE 85.

The Constitutional Court is the judge of the constitutionality of the laws and guarantees the fundamental rights of the human person and the public liberties. It is the regulatory organ of the functioning of the institutions and activities of the Public Powers.

ARTICLE 86.

The Constitutional Court rules [*statue*] obligatorily on:

- the constitutionality of organic laws and the laws before their promulgation;
- the internal regulations of the National Assembly, the High Council of the Collectivities and of the Economic,

Social and Cultural Council before they are put into application as to their conformity with the Constitution;
— conflicts concerning competences [*attributions*] between the institutions of the State;
— the regularity of all presidential [and] legislative elections and the operations of the referendum of which it proclaims the results.

ARTICLE 87.

The Constitutional Court is called upon to resolve, in the case of contested validity of an election, by any candidate, any political party or delegate of the Government, within the conditions specified by an organic law.

ARTICLE 88.

Organic laws are submitted by the Prime Minister to the Constitutional Court before their promulgation. The other categories of law, before their promulgation, can be deferred to the Constitutional Court be it by the President of the Republic, by the Prime Minister, the President of the National Assembly or one-tenth of the Deputies, the President of the High Council of the Collectivities or one-tenth of the National Councilors or the President of the Supreme Court.

ARTICLE 89.

The Constitutional Court rules within one month according to a procedure whose modalities are by an organic law. However, upon the demand of the Government and in the case of urgency, this period is shortened to eight days. The recourse suspends the time limit for the promulgation of the law. A provision declared unconstitutional cannot be promulgated or applied.

ARTICLE 90.

International engagements referred to in Articles 114 to 116 must be deferred before their ratification to the Constitutional Court, either by the President of the Republic, the Prime Minister, the President of the National Assembly or by one-tenth of the Deputies, the President of the High Council of the Collectivities or by one-tenth of the National Councilors.

The Constitutional Court verifies, within one month, if these engagements contain a clause contrary to the Constitution. However, upon the demand of the Government, if there is an urgency, this time limit is shortened to eight days. In the affirmative these engagements cannot be ratified.

ARTICLE 91.

The Constitutional Court consists of nine members who carry the title of Councilor with a mandate of seven years renewable one time.

The nine members of the Constitutional Court are designated as follows:

- three are designated by the President of the Republic of which at least two [are] jurists;
- three are designated by the President of the National Assembly of which at least two [are] jurists;
- three Magistrates are designated by the High Council of the Judiciary.

The Councilors are chosen principally [*à titre principal*] from among Professors of Law, the Advocates and Magistrates having at last fifteen years of experience [*activité*], as well as qualified personalities honored for service to the State.

ARTICLE 92.

The President of the Constitutional Court is elected by his peers. In the case of temporary incapacity, his interim is assured by the oldest Councilor.

In the case of death or resignation of a member, the new member designated by the authority of nomination concerned completes the mandate already commenced.

ARTICLE 93.

The functions of a member of the Constitutional Court are incompatible with all public, political or administrative functions or all private or professional activities.

The members of the Constitutional Court take an oath during a solemn ceremony presided over by the President of the Republic before the convened National Assembly and the Supreme Court.

They take the following oath:

“I SWEAR TO CONSCIENTIOUSLY FULFILL THE DUTIES OF MY CHARGE, IN STRICT RESPECT OF THE OBLIGATIONS OF NEUTRALITY AND RESERVE, AND TO CONDUCT MYSELF IN MAGISTRATORIAL DIGNITY AND LOYALTY.”

ARTICLE 94.

The decisions of the Constitutional Court are not susceptible to any recourse. They bind *[s'imposent]* public powers, all administrative and jurisdictional authorities and all physical and moral persons.

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

TITLE X

THE HIGH COURT OF JUSTICE

ARTICLE 95.

The High Court of Justice is competent to judge the President of the Republic and the Ministers accused before it by the National Assembly for high treason or for reason of facts qualified as crimes or misdemeanors committed in the exercise of their functions as well as their accomplices in the case of conspiracy against the security of the State. The act of accusation is voted open to public scrutiny by a two-thirds majority of the Deputies composing the National Assembly.

The High Court of Justice is constrained by the definition of crimes and misdemeanors and by the determination of penalties resulting from the penal laws in force at the time of the acts comprised in the pursuit.

ARTICLE 96.

The High Court of Justice is composed of members designated by the National Assembly upon each general renewal. It selects its President from among its members.

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

TITLE XI

THE TERRITORIAL COLLECTIVITIES

ARTICLE 97.

The territorial collectivities are created and administered under conditions defined by the law.

ARTICLE 98.

The collectivities freely administer themselves by the Councils, elected and within conditions determined by the law.

TITLE XII

HIGH COUNCIL OF THE COLLECTIVITIES

ARTICLE 99.

The High Council of the Collectivities has as its mission to study and to give its considered advice concerning all policies of local and regional development.

It can make proposals to the Government for all questions concerning the protection of the environment and the amelioration of the quality of life of the citizens within the interior of the collectivities.

The Government is obligated to file a conforming bill within fifteen days of its receipt with the Bureau of the National Assembly.

The Government is obligated to solicit the advice of the High Council of the Collectivities for all actions concerning the domains cited in the present article.

ARTICLE 100.

The High Council of the Collectivities has its seat in BAMAKO; it can be transferred to any other location in the case of need. The High Council of the Collectivities cannot be dissolved.

ARTICLE 101.

The members of the High Council of the Collectivities carry the title of National Councilors. No member of the High Council of the Collectivities can be prosecuted, sought or judged for the opinions expressed by him in the sessions of the High Council. An organic law determines the number of National Councilors, their compensation [*indemnités*], the conditions of eligibility, the regime of ineligibilities and the incompatibilities as well as the conditions of their replacement. The mandate of Deputy is incompatible with that of National Councilor.

ARTICLE 102.

The National Councilors are elected for five years by indirect suffrage. They assure the representation of the territorial collectivities of the Republic. Malians residing outside [of Mali] are represented on the High Council of the Collectivities.

ARTICLE 103.

The High Council of the Collectivities convenes by right in ordinary session two times per year upon convocation by its President. The duration of each session cannot exceed thirty days. Its meetings are public. The integral report of its debates is published in the Official Journal.

ARTICLE 104.

The President of the High Council of the Collectivities is elected for five years.

ARTICLE 105.

The National Assembly and the High Council of the Collectivities can convene in limited committee at the request of the Prime Minister. The President of the National Assembly and the President of the High Council of the Collectivities can call [*provoquer*] a common session of Deputies and National Councilors. The agenda of this session must consider a local and regional problem of national interest. The duration of this session cannot exceed fifteen days.

TITLE XIII

THE ECONOMIC, SOCIAL AND CULTURAL COUNCIL

ARTICLE 106.

The Economic, Social and Cultural Council has competence in all aspects of economic, social and cultural development. It participates in any commission of national interest of an economic, social and cultural character.

ARTICLE 107.

The Economic, Social and Cultural Council collects, arranges [*rédige*], with the participation of the different entities of which it is composed, for the attention of the President of the Republic, the Government and the National Assembly, the yearly collection of expenditures [*attentes*], the needs and the problems of the civil society with orientations and propositions.

ARTICLE 108.

The Economic, Social and Cultural Council is obligatorily consulted on any appropriations bill, any economic, social or cultural plan or program as well as any legislative dispositions of a fiscal, economic, social and cultural character.

ARTICLE 109.

The Economic, Social and Cultural Council may designate one of its members, upon the demand of the President of the Republic, the Government, or the National Assembly, in order to present before these organs the views of the Council on the projects or propositions which are submitted to it. The Government and the National Assembly have the obligation, when they are in session, to give effect to the views

and reports formulated by the Economic, Social and Cultural Council within a maximum of three months for the Government and before the end of the current session for the National Assembly.

It receives a copy of laws, ordinances and decrees from the moment of their promulgation. It follows the decisions of the Government relative to economic, social and cultural organization.

ARTICLE 110.

[The following] are members of the Economic, Social and Cultural Council:

- the representatives of unions, associations, socio-professional groups elected by their associations or groups of origin;
- the representatives of the territorial collectivities designated by their peers;
- the representatives of Malians established outside of Mali.

The associate members are the superior cadres of the State in the economic, social and cultural domain.

ARTICLE 111.

The Economic, Social and Cultural Council convenes annually by right in two ordinary sessions of fifteen days each upon convocation by its President. The meetings of the Economic, Social and Cultural Council are public.

ARTICLE 112.

The President and the Vice President of the Economic, Social and Cultural Council are elected from within the Council by their peers upon the opening meeting of the first session for a mandate of five years. No member of the Economic, Social and Cultural Council may be prosecuted, sought, or tried for his opinions expressed by him during the meetings of the Council.

ARTICLE 113.

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

TITLE XIV

TREATIES AND INTERNATIONAL AGREEMENTS

ARTICLE 114.

The President of the Republic negotiates and ratifies treaties. He shall be informed of any negotiations likely to lead to an international agreement not submitted to ratification.

ARTICLE 115.

Peace treaties, [treaties] of commerce, treaties or accords relating to international organizations, those involving State finances, those concerning the status of persons, those relating to cession, exchange or annexation [*adjonction*] of territory, cannot be approved except by virtue of the law.

They only take effect after approval or ratification. No cession, no exchange, no annexation of territory is valid without the consent of the people.

ARTICLE 116.

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

TITLE XV

ON AFRICAN UNITY

ARTICLE 117.

The Republic of Mali can conclude with any African State agreements of association or of community comprising the partial or total abandonment of sovereignty with the view of realizing African unity.

TITLE XVI

CONCERNING REVISION

ARTICLE 118.

The initiative for the revision of the Constitution belongs concurrently to the President of the Republic and the Deputies. The project or proposition of revision must be adopted by the National Assembly by a two-thirds majority of its members. The revision is only definitive after having been approved by referendum. No procedure of revision can be engaged in or pursued if it infringes on the integrity of the State. The republican form and the secularity [*laïcité*] of the State as well as multipartyism cannot be the object of revision.

TITLE XVII

FINAL DISPOSITIONS

ARTICLE 119.

Legislation in effect shall remain valid so far as it is not contrary to the present Constitution and it is not the object of an express abrogation.

ARTICLE 120.

The present Constitution shall be submitted to referendum within thirty days. In the case that it acquires the majority of votes cast, the President of the Committee of Transition for the Reestablishment of the Welfare of the People shall proceed with the promulgation under conditions determined by the present Constitution.

ARTICLE 121.

The foundation of all power in the Republic of Mali resides in the Constitution. The republican form of the State cannot be subject to question. The people have the right to civil disobedience for the preservation of the republican form of the State. Any coup d'etat or putsch is an imprescriptible crime against the Malian People.

TITLE XVIII

TRANSITORY DISPOSITIONS

ARTICLE 121.

Until the institutions are put into place, the Committee of Transition for the Welfare of the People and the Government shall continue to take measures necessary for the functioning of the public powers, the life of the Nation, for the protection of the citizens and the safeguard of the liberties.