



The Constitution
Of
Islamic Republic of Mauritania

THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF MAURITANIA, 1991 (AS AMENDED TO 2006)^[1]

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PREAMBLE

Trusting in the omnipotence of ALLAH, the Mauritanian people proclaims its will to guarantee the integrity of its territory, its independence and its national unity and to take upon itself its free political, economic and social development.

Believing strongly in its spiritual values and in the spread of its civilization, it solemnly proclaims, in addition, its attachment to Islam and to the principles of democracy as they have been defined by the *Universal Declaration of Human Rights of December 10, 1948* and by the *African Charter of Human and People's Rights of June 28, 1981*, as well as in the other international conventions which Mauritania has signed.

Judging that liberty, equality and the dignity of Man may be assured only in a society which establishes the primacy of law, taking care to create the durable conditions for a harmonious social development, respectful of the precepts of Islam, the sole source of law, but responsive as well to the exigencies of the modern world, the Mauritanian people proclaims, in particular, the inalienable guarantee of the following rights and principles:

- the right to equality;
- the fundamental freedoms and rights of human beings;
- the right of property;
- political freedom and freedom of labor unions;
- economic and social rights;
- the rights attached to the family, the basic unit of Islamic society.

Conscious of the necessity of strengthening its ties with brother peoples, the Mauritanian people, a Muslim, African and Arab people, proclaims that it will work for the achievement of the unity of the Greater Maghreb, of the Arab Nation, and of Africa, and for the consolidation of peace in the world.

TITLE I GENERAL PROVISIONS AND FUNDAMENTAL PRINCIPLES

ARTICLE 1

Mauritania is an indivisible, democratic and social Islamic Republic.

The Republic shall guarantee equality before the law to all of its citizens, without distinction as to origin, race, sex or social condition.

All particularist propaganda (*propagande particulariste*) of a racial or ethnic character shall be punished by the law.

ARTICLE 2

The people shall be the source of all power.
The national sovereignty belongs to the people which exercises it through its elected representatives and through referendum.
No fraction of the people nor any individual may arrogate to itself its exercise.
No partial or total abandon of sovereignty may be decided without the consent of the people.

ARTICLE 3

Suffrage may be either direct or indirect, according to the provisions of the law. It shall always be universal, equal and secret.
All the citizens of the Republic, of both sexes, who are adults and possess their civil and political rights, may vote.

ARTICLE 4

The law is the supreme expression of the will of the people. All are required to submit to it.

ARTICLE 5

Islam shall be the religion of the people and of the State.

ARTICLE 6

The national languages are Arabic, Poular, Soninké and Wolof; the official language is Arabic.

ARTICLE 7

The capital of the State is Nouakchott.

ARTICLE 8

The national emblem shall be a flag bearing a crescent and a gold star on a green background.
The seal of the State and the national anthem shall be determined by law.

ARTICLE 9

The motto of the Republic shall be: Honor, Fraternity, Justice.

ARTICLE 10

The State shall guarantee to all its citizens public and individual freedoms, that is:

- the freedom to travel and to settle in all parts of the territory of the Republic;
- the freedom of entry to and exit from the national territory;
- the freedom of opinion and thought;
- the freedom of expression;
- the freedom of assembly;
- the freedom of association and the freedom to belong to any political or labor organization of one's choice.
- the freedom of commerce and of industry;
- the freedom of intellectual, artistic and scientific creative effort.

Freedom may be limited only by the law.

ARTICLE 11

Parties and political groups shall work together for the formation of the expression of the political will. They shall be formed and shall engage in their activities freely, provided that they respect democratic principles and that, through their objectives or by their actions, they do not undermine the national sovereignty, the territorial integrity and the unity of the Nation and of the Republic.
The law shall determine the conditions for the creation, the functioning and the dissolution of political parties.

ARTICLE 12

All citizens may accede to public office or employment, without conditions, other than those determined by the law.

ARTICLE 13

All persons shall be presumed innocent until the establishment of their guilt by a regularly constituted court.
No one may be prosecuted, arrested, detained or punished except in cases determined by the law and according to the formalities which it prescribes.
The honor and the private life of the citizen, and the inviolability of his person, his domicile and his correspondence shall be protected by the State.
All forms of moral or physical violence shall be proscribed.

ARTICLE 14

The right to strike is recognized. It may be exercised within the framework of the laws which regulate it.
Strikes may be forbidden by law for all public services or activities of vital interest to the Nation.
[Strikes are] forbidden in the areas of national defense and security.

ARTICLE 15

The right of property shall be guaranteed.

The right of inheritance shall be guaranteed.

The property of the **wakf** and its foundations is recognized: its use shall be protected by the law.

The law may limit the extent of the exercise of private property, if the exigencies of economic and social development require it.

A process of expropriation may be instituted only when public utility demands it and after fair and prior compensation. The law shall determine the judicial rules for expropriation.

ARTICLE 16

The State and society shall protect the family.

ARTICLE 17

Ignorance of the law shall be no excuse.

ARTICLE 18

Every citizen has the duty of protecting and safe-guarding the independence of the country, its sovereignty and the integrity of its territory. Treason, espionage, and betrayal (**le passage à l'ennemi**) as well as all infractions committed to the prejudice of the security of the State shall be punished with all the rigor of the law.

ARTICLE 19

Every citizen must loyally fulfill his obligations to the national welfare (**collectivité nationale**) and must respect both public and private property.

ARTICLE 20

Citizens shall be taxed equally.

Each one must share in the public tax burden according to his ability to contribute.

No tax may be instituted except by virtue of a law.

ARTICLE 21

Any alien who resides legally on national territory shall enjoy the protection of the law for his person and his property.

ARTICLE 22

No one may be extradited unless it is by virtue of the laws and conventions of extradition.

TITLE II THE EXECUTIVE BRANCH

ARTICLE 23

The President of the Republic shall be the chief of State. He shall be a Muslim.

ARTICLE 24

The President of the Republic shall be the guardian of the constitution. He shall represent the State.

He shall guarantee, through his arbitration, the continuous and regular functioning of public authorities.

He is the guarantor of national independence and territorial integrity.

ARTICLE 25

The President of the Republic shall exercise the executive power. He shall preside over the Council of Ministers.

ARTICLE 26^[2]

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

He shall be elected by an absolute majority of the votes cast. If an absolute majority is not obtained by any of the candidates on the first ballot, a second ballot takes place two weeks later. Only the two candidates who have received the highest number of votes on the first ballot may present themselves in the second ballot.

Any citizen who is born as Mauritanian, possesses his civil and political rights and is on the day of the first ballot at least forty (40) and at most seventy-five (75) years old, shall be eligible to be President of the Republic.

The election shall commence upon convocation by the President of the Republic.

The election of the new President of the Republic shall take place at least thirty (30) days and at most forty-five (45) days before the expiration of the sitting president's mandate.

The conditions and the forms for accepting the candidacy as well as the rules regarding the death or incapacity of the candidates for the Presidency of the Republic shall be determined by an organic law.

The files of the candidacies shall be sent to the Constitutional Council, which shall rule on their regularity and announce the results of the election.

ARTICLE 27^[3]

The office of President of the Republic shall be incompatible with the exercise of any other public or private function and with participation in the leadership of a political party.

ARTICLE 28^[4]

The President of the Republic shall be eligible for re-election only once.

ARTICLE 29^[5]

The newly elected President shall take office at the expiration of the mandate of his predecessor.

Before assuming office, the President of the Republic shall take an oath with the following words:

“I swear by Allah the Unique to discharge my functions properly and faithfully, in observance of the Constitution and the laws, to protect the interest of the Mauritanian people, to safeguard the independence and sovereignty of the country, the unity of the Nation (*patrie*) and the integrity of the national territory.

I swear by Allah the Unique not to take or to support, either directly or indirectly, an initiative which could lead to the amendment of the constitutional provisions on the length of the presidential term and on the conditions for its renewal, as prescribed in Articles 26 and 28 of this Constitution.”

The oath is taken before the Constitutional Council, in the presence of the Bureau of the National Assembly, the Bureau of the Senate, the President of the Supreme Court and the President of the High Islamic Council.

ARTICLE 30

The President of the Republic shall determine and conduct the foreign policy of the Nation as well as its defense and security policy.

He shall appoint the Prime Minister and discharge him from his functions.

Upon the recommendation of the Prime Minister, he shall appoint the Ministers to whom he may delegate by decree certain of his powers. He shall discharge them from their functions, after consultation with the Prime Minister.

The Prime Minister and the ministers are responsible to the President of the Republic.

The President of the Republic shall communicate with Parliament through messages. These messages shall not be the subject of any debate.

ARTICLE 31

The President of the Republic, after consultation with the Prime Minister and the Presidents of the Assemblies, may pronounce the dissolution of the National Assembly. General elections shall take place at least thirty (30) days and at most sixty (60) days after the dissolution.

The National Assembly shall meet in regular session fifteen (15) days after the elections. If this session takes place during a period outside of the periods set aside for ordinary sessions, a session shall be legally opened for a period of fifteen (15) days.

There cannot be a new dissolution of the Assembly during the twelve (12) months which follow these elections.

ARTICLE 32

The President of the Republic shall promulgate the laws within the time period determined by Article 70 of the present Constitution.

He shall have the power to issue regulations (*pouvoir réglementaire*) and may delegate some or all of this power to the Prime Minister.

He shall appoint candidates to civil and military positions.

ARTICLE 33

Decrees issuing regulations shall be counter-signed, if necessary, by the Prime Minister and the ministers charged with their execution.

ARTICLE 34

The President of the Republic shall be the Supreme Chief of the Armed Forces (*le Chef Suprême des Forces Armées*). He shall preside over the Superior National Defense Councils and Committees (*les Conseils et Comités Supérieurs de la Défense nationale*).

ARTICLE 35

The President of the Republic shall provide the ambassadors and special envoys to foreign powers with their

credentials. [Foreign] Ambassadors and special envoys shall present their credentials to him.

ARTICLE 36

The President of the Republic shall sign and ratify treaties.

ARTICLE 37

The President of the Republic shall have the right to grant clemency and the right to remit or commute sentences.

ARTICLE 38

The President of the Republic, on any question of national importance, may have recourse to the people through a referendum.

ARTICLE 39

When an imminent peril threatens the institutions of the Republic, the security or the independence of the Nation, or the integrity of its territory, and when the normal functioning of the constitutional powers are hampered, the President of the Republic shall take the measures required by these circumstances, after official consultation with the Prime Minister, and with the Presidents of the Assemblies and of the Constitutional Council.

He shall inform the nation by a message.

These measures, inspired by the will to assure the re-establishment, as soon as possible, of the continuous and regular functioning of the public powers, shall cease to be in effect in the same form as soon as the circumstances that have caused them will no longer exist.

Parliament shall meet in regular session.

The National Assembly may not be dissolved while the President of the Republic is exercising exceptional powers.

ARTICLE 40

In the case of a vacancy, or an incapacity declared to be absolute by the Constitutional Council, the President of the Senate shall become the interim President of the Republic for managing current business.

The Prime Minister and the members of the Government, considered as having resigned, shall assure the managing of current business.

The interim President may not discharge them from their functions.

He may not have recourse to the people through a referendum nor dissolve the National Assembly.

Unless a case of **force majeure** is declared by the Constitutional Council, the election of the new President of the Republic will take place within three (3) months from the declaration of the vacancy or the absolute incapacity.

During the interim period, no constitutional modifications may be instituted either by referendum or by parliamentary means.

ARTICLE 41

The Constitutional Council, in order to declare a vacancy or an absolute incapacity, shall be appraised by one of the following:

- The President of the Republic,
- The President of the National Assembly,
- The Prime Minister.

ARTICLE 42

The Prime Minister, under the authority of the President of the Republic, shall define the policy of the Government.

He shall divide the tasks among the ministers.

He shall direct and coordinate the action of the Government.

ARTICLE 43

The Government shall oversee the implementation of the general policy of the State, in accordance with the orientations and options determined by the President of the Republic.

It shall be in charge of the administration and the armed forces.

It shall oversee the publication and the execution of the laws and statutes.

It shall be responsible to Parliament, according to the conditions and following the procedures set forth in Articles 74 and 75 of the present Constitution.

ARTICLE 44

The functions of a member of the Government are incompatible with the exercise of any parliamentary mandate, with any function of professional representation of a national character, with any professional activity and, in general, with any public or private employment.

An organic law shall determine the conditions under which the holders of such mandates, functions or employment shall be replaced. The replacement of members of Parliament shall take place according to the dispositions of Article 48 of the present Constitution.

TITLE III THE LEGISLATIVE BRANCH

ARTICLE 45

The legislative power belongs to Parliament.

ARTICLE 46

Parliament is composed of two (2) representative assemblies: the National Assembly and the Senate.

ARTICLE 47

The Deputies to the National Assembly shall be elected for five (5) years by direct suffrage. The Senators shall be elected for six (6) years by indirect suffrage. They shall be responsible for the representation of the territorial entities (**collectivités territoriales**) of the Republic. Mauritians residing abroad shall be represented in the Senate. The Senators shall be renewed by one-third (1/3) every two (2) years.

All Mauritanian citizens who possess their civil and political rights are eligible to be Deputies, if they are at least twenty-five (25) years old, and are eligible to be Senators, if they are at least thirty-five (35) years old.

ARTICLE 48

An organic law shall determine the conditions for the election of the members of Parliament, their number, their salary, their conditions of eligibility, and the system of ineligibilities and incompatibilities. It shall also determine the conditions under which, in the case of a vacancy of a seat, the persons called upon to replace deputies or senators shall be elected, until the complete or partial renewal of the Assembly to which they belong.

ARTICLE 49

The Constitutional Council shall rule in cases where the regularity of an election of members of parliament or their eligibility is contested.

ARTICLE 50

No member of Parliament may be prosecuted, pursued, arrested, detained or tried because of the opinions or votes voiced by him during the exercise of his functions.

No member of Parliament, while Parliament is in session, may be prosecuted or arrested for a criminal or penal matter, except with the authorization of the assembly to which he belongs, unless it is a case of **flagrante delicto**.

No member of Parliament, while Parliament is out of session, may be arrested, except with the authorization of the office of the assembly to which he belongs, unless it is a case of **flagrante delicto**, authorized prosecution or a judicial sentence.

The detention or prosecution of a member of Parliament shall be suspended if the assembly to which he belongs demands it.

ARTICLE 51

All mandatory votes (**mandat impérative**) shall be null.

The right to vote by the members of Parliament is personal.

The organic law, in exceptional circumstances, may authorize the delegation votes.

In this case, no one may receive the delegation of more than one vote.

Any deliberation outside the hours of Parliamentary sessions or outside the premises of Parliament shall be null. The President of the Republic may ask the Constitutional Council to proclaim this state of nullity.

The sessions of the National Assembly and of the Senate shall be public. The minutes of the debates shall be published in the **Journal Officiel**.

Each of the assemblies may meet in closed session upon request by the Government or by one-quarter (1/4) of the members present.

ARTICLE 52

Parliament shall meet in regular session for two (2) ordinary sessions each year. The first ordinary session will convene during the first fortnight (**la première quinzaine**) in November. The second will convene during the first fortnight in May. The length of each ordinary session may not exceed two (2) months.

ARTICLE 53

Parliament may meet in a special session at the request of the President of the Republic or the majority of the members of the National Assembly, for a specific agenda. The length of a special session may not exceed one month. The special sessions shall be convened and adjourned by a decree from the President of the Republic.

ARTICLE 54

The members of the Government shall have access to the two (2) assemblies. They shall be heard when they so request. They may be assisted by Government commissioners.

ARTICLE 55

The President of the National Assembly shall be elected for the duration of the legislature.
The President of the Senate shall be elected after each partial renewal of the Senate.

TITLE IV RELATIONS BETWEEN THE LEGISLATIVE BRANCH AND THE EXECUTIVE BRANCH

ARTICLE 56

The laws shall be enacted by Parliament.

ARTICLE 57

The following shall be the domain of the law:

- fundamental rights and duties, especially the system of public freedoms, the safeguard of individual freedoms, and the obligations imposed by national defense on citizens in their person and on their property;
- nationality, the status and ability of persons, marriage, divorce, inheritance;
- the conditions of settlement of persons and the regulation of aliens;
- the determination of crimes and misdemeanors as well as the sentences which are applicable, penal procedure, amnesty, the creation and organization of tribunals, the regulation of magistrates;
- civil procedure and means of execution;
- customs regulation, regulation of coining of money, regulation of banks, credit and insurance;
- electoral regulations and the territorial division of the country;
- regulation of property, real rights, and civil and commercial obligations;
- general regulation of water, mines and hydro-carbons, fishing and the merchant marine, fauna, flora and the environment;
- the protection and safeguard of the cultural and historical patrimony;
- general regulations concerning education and health;
- general regulations concerning workers' rights, right to work and social welfare;
- the general organization of the administration;
- the free administration of local districts (*collectivités locales*), their jurisdiction and their resources;
- the tax base, the tax rate, the modes of collecting taxes of all kinds;
- the creation of categories of public establishments;
- the fundamental protections granted to civil and military employees as well as the general regulation of the Civil Service;
- nationalizations of enterprises and the transfer of property from the public sector to the private sector;
- general regulations concerning the organization of the National Defense.

The laws governing finances shall determine the resources and expenses of the State within the conditions and subject to the reservations as set forth in an organic law.

Laws and programs shall determine the objectives of the economic and social action of the State.

The provisions of the present article may be stipulated and completed by an organic law.

ARTICLE 58

The declaration of war shall be authorized by Parliament.

ARTICLE 59

Matters other than those which are the domain of the law shall fall under the regulatory power.

The texts in legislative form relating to these matters may be modified by decree, if the Constitutional Council declares that they have a regulatory character by virtue of the preceding paragraph.

ARTICLE 60

With the agreement of the President of the Republic, the Government, in order to execute its program, may ask Parliament for the authorization, for a limited period of time, to pass ordinances for measures which are normally in the domain of the law.

These ordinances shall be passed in the Council of Ministers and shall require the approval of the President of the Republic, who shall sign them.

They shall come into effect as soon as they are published, but they shall become null if the bill of ratification is not presented to Parliament before the date set by the enabling law.

With the expiration of the time limit mentioned in the first paragraph of the present article, the ordinances may be modified only by the law, concerning matters which are in the legislative domain.

The enabling law shall become null if the National Assembly is dissolved.

ARTICLE 61

The legislative initiative shall belong concurrently to the Government and to the members of Parliament. Bills shall be debated in the Council of Ministers and brought to the desk of one of the two assemblies. Finance bills shall first be submitted to the National Assembly.

ARTICLE 62

The Government and the members of Parliament shall have the right of amendment. The bills or amendments proposed by the members of Parliament shall not be accepted when their adoption would entail either a reduction in public revenues or the creation or augmentation of public expenses, unless they are accompanied by a bill for increasing revenues or equivalent savings.

They may be declared unacceptable when they bear upon a matter which comes under the regulatory power, by virtue of Article 59, or are contrary to a delegation granted by virtue of Article 60 of the present Constitution. If Parliament disregards the objections raised by the Government by virtue of one of the two preceding paragraphs, the President of the Republic may have recourse to the Constitutional Council, which shall rule within a period of one (1) week.

ARTICLE 63

The debate of a bill, in the first assembly to which it is proposed, shall pertain to the text of the bill as presented by the Government.

One assembly, presented with a bill voted on by the other assembly, shall debate the bill which is transmitted to it.

ARTICLE 64

Draft laws and bills, at the request of the Government or of the assembly to which they are referred, shall be sent for examination to committees specially set up for this purpose.

Draft laws and bills for which such a request has not been made shall be sent to one of the permanent committees whose number shall be limited to five (5) in each assembly.

ARTICLE 65

After debate has begun, the Government may oppose the consideration of any amendment which has not previously been submitted to the Committee.

If the Government requests it, the concerned assembly may pass with a single vote all or part of the bill under discussion, retaining only the amendments proposed or accepted by the Government.

ARTICLE 66

Any draft law or bill shall be examined in turn by the two assemblies with a view toward adopting an identical text. In the case of a disagreement and when the Government has declared a state of urgency, the bill may be submitted, after a single reading by each of the two assemblies, to a joint committee (**comité paritaire**) responsible for proposing a text concerning the provisions still being discussed.

This text may be submitted in the same manner to the two assemblies for adoption. In this case, no further amendments shall be accepted.

If the joint committee is not able to propose a common text or if this text is not adopted by the two assemblies, the Government, after a new reading by the two chambers, may request the National Assembly to rule conclusively.

ARTICLE 67

The laws on which the Constitution confers the character of organic laws shall be voted on and modified according to the following conditions:

The suggested law or bill shall be submitted to debate and to a vote by the first assembly consulted only after the expiration of a time period of fifteen (15) days from when it is put forward.

The procedure indicated in Article 66 shall be applicable. However, if there is no agreement between the two assemblies, the text can be adopted in a last reading by the National Assembly only with an absolute majority of its members.

Organic laws concerning the Senate must be voted on in the same terms by the two assemblies.

Organic laws may be promulgated only after certification of their conformity with the Constitution by the Constitutional Council.

ARTICLE 68

Parliament shall vote on the finance bill.

Parliament shall consider the finance bill as soon as the November session is convened.

If the National Assembly has not passed the bill after a first reading within thirty (30) days after the bill has been put forward, the Government shall consult the Senate, which must rule within fifteen (15) days. Then the procedure shall be followed under the conditions as set forth in Article 66 of the present Constitution.

If Parliament has not voted on the budget by the end of the session, or if it has not enacted a balanced budget, the Government shall send the proposed budget within fifteen (15) days to the National Assembly, convened in a special session.

The National Assembly must rule within eight (8) days. If the budget is not voted on at the end of this time period, the President of the Republic shall pass the budget automatically through an ordinance, based on the revenues from the preceding year.

Parliament shall control the administration of the State budget and supplementary budgets. A statement of expenses will be provided to Parliament at the end of each six-month period for the previous six-month period. The final accounts of a mandate will be registered during the course of the budgetary session for the following year and approved by a law.

An Audit Office shall assist Parliament and the Government in its control of the administration of the laws governing finances.

ARTICLE 69

The agenda of the assemblies shall include, by priority and in the order determined by the Government, the discussion of the draft laws and bills accepted by the Government.

One session per week, by priority and in the order determined by the Government, shall be reserved for discussion of draft laws and bills accepted by the Government.

One session per week shall be reserved by priority for questions by members of Parliament and for the answers from the Government.

ARTICLE 70

The President of the Republic shall promulgate the laws within a period of eight (8) days, at the earliest, and thirty (30) days, at the latest, following the transmission to him of the laws by Parliament.

The President of the Republic, during this period, may send back the draft law or bill for a second reading. If the National Assembly decides on the adoption of the law by a majority of its members, the law shall be promulgated and published during the time period indicated in the preceding paragraph.

ARTICLE 71

The state of siege (*état de siège*) and the state of urgency (*état d'urgence*) shall be decreed by the President of the Republic, for a maximum duration of thirty (30) days.

Their duration may be extended by Parliament.

Parliament shall convene in regular session if it is not in session at the time.

The law shall define the exceptional powers granted to the President of the Republic by the declaration of marshal law and a state of emergency.

ARTICLE 72

The Government shall be required to provide to Parliament, in the form established by law, all explanations requested concerning its management and its acts.

ARTICLE 73

The Prime Minister, once a year, during the course of the November session, shall deliver a report to the National Assembly about the activity of the Government during the past year and shall lay out the general lines of his program for the coming year.

ARTICLE 74

The Prime Minister, together with his ministers, shall be responsible to the National Assembly. The political responsibility is put into effect through the question of confidence and the motion of censure.

After deliberation in the Council of Ministers, the Prime Minister shall put the question of responsibility of the Government before the National Assembly with regard to its program or, should the situation arise, a declaration of general policy.

The National Assembly may invoke the responsibility of the Government by voting a motion of censure.

A motion of censure brought by a deputy must expressly bear this title and the signature of its author.

Such a motion is acceptable only if it is signed by at least one-third (1/3) of the members of the National Assembly.

The vote may take place only forty-eight (48) hours after raising the question of the lack of confidence or the motion of censure.

ARTICLE 75

The vote of no confidence or the adoption of a motion of censure shall cause the immediate resignation of the Government. Such a vote or motion can only be carried with a majority of the deputies making up the National Assembly; only the votes of no confidence or the votes favorable to the motion of censure shall be counted.

The resigned Government shall continue to manage current business until the nomination, by the President of the Republic, of a new Prime Minister and a new Government.

If a motion of censure is rejected, its signatories may not propose a new one during the course of the same session, except in the case set forth in the following paragraph.

The Prime Minister, after deliberation with the Council of Ministers, shall take the responsibility of the Government, before the National Assembly, for the voting of a bill. In this case, this bill shall be considered adopted, unless a motion of censure, brought during the following twenty-four (24) hours, shall be voted upon under the conditions set forth in the first paragraph of this article.

The Prime Minister may ask the Senate for the approval of a declaration of general policy.

ARTICLE 76

Closing of ordinary or special sessions shall be legally delayed in order to permit, if necessary, the application of the provisions of Article 75 of the present Constitution.

ARTICLE 77

If, during a period of less than thirty-six (36) months, there have occurred two (2) changes of Government following a vote of no confidence or a motion of censure, the President of the Republic, after consulting with the President of the National Assembly, may declare the dissolution of the National Assembly.

In this case, there will be new elections within forty (40) days at most. The new National Assembly shall convene in regular session three (3) weeks after its election.

TITLE V TREATIES AND INTERNATIONAL ACCORDS

ARTICLE 78

Peace treaties, union treaties, commerce treaties, treaties or accords concerning an international organization, treaties which require the finances of the State, treaties which modify provisions of a legislative nature, treaties concerning the status of persons and treaties concerning the borders of the State may only be ratified by a law.

They may take effect only after being ratified or approved.

No cession, no exchange, no annexation of territory is valid without the consent of the people, who shall decide through referendum.

In the case set forth in the last paragraph of Article 2 of the present Constitution, the required majority is four-fifths (4/5) of the votes cast.

ARTICLE 79

If the Constitutional Council, consulted by the President of the Republic or by the President of the National Assembly or by the President of the Senate or by one-third (1/3) of the senators, declares that an international agreement includes a clause contrary to the Constitution, the authorization to ratify or to approve it may only occur after revision of the Constitution.

ARTICLE 80

Treaties and accords regularly ratified or approved, as soon as they are published, shall have an authority superior to that of laws, contingent upon each agreement or treaty's application by the other party.

TITLE VI THE CONSTITUTIONAL COUNCIL

ARTICLE 81

The Constitutional Council shall be composed of six (6) members, whose mandate shall last nine (9) years and shall not be renewable. One-third (1/3) of the Constitutional Council shall be chosen every three (3) years. Three (3) of the members shall be appointed by the President of the Republic, two (2) by the President of the National Assembly and one (1) by the President of the Senate.

The members of the Constitutional Council must be at least thirty-five (35) years old.

They may not belong to the leadership of any political party.

They shall enjoy parliamentary immunity.

The President of the Constitutional Council shall be appointed by the President of the Republic from among the members whom he shall name. He shall have the deciding vote in the case of a tie.

ARTICLE 82

The functions of a member of the Constitutional Council are incompatible with those of a member of the Government or of Parliament. Any other incompatibilities shall be determined by an organic law.

ARTICLE 83

The Constitutional Council shall evaluate the legality of the election of the President of the Republic. It shall examine challenges and announce the results of the election.

ARTICLE 84

In the case of a dispute, the Constitutional Council shall judge the legality of the election of the deputies and the senators.

ARTICLE 85

The Constitutional Council shall evaluate the legality of the referendum and announce the results.

ARTICLE 86

The organic laws, before they may be promulgated, and the regulations of the parliamentary assemblies, before they may be applied, must be submitted to the Constitutional Council, which shall certify that they are in conformity with the Constitution.

For the same purpose, the laws, before they are promulgated, may be submitted to the Constitutional Council, by the President of the Republic, the President of the National Assembly, the President of the Senate or by one-third (1/3) of the deputies in the National Assembly or by one-third (1/3) of the senators in the Senate. In the cases set forth in the two preceding paragraphs, the Constitutional Council must rule within one (1) month. However, at the request of the President of the Republic, if it is urgent, this time limit shall be reduced to one (1) week.

In the same cases, the submission of a law to the Constitutional Council shall suspend the time limit for its promulgation.

ARTICLE 87

A provision which is declared unconstitutional may not be promulgated or put into operation.

The decisions of the Constitutional Council shall have binding force.

The decisions of the Constitutional Council shall not be subject to appeal. They must be complied with by the public authorities and by all administrative and jurisdictional authorities.

ARTICLE 88

An organic law shall determine the rules governing the organization and the functioning of the Constitutional Council, the procedure which shall be followed before it, and in particular, the time limits for referring challenges to it.

TITLE VII THE JUDICIAL BRANCH

ARTICLE 89

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

The President of the Republic shall be the guarantor of the independence of the judiciary.

He shall be assisted by the Superior Council of the Judiciary, which he shall preside over.

An organic law shall determine the status of the judiciary, its composition, and the functioning and the prerogatives of the Superior Council of the Judiciary.

ARTICLE 90

A judge shall obey only the law.

In the exercise of his duties, he shall be protected against all forms of pressure of a nature to impair his free will.

ARTICLE 91

No one may be detained arbitrarily. The judicial branch, the guardian of individual liberty, shall be responsible for respecting this principle under the conditions established by law.

TITLE VIII THE HIGH COURT OF JUSTICE

ARTICLE 92

A High Court of Justice is hereby established.

It shall be composed of members elected from its midst and in equal number by the National Assembly and the Senate, after each complete or partial renewal of these assemblies. It shall elect its president from among its members.

An organic law shall determine the composition of the High Court of Justice, and the rules governing its functioning, as well as the procedure applicable before it.

ARTICLE 93

The President of the Republic shall be held liable for the acts committed in the exercise of his duties only in the case of high treason.

He may be impeached only by the two assemblies voting together in a public vote, by an absolute majority of the members; he shall be tried before the High Court of Justice.

The Prime Minister and the members of the Government shall be held criminally liable for the acts committed in the exercise of their duties and defined as crimes or misdemeanors at the time they were committed. The procedure defined above is applicable to them as well as to their accomplices, in the case of a conspiracy against the security of the State. In the case set forth in the present paragraph, the High Court of Justice shall be bound by the definition of crimes and misdemeanors, as well as by the determination of sentences resulting from the penal laws in force at the time the acts were committed.

TITLE IX CONSULTATIVE INSTITUTIONS

ARTICLE 94

A High Islamic Council composed of five (5) members is hereby established under the authority of the President of the Republic.

The President and the other members of the High Islamic Council shall be appointed by the President of the Republic.

The High Islamic Council shall meet at the request of the President of the Republic.

It shall formulate opinions concerning the questions about which it has been consulted by the President of the Republic.

ARTICLE 95

The Economic and Social Council, when consulted by the President of the Republic, shall offer advice about the draft laws, ordinances, or decrees of an economic or social character, as well as the bills of the same nature which have been submitted to it.

The Economic and Social Council may designate one of its members to lay before the parliamentary assemblies the opinion of the Council concerning the draft laws or bills which have been submitted to it.

ARTICLE 96

The Economic and Social Council may also be consulted by the President of the Republic about any question of economic or social character concerning the State. Any plan or proposed law of an economic or social character shall be submitted to it for advice.

ARTICLE 97

The composition of the Economic and Social Council and the rules governing its functioning shall be determined by an organic law.

TITLE X TERRITORIAL ENTITIES

ARTICLE 98

The territorial entities (*collectivités territoriales*) are the municipalities (*communes*) as well as other entities which the law shall designate as such.

These entities shall be administered by councils elected under the conditions established by law.

TITLE XI AMENDMENT OF THE CONSTITUTION

ARTICLE 99[6]

The initiative for amending the Constitution belongs concurrently to the President of the Republic and to the members of Parliament. No draft amendment presented by the members of Parliament may be debated if it has not been signed by at least one-third (1/3) of the members of one of the assemblies.

Any draft amendment must be approved by a two-thirds (2/3) majority of the deputies in the National Assembly and a two-thirds (2/3) majority of the senators in the Senate in order to be submitted to the referendum.

No procedure for the amendment of the Constitution may be initiated if it calls into question the existence of the State or infringes the integrity of the territory, the republican form of the institutions, the pluralist character of Mauritanian democracy or the principle of democratic alternation in power and its corollary, the principle that the term of office of the President of the Republic is five years, renewable only once, as prescribed in Articles 26 and 28 above.

ARTICLE 100

The amendment of the Constitution shall be complete once it has been approved by a simple majority of the votes cast in a referendum.

ARTICLE 101

However, the draft amendment shall not be submitted to the referendum when the President of the Republic decides to submit it to Parliament convened as Congress; in this case, the draft amendment is not approved unless it receives a three-fifths (3/5) majority of the votes cast. The Bureau of the Congress is that of the National Assembly.

TITLE XII TRANSITIONAL PROVISIONS

ARTICLE 102^[7]

The legislation and regulations in force in the Islamic Republic of Mauritania remain applicable as long as they have not been modified in the forms provided for in the Constitution.

The laws existing prior to the Constitution must, if necessary, be amended in order to bring them into conformity with the constitutional rights and liberties within a period not exceeding three years from the date of promulgation of this constitutional law. In case the amendments referred to in the preceding paragraph are not enacted within the prescribed period, any individual may refer these laws to the Constitutional Council to examine their constitutionality. The provisions which are declared unconstitutional may not be applied.

This ordinance shall be executed as the Constitution of the Islamic Republic of Mauritania.

EDITOR'S NOTES

[1] Approved by referendum on July 12, 1991, and as amended by referendum of June 25, 2006. The changes introduced by the referendum of June 25, 2006 are highlighted in the text for easy reference.

[2] As amended by *Referendum of June 25, 2006*.

[3] As amended by *Referendum of June 25, 2006*.

[4] As amended by *Referendum of June 25, 2006*.

[5] As amended by *Referendum of June 25, 2006*.

[6] As amended by *Referendum of June 25, 2006*.

[7] As amended by *Referendum of June 25, 2006*.