

# **The Constitution of the Republic of Mali**

## **The Republic of Mali**

**One People – One Purpose – One Faith**

Translation for Constitution Finder by Jeffrey Craver, University of Richmond School of Law

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### **Preamble**

The Sovereign People of Mali, fortified by their traditions of heroic struggle, committed to remain faithful to the ideals of the victims of repression and the fallen martyrs killed in battle for the advent of a nation of law and of pluralist democracy,

-affirm the will to preserve and to reinforce the democratic accomplishments of the Revolution of March 26, 1991,

-solemnly engage to defend the republican form and secularity 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 to consolidate the national unity,

-commit themselves to assure improvement to the quality of life, the protection of the environment and of the cultural heritage,

-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 the People of June 27, 1981,

-reaffirm their attachment to the formation of the African Union, to the promotion of peace, to regional and international cooperation, to peaceful resolutions of the differences of opinion among states in respect to justice, equality, liberty and the sovereignty of the

people.

## **Title I**

### **The Rights and Duties of Human Dignity**

Article 1: The human dignity is sacred and inviolable.

Each individual has the right to life, liberty, and the security and integrity of his person.

Article 2: All Malians are born and live free and equal in their rights and duties. Any discrimination based on social origin, color, language, race, sex, religion, or political opinion is prohibited.

Article 3: No one will be put to torture, nor to inhumane, cruel, degrading, or humiliating treatment.

Each individual, each agent of the State who is found guilty of such acts, either on his own initiative, or by another's command, will be punished at law.

Article 4: Every person has the right to freedom of thought, conscience, religion, worship, opinion, expression, and creation in respect to the law.

Article 5: The State recognizes and guarantees, under conditions established by law, freedom to come and go, freedom of choice of residence, freedom of association, assembly, following, and demonstrations.

Article 6: Residence, property, private and family life, confidentiality of correspondence and communication are inviolable.

They may only be undermined according to the conditions defined by law.

Article 7: Freedom of press is recognized and guaranteed.

This is expressed according to the conditions defined by law.

Equal access for all to the media of the State is assured by an independent organization; that organization shall define the laws which assure such access.

Article 8: Freedom of artistic and cultural creativity is recognized and guaranteed. This freedom shall be carried out according to the conditions defined by law.

## Article 9: Punishment is individual

No one may be pursued, arrested or charged in violation of a law promulgated after the fact.

All accused are presumed innocent until their guilt may be established by a competent court.

The right to a defense, which includes assistance by a lawyer of choice, is guaranteed from the outset of interrogation.

Article 10: Any person who objects to an action to deprive them of liberty has the right to be examined by a doctor of their choice.

One may only be detained for more than forty-eight hours as a result of a decision motivated by a Magistrate of the court.

One may only be detained in a penitentiary by a delivered mandate by a Magistrate of the court.

Article 11: That which is not forbidden by law cannot be made a crime, and one may only be constrained for what the law does not permit.

Article 12: No one may be forced into exile.

Anyone persecuted because of their political or religious beliefs, their ethnic membership, may benefit from the right of asylum in the Republic of Mali.

Article 13: The right to own property is guaranteed. One may only be deprived of that right for the purpose of public utility with just and prior compensation.

Article 14: Freedom of enterprise is vigorously guaranteed within the scope of the laws and regulations.

Article 15: Every person has a right to a healthy environment. The protection and defense of the environment and the promotion of the quality of life is a duty of everyone and of the State.

Article 16: In the case of a reported national disaster, every citizen has a duty to give aid according to the conditions defined by law.

Article 17: Education, instruction, training, employment, housing, leisure, health and social protection constitute some of the recognized rights.

Article 18: Every citizen has a right to education.

Public education is mandatory, free, and non-religious.

Private education is recognized and it must be carried out according to the conditions defined by law.

Article 19: The rights to employment and furlough are recognized and shall be equal for all. Every citizen has a duty to work but one may only be restricted to specific employment in the case of fulfillment of a service of exceptional public interest, equal for all according to the conditions defined by law.

Article 20: The freedom of unions is guaranteed. Unions must perform their activities without constraining or limiting others aside from those activities provided by law.

Article 21: The right to go on strike is guaranteed. It is vigorously guaranteed within the scope of the laws and regulations.

Article 22: Defense of the homeland is a duty of every citizen.

Article 23: Every citizen must work for the common good.

Every citizen must fulfill all civic obligations, notably contributing monetary donations.

Article 24: Every citizen and every person living in the Malian territory has the duty to respect, in every circumstance, the constitution.

## **Title II**

### **The State and Sovereignty**

Article 25: Mali is an independent, sovereign, indivisible, democratic, secular, social Republic.

Its principle is to be a government of the People, by the People and for the People.

The institutions of the republic are:

-The President of the Republic;

-The Cabinet;

-The National Assembly;

- The Supreme Court;
- The Constitutional Court;
- The High Court of Justice;
- The High Council of Territorial Collectives;
- The Economic, Social and Cultural Council.

The National emblem shall be composed of three equal vertical stripes of green, gold and red.

The motto of the Republic is "One People – One Purpose – One Faith" (Un Peuple – Un But – Une Foi).

The National Anthem is "LE MALI".

Law will determine the Seal and the Coat of Arms of the Republic.

French is the official language.

Law will determine the method for making official and promoting national languages.

Article 26: The Sovereignty of the nation belongs entirely to the People, who shall exercise it through their representatives or by vote of referendum.

No faction nor any individual may exclusively claim this exercise of sovereignty.

Article 27: The right to vote is universal, equal and secret.

According to conditions defined by law, all citizens of voting age are electors demonstrating their civic and political duties.

Article 28: The political parties shall concur as to the expression of suffrage. They may form and exercise their activities freely within the conditions determined by law.

They must respect the principles of national sovereignty, democracy, integrity of the territory, 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 embodies the national unity. He is the guarantor of national independence, territorial integrity, and respect for international Treaties and Accords. He keeps watch over the regular functioning of public authority and assures the continuity of the State.

Article 30: The President of the Republic shall be elected for five years by direct universal suffrage, by election on a majority basis from two rounds of ballots.

He may only be elected once.

Article 31: Every candidate for the office of President of the Republic must be of Malian national origin and must have fulfilled all civic and political duties.

Article 32: The Presidential elections shall be between twenty-one and forty days before the exit of the incumbent president.

Article 33: The law shall determine the procedure, conditions of eligibility and presentation of the candidacy for Presidential elections, development of the election system, counting of ballots, and proclamation of results. The law shall lay out all the required elements so that elections are free and in order.

The President of the Republic shall be elected by absolute majority of cast votes. If no absolute majority can be obtained after the first round of votes, a second round shall be held, the second Sunday following. This second round is open only to two candidates determined by the largest number of votes.

If one of the two candidates withdraws, the ballot shall be open to the next candidate coming in order of cast votes.

If, in the seven days preceding the deadline for the declaration of candidacy, one of those, less than thirty days before such date, who has announced publicly his decision to be a candidate, decides not to or finds himself unable to continue, the Constitutional Court shall declare a postponement of the election.

If, before the first round of ballots, one of the candidates decides not to or finds himself unable to continue, the Constitutional Court shall declare a postponement of the election.

In case of death or an unforeseen preventative obstacle of one of the two favored candidates in the first round of ballots before any possible returns, or one of the two candidates remaining after these returns, the Constitutional Court shall decide whether to repeat the elections.

The convocation of electors is made by decree held in the Council of Ministers.

The Constitutional Court shall control the regulation of these operations, make rulings regarding complaints, and proclaim the results of the election.

Article 34: The functions of the President of the Republic are incompatible with the exercise of any other political function, with any elective mandate, with any public use, or with any other lucrative or professional activity.

Article 35: During his period of office, the President of the Republic cannot, through himself or another, buy or lease anything which belongs to the State's domain without prior authorization of the Supreme Court under the conditions laid out by law. He may not participate, through himself or another, in public or private markets for the administrations or institutions under the State's authority or subject to its control.

Article 36: When the President of the Republic is temporarily unable to fulfil his duties, his powers shall be provisionally exercised by the Prime Minister.

In case of a vacancy of the Presidency of Republic for some unforeseen, disruptive cause that is an absolute or unavoidable obstacle, noted by the Constitutional Court, and the President of the National Assembly and the Prime Minister, the functions of the President of the Republic shall be carried out by the President of the National Assembly.

A new process for election of a new president for a new period of five years shall then commence.

The election of the new President shall take place between twenty-one and forty days after the official recognition of the vacancy or preventative obstacle.

In every case of a preventative obstacle or vacancy, Articles [38](#), [41](#), [42](#), and [50](#) shall not be applied.

Article 37: The President Elect shall enter into office fifteen days after the official proclamation of the election results. Before entering into office, he shall declare before the Supreme Court the following oath:

"I swear before God and the Malian People to preserve in perfect fidelity the Republican Regime, to respect and to create respect for the Constitution and the law, to carry out my duties in the superior interest of the People, to preserve the democratic establishment, to guaranty the national unity, the independence of homeland and the integrity of the national territory.

I solemnly and on my honor commit myself fully to implement the realization of African Unity."



After the inauguration and within a period of 48 hours, the President of the Supreme Court shall publicly announce the oath of the President of the Republic.

This declaration shall be the subject of an annual announcement.

Article 38: The President of the Republic shall name the Prime Minister. He shall put an end to the Prime Minister's functions on presentation by the Prime Minister of the resignation of the Cabinet. On proposition by the Prime Minister the President of the Republic shall name the other members of the cabinet and [also] terminate their functions.

Article 39: The President of the Republic shall preside over the Council of Ministers. The Prime Minister will stand in for them under the conditions supplied by this Constitution.

Article 40: The President of the Republic shall promulgate the laws within fifteen days following transmission to the Cabinet of the definitively adopted text.

He may, before the expiration of this time period, demand a new deliberation of the law or certain of its articles by the National Assembly.

This new deliberation may not be refused shall suspend the timeline of the promulgation.

In case of urgency, the timeline of promulgation may be reduced to eight days.

Article 41: The President of the Republic, by proposal of the Cabinet, during the duration of its sessions or by proposal of the National Assembly, after the opinion of the Constitutional Court is published in the Official Journal, may place under referendum any and all questions of national interest, any law related to the organization of public powers, consisting of an approval of an accord of union or an authorization of a treaty which, without being unconstitutional, would have effect on the function of the Institutions.

When the referendum has concluded that the proposal is to be adopted, the President of the Republic shall promulgate it in the manner prescribed in Article [40](#).

Article 42: The President of the Republic may, after consultation with the Prime Minister and the President of the National Assembly, declare the dissolution of the National Assembly.

General elections will follow between twenty-one and forty days after the dissolution.

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

Article 43: The President of the Republic shall communicate with the National Assembly and the High Council of Collectives by memoranda that are to be read by the President of the National Assembly or

by the a member of the High Council of Collectives. If they are not in session, the National Assembly or the High Council of Collectives shall reassemble specifically for this reason.

Article 44: The President of the Republic is the Supreme Chief of the Armies. He shall preside over the Superior Council and the Committee of Defense of the National Defense.

Article 45: The President of the Republic is the President of the Superior Council of the Magistracy.

Article 46: The President of the Republic shall sign ordinances and decrees from the Council of Ministers.

He shall name senior civil and military leaders, as determined by law.

The Grand Chancellor of National Order, General Officers, Ambassadors, Special Envoys, Regional Governors, Central Administration Directors shall be named by decree of the Council of Ministers.

Article 47: The Members of the Supreme Court shall be named by decree of the Council of Ministers.

Article 48: The President of the Republic shall empower the Ambassadors and Special Envoys when engaged with foreign powers.

Article 49: The President of the Republic shall declare, after deliberation in the Council of Ministers, a state of siege or a state of emergency.

Article 50: When the Institutions of the Republic, independence of the Nation, integrity of the national territory, or the execution of international engagements are immediately or gravely threatened and the regular functioning of the constitutional public powers are interrupted, the President of the Republic shall take emergency measures as required by the circumstances, after consultation with the Prime Minister, the Presidents of the National Assembly and of the High Council of Collectives as well as the Constitutional Court.

He shall inform the nation of the situation by an announcement.

The application of these emergency powers by the President of the Republic must not in any case compromise the national sovereignty nor the territorial integrity.

The emergency powers must seek to assure the continuity of the State and reestablish the institutions conforming to the Constitution in the event of an interruption of normal State function.

When the National Assembly is assembled it may not be dissolved during the President's exercise of emergency powers.

Article 51: The President of the Republic may delegate certain powers to the Prime Minister.

Actions of the President of the Republic other than those established in Articles [38](#), [41](#), [42](#), [45](#), and [50](#), as well as the previous paragraph of the present Article, shall be countersigned by the Prime Minister and, if such should be the case, any other involved Ministers.

Article 52: The Law shall establish the salary of the President of the Republic and organize the method for establishing a pension for former Presidents of the Republic in their civilian lives.

## **Title IV**

### **The Cabinet**

Article 53: The Cabinet shall determine and direct the political institutions of the Nation, the armed forces, and their administration.

Article 54: The Cabinet is responsible before the National Assembly according to the conditions and following the procedures established by Articles [78](#) and [79](#).

Article 55: The Prime Minister is the Head of the Cabinet: with this title he shall direct and coordinate governmental action.

He shall assure the execution of the laws. With respect to the provisions of Article 46, he shall exercise his ruling power. He is responsible for the execution of the political institutions and the national defense.

He may delegate certain powers to the other Ministers.

He shall stand in for, if such should be the case, the President of the Republic in the presidency of the Council and of the Committee as defined by Article [44](#).

He shall stand in for the president of the Council of Ministers, by virtue of an express delegation or an order of business.

Article 56: The actions of the Prime Minister shall be countersigned, if such should be the case, by the Ministers charged with their execution.

Article 57: Before entering into service, the Prime Minister must deliver to the Supreme Court a written declaration of the Cabinet's intentions.

This declaration shall be the object of an annual announcement.

The elements of Article [35](#) above shall be applicable to the members of the Cabinet.

Article 58: A member of Cabinet shall not act by any parliamentary mandate, any function of professional representation, at the national or local level, any public endeavor, or any professional or lucrative activity.

One comprehensive law shall establish the conditions in which provisions for the replacement of officers of each office, occupation, or position.

The replacement of members of Parliament shall be made by the Cabinet with conformity to the provisions of Article [63](#).

## **Title V**

### **The National Assembly**

#### **(The Parliament)**

Article 59: Parliament shall be comprised of one house called the National Assembly.

Article 60: Members of the National Assembly shall be called Deputies.

Article 61: Deputies shall be elected for five years by direct universal suffrage. Law shall establish the methodology for this election.

Article 62: Deputies shall enjoy parliamentary immunity.

No member of the National Assembly may be pursued, investigated, arrested, detained or tried for his opinions or votes that arise from the exercise of his functions.

No member of the National Assembly may, during the time when parliament is in session, be pursued or arrested in a criminal or correctional manner without the authorization of the National Assembly, except in the case of a flagrant offense.

No member of the National Assembly may, outside of session, be arrested except with the authorization of the Office of the National Assembly, except in the case of a flagrant offense, authorized pursuits or definite condemnation.

The detention or pursuit of a member of the National Assembly shall be suspended if the National

Assembly demands it.

Article 63: Organizational law shall establish the number of members of the National Assembly, their indemnities, conditions of eligibility, scheme of ineligibilities and incompatibilities.

Organizational law shall also determine the conditions for election of those called to assure, in the case of a vacant seat, the replacement of Deputies until the re-election of the National Assembly.

Article 64: Every imperative mandate is null.

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

Organizational law may authorize, for exceptional reasons, delegation of a vote. In this case no one may receive the delegation beyond what is mandated.

Article 65: The National Assembly shall meet by their own right biannually.

The first session shall commence on the first Monday of October.

The session may not exceed seventy-five days.

The second session shall commence on the first of April and may not exceed a duration of ninety days.

Article 66:

The National Assembly may meet in an extra session at the request of the Prime Minister or by an order from a majority of the members.

When an extra session is held on demand of the members of the National Assembly, the end of the session shall come as soon as the business for which the session was called is completed, and at most fifteen days after the date of reunion.

The Prime Minister may demand a new session by order before the end of the month that follows the closing of session.

Article 67: Except for the case in which the National Assembly meets by their own right, extra sessions shall be commenced and brought to a close by decree of the President of the Republic.

Article 68: The National Assembly shall establish its own procedure. The President of the National Assembly shall be elected for the duration of the legislature.

Article 69: The sessions of the National Assembly shall be public. However, they may meet in a closed session by their own initiative or on demand by the Prime Minister. Their internal procedure shall establish the methodology a closed session. The account of the internal debates from public sessions shall be published in the Official Journal.

## **Title VI**

### **Interaction between the Cabinet and the National Assembly**

Article 70: The law shall be voted on by a simple majority in the National Assembly.

However, laws to which the present Constitution confers the characteristics of an organizational law shall be voted on in the following conditions:

-the proposal or project may only be subjected to deliberation and vote of the National Assembly after the end of a fifteen-day time period following its deposit in the office of the National Assembly:

the text may only be adopted by an absolute majority of the members composing the National Assembly. Organizational laws may only be promulgated after a declaration of the Constitutional Court of their conformity to the Constitution.

Law shall establish regulations concerning:

-civic rights and fundamental guaranties provided to citizens so they may exercise their public liberties, constraints imposed by the National Defense on themselves and their possessions;

-nationality, civic rights, state and capacity of people, marriage, inheritance and donations, property system, actual rights and civic and commercial obligations, factions of society, expropriation;

-crimes and offenses in addition to their applicable penalties, criminal procedure, police judiciary, extradition, amnesty, the creation of jurisdictions, the status of Ministerial Officers, the status of juridical and judicial Professions;

-the status of civil servants;

-the general status of the personnel of the Armed forces;

-the system of distribution of money, the tax base, taxes and methods of collection.

Law shall equally determine the fundamental principles of

-the general organization of the defense and national security;

-the right to work, social security, the right to form unions;

-the organization and competency of professional orders;

-education and research;

-the protection of cultural heritage and archaeology;

-public compatibility;

-the creation, organization and control of public services and organizations;

-the nationalization of enterprises, denationalization and transfer of property of enterprises from the public sector to the private sector;

-the electoral system;

-the free administration of local collectives, their competence and their resources;

-the administrative organization of the national territory;

-the management and alienation of the State's domain;

-the organization of the national product;

-the organization of the justice system;

-the penitentiary system.

The law of the Treasury shall determine resources and the government expenditures.

The budget must be adopted by the National Assembly. It shall establish the objectives of the economic and social actions of the State.

Article 71: Declaration of war shall be authorized by the National Assembly in a special meeting for that purpose.

The President of the Republic shall then inform the nation by an announcement.

Article 72: States of emergency and states of siege shall be declared in the Council of Ministers. Their extension beyond ten days may only be authorized by the National Assembly.

Law shall determine the conditions.

Article 73: Other matters than those which are of the domain of the judiciary shall have a statutory make-up.

Bills of legislative form arising before ratification of the present Constitution may be modified by decree following judgement of the Supreme Court.

Such bills which arise after ratification of the present Constitution may only be modified by decree if the Constitutional Court has declared that they are of statutory make-up according to the preceding paragraph.

Article 74: The Cabinet may, in the execution of its functions, or within its domain as established by law, request Parliamentary authorization to take by Ordinance, during a limited time period, measures which are normally the domain of the law.

These Ordinances must come from the Council of Ministers following the opinion of the Supreme Court.

They shall come into effect as soon as they are adopted, but shall become null and void if they are not ratified by the National Assembly before the date established by their own qualification. At the expiration of the time period mentioned in the previous paragraph of the present Article, Ordinances may only be modified by law on matters which are in the legislative domain.

Article 75: The initiation of laws belongs concurrently to the Cabinet and to the members of the National Assembly.

Legal proposals shall be deliberated in the Council of Ministers following the opinion of the Constitutional Court and shall be presented to the office of the National Assembly.

Article 76: The members of the National Assembly and the Cabinet have the right to make amendments.

After the opening of debate, the Cabinet may oppose any amendment that was not previously submitted to it.



Article 77: The National Assembly shall address the budget as soon as the normal session proceeding the budgetary period commences. The budget must plan for the necessary formula to cover the expenses.

If the National Assembly is not established at the time of the commencement of the budgetary period or if it does not vote-in a budget, the Cabinet shall return the budget in the fifteen day period when the National Assembly meets in special session for this reason. The National Assembly must then decide in eight days. If this deliberation does not result in a voted-in budget, the task shall then be taken up by the Cabinet based on the formula of the previous result and following the opinion of the Supreme Court.

Article 78: The Prime Minister, after deliberation of the Council of Ministers shall discuss the responsibility of the Cabinet within the National Assembly's plan either before the Assembly or by a declaration of the general politics of the Cabinet.

The National Assembly shall defeat action of the Cabinet by passing a vote of no confidence. Such a motion is only admissible if it is signed by at least one tenth of the members of the National Assembly. A vote must take place within forty-eight hours of the motion. Those who are polled to be in favor of the vote of no confidence may only come from the majority of the two tiers of the members composing the Assembly. If the motion of the vote of no confidence is rejected, the signers may not propose a new motion within the course of the same session.

The Prime Minister may, after deliberation with the Council of Ministers, engage the liability of the Cabinet before the National Assembly regarding the vote on a bill. In this case, the bill is considered to be adopted, unless a motion of no confidence, made in the next twenty-four hours, is voted-in.

Article 79: When the National Assembly adopts a new motion of no confidence or when it disapproves of the plan or a declaration of the general politics of the Cabinet, the Prime Minister must submit to the President of the Republic the resignation of the Cabinet.

Article 80: The adjournment of normal or special sessions may be delayed to allow, should the case be such, for the application of the elements of [Article 78](#).

## **Title VII**

### **The Judicial Power**

Article 81: The judicial power is independent of the executive and legislative powers. It shall be exercised by the Supreme Court and the other Courts and Tribunals.

The power of the judiciary is the guardian of the liberties defined by this Constitution.

It guards the rights and liberties defined by this Constitution.

It is charged to apply, in its proper domain, the laws of the Republic.

Article 82: Magistrates shall not be suppressed in the exercise of their duties, but by the authority of the law.

Seated Magistrates may not be removed.

The President of the Republic is the guarantor of the independence of the judicial power.

The Superior Council shall watch over the management of the Magistrates' careers and shall give its opinion on any question concerning the independence of the Magistracy.

The Superior Council of the Magistracy serves as the Council of discipline for the Magistrates.

Organizational law shall establish the composition, organization, allocations, and functioning of the Superior Council of the Magistracy.

Law shall likewise establish the status of the Magistracy with respect to conformity with the principles of this Constitution.

## **Title VIII**

### **The Supreme Court**

Article 83: The Supreme Court shall be comprised of

-a Judicial section;

-an Administrative section;

-an Accounting section.

Organizational law shall establish the rules and organization of its functioning in addition to the procedure for the court.

Article 84: The Supreme Court shall be presided over by a judicial Magistrate named by the President of the Republic and conforming to a proposition of the Superior Council of the Magistracy.

The President of the Supreme Court shall be assisted by a Vice-President named in the same manner.

## **Title IX**

### **The Constitutional Court**

Article 85: The Constitutional Court is the judge of the constitutionality of the laws and it shall guarantee the fundamental laws of the individual and public liberties. It is the regulating body of the functioning of the institutions and the activity of the Public Powers.

Article 86: The Constitutional Court must decide on

- the constitutionality of organizational laws and other laws before their promulgation;
- the interior regulations of the National Assembly, the High Council of Collectives and of the Economic, Social and Cultural Council before they are put in application pertaining to their conformity to the Constitution;
- the arbitration of conflicts between institutions of the State;
- the regularity of presidential and legislative elections and the operations for referendums of which it shall declare the results.

Article 87: The Constitutional Court shall rule, in a case contesting the validity of an election, of any candidate, any political party or delegate of the Cabinet, according to the conditions defined by an organizational law.

Article 88: Organizational laws shall be submitted by the Prime Minister to the Constitutional Court before their promulgation.

Other categories of laws, before their promulgation, may be referred to the Constitutional Court either by the President of the Republic, the Prime Minister, the President of the National Assembly, one tenth of the deputies of the National Assembly, the President of the High Council of Collectives or one tenth of the National Counselors, or by the President of the Supreme Court.

Article 89: The Constitutional Court shall rule within a time period of one month according to the procedure for which the methodology shall be established by organizational law.

However, by request of the Cabinet in a case of emergency, the time period may be reduced to eight days.

Appeal shall suspend the time period of the promulgation of the law in question.

A provision deemed or declared unconstitutional may not be promulgated or applied.

Article 90: International engagements laid out in Articles [114](#) to 116 must be referred to the Constitutional Court before their ratification, either by the President of the Republic, the Prime Minister, the President of the National Assembly, one tenth of the deputies of the National Assembly, the President of the High Council of Collectives or one tenth of the National Counselors.

The Constitutional Court shall determine, in a period of one month, if these engagements contain a clause contrary to the Constitution.

However, by request of the Cabinet, if there is an emergency, this time period may be reduced to eight days.

In the event of an affirmative reply, these engagements may not be ratified.

Article 91: The Constitutional Court shall comprise of nine members who hold the title of Counselors with periods of office of seven years, once renewable.

The nine members of the Constitutional Court are assigned in the following manner:

- three named by the President of the Republic of which two must be jurists;

- three named by the President of the National Assembly of which two must be jurists;

- three Magistrates designated by the Superior Council of the Magistracy.

The Counselors are chosen from Professors of law, Lawyers and Magistrates having at least fifteen years of practice, in addition to qualified personalities who have served the State honorably.

Article 92: The President of the Constitutional Court shall be elected by his peers.

In case of temporary inability, his position shall be filled by the eldest Counselor.

In case of death or dismissal of a member, the newly named member, by the respective nomination authority, shall continue the period of office already commenced.

Article 93: The functions of a member of the Constitutional Court shall not be compatible with any public, political, or administrative activity or any private or professional activity.

The members of the Constitutional Court shall give an oath in a ceremony solemnly presided over by the President of the Republic before the National Assembly and the Supreme Court. They shall proclaim:

"I swear to conscientiously fulfill the duties of my office, with strict respect to the obligations of neutrality and reservation, and to conduct myself with dignity and loyalty to my public office."

Article 94: The decisions of the Constitutional Court are not susceptible to any recourse. They shall intrude upon public powers, all administrative and jurisdictional authorities and on the morals and actions of the individual.

The rules of organization and function of the Constitutional Court, in addition to the procedure followed before it, shall be determined by an organizational 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 Ministers upon accusation by the National Assembly of high treason or of crimes or offenses committed while exercising their functions as well as their complicity in case of a conspiracy contrary to national security.

Accusation shall be publicly debated and requires the votes of 2/3 of the deputies composing the National Assembly.

The High Court of Justice is vigorously bound by the presentation of crimes and offenses and the determination of the penalties resulting from the penal laws as provided by the prosecution.

Article 96: The High Court of Justice shall be composed of members designated by the National Assembly at each general renewing [of the National Assembly]. The Court shall elect its president from its members.

Law shall establish the number of its members, the rules of its function as well as the procedure of the court.

## **Title XI**

### **The Territorial Collectives**

Article 97: The Territorial Collectives shall be created and administrated according to the conditions

defined by law.

Article 98: The Collectives shall administer themselves freely the elected Councils and according to the conditions established by law.

## **Title XII**

### **The High Council of Collectives**

Article 99: The mission of the High Council of Collectives is to study and give an opinion about every issue of local and regional development.

It may make proposals to the Cabinet on any issue concerning protection of the environment and bettering the quality of life of the citizens within the collectives.

The Cabinet shall await the opinion of the High Council of Collectives for all actions concerning the areas cited in this article.

Article 100: The High Council of Collectives shall be seated at Bamako. It may be transferred to any other location if necessary.

The High Council of Collectives may not be dissolved.

Article 101: The members of the High Council of Collectives shall carry the title National Counselors.

No member of the High Council of Collectives may be pursued, investigated, or tried for opinions given while in session of the High Council.

Organizational law shall establish the number of National Counselors, their indemnities, conditions of eligibility, the system of ineligibilities and incompatibilities as well as their conditions of replacement.

Service as a Deputy shall be incompatible with service as a National Counselor.

Article 102: National Counselors shall be elected for five years by indirect suffrage.

They shall assure the representation of the Territorial Collectives of the Republic.

Maliens abroad shall be represented by the High Council of Collectives.

Article 103: The High Council of Collectives shall come to normal session biannually by convocation of

its President.

The duration of each session may not exceed thirty days.

Its sessions shall be public. The account of the debates shall be published to an Official Journal.

Article 104: The President of the High Council of Collectives shall be elected for five years.

Article 105: The National Assembly and the High Council of Collectives may be seated in committee subject to the request of the Prime Minister. The President of the National Assembly and the President of the High Council of Collectives may call a joint session of the Deputies and the National Counselors.

The order of business for this session must relate to a local or regional problem of national interest.

The duration of this session may not exceed fifteen days.

## **Title XIII**

### **The Economic, Social and Cultural Council**

Article 106: The Economic, Social and Cultural Council is competent regarding all aspects of economic, social and cultural development.

It shall participate in every commission of national interest of Economic, Social or Cultural nature.

Article 107: The Economic, Social and Cultural Council shall collect and draft, with the participation of the entities of which it is composed, to the attention of the President of the Republic, Cabinet and National Assembly, a collection of expectations, needs and problems of the civil society that have arisen out of its orientation and proposals.

Article 108: The Economic, Social and Cultural Council must be consulted on every project within the law of finances, every plan or program of the economy, society or culture as well as any legislative provisions of a fiscal, economic, social or cultural nature.

Article 109: The Economic, Social and Cultural Council may designate one of its members to appear before these bodies and present the opinion of the Council on projects or proposals which have been submitted to it, at the request of the President of the Republic, Cabinet or National Assembly,

The Cabinet and the National Assembly shall be obliged, when they are seated, to give a conclusion to the opinions and reports presented by the Economic, Social and Cultural Council within three months for the Cabinet and before the end of the present session of the National Assembly.

The Economic, Social and Cultural Council shall receive a description of laws, ordinances and decrees as soon as they are promulgated. The Economic, Social and Cultural Council shall follow the execution of the decisions of the Cabinet related to economic, social, and cultural organization.

Article 110: Members of the Economic, Social and Cultural Council are:

- the representatives of syndicates, associations and socio-professional groups, elected by the association or group of origin;
- the representatives of the collectives designated by their peers;
- the representatives of Malians abroad.

Associate members shall be senior officers of the State from within the realm of economy, society and culture.

Article 111: The Economic, Social and Cultural Council shall meet biannually in fifteen day sessions at the convocation of its President.

The sessions of the Economic, Social and Cultural Council shall be public.

Article 112: The President and Vice-President of the Economic, Social and Cultural Council shall be elected for five years from within the Council by their peers at the opening of the first session.

No member of the Economic, Social and Cultural Council may be pursued, investigated or tried for opinions given while in session of the Council.

Article 113: The internal organization and rules of order and conduct of the members of the Economic, Social and Cultural Council shall be established by law.

## **Title XIV**

### **Treaties and International Accords**

Article 114: The President of the Republic shall negotiate and ratify the treaties. He shall be informed of any negotiation leading to the conclusion of an international accord not submitted for ratification.

Article 115: Treaties of peace and commerce, treaties or accords related to international organizations, treaties involving the finances of the State, treaties relating to the condition of individuals, treaties



involving surrender, exchange or addition of territory may not be approved or ratified except by law. They only take effect after they have been ratified. No surrender exchange, or addition of territory may be made without the consent of the people.

Article 116: Treaties and accords that are properly ratified or approved have, from the time of their publication, superior authority over laws of the State.

## **Title XV**

### **On African Unity**

Article 117: The Republic of Mali may conclude accords of association or community with every African State that comprise partial or total abandonment of sovereignty, in light of the possibility of African unity.

## **Title XVI**

### **Revision**

Article 118: Initiative to revise the Constitution rests with both the President of the Republic and the Deputies.

A project or proposal of revision must be voted-in by the National Assembly with a majority of the two tiers of its members. A revision is only definite after being approved by referendum.

No procedure of revision may be engaged in or pursued when it undermines the integrity of the territory.

The republican form and the secularity of the State as well as multipartyism may not be made the object of revision.

## **Title XVII**

### **Final Arrangements**

Article 119: Legislation shall give vigorous attention to subjects that are not contrary to the present Constitution and where the subject is not the object of an express repeal.

Article 120: The present Constitution must be put to referendum. In the event that it is welcomed by a majority of the votes cast, the President of the Committee of Transition for the Good of the People shall

proceed with promulgation within the conditions established by the present Constitution.

Article 121: The foundation for every power of the Republic of Mali resides in the Constitution.

The republican form of the State may not be revised. The people have the right to civil disobedience in order to preserve the republican form of the State.

Any coup d'Etat or putsch is a crime against the Malian people.

## **Title XVIII**

### **Transitory Arrangements**

Article 122: Until the establishment of governmental institutions, the Committee of Transition for the Good of the People and the Cabinet shall take the measures necessary to ensure functioning of the public powers, the life of the Nation, protection of citizens and safeguarding of their liberties.

**Translation by Jeffrey W. Craver**

**University of Richmond, T.C. Williams School of Law, class of 2000**

#### **Notes on the Translation:**

- For the purpose of simplicity, any usage of the third person singular pronoun was translated in the masculine. This was a decision of the translator and is not a reflection of an intention of the Malian constitution.
- Where it was possible, this translation follows the original form of sentence structure laid out by the French speaking writers. However, in some cases, the structure had to be altered to capture the meaning as it would be comprehended by American readers.
- Please send any errors, omissions or interrogatories to [jjones@richmond.edu](mailto:jjones@richmond.edu).