

## Mauritania Constitution

### 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 spreading of its civilization, it also solemnly proclaims its attachment to Islam and to the principles of democracy as they have been defined by the Universal Declaration of Human Rights of 10 Dec 1948 and by the African Charter of Human and Peoples Rights of 28 June 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; and
- 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, Fundamental Principles

#### **\*Article 1 [State Integrity, Equal Protection]\***

- (1) Mauritania is an indivisible, democratic, and social Islamic Republic.
- (2) The Republic guarantees equality before the law to all of its citizens without distinction as to origin, race, sex, or social condition.
- (3) All particularist propaganda of racial or ethnic character shall be punished by the law.

#### **\*Article 2 [Sovereignty]\***

- (1) The people shall be the source of all power.
- (2) The national sovereignty belongs to the people which exercises it through its elected representatives and through referendum.
- (3) No fraction of the people nor any individual may claim for itself its exercise.
- (4) No partial or total surrender of sovereignty may be decided without the consent of the people.

#### **\*Article 3 [Electoral Rights]\***

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

\*Article 4 [Rule of Law]\*

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

**\*Article 5 [State Religion]\***

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

\*Article 6 [Languages]\*

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

\*Article 7 [Capital]\*

The capital of the State is Nouakchott.

\*Article 8 [Emblem, Seal, Anthem]\*

(1) The national emblem is a flag with a crescent and a gold star on a green ground.

(2) The seal of the State and the National Anthem are determined by law.

\*Article 9 [Motto]\*

The Motto of the Republic is: /"Honor, Fraternity, Justice"/.

\*Article 10 [Individual Freedom, Rule of Law]\*

(1) The State shall guarantee to all its citizens public and individual freedoms:

- the freedom to travel and to settle in all parts of the territory of the Republic;
- the freedom of entry to and of exit from the national territory;
- the freedom of opinion and of 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; and
- the freedom of intellectual, artistic, and scientific creative effort.

(2) Freedom may be limited only by the law.

\*Article 11 [Political Parties]\*

(1) 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.

(2) The law shall determine the conditions for the creation, the functioning, and the dissolution of political parties.

\*Article 12 [Public Offices]\*

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

\*Article 13 [Presumption of Innocence, Personal Liberty, Privacy, No Violence]\*

(1) All persons shall be presumed innocent until the establishment of their guilt by a regularly constituted court.

(2) No one may be prosecuted, arrested, detained, or punished except in cases determined by the law and according to the formalities which it prescribes.

- (3) 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.
- (4) All forms of moral or physical violence shall be proscribed.

\*Article 14 [Strike]\*

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

\*Article 15 [Property]\*

- (1) The right of property shall be guaranteed.
- (2) The right of inheritance shall be guaranteed.
- (3) The property of the /wakf/ and its foundations are recognized; their use shall be protected by the law.
- (4) The law may limit the extent of the exercise of private property if the exigencies of economic and social development require it.
- (5) A process of expropriation may be instituted only when public utility demands it and after fair and prior compensation.
- (6) The law shall determine the judicial rules for expropriation.

\*Article 16 [Family]\*

The State and society shall protect the family.

\*Article 17 [Duty to Know the Law]\*

Ignorance of the law shall be no excuse.

\*Article 18 [Duty to Defense, No Treason]\*

- (1) Every citizen has the duty of protecting and safe-guarding the independence of the country, its sovereignty, and the integrity of its territory.
- (2) Treason, espionage, and going over to the enemy as well as all infractions committed with prejudice to the security of the State shall be punished with all the rigor of the law.

\*Article 19 [Obligations]\*

Every citizen must loyally fulfill his obligations to the national welfare and must respect both public and private property.

\*Article 20 [Taxation]\*

- (1) The citizens shall be taxed equally.
- (2) Each one must share in the public tax burden according to his ability to contribute.
- (3) No tax may be instituted except by virtue of a law.

\*Article 21 [Foreigners]\*

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

\*Article 22 [Extradition]\*

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

Title II Executive

**\*Article 23 [President]\***

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

**\*Article 24 [Presidential Functions]\***

(1) 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 power.

(2) He is the guarantor of national independence and territorial integrity.

**\*Article 25 [Executive Power]\***

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

**\*Article 26 [Election]\***

(1) The President of the Republic is elected for six years by direct, universal suffrage.

(2) He shall be elected by an absolute majority of the votes. If an absolute majority is not obtained by one of the candidates during the first round of the election, there will be a second round on the second following Friday. Only the two candidates remaining in the election who have received the greatest number of votes in the first round may present themselves as candidates.

(3) Any citizen born a Mauritanian, possessing his civil and political rights, and at least forty years of age is eligible to be President of the Republic.

(4) The election commences upon convocation by the President of the Republic.

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

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

(7) Candidacy papers shall be sent to the Constitutional Council which shall rule on their legality and announce the results of the election.

**\*Article 27 [Incompatibility]\***

The office of the President of the Republic shall be incompatible with the exercise of any other public or private office.

**\*Article 28 [Re-Eligibility]\***

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

**\*Article 29 [Taking Office]\***

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

**\*Article 30 [Competences]\***

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

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

(3) Upon the recommendation of the Prime Minister, the President 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.

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

\*Article 31 [Dissolution of Parliament]\*

(1) 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 days and at most sixty days after the dissolution.

(2) The National Assembly shall meet in regular session fifteen 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 days.

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

\*Article 32 [Promulgation, Statutory Power, Appointments]\*

(1) The President of the Republic promulgates the laws within the time period determined by Article 70.

(2) He shall have statutory power and may delegate some or all of this power to the Prime Minister.

(3) He shall appoint candidates to civil and military positions.

\*Article 33 [Countersignature]\*

Decrees of statutory character are countersigned, if necessary, by the Prime Minister and the ministers charged with their execution.

\*Article 34 [Commander-in-Chief]\*

The President of the Republic is the Supreme Chief of the Armed Forces. He presides over the Superior National Defense Councils and Committees.

\*Article 35 [Accrediting Ambassadors]\*

The President of the Republic accredits ambassadors and special envoys from foreign powers. Ambassadors and special envoys shall present their credentials to him.

\*Article 36 [Treaties]\*

The President of the Republic signs and ratifies treaties.

\*Article 37 [Pardon]\*

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

\*Article 38 [Presidential Referendum]\*

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

\*Article 39 [Emergency Measures]\*

(1) 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 is impeded, 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.

(2) He shall inform the nation by a message.

(3) 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.

(3) Parliament shall meet in regular session.

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

\*Article 40 [Interim Presidency]\*

(1) 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.

(2) 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 months from the declaration of vacancy or absolute incapacity.

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

\*Article 41 [Initiative]\*

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

- The President of the Republic;
- The President of the National Assembly; or
- The Prime Minister.

\*Article 42 [Prime Minister's Functions]\*

(1) The Prime Minister, under the authority of the President of the Republic, defines the policy of the government.

(2) He divides the tasks among the ministers.

(3) He directs and coordinates the action of the government.

\*Article 43\*

(1) The government oversees the implementation of the general policy of the State in accordance with the orientations and options determined by the President of the Republic.

(2) It is in charge of the administration and the Armed Forces.

(3) It oversees the publication and the execution of the laws and statutes.

(4) It is responsible to the Parliament according to the conditions and following the procedures set forth in Articles 74 and 75.

\*Article 44 [Governmental Incompatibilities]\*

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 is replaced. The replacement of members of Parliament shall take place according to the dispositions of Article 48.

Title III Legislature

\*Article 45 [Parliament]\*

The legislative power belongs to the Parliament.

\*Article 46 [Two Houses]\*

The Parliament is composed of two representative assemblies: the National Assembly and the Senate.

\*Article 47 [Term, Eligibility]\*

(1) The Deputies to the National Assembly are elected for five years by direct suffrage.

(2) The Senators are elected for six years by indirect suffrage. They are responsible for the representation of the territorial districts of the Republic. Mauritians residing abroad are represented in the Senate. The Senators are renewed by one third every two years.

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

\*Article 48\*

(1) 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.

(2) 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 [Rulings on Elections]\*

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

\*Article 50 [Indemnity, Immunity]\*

(1) 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.

(2) 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/ or authorized prosecution or a judicial sentence.

(3) 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/ or authorized prosecution or a judicial sentence.

(4) The detention or prosecution of a member of Parliament is suspended if the assembly to which he belongs demands it.

\*Article 51\*

(1) All mandatory votes are void.

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

(3) The organic law, in exceptional circumstances, may authorize the delegation of votes.

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

(5) Any deliberation outside the hours of the Parliamentary sessions or outside the premises of the Parliament are void. The President of the Republic may ask the Constitutional Council to proclaim this state of nullity.

(6) The sessions of the National Assembly and of the Senate are public. The minutes of the debates are published in the Official Journal.

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

\*Article 52 [Regular Sessions]\*

The Parliament meets in regular session for two ordinary sessions each year.

The first ordinary session will convene during the first fortnight in November.

The second will convene during the first fortnight in May. The length of each ordinary session may not exceed two months.

\*Article 53 [Special Sessions]\*

(1) The 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.

(2) The special sessions shall be convened and adjourned by a decree of the President of the Republic.

\*Article 54 [Government in Parliament]\*

The members of the government have access to the two Assemblies. They are heard when they so request. They may be assisted by government commissioners.

\*Article 55 [Presidents of the Assemblies]\*

(1) The President of the National Assembly is elected for the duration of the legislature.

(2) The President of the Senate is elected after each partial renewal of the Senate.

Title IV Relations Between Legislature and Executive

\*Article 56 [Legislation]\*

The laws are voted by the Parliament.

\*Article 57 [Competences]\*

(1) The following subjects are 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, and 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, and 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, their jurisdiction, and their resources;
- the tax base, the tax rate, and the modes of collecting taxes of all kinds;
- the creation of categories of public establishments;
- the fundamental protection granted to civil and military employees as well as the general regulation of the Civil Service;
- nationalizations of enterprises and the transfers of property from the public sector to the private sector; and
- general regulations concerning the organization of the National Defense.



(2) 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.

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

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

\*Article 58 [Declaration of War]\*

The declaration of war shall be authorized by the Parliament.

\*Article 59 [Regulatory Power, Decrees]\*

(1) Matters other than those which are the domain of the law come under the regulatory power.

(2) 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 [Ordinances]\*

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

(2) These ordinances are passed in the Council of Ministers and require the approval of the President of the Republic who signs them.

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

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

(5) The enabling law becomes void if the National Assembly is dissolved.

\*Article 61 [Legislative Initiative]\*

(1) The legislative initiative belongs jointly to the Government and to the members of Parliament.

(2) Bills are debated in the Council of Ministers and brought to the desk of one of the two assemblies. Finance bills are first submitted to the National Assembly.

\*Article 62 [Right of Amendment]\*

(1) The Government and the members of Parliament have the right of amendment.

(2) 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 enlargement of public expenses unless they are accompanied by a bill for increasing revenues or equivalent savings.

(3) 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.

(4) If the Parliament disregards the objections raised by the Government by virtue of one of the two preceding paragraphs, the President of the Republic has recourse to the Constitutional Council which rules within a period of one week.

\*Article 63 [Text for Debate]\*

(1) The debate of a bill in the first assembly to which it is proposed pertains to the text of the bill as presented by the government.

(2) An assembly presented with a bill voted on by the other assembly debates the bill which is transmitted to it.

\*Article 64 [Committees]\*

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

(2) Draft laws and hills for which such a request has not been made are sent to one of the permanent committees whose number is limited to five in each assembly.

\*Article 65 [Government Bills]\*

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

(2) If the Government requests, 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 [Joint Conference]\*

(1) Any draft law or bill is examined in turn by the two assemblies with a view toward adopting an identical text.

(2) 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 conference committee responsible for proposing a text concerning the provisions still being discussed.

(3) This text may he submitted in the same manner to the two assemblies for adoption. In this case no further amendments are accepted.

(4) If the joint conference 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 [Majority, Constitutionality]\*

(1) The laws on which the Constitution confers the character of organic laws are voted on and modified according to the following conditions.

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

(3) The procedure indicated in Article 66 is 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.

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

(5) Organic laws may he promulgated only after certification by the Constitutional Council of their conformity with the Constitution.

\*Article 68 [Finance Bill, Budget, Audit Office]\*

(1) The Parliament votes on the finance bill.

(2) The Parliament considers the finance bill as soon as the November session is convened.

(3) If the National Assembly has not passed the bill after a first reading within thirty days after the bill has been put forward, the Government consults the Senate which must rule within fifteen days. Then, the procedure is followed under the conditions as set forth in Article 66.

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

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

(6) The Parliament controls the administration of the State budget and supplementary budgets. A statement of expenses will be provided to the 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.

(7) An Audit Office assists the Parliament and the Government in its control of the administration of the laws governing finances.

\*Article 69 [Agenda, Interpellation]\*

(1) 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.

(2) 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.

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

\*Article 70 [Promulgation]\*

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

(2) During this period, the President 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 [Martial Law, State of Emergency]\*

(1) Martial law and a state of emergency are decreed by the President of the Republic for a maximum duration of thirty days.

(2) This duration may be changed by the Parliament. The Parliament convenes in regular session if it is not in session at the time.

(3) The law defines the exceptional powers granted to the President of the Republic by the declaration of martial law and a state of emergency.

\*Article 72 [Information]\*

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

\*Article 73 [Governmental Report]\*

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

\*Article 74 [Responsibility, Motion of Censure]\*

(1) The Prime Minister, together with his ministers, is responsible to the National Assembly. A lack of confidence or a motion of censure shall result in bringing into question his political responsibility.

(2) The Prime Minister, after deliberation with the Council of Ministers, shall take the responsibility of the Government before the National Assembly for his program and ultimately for a declaration of general policy.

(3) The National Assembly may challenge the responsibility of the Government by voting a motion of censure.

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

\*Article 75 [Vote of No Confidence, Resignation]\*

(1) The vote of no confidence or the adoption of a motion of censure causes the immediate resignation of the Government. Such a vote or motion can only be reached by a majority of the deputies making up the National Assembly; only the votes of no confidence or the votes favorable in the motion of censure shall be counted.

(2) The resigned government continues to manage current business until the nomination by the President of the Republic of a new Prime Minister and a new Government.

(3) 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.

(4) The Prime Minister, after deliberation with the Council of Ministers takes 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 hours shall be voted under the conditions set forth in the first paragraph.

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

\*Article 76 [Delayed Closure of Sessions]\*

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

\*Article 77 [Dissolution after Resignation]\*

(1) If, during a period of less than thirty-six months, there have occurred two 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.

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

## Title V Treaties and International Accords

\*Article 78 [Ratification by Law]\*

(1) 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.

(2) They may take effect only after being ratified or approved. No cession, no exchange, and no annexation of territory is valid without the consent of the people who shall decide through referendum.

(3) In the case set forth in the last paragraph of Article 2, the required majority is four-fifths of the votes cast.

\*Article 79 [Treaty After Constitutional Revision]\*

If the Constitutional Council, consulted by the President of the Republic, by the President of the National Assembly, by the President of the Senate, or by one third 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 have an authority superior to that of laws contingent upon its application by the other party for each accord or treaty.

#### Title VI Constitutional Council

\*Article 81 [Composition]\*

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

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

(3) They may not belong to the leadership of any political party. They enjoy parliamentary immunity.

(4) The President of the Constitutional Council is appointed by the President of the Republic from among the members whom he shall name. He has the deciding vote in the case of a tie.

\*Article 82 [Incompatibilities]\*

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 [Functions]\*

(1) The Constitutional Council evaluates the legality of the election of the President of the Republic.

(2) It examines challenges and announces the results of the election.

\*Article 84 [Judging Elections]\*

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

\*Article 85 [Evaluation of Referendum]\*

The Constitutional Council evaluates the legality of the referendum and announces the results.

\*Article 86 [Prior Constitutional Review]\*

(1) 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 certifies that they are in conformity with the Constitution.

(2) 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 of the deputies in the National Assembly or by one third of the senators in the Senate.

(3) In the cases set forth in the two preceding paragraphs, the Constitutional Council must rule within one month. However, at the request of the President of the Republic, if it is urgent, this time limit is reduced to one week.

(4) In the same cases, the submission of a law to the Constitutional Council suspends the time limit for its promulgation.

\*Article 87 [Final and Binding Judgment]\*

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

(2) The decisions of the Constitutional Council assume authority over the matters brought before it.

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

\*Article 88 [Organizational Law]\*

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

#### Title VII Judicature

\*Article 89 [Independence of Courts]\*

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

(2) The President of the Republic is the guarantor of the independence of the magistrature.

(3) He is assisted by the Superior Council of the Magistrature which he presides over.

(4) An organic law determines the status of the magistrature, its composition, and the functioning and the prerogatives of the Superior Council of the Magistrature.

\*Article 90 [Independence of Judges]\*

(1) A judge shall obey only the law.

(2) 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 [Personal Liberty]\*

(1) No one may be detained arbitrarily.

(2) The judicial branch, the guardian of individual liberty, is responsible for respecting this principle under the conditions established by law.

#### Title VIII High Court of Justice

\*Article 92 [Constitution]\*

(1) There is instituted a High Court of Justice.

(2) It is 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 elects its president from among its members.

(3) An organic law determines the composition of the High Court of Justice and the rules governing its functioning as well as the procedure applicable before it.

**\*Article 93 [Liability of Government]\***

(1) The President of the Republic is held liable for the acts committed in the exercise of his duties only in the case of high treason.

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

(3) The Prime Minister and the members of the government are 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 is 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 [High Islamic Council]\***

(1) There shall be instituted next to the President of the Republic a High Islamic Council composed of five members.

(2) The President and the other members of the High Islamic Council are appointed by the President of the Republic.

(3) The High Islamic Council meets at the request of the President of the Republic.

(4) It formulates opinions concerning the questions about which it has been consulted by the President of the Republic.

**\*Article 95 [Economic and Social Council]\***

(1) The Economic and Social Council, when consulted by the President of the Republic, offers 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.

(2) 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 [General Economic Advice]\***

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 a economic or social character shall be submitted to it for advice.

**\*Article 97 [Organizational Law on Economic and Social Council]\***

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

Title X Territorial Districts

**\*Article 98 [Communes, Electoral Law]\***

(1) The territorial districts are the communes as well as other entities which the law designates as such.

(2) These districts are administered by councils elected under the conditions established by law.

Title XI Constitutional Revision

\*Article 99 [Initiative, Majority, Limits]\*

(1) The initiative for a revision of the Constitution belongs jointly to the President of the Republic and to the members of Parliament. No proposed revision presented by the members of Parliament may be debated if it has not been signed by at least one third of the members of one of the assemblies.

(2) Any proposed revision must be passed by a two-thirds majority of the deputies in the National Assembly and a two-thirds majority of the senators in the Senate in order for it being submitted for a referendum.

(3) No procedure for revision may be initiated if it challenges the existence of the State or undermines the integrity of the territory, the republican form of government, or the pluralist character of Mauritanian democracy.

\*Article 100 [Referendum]\*

The revision of the Constitution is complete when approved by a simple majority of the votes cast in a referendum.

\*Article 101 [Congress]\*

However, the proposed revision is not presented for a referendum when the President of the Republic has decided to submit it to the Parliament convened in congress; in this case, the proposed revision is approved only if it receives a three-fifths majority of the votes cast. The bureau of the Congress is that of the National Assembly.

#### Title XII Transitional Provisions

\*Article 102 [Establishment of Institutions]\*

The establishment of the institutions set forth in the present Constitution begins three months at the latest after its promulgation and is concluded nine months at the latest after its promulgation.

\*Article 103 [Military Committee, Party and Press Laws]\*

(1) While waiting for the establishment of the institutions set forth in the present Constitution, power shall be exercised in conformity with the provisions of the Constitutional Charter of the Military Committee of National Salvation of 9 Feb 1985.

(2) The Military Committee of National Salvation has decided, in addition, that the regulatory texts concerning the freedom of organizing political parties and the freedom of the press shall be adopted two weeks at the latest after the adoption of the Constitution.

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