



constituteproject.org

Mali's Constitution of 2023

Table of contents

DECREE NO. 2023-0401/PT-RM OF JULY 22, 2023 ON THE PROMULGATION OF THE CONSTITUTION	4
PREAMBLE	4
TITLE I: RIGHTS AND DUTIES	5
CHAPTER I: RIGHTS AND FREEDOMS	5
CHAPTER II: DUTIES	7
TITLE II: OF THE STATE AND SOVEREIGNTY	8
CHAPTER I: OF THE STATE	8
CHAPTER II: ON SOVEREIGNTY	9
TITLE III: OF THE EXECUTIVE POWER	10
CHAPTER I: OF THE PRESIDENT OF THE REPUBLIC	10
CHAPTER II: ON THE GOVERNMENT	15
CHAPTER III: ON ADMINISTRATION	16
CHAPTER IV: INDEPENDENT ADMINISTRATIVE AUTHORITIES	17
CHAPTER V: ARMED AND SECURITY FORCES	17
TITLE IV: OF LEGISLATIVE POWER	18
CHAPTER I: GENERAL PROVISIONS	18
CHAPTER II: ON THE FUNCTIONING OF PARLIAMENT	19
CHAPTER III: ON THE DOMAIN OF LAW AND REGULATION	20
CHAPTER IV: RELATIONS BETWEEN THE EXECUTIVE POWER AND THE LEGISLATIVE POWER	22
TITLE V: OF THE JUDICIAL POWER	24
CHAPTER I: GENERAL PROVISIONS	24
CHAPTER II: OF THE SUPREME COURT	25
CHAPTER III: ON THE CONSTITUTIONAL COURT	26
CHAPTER IV: THE COURT OF ACCOUNTS	28
TITLE VI: ON THE ECONOMIC, SOCIAL, ENVIRONMENTAL AND CULTURAL COUNCIL	29
Article 164:	29
Article 165:	29
Article 166:	29
Article 167:	29
Article 168:	29
Article 169:	30
Article 170:	30
Article 171:	30
Article 172:	30
Article 173:	30
TITLE VII: ON THE ORGANIZATION OF TERRITORY	30
Article 174:	30
Article 175:	31
Article 176:	31
Article 177:	31
Article 178:	31
TITLE VIII: TRADITIONAL AUTHORITIES AND LEGITIMACIES	31
Article 179:	31

TITLE IX: ON AFRICAN UNITY	31
Article 180:	31
TITLE X: ON TREATIES AND INTERNATIONAL AGREEMENTS	32
Article 181:	32
Article 182:	32
Article 183:	32
TITLE XI: ON REVISION	32
Article 184:	32
Article 185:	32
TITLE XII: PARTICULAR PROVISIONS	32
Article 186:	32
Article 187:	33
Article 188:	33
TITLE XIII: TRANSITIONAL PROVISIONS	33
Article 189:	33
Article 190:	33
TITLE XIV: FINAL PROVISIONS	33
Article 191:	33

DECREE NO. 2023-0401/PT-RM OF JULY 22, 2023 ON THE PROMULGATION OF THE CONSTITUTION

Having regard to the Transition Charter;

Having regard to Law No. 2022-001 of February 25, 2022 on the revision of the Transition Charter;

Having regard to Judgment No. 2023-08/CC-Ref of July 21, 2023 proclaiming the final results of the constitutional referendum (ballot of June 18, 2023);

Considering the conclusions of the National Conference on State Refoundation of December 30, 2021,

The President of the Transition, Head of State, promulgates the Constitution whose content follows:

- Preamble

PREAMBLE

- Source of constitutional authority

The sovereign People of Mali,

Rich in its cultural, linguistic and religious diversity;

- Reference to country's history

Proud of its millennial history and its ancestors;

- Reference to country's history

Heir to great empires and kingdoms built on endogenous sociocultural values that must inspire present and future generations;

- Reference to country's history

Faithful to the ideals of the martyrs of colonialism, the fathers of independence and all those who fell on the field of honor for the defense of the Fatherland, the advent of a rule of law, pluralist democracy and good governance;

- Motives for writing constitution

Considering the recurrent multidimensional crisis affecting the state and society;

- Motives for writing constitution

Considering that corruption and illicit enrichment compromise the country's development efforts;

- Motives for writing constitution

Convinced of the necessity to promote living together and national reconciliation with respect for identities and cultural diversity;

- Motives for writing constitution

Concerned with guaranteeing the defense and security essential to the existence of a sovereign state;

- Ownership of natural resources

Resolved to enhance the cultural, material and immaterial heritage and to preserve the natural resources of the territory for present and future generations;

- Motives for writing constitution

Determined to promote social welfare;

- Motives for writing constitution

Affirms its will to strengthen the democratic achievements of the revolution of March 26, 1991 and to promote the ideals of refoundation carried by the Malian People;

Commits to defending sovereignty, national unity and territorial integrity;

- Separation of church and state

Reaffirms its attachment to the republican form and to the secularism of the state;

- Motives for writing constitution

Commits to undertaking all necessary actions to fight against corruption and illicit enrichment and promote good governance;

- Protection of environment
- International human rights treaties
- International human rights treaties
- Equality regardless of gender
- Rights of children
- Equality for persons with disabilities
- Regional group(s)

Commits to ensuring the improvement of quality of life and the protection of the environment;

Subscribes to the Universal Declaration of Human Rights of December 10, 1948 and to the African Charter on Human and Peoples' Rights of June 27, 1981;

Commits to guaranteeing respect for human rights, particularly those of women, children and persons living with disabilities, enshrined in sub-regional, regional and international treaties and agreements signed and ratified by Mali;

Commits to fighting against all forms of violence;

Reaffirms its commitment to the achievement of African unity, to the promotion of peace, sub-regional, regional and international cooperation, to the peaceful settlement of disputes between states in respect of justice, equality, freedom and the sovereignty of peoples.

TITLE I: RIGHTS AND DUTIES

CHAPTER I: RIGHTS AND FREEDOMS

- General guarantee of equality
- Equality regardless of social status
- Equality regardless of origin
- Equality regardless of skin color
- Equality regardless of language
- Equality regardless of race
- Equality regardless of gender
- Equality regardless of religion
- Equality regardless of political party
- Human dignity
- Right to life
- Right to privacy

Article 1:

All Malians are born and remain free and equal in rights and duties. Any discrimination based on social origin, region, color, language, race, ethnicity, sex, religion or political opinion is prohibited.

Article 2:

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

Article 3:

The State ensures the protection of children against human trafficking and related offenses and against recruitment into violent extremist groups.

Article 4:

No one may be subjected to torture, slavery, inhuman, cruel and degrading treatment.

Any individual, any agent of the State who is guilty of such acts, either on their own initiative or upon instruction, shall be punished in accordance with the law.

Article 5:

No one may be forced into exile.

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

Article 6:

Any person subject to a measure depriving them of liberty has the right to be examined by a doctor of their choice.

- Rights of children

- Prohibition of torture
- Prohibition of slavery
- Prohibition of cruel treatment

- Protection of stateless persons

- Protection from unjustified restraint

- Protection from unjustified restraint

No one may be detained in a penitentiary establishment except on a warrant issued by a magistrate of the judicial order.

Article 7:

- Right to fair trial
- Right to speedy trial

Every person has the right to a fair trial and to a judgment rendered within a reasonable time.

- Right to counsel

The right to defense, including that of being assisted by the lawyer of one's choice, is guaranteed from the preliminary investigation.

- Presumption of innocence in trials

Every accused person is presumed innocent until their guilt is established by the competent court.

- Protection from ex post facto laws
- Principle of no punishment without law

Punishment is personal. No one may be prosecuted, arrested or charged except by virtue of a law promulgated prior to the acts with which they are charged.

Article 8:

Everything that is not prohibited by law cannot be prevented and no one can be compelled to do what it does not order.

Article 9:

- Right to found a family

Marriage and the family, which constitute the natural foundation of life in society, are protected and promoted by the State.

- Regulation of marriage

Marriage is the union between a man and a woman.

- Right to work
- Right to shelter
- Right to rest and leisure
- Right to health care
- Right to water

Article 10:

Education, training, work, housing, leisure, health, social protection, food and access to water constitute recognized rights.

- Compulsory education
- Free education

Article 11:

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

- Right to privacy

Article 12:

The home, private domain, private and family life, personal data, secrecy of correspondence and communications are inviolable. They may only be infringed under conditions provided by law.

- Right to own property
- Protection from expropriation

Article 13:

The right to property is guaranteed. No one may be expropriated except for reasons of public utility and against just and prior compensation.

- Freedom of opinion/thought/conscience
- Freedom of religion

Article 14:

Every person has the right to freedom of thought, conscience, religion, worship, opinion and expression, in accordance with the law.

- Freedom of press
- Right to information

Article 15:

Freedom of the press and the right of access to information are recognized and guaranteed. They are exercised under conditions determined by law.

- Reference to art

Article 16:

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

- Freedom of movement
- Freedom of association
- Freedom of assembly

Article 17:

The State recognizes and guarantees, under the conditions established by law, freedom of movement, free choice of residence, freedom of association, assembly, procession and demonstration.

Article 18:

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

- Right to work
- Right to rest and leisure

No one may be compelled to perform specific work except in the case of performing an exceptional service of general interest, equal for all, under conditions determined by law.

Article 19:

Freedom of association is guaranteed. Trade unions exercise their activities without constraint and without limits other than those provided by law.

- Freedom of association
- Right to join trade unions

Article 20:

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

- Right to strike

Article 21:

Freedom of enterprise is guaranteed within the framework of laws and regulations in force.

- Right to establish a business

Article 22:

Every person has the right to a healthy and sustainable environment.

- Protection of environment

CHAPTER II: DUTIES

Article 23:

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

- Duty to obey the constitution

Article 24:

The defense of the Fatherland is a duty for every citizen.

- Duty to serve in the military

All citizens aged 18 years or older may be mobilized alongside the Armed and Security Forces for the defense of the Fatherland.

Article 25:

The protection of the environment and the promotion of quality of life are a duty for every citizen and for the State.

- Protection of environment

Article 26:

In case of established calamity, all citizens have the duty to provide their assistance under the conditions defined by law.

- Duty to pay taxes

Article 27:

Every citizen is required to fulfill their civic duties, notably to discharge their tax obligations.

- Duty to work

Article 28:

Every citizen has the duty to work for the common good, to respect and protect public property.

Article 29:

Every citizen invested with a public mandate or charged with public employment or a public service mission has the duty to fulfill it with conscience, loyalty and integrity.

TITLE II: OF THE STATE AND SOVEREIGNTY

CHAPTER I: OF THE STATE

Article 30:

- Type of government envisioned
- Source of constitutional authority
- National capital
- National flag
- National motto
- National anthem

Mali is an independent, sovereign, unitary, indivisible, democratic, secular and social Republic.

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

The capital of the Republic of Mali is Bamako. It may be transferred to any other place in the national territory by law.

The national emblem is the tricolor flag composed of three (03) vertical and equal bands of green, gold and red colors.

The motto of the Republic is: "One People - One Goal - One Faith".

The national anthem is: "Mali".

The law determines the seal and coat of arms of the Republic and sets the conditions and procedures for their use.

Any illegal use and any desecration of the attributes of the Republic are punished by law.

Article 31:

- Official or national languages
- Organic laws
- Official or national languages
- Official or national languages

The national languages are the official languages of Mali.

An organic law determines the conditions and procedures for their use.

French is the working language.

The State may adopt any other language as a working language.

Article 32:

- Separation of church and state
- Freedom of religion

Secularism does not oppose religion and beliefs. Its objective is to promote and strengthen living together based on tolerance, dialogue and mutual understanding.

The State guarantees respect for all religions, beliefs, freedom of conscience and the free exercise of worship in accordance with the law.

- Reference to fraternity/solidarity
- General guarantee of equality

Article 33:

The social Republic is based on the principles of solidarity, equality, justice, protection and integration. The State takes the necessary measures to ensure their implementation.

Article 34:

Public action is guided by principles based on respect for State sovereignty, the sovereign choices of the People and the defense of their interests.

Article 35:

No public authority may, under penalty of sanctions, use the powers it derives from the Constitution or the law to commit misappropriation of public resources or property for its own benefit or for the benefit of those in power, members of their families, organizations, or any other persons through favoritism, corruption, embezzlement, influence peddling or other means.

Article 36:

The institutions of the Republic are:

- the President of the Republic;
- the Government;
- Parliament;
- the Supreme Court;
- the Constitutional Court;
- the Court of Accounts;
- the Economic, Social, Environmental and Cultural Council.

CHAPTER II: ON SOVEREIGNTY

Article 37:

National sovereignty belongs to the People who exercise it through their representatives elected by direct or indirect universal suffrage or by referendum.

No fraction of the People nor any individual may claim its exercise.

Article 38:

Suffrage is universal, equal and secret. It may be direct or indirect.

Citizens of Mali of both sexes of voting age and enjoying their civil and political rights are electors, under conditions determined by law.

Article 39:

Political parties contribute to the expression of suffrage. They are formed and freely exercise their activities under conditions determined by law.

They must respect the principles of national sovereignty, democracy, the integrity of the national territory, national unity and the secularism of the State.

Article 40:

Civil society organizations exercise, within the framework of participatory democracy, a mission of citizen oversight under conditions determined by law.

- Source of constitutional authority
- Claim of universal suffrage
- Referenda

- Claim of universal suffrage

- Right to form political parties

- Restrictions on political parties

Article 41:

The State exercises its sovereignty over the entire national territory.

The State may not cede any portion of the national territory nor renounce any of the sovereign rights it exercises over it.

Any attack on the integrity of the national territory is a crime against state security.

- Ownership of natural resources

Article 42:

The State has sovereign right over the wealth and natural resources located on its territory.

The exploitation of these wealth and natural resources must be ensured in compliance with environmental protection rules and in the interest of present and future generations.

- Protection of environment

TITLE III: OF THE EXECUTIVE POWER**CHAPTER I: OF THE PRESIDENT OF THE REPUBLIC**

- Head of state powers

Article 43:

The President of the Republic is the Head of State. He is the guardian of the Constitution. He embodies national unity. He is the guarantor of national independence, territorial integrity, and respect for international treaties and agreements. He ensures the regular functioning of public authorities and ensures the continuity of the State.

- Name/structure of executive(s)

- Head of state powers

Article 44:

The President of the Republic determines the policy of the Nation.

- Head of state term limits

Article 45:

The President of the Republic is elected for a term of five (05) years, by direct universal suffrage. He is re-eligible only once.

- Head of state term length
- Head of state selection

In no case may anyone exercise more than two (02) terms as President of the Republic.

- Eligibility for head of state

Article 46:

Any candidate for the office of President of the Republic must be of Malian nationality by origin and possess no other nationality, at the date of filing the candidacy.

He must enjoy all his civil and political rights, be of good morality and great integrity.

- Age restrictions on head of state

He must be at least thirty-five (35) years old and at most seventy-five (75) years old at the date of filing the candidacy and be fit to exercise the function.

- Scheduling of elections

Article 47:

The election of the new President of the Republic takes place at least forty-five (45) days and at most sixty (60) days before the expiration of the mandate of the incumbent President.

Article 48:

The President of the Republic is elected by absolute majority of votes cast.

- Head of state selection

- Head of state selection

If this is not obtained in the first round, a second round is organized on the third Sunday following the proclamation of the first round results by the Constitutional Court.

- Head of state selection

If, within the seven (07) days preceding the date of the first round ballot, one of the candidates dies or is prevented, the Constitutional Court may order the postponement of the election without such postponement exceeding fifteen (15) days.

- Head of state selection

The second round is open to the two (02) candidates who received the greatest number of votes in the first round of voting.

- Head of state selection

The candidate who received the greatest number of votes is declared elected.

- Head of state selection

In case of death, withdrawal or impediment of one of the two (02) candidates qualified for the second round, the ballot remains open to the next candidate in order of votes cast.

- Head of state selection

If, between the two (02) rounds, one of the candidates dies or is prevented, the Constitutional Court may order the postponement of the election without such postponement exceeding fifteen (15) days.

- Constitutional court powers

Article 49:

The control of the regularity of the election of the President of the Republic is ensured by the Constitutional Court which rules on complaints and proclaims the final results of the ballot.

Article 50:

The law completes the provisions relating to the election of the President of the Republic.

- Eligibility for head of state

Article 51:

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

- Eligibility for head of state

Article 52:

During his mandate, the President of the Republic cannot, either by himself or through others, acquire or lease anything that belongs to the domain of the State. He cannot take part, either by himself or through others, in public and private contracts for administrations or institutions under the State or subject to their control.

- Head of state replacement

Article 53:

When the President of the Republic is temporarily prevented from fulfilling his functions, his powers are provisionally exercised by the Prime Minister.

In case of vacancy of the Presidency of the Republic for any cause whatsoever or absolute or definitive incapacity established by the Constitutional Court seized by the President of the National Assembly, the President of the Senate and the Prime Minister, the functions of the President of the Republic are exercised by the President of the National Assembly. In case of incapacity, withdrawal or death of the latter, they are exercised by the President of the Senate.

The election of the new President of the Republic takes place ninety (90) days at least and one hundred twenty (120) days at most after establishment of the vacancy or the absolute and definitive nature of the incapacity.

The person serving as interim President of the Republic may not be a candidate in said election.

In all cases of vacancy, the replacement may not apply articles 57, 60, 69, 70 and 184 of this Constitution.

- Head of state term length

Article 54:

The elected President takes office upon expiration of the mandate of the President in office.

- Oaths to abide by constitution

Article 55:

Before taking office, the President of the Republic takes, before the Constitutional Court, in solemn hearing, the following oath:

"I swear, before God and the sovereign People of Mali, to respect and ensure respect for the Constitution and the laws, to preserve the republican regime, to fulfill my functions in the supreme interest of the Nation, preserve the rights and freedoms of the person, democratic achievements and public goods, to guarantee national unity, the independence of the Fatherland and the integrity of the national territory, to conduct myself everywhere as a faithful and loyal servant of the Nation and to do everything possible for the realization of African unity.

In case of violation of this oath, may the People withdraw their confidence from me and may I suffer the rigor of the law".

- Earnings disclosure requirement

Article 56:

After the investiture ceremony and within a period of seven (07) days, the President of the Republic submits the written declaration of his assets to the President of the Court of Accounts. This declaration is subject to annual updates and upon cessation of functions.

The President of the Court of Accounts informs the national public of the completion of the formality of the declaration and updates.

- Cabinet selection

Article 57:

The President of the Republic appoints the Prime Minister and terminates his functions.

He appoints the other members of the Government, after consultation with the Prime Minister and terminates their functions.

- Head of state powers

Article 58:

The President of the Republic presides over the Council of Ministers. The Prime Minister substitutes for him, upon his authorization and on a determined agenda.

- Approval or veto of general legislation

Article 59:

The President of the Republic promulgates laws within fifteen (15) days following the transmission to the Government of the definitively adopted text.

In case of urgency, the promulgation deadline may be reduced to eight (08) days.

He may, before the expiration of this deadline, request from Parliament a new deliberation of the law or certain of its articles.

This new deliberation cannot be refused and suspends the promulgation deadline.

- Referenda

Article 60:

The President of the Republic, on his own initiative or on joint proposal of the two (02) chambers of Parliament, after opinion of the Constitutional Court published in the Official Journal, may submit to referendum any question of national interest, any bill

concerning the organization of public powers, the approval of a union agreement or the authorization to ratify a treaty which, without being contrary to the Constitution, would have implications for the functioning of institutions.

- Approval or veto of general legislation

When the referendum has concluded in favor of adopting the bill, the *de* President of the Republic promulgates it within the deadlines provided for in article 59.

- Head of state powers

Article 61:

Once a year, during the first quarter, the President of the Republic delivers, before Parliament assembled in Congress, a speech on the state of the Nation.

- Head of state powers

Article 62:

The President of the Republic communicates with the National Assembly and the Senate through messages which he has read by the President of the National Assembly and by the President of the Senate. Outside of session, the National Assembly and the Senate convene specially for this purpose.

- Designation of commander in chief

Article 63:

The President of the Republic is the Supreme Chief of the Armed and Security Forces. He presides over the National Security Council and the National Defense Committee.

- Duty to serve in the military

The President of the Republic orders general mobilization and determines the modalities of citizen participation in the defense of the Fatherland when the security situation requires it.

- Head of state powers

Article 64:

The President of the Republic is the President of the Superior Council of the Magistracy.

- Establishment of judicial council

- Power to pardon

Article 65:

The President of the Republic exercises the right of pardon. He proposes amnesty laws.

- Head of state decree power

Article 66:

The President of the Republic signs ordinances and decrees taken in the Council of Ministers.

Article 67:

The President of the Republic appoints to senior civil and military positions determined by law.

- Head of state powers

- Head of state powers

The Grand Chancellor of National Orders, General Officers, Ambassadors and Special Envoys, Regional Governors, Directors of Central Administrations are appointed by decree taken in the Council of Ministers.

- Civil service recruitment

Appointments must be based principally on criteria of competence, experience and integrity.

- Foreign affairs representative

Article 68:

The President of the Republic accredits Ambassadors and Special Envoys to foreign States and international Organizations.

Foreign Ambassadors and Special Envoys are accredited to him.

Article 69:

- Dismissal of the legislature

The President of the Republic may, after consultation with the Presidents of the two (02) chambers and the President of the Constitutional Court, pronounce the dissolution

of the National Assembly.

No dissolution may be pronounced within twelve (12) first months of the legislature or when a motion of impeachment is declared admissible.

- Scheduling of elections

General elections take place sixty (60) days at least and one hundred twenty (120) days at most after dissolution.

- Dismissal of the legislature

No new dissolution may be carried out within the year following these elections.

- Scheduling of elections

Upon expiration of the deadline set in the third paragraph of this article, if legislative elections are not organized, the dissolved National Assembly is restored to its functions.

Article 70:

- Emergency provisions

When the institutions of the Republic, the independence of the Nation, the integrity of the national territory, the execution of international commitments are threatened in a serious and immediate manner and the regular functioning of constitutional public powers is interrupted, the President of the Republic takes the exceptional measures required by these circumstances after consultation with the Prime Minister, the Presidents of the National Assembly, the Senate and the Constitutional Court.

- Emergency provisions

He informs the Nation by message.

Parliament meets by right.

- Emergency provisions

The application of these exceptional powers by the President of the Republic must not, under any circumstances, compromise either national sovereignty or territorial integrity.

- Emergency provisions

The exceptional powers must aim to ensure the continuity of the State and the restoration, as quickly as possible, of the regular functioning of institutions, in accordance with the Constitution.

- Emergency provisions

During the exercise of exceptional powers, no institution of the Republic may be dissolved or suspended.

- Emergency provisions

Legislative measures taken during the exercise of exceptional powers become null and void if they are not ratified by Parliament within ninety (90) days after their entry into force.

Article 71:

- Head of state powers

The President of the Republic may delegate certain of his powers to the Prime Minister.

Acts of the President of the Republic, other than those provided for in articles 57, 60, 65, 69 and 70 as well as in the first paragraph of this article, are countersigned by the Prime Minister and, where applicable, by the ministers concerned.

Article 72:

The law establishes the benefits granted to the President of the Republic and to former Presidents of the Republic enjoying their civil rights.

- Head of state removal

Article 73:

The responsibility of the President of the Republic may be engaged for acts qualified as high treason.

He may be removed from office by Parliament for high treason.

There is high treason when the President of the Republic violates his oath.

The motion of impeachment is initiated by the members of either chamber of Parliament. It is only admissible if it is signed by at least two-thirds (2/3) of the members.

The concerned Chamber refers the matter to the competent commission which proceeds with all investigations and hearings necessary at the end of which it assesses whether or not there are grounds to pursue the procedure.

If the commission decides that there are no grounds to pursue, the impeachment procedure is terminated.

If the commission decides that there are grounds to pursue, it draws up the reasoned act of accusation which is submitted to the vote of the Chamber by simple majority of the members.

In case of adoption of the act of accusation, the other Chamber is referred to within eight (08) days and must rule in identical terms within fifteen (15) days. If the act of accusation is not adopted, the impeachment procedure is terminated.

- Head of state immunity

The indictment by the two (02) Chambers automatically entails the lifting of any immunity of the President of the Republic.

The two (02) Chambers of Parliament meet in *ad hoc* Congress to rule on the impeachment of the President of the Republic. The impeachment is pronounced by a majority of three-quarters (3/4) of the members.

Only votes in favor of impeachment are counted.

- Leader of first chamber

Sessions of the *ad hoc* Congress are presided over by the President of the Supreme Court.

- Right to counsel

The President of the Republic has the rights of defense. He may be assisted by counsel of his choice at all stages of the procedure.

- Organic laws

An organic law determines the procedures for implementing this article.

- Head of state immunity

Article 74:

The President of the Republic is criminally liable, before the courts of common law, for crimes and offenses committed outside the exercise of his functions.

However, he may not be required to testify, nor be the subject of an action, an investigative act, an instruction or prosecution until the end of his term. Any limitation or forfeiture period is suspended.

Proceedings and procedures that are obstructed may be resumed or initiated against him one (01) month after the cessation of functions.

CHAPTER II: ON THE GOVERNMENT

Article 75:

- Establishment of cabinet/ministers

The Government comprises the Prime Minister, Head of Government, and the ministers.

- Organic laws

An organic law sets the number of members of the Government.

- Powers of cabinet

Article 76:

The Government conducts the policy of the Nation as determined by the President of the Republic. It has the Administration at its disposal.

Article 77:

- Head of government powers

The Prime Minister is the Head of Government. In this capacity, he directs the action of the Government.

- Head of government powers He ensures the execution of laws. Subject to the provisions of articles 66 and 67, he exercises regulatory power.
 - Head of government powers He may delegate certain of his powers to ministers.
 - Head of government powers He substitutes for the President of the Republic in presiding over the Council of Ministers by delegation and for a determined agenda.
 - Head of government powers He substitutes for him in presiding over the National Security Council and the National Defense Committee.
- The acts of the Prime Minister are countersigned, where applicable, by the ministers responsible for their execution.

Article 78:

The Government is responsible to the President of the Republic.

Article 79:

- Earnings disclosure requirement Government members shall submit to the President of the Court of Accounts a written declaration of their assets within a maximum period of thirty (30) days after their appointment.
- The President of the Court of Accounts informs the national public of the completion of the declaration formality and updates.
- The provisions of article 52 are applicable to Government members.

Article 80:

- Legislative oversight of the executive The Prime Minister presents the Government's action plan before Parliament. The presentation takes place before each of the two (02) Chambers within thirty (30) days at most after the President of the Republic's address on the state of the Nation. It is followed, where appropriate, by debates accompanied by recommendations without vote.

- Outside professions of legislators

Article 81:

The functions of Government member are incompatible with the exercise of any parliamentary mandate, any professional representation function at the national or local level, any public employment or any professional and lucrative activity.

Article 82:

Members of the Government are criminally liable for crimes or offenses committed in the exercise of their functions.

- Courts for judging public officials

Prosecution and investigation are within the jurisdiction of the Supreme Court. Judgment falls under the ordinary criminal courts. For prosecution, investigation and judgment, the provisions of the Code of Criminal Procedure are applicable.

CHAPTER III: ON ADMINISTRATION

Article 83:

The Administration accomplishes, in various forms, the missions of general interest for which the services have been established.

Article 84:

The Administration participates in promoting economic, social and cultural development by responding, in an appropriate manner, to the needs of the national community and

users, with transparency, respect for Human Rights and democracy.

- Civil service recruitment

Article 85:

Administration agents are required, in the exercise of their missions, to respect the fundamental principles of public service including legality, equality, impartiality, neutrality and continuity.

They must adopt behavior that respects the rules of ethics and professional conduct, in particular, integrity and moral probity.

- Civil service recruitment

Article 86:

The State ensures that the recruitment of Administration agents is carried out within the framework of transparent procedures that guarantee equal opportunities for all and that their career development is based on criteria of competence and professionalism.

Article 87:

The State ensures that administration agents are provided with the working conditions, remuneration and security necessary for the proper accomplishment of their missions.

CHAPTER IV: INDEPENDENT ADMINISTRATIVE AUTHORITIES

Article 88:

Independent administrative authorities exercise their missions, particularly in the areas of mediation, regulation, verification and control, protection of individual freedoms and rights, organization and management of elections.

Independent administrative authorities are created by law.

CHAPTER V: ARMED AND SECURITY FORCES

Article 89:

The Armed and Security Forces are responsible for defending the integrity of the national territory, protecting persons and their property, maintaining public order and enforcing laws.

They participate in economic, social, cultural development actions and environmental protection of the country.

- Restrictions on the armed forces

Article 90:

The Armed and Security Forces serve the Nation. They are republican, apolitical and subject to political authority.

- Restrictions on the armed forces

Article 91:

The Armed Forces may only be employed in maintaining public order under conditions determined by law.

Article 92:

The Armed and Security Forces may participate in external missions of peace, stabilization or security within the framework of respect for Mali's international commitments.

Article 93:

The State ensures that the Armed and Security Forces have, at all times, the necessary human resource capacities and material means to accomplish their missions. The planning of these resources and means is carried out through programming laws.

TITLE IV: OF LEGISLATIVE POWER

CHAPTER I: GENERAL PROVISIONS

Article 94:

- Structure of legislative chamber(s)
- Initiation of general legislation

Legislative power is exercised by Parliament.

Parliament votes on laws and contributes to the evaluation of public policies.

Article 95:

- Structure of legislative chamber(s)
- Joint meetings of legislative chambers

Parliament comprises two (02) chambers: the National Assembly and the Senate.

Congress is the meeting of the two (02) chambers of Parliament. The presidency of Congress is held by the President of the National Assembly and the vice-presidency is held by the President of the Senate.

Article 96:

- Term length for first chamber
- First chamber selection
- Claim of universal suffrage
- Eligibility for first chamber

Members of the National Assembly bear the title of Deputy.

Deputies are elected for five (05) years by direct universal suffrage. The electoral system may be majoritarian, proportional or mixed.

Maliens established abroad are represented in the National Assembly according to the procedures defined by law.

Article 97:

- Second chamber selection
- Term length of second chamber
- Outside professions of legislators
- First chamber selection
- Second chamber selection

Members of the Senate bear the title of Senators.

The Senate is constituted, for three quarters (3/4), of members elected by indirect universal suffrage representing territorial communities and, for one quarter (1/4), of designated members representing traditional authorities and legitimacies, Maliens Established Abroad and personalities who have honored the service of the Nation.

The mandate of members of the Senate is five (05) years.

Article 98:

No one may be simultaneously a member of the National Assembly and the Senate.

Article 99:

The law determines the procedures for the election of Deputies to the National Assembly. It also determines the procedures for the election or designation of Senators.

Article 100:

- Eligibility for first chamber
- Eligibility for second chamber
- Replacement of legislators

An organic law establishes, for each of the two (02) Chambers, the conditions of eligibility, the regime of ineligibilities and incompatibilities. It also determines the conditions under which their replacement is carried out, in case of vacancy of seat.

- Compensation of legislators

Article 101:

An organic law establishes the allowances and other benefits allocated to Deputies and Senators.

- Earnings disclosure requirement

Article 102:

After their official installation and within a period of thirty (30) days, the President of the Court of Accounts receives the written declarations of assets of Deputies and Senators.

These declarations are subject to annual updates and upon cessation of functions.

The President of the Court of Accounts informs the national public of the completion of the declaration formality and updates.

- Immunity of legislators

Article 103:

Deputies and Senators enjoy parliamentary immunity only in the context of exercising their functions. They cannot be prosecuted, investigated, arrested, detained or tried by reason of opinions or votes expressed during parliamentary sessions.

- Removal of individual legislators

Article 104:

Any Deputy or Senator who is subject to a final criminal conviction is stripped of their mandate, at the request of the minister responsible for Justice. The same applies when the Deputy or Senator is sentenced to a final correctional penalty equal to or greater than one (01) year of imprisonment without suspended sentence.

Article 105:

Any imperative mandate is null and void.

- Secrecy of legislative votes

The right to vote of members of Parliament is personal. Organic law may exceptionally authorize the delegation of votes. In this case, no one may receive delegation of more than one mandate.

Article 106:

Any Deputy or Senator who resigns from their political party or the organization they represent shall forfeit their mandate.

- Removal of individual legislators

- Removal of individual legislators

The resignation is duly recorded in writing. Joining another party or another organization is considered a resignation.

- Replacement of legislators

The resigning Deputy or Senator is replaced under conditions determined by organic law.

CHAPTER II: ON THE FUNCTIONING OF PARLIAMENT

- Length of legislative sessions

Article 107:

The National Assembly and the Senate meet, by right, in two (02) ordinary sessions per year.

The first session begins on the first working Monday of October. It may not exceed seventy-five (75) days.

The second session begins on the first working Monday of April and may not exceed ninety (90) days.

- Extraordinary legislative sessions

Article 108:

Parliament is convened in extraordinary session, either at the request of the President of the Republic, or at the request of the majority of members of the National Assembly or the Senate, on a determined agenda.

In case of extraordinary session, the closure decree takes effect as soon as Parliament has exhausted the agenda for which it was convened and at the latest fifteen (15) days from the date of its convocation.

- Extraordinary legislative sessions
- Head of state decree power
- Attendance by legislators

Article 109:

Except in cases where Parliament meets by right, extraordinary sessions are opened and closed by decree of the President of the Republic.

Article 110:

The Deputy or Senator has the obligation to participate in the work of committees and plenary sessions, under penalty of sanctions provided for by the internal regulations of the National Assembly and the Senate.

Article 111:

Each chamber of Parliament establishes its internal rules. The internal rules of Congress are established by both (02) Chambers.

- Leader of first chamber
- Leader of second chamber

Article 112:

The President of the National Assembly and the President of the Senate are elected for the duration of the legislature.

Article 113:

The President of the National Assembly and the President of the Senate may be subject to impeachment proceedings for failure to fulfill the duties of their office.

To be admissible, the impeachment initiative must be signed by at least two-thirds (2/3) of the members of the chamber concerned.

No impeachment proceedings may be initiated in the first two (02) years following the assumption of office of the President of the National Assembly or the President of the Senate.

Impeachment is pronounced by a majority of three-quarters (3/4) of the members of the chamber concerned, under the conditions determined by its internal rules.

In case of impeachment, the National Assembly or the Senate proceeds to elect a new President under the conditions set by the internal rules. The new President completes the term of the impeached President.

- Removal of individual legislators
- Removal of individual legislators
- Removal of individual legislators
- Removal of individual legislators
- Replacement of legislators

Article 114

The sessions of the Chambers of Parliament are public. However, each chamber may sit in closed session, on its own initiative or at the request of the Government. The internal rules establish the procedures.

The complete record of debates is published in the Official Journal.

- Public or private sessions
- Publication of deliberations

CHAPTER III: ON THE DOMAIN OF LAW AND REGULATION

Article 115:

Law is voted by Parliament by simple majority. Within the domain of law, in addition to matters expressly assigned to it by other articles of the Constitution:

- civic rights and fundamental guarantees granted to citizens for the exercise of public freedoms;
- obligations imposed by National Defense on citizens in their person and property;
- nationality, civil rights, status and capacity of persons, matrimonial regimes, successions and gifts, the regime of property, real rights and civil and commercial obligations, the regime of companies, expropriation;
- crimes and offenses as well as the penalties applicable to them, criminal procedure, judicial police, extradition, amnesty, creation of courts, status of ministerial officers, status of legal and judicial professions;
- general status of civil servants;
- general status of personnel of the Armed Forces and Security;
- status of the magistracy;
- status of Teacher-Researchers in Higher Education and Scientific Research;
- status of professional orders;
- the regime for issuing currency, the basis, rate and methods of tax collection;
- general organization of defense and security;
- labor law, social security, trade union law;
- education and research;
- protection of cultural and archaeological heritage;
- public accounting;
- environmental protection;
- principles of creation, organization and control of public services and bodies;
- nationalizations of enterprises, denationalizations and transfer of ownership of enterprises from the public sector to the private sector;
- electoral regime;
- free administration of Territorial Communities;
- administrative organization of the territory;
- management and alienation of State domain;
- organization of production;
- organization of justice;
- penitentiary regime.

• Finance bills

The finance law determines the resources and expenditures of the State under conditions established by an organic law.

• Economic plans

Programming laws determine the objectives of the State's economic, social, cultural and national security action.

Article 116:

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

Legislative texts that intervened in these matters prior to the entry into force of this Constitution may be modified by decree after opinion of the Supreme Court.

• Constitutionality of legislation

Those of these texts that will intervene after the entry into force of this Constitution may only be modified by decree if the Constitutional Court has declared that they have a regulatory character.

Laws and regulations are published in the Official Journal.

Article 117:

• Power to declare/approve war

The declaration of war is authorized by Parliament specially convened in Congress for this purpose, by absolute majority of its members.

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

• Emergency provisions

Article 118:

The state of emergency and the state of siege are decreed in the Council of Ministers.

Their extension, beyond fifteen (15) days, must be authorized by Parliament by absolute majority of its members. A law determines the conditions thereof.

CHAPTER IV: RELATIONS BETWEEN THE EXECUTIVE POWER AND THE LEGISLATIVE POWER**Article 119:**

- Initiation of general legislation

The initiative for laws belongs concurrently to the President of the Republic and to members of Parliament.

- Initiation of general legislation

Bills are deliberated in the Council of Ministers, after opinion from the Supreme Court and deposited on the desk of one of the two Chambers.

- Finance bills

Finance bills are submitted, in the first instance, to the National Assembly.

- Division of labor between chambers

Bills having as their principal object the organization of territory, the status of territorial collectivities, the status of traditional authorities and legitimacies as well as bills relating to the environment and to Malians established abroad are submitted, in the first instance, to the Senate.

The agenda of the Chambers includes, by priority and in the order fixed by the Government, the discussion of bills deposited by the Government and of legislative proposals.

Article 120:

- Initiation of general legislation

Members of Parliament and the Government have the right of amendment which is exercised in session or in committee according to the conditions fixed by the internal regulations of the chambers.

After the opening of debate, the Government may oppose the examination of any amendment that has not been previously submitted to it.

- Head of state decree power

Article 121:

The Government may, for the execution of its action plan, request from Parliament authorization to take by ordinance, for a limited period, measures that are normally within the domain of law.

Ordinances are taken in the Council of Ministers, after opinion of the Supreme Court. They enter into force upon their adoption, but become null and void if the ratification bill is not submitted to Parliament before the date set by the enabling law. Upon expiration of the period mentioned in the first paragraph of this article, ordinances may only be modified by law in matters that are within the legislative domain.

Article 122:

- Approval or veto of general legislation
- Finance bills

If the Government so requests, the Chamber seized shall rule by a single vote on all or part of the text under discussion, retaining only the amendments proposed or accepted by the Government. Proposals and amendments formulated by members of Parliament are not admissible when their adoption would result in either a reduction of public resources or the creation or aggravation of a public burden, unless such proposals or amendments are accompanied by a proposal for equivalent revenues or savings.

- Constitutionality of legislation

If it appears, during the legislative procedure, that a proposal or amendment is not within the domain of law, the Government may raise inadmissibility. In case of disagreement between the Government and the Chamber seized, the Constitutional

Court, at the request of the Government or the President of the Chamber concerned, shall rule within eight (08) days.

- Division of labor between chambers

Article 123:

Every bill or proposed law is examined successively by the two (02) Chambers of Parliament with a view to adopting an identical text.

Discussion of bills takes place, before the first Chamber seized, on the text presented by the Government.

A Chamber seized of a text voted by the other chamber deliberates on the text transmitted to it.

When, as a result of disagreement between the two (02) chambers, a bill or proposed law could not be adopted after two (02) readings by the two (02) Chambers, or if the Government has declared urgency, after a single reading by each of them, the Prime Minister has the power to convene a joint committee charged with proposing an identical text on the remaining provisions.

The text prepared by the joint committee may be submitted by the Government for approval to both (02) chambers. No amendment to this text is admissible, except with the agreement of the Government.

If the joint committee fails to adopt a common text or if this text is not adopted under the conditions provided for in the preceding paragraph, the Government may, after a new reading by the National Assembly and the Senate, request the National Assembly to rule definitively.

In this case, the National Assembly may adopt either the text prepared by the joint committee, or the text voted by it, modified, where appropriate, by one or more of the amendments adopted by the Senate.

- Organic laws

Article 124:

Laws to which this Constitution confers the character of organic law are voted under the following conditions:

- the bill or proposal may not, on first reading, be submitted for deliberation and vote by the Chambers of Parliament until the expiration of a period of fifteen (15) days after its filing;
- the procedure of article 123 is applicable;
- it is adopted by absolute majority of the members of each Chamber.

However, in the absence of agreement between the two (02) Chambers, the text is adopted on final reading by the National Assembly by absolute majority of its members.

- Constitutionality of legislation

Organic laws may only be promulgated after declaration by the Constitutional Court of their conformity to the Constitution.

- Finance bills

Article 125:

Parliament is seized of the finance bill upon the opening of the ordinary session preceding the budgetary period.

If the National Assembly has not ruled at first reading, within forty (40) days after the filing of the finance bill, the Government refers the matter to the Senate which must rule within fifteen (15) days. The procedure provided for in article 123. shall apply.

If Parliament has not ruled within seventy (70) days, the budget is then established ex officio by the Government based on the revenues of the previous fiscal year and after opinion of the Court of Accounts.

Article 126:

- Legislative oversight of the executive

Before either Chamber of Parliament, the Prime Minister may, on his own initiative or at the request of the President of one of the Chambers, make a statement on a specific subject which gives rise to a debate without vote.

Article 127:

- Legislative oversight of the executive

Parliament controls the action of the Government.

Members of Parliament may pose written questions to ministers who are required to respond within fifteen (15) days following the date of their receipt. The questions and responses are published in the Official Journal.

Members of Parliament may pose oral questions and current affairs questions to ministers according to the procedures determined by the internal rules of each Chamber.

- Legislative oversight of the executive

Article 128:

Each Chamber of Parliament may designate, within itself, committees of inquiry whose powers and procedures for organization and operation are established by its internal rules.

However, no commission of inquiry may be created when the facts have given rise to judicial proceedings and as long as such proceedings are ongoing. If a commission has already been created, its mission ends as soon as a judicial investigation is opened relating to the facts that motivated its creation.

TITLE V: OF THE JUDICIAL POWER

CHAPTER I: GENERAL PROVISIONS

Article 129:

- Judicial independence
- Structure of the courts

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

Alternative and traditional methods of dispute resolution are authorized under conditions determined by law.

Article 130:

- Judicial independence

The judicial power is the guardian of the freedoms defined by this Constitution. It ensures respect for rights and freedoms. It is responsible for applying, in its own domain, the laws and regulations of the Republic.

Article 131:

- Source of constitutional authority

Justice is rendered in the name of the Malian People.

- Judicial independence

Judicial decisions are rendered solely on the basis of impartial application of the law.

Judgments are drafted within the time limits provided by laws and regulations in force, under penalty of administrative sanction.

- Judicial independence

Article 132:

Judges are subject, in the exercise of their functions, only to the authority of the law. Magistrates of the bench are irremovable.

- Supreme/ordinary court judge removal

Article 133:

Any failure by a Judge to fulfill his duties of independence, impartiality and integrity constitutes a serious professional misconduct punishable by disciplinary sanctions, without prejudice, where applicable, to judicial proceedings.

Article 134:

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

He is assisted by the Superior Council of the Magistrature.

- Judicial independence
- Establishment of judicial council
- Establishment of judicial council

Article 135:

The Superior Council of the Magistrature oversees the management of magistrates' careers and gives its opinion on any matter concerning the independence of the magistrature.

It acts as a Disciplinary Council for Magistrates.

- Establishment of judicial council

Article 136:

The Superior Council of the Magistrature may be referred to by a litigant under conditions established by an organic law.

- Establishment of judicial council

Article 137:

The Superior Council of the Magistracy is constituted half of personalities chosen from outside the body of Magistrates.

- Establishment of judicial council

Article 138:

An organic law establishes the attributions, composition, organization and operating rules of the Superior Council of the Magistracy.

CHAPTER II: OF THE SUPREME COURT**Article 139:**

The Supreme Court is the highest jurisdiction in judicial and administrative matters.

It has contentious and consultative competencies.

- Structure of the courts
- Supreme court powers
- Supreme court powers

Article 140:

The Supreme Court rules sovereignly on appeals for cassation directed against judgments and decisions rendered as final resort in matters falling within its competence.

- Supreme court powers

Article 141:

The Supreme Court issues opinions on any question of law falling within the scope of its competencies.

- Supreme court selection

Article 142:

The Supreme Court is presided over by a Magistrate appointed by decree of the President of the Republic, upon conforming proposal of the Superior Council of the Magistracy.

The Vice-president and the other members of the Supreme Court are appointed under the same conditions.

- Organic laws

Article 143:

An organic law establishes the attributions, organization, operating rules as well as the procedure followed before the Supreme Court.

CHAPTER III: ON THE CONSTITUTIONAL COURT

- Constitutional court powers
- Constitutionality of legislation

Article 144:

The Constitutional Court is judge of the constitutionality of laws and it guarantees the fundamental rights of the human person and public freedoms.

It is the regulatory body for the functioning of institutions and the activity of public authorities.

Article 145:

The Constitutional Court comprises nine (09) members who bear the title of counselors.

The mandate of counselors is seven (07) years, non-renewable.

The nine (09) members of the Constitutional Court are designated as follows:

- two (02) by the President of the Republic;
- one (01) by the President of the National Assembly;
- one (01) by the President of the Senate;
- two (02) by the Superior Council of the Magistracy;
- two (02) Teacher-Researchers in public law designated by a College constituted by the rectors of public law universities;
- one (01) by the Bar Association.

- Eligibility for const court judges
- Constitutional court selection
- Constitutional court selection

The Counselors are chosen, primarily, from among Teacher-Researchers in public law, Lawyers and Magistrates having at least fifteen (15) years of experience, as well as qualified personalities who have honored the service of the Nation.

The Counselors, thus designated, are appointed by decree of the President of the Republic.

Article 146:

The President of the Constitutional Court is elected by his peers.

In case of temporary impediment, his functions are performed by the oldest Counselor.

In case of death or resignation of a Counselor, the new member is chosen by the relevant appointing authority and completes the mandate begun.

- Constitutionality of legislation

Article 147:

The Constitutional Court has mandatory jurisdiction over the constitutionality of organic laws before their promulgation and the internal regulations of the National Assembly, the Senate and the Congress before their implementation.

Organic laws are submitted by the President of the Republic to the Constitutional Court before their promulgation.

Other categories of laws, before their promulgation, may be referred to the Constitutional Court by the President of the Republic, the President of the National Assembly or one-tenth (1/10) of the Deputies, the President of the Senate or one-tenth (1/10) of the Senators.

The internal regulations of the National Assembly and the Senate are submitted to the Constitutional Court by the Presidents of said institutions before their implementation. The same applies to the internal regulations of the Congress.

Referral to the Constitutional Court suspends the time limit for promulgation of the law.

In the cases provided for in paragraphs 1 and 3 of this article, the Constitutional Court rules within thirty (30) days. However, at the request of the Government, if there is urgency, this time limit is reduced to eight (08) days.

A provision declared unconstitutional cannot be promulgated or applied.

- Constitutional court powers

Article 148:

The Constitutional Court rules on conflicts of jurisdiction between the institutions of the Republic. It is seized by the Presidents of the institutions concerned.

- Constitutional court powers

Article 149:

The Constitutional Court controls the regularity of the election of the President of the Republic and referendum operations. It examines complaints and proclaims the final results.

- Referenda

- Constitutional court powers

Article 150:

The Constitutional Court rules, in case of dispute, on the regularity of the election of Deputies and the election or designation of Senators.

- Constitutional court powers

Article 151:

The Constitutional Court is seized, in case of dispute over the validity of an election, by any candidate, any political party or by the authority responsible for organizing elections.

When it grants a petition, the Court may, as the case may be, annul the contested election or reform the results.

- Constitutional court powers
- Legal status of treaties

Article 152:

International commitments provided for in article 182 may be referred, before their ratification, to the Constitutional Court by the President of the Republic, the President of the National Assembly or one-tenth (1/ 10) of the Deputies, the President of the Senate or one-tenth (1/ 10) of the Senators.

The Constitutional Court verifies, within a period of thirty (30) days, whether these commitments contain a clause contrary to the Constitution.

However, at the request of the President of the Republic, if there is urgency, this period is reduced to eight (08) days.

A commitment declared contrary to the Constitution cannot be ratified.

- Constitutionality of legislation

Article 153:

When, in the course of proceedings before a court, it is argued by a litigant that a legislative provision infringes the rights and freedoms guaranteed by the Constitution,

the Constitutional Court may be seized of this question upon referral from the Supreme Court.

When the exception of unconstitutionality is transmitted, the court stays its ruling until receipt of the decision of the Constitutional Court.

A provision declared unconstitutional on the basis of the preceding paragraph is repealed. The Constitutional Court determines the effects of this repeal. An organic law determines the procedures for implementing this article.

- Constitutional court opinions

Article 154:

The decisions of the Constitutional Court are not subject to any appeal. They are binding on public authorities, all administrative and judicial authorities and all natural and legal persons.

- Organic laws

Article 155:

An organic law establishes the rules of organization and functioning of the Constitutional Court, as well as the procedure followed before it.

CHAPTER IV: THE COURT OF ACCOUNTS

- Establishment of tax courts

Article 156:

The Court of Accounts is the supreme court of public finances and the supreme institution for the control of public finances. It has judicial, control and advisory functions.

- Legislative oversight of the executive

Article 157:

The Court of Accounts assists the Government and Parliament in controlling the execution of finance laws and evaluating public policies.

Article 158:

The Court of Accounts judges the accounts of public accountants for funds and materials.

- Establishment of tax courts

- Legislative oversight of the executive

It controls the regularity of financial operations, sanctions management faults, declares and clears de facto management.

- Legislative oversight of the executive

Article 159:

The Court of Accounts may, at any time, exercise any control, either on its own initiative or at the request of the President of the Republic, the Prime Minister, the President of the National Assembly or the Senate.

- Campaign financing

Article 160:

The Court of Accounts verifies the accounts of political parties.

- Earnings disclosure requirement

Article 161:

The Court of Accounts receives asset declarations from those subject to the provisions referred to in articles 56, 79 and 102.

- Ordinary court selection

Article 162:

The President and other members of the Court of Accounts are appointed by decree of the President of the Republic after favorable opinion of the Superior Council of the Magistracy.

- Organic laws

Article 163:

An organic law establishes the attributions, organization, operating rules of the Court of Accounts as well as the procedure followed before it.

TITLE VI: ON THE ECONOMIC, SOCIAL, ENVIRONMENTAL AND CULTURAL COUNCIL

Article 164:

The Economic, Social, Environmental and Cultural Council has jurisdiction over all matters of economic, social, environmental and cultural development.

It participates in any commission of national interest of an economic, social, environmental and cultural nature.

Article 165:

The Economic, Social, Environmental and Cultural Council annually collects the needs, expectations and problems of society and drafts a report with guidelines and proposals. This report is addressed to the President of the Republic, the Prime Minister and the Presidents of the two (02) Chambers of Parliament.

It conducts, with the Government once (01) per year, an evaluation of the follow-up given to the recommendations of the report.

Article 166:

The Economic, Social, Environmental and Cultural Council may, on its own initiative, undertake studies accompanied by proposals on any matter of an economic, social, environmental and cultural nature affecting the life of the Nation.

The study reports are communicated to the President of the Republic, the Prime Minister and the Presidents of the two (02) Chambers of Parliament.

Article 167:

The Economic, Social, Environmental and Cultural Council is consulted by the President of the Republic on any draft finance law, any draft plan or programming law.

At the request of the President of the Republic, it gives its opinion on draft laws, ordinances or decrees relating to matters falling within the areas of its competence.

Article 168:

The Economic, Social, Environmental and Cultural Council is composed of:

- representatives of trade unions, associations and socio-professional groups;
- representatives of women's and youth organizations;
- representatives of Malians established abroad.

It also includes associate members chosen by reason of their recognized competence in the economic, social, environmental or cultural fields.

The members of the Economic, Social, Environmental and Cultural Council bear the title of Counselor of the Republic.

- Finance bills

Article 169:

The Economic, Social, Environmental and Cultural Council meets each year by right in two (02) ordinary sessions of thirty (30) days each, upon convocation by its President.

It may meet in extraordinary session, at the request of its President or of the majority of its members, for a duration which may not exceed ten (10) days. The decree of convocation and closure is issued by the President of the Republic.

- Public or private sessions

The sessions of the Economic, Social, Environmental and Cultural Council are public.

However, it may sit in closed session, on its own initiative or at the request of the President of the Republic.

Article 170:

The President of the Economic, Social, Environmental and Cultural Council is elected by his peers during the opening session of the first session for a term of five (05) years.

- Immunity of legislators

Article 171:

No member of the Economic, Social, Environmental and Cultural Council may be prosecuted, investigated or judged for opinions expressed by him during Council sessions.

Article 172:

The President of the Economic, Social, Environmental and Cultural Council may be subject to impeachment proceedings for failure to fulfill the duties of his office.

To be admissible, the impeachment initiative must be signed by at least two thirds (2/3) of the Council members.

No impeachment proceedings may be initiated in the first two (02) years following the President's assumption of office.

Impeachment is pronounced by a majority of three quarters (3/4) of the Council members, under conditions determined by an organic law.

- Head of state replacement

In case of removal from office, the Council shall proceed to the election of a new President under the conditions established by organic law. The new President shall complete the term of the removed President.

- Organic laws

Article 173:

The organization, operating rules and designation of members of the Economic, Social, Environmental and Cultural Council are established by organic law.

TITLE VII: ON THE ORGANIZATION OF TERRITORY

- Subsidiary unit government

Article 174:

The organization of the territory of the Republic is based on the principles of deconcentration and decentralization.

The territory is subdivided into administrative districts and territorial communities.

- Subsidiary unit government

Article 175:

Administrative districts constitute the territorial framework for representation and intervention of the State.

- Subsidiary unit government

Article 176:

Territorial communities constitute the territorial framework for participation of populations in the management of their own affairs.

They administer themselves freely through elected councils, under conditions determined by law.

- Subsidiary unit government

Article 177:

Administrative districts and territorial communities are created and abolished by law.

- Subsidiary unit government

Article 178:

The State ensures the harmonious development of territorial communities, based on national solidarity.

To this end, it may allocate, by law, for a limited duration, exceptional powers and resources to one or more levels of territorial communities, while respecting national unity and territorial integrity.

TITLE VIII: TRADITIONAL AUTHORITIES AND LEGITIMACIES

Article 179:

- Integration of ethnic communities

Traditional Authorities and Legitimacies, guardians of society's values, contribute to strengthening living together and social cohesion, to the prevention and management of conflicts.

The different categories of traditional Authorities and Legitimacies, their roles and the modalities of their intervention are determined by law.

TITLE IX: ON AFRICAN UNITY

- International organizations
- Regional group(s)

Article 180:

The Republic of Mali may conclude, with any African State, association or integration agreements including partial or total abandonment of sovereignty with a view to achieving African unity.

TITLE X: ON TREATIES AND INTERNATIONAL AGREEMENTS

- Treaty ratification

Article 181:

The President of the Republic negotiates and ratifies treaties. He is informed of any negotiation tending toward the conclusion of an international agreement not subject to ratification.

- Treaty ratification

Article 182:

Peace treaties, commercial treaties, treaties or agreements relating to international organizations, those that commit the finances of the State, those that relate to the status of persons, may only be approved or ratified by virtue of law. They take effect only after having been approved or ratified.

- Legal status of treaties

Article 183:

Treaties or agreements regularly ratified or approved have, from their publication, an authority superior to that of laws, subject, for each treaty or agreement, to its application by the other party.

TITLE XI: ON REVISION

- Constitution amendment procedure

Article 184:

The initiative for constitutional revision belongs concurrently to the President of the Republic and to members of Parliament.

The draft or proposed revision must be adopted, in identical terms, by both (02) Chambers of Parliament by a majority of two (2/3) thirds of their members.

- Referenda

The revision is final only after having been approved by referendum.

Article 185:

- Constitution amendment procedure

No revision procedure may be initiated or pursued when the integrity of the territory is under attack.

- Unamendable provisions

The republican form of the State, secularism, the number of terms of the President of the Republic and multipartism may not be subject to revision.

TITLE XII: PARTICULAR PROVISIONS

Article 186:

- Source of constitutional authority

The foundation of all power, in the Republic of Mali, resides in the Constitution.

- Right to overthrow government

The People have the right to civil disobedience for the preservation of the republican form of the State.

Article 187:

Any coup d'état or putsch is an imprescriptible crime against the Malian People.

- Crimes of the previous regime

Article 188:

Facts prior to the promulgation of this Constitution, covered by amnesty laws, may not, under any circumstances, be the subject of prosecution, investigation or judgment.

TITLE XIII: TRANSITIONAL PROVISIONS

- Transitional provisions

Article 189:

Legislation in force remains valid insofar as it is not contrary to this Constitution and is not the subject of express repeal.

- Transitional provisions

Article 190:

Until the establishment of new institutions, established institutions continue to exercise their functions and powers.

However, the activities of the High Court of Justice end upon the promulgation of this Constitution.

TITLE XIV: FINAL PROVISIONS

- Referenda

Article 191:

This Constitution shall be submitted to referendum. In the event that it receives a majority of votes cast, the President of the Transition, Head of State, shall proceed to its promulgation within eight (08) days following the proclamation of the final results of the referendum by the Constitutional Court.

Topic index

A

Age restrictions on head of state	10
Approval or veto of general legislation	12, 13, 22
Attendance by legislators	20

C

Cabinet selection	12
Campaign financing	28
Civil service recruitment	13, 17
Claim of universal suffrage	9, 18
Compensation of legislators	19
Compulsory education	6
Constitution amendment procedure	32
Constitutional court opinions	28
Constitutional court powers	11, 26, 27
Constitutional court selection	26
Constitutional court term length	26
Constitutionality of legislation	21, 22, 23, 26, 27
Courts for judging public officials	16
Crimes of the previous regime	33

D

Designation of commander in chief	13
Dismissal of the legislature	13, 14
Division of labor between chambers	22, 23
Duty to obey the constitution	7
Duty to pay taxes	8
Duty to serve in the military	7, 13
Duty to work	8

E

Earnings disclosure requirement	12, 16, 19, 28
Economic plans	21
Eligibility for const court judges	26
Eligibility for first chamber	18
Eligibility for head of state	10, 11
Eligibility for second chamber	18
Emergency provisions	14, 21
Equality for persons with disabilities	5
Equality regardless of gender	5
Equality regardless of language	5
Equality regardless of origin	5
Equality regardless of political party	5
Equality regardless of race	5
Equality regardless of religion	5
Equality regardless of skin color	5

Equality regardless of social status	5
Establishment of cabinet/ministers	15
Establishment of judicial council	13, 25
Establishment of tax courts	28
Extraordinary legislative sessions	19, 20
F	
Finance bills	21, 22, 23, 29
First chamber selection	18
Foreign affairs representative	13
Free education	6
Freedom of assembly	7
Freedom of association	7
Freedom of movement	7
Freedom of opinion/thought/conscience	6
Freedom of press	6
Freedom of religion	6, 8
G	
General guarantee of equality	5, 9
H	
Head of government powers	15, 16
Head of state decree power	13, 20, 22
Head of state immunity	15
Head of state powers	10, 12, 13, 14
Head of state removal	14
Head of state replacement	11, 30
Head of state selection	10, 11
Head of state term length	10, 12
Head of state term limits	10
Human dignity	5
I	
Immunity of legislators	19, 30
Initiation of general legislation	18, 22
Integration of ethnic communities	31
International human rights treaties	5
International organizations	31
J	
Joint meetings of legislative chambers	18
Judicial independence	24, 25
L	
Leader of first chamber	15, 20
Leader of second chamber	20
Legal status of treaties	27, 32
Legislative oversight of the executive	16, 24, 28
Length of legislative sessions	19

M

Motives for writing constitution 4

N

Name/structure of executive(s) 10
 National anthem 8
 National capital 8
 National flag 8
 National motto 8

O

Oaths to abide by constitution 12
 Official or national languages 8
 Ordinary court selection 28
 Organic laws 8, 15, 23, 26, 28, 29, 30
 Outside professions of legislators 16, 18
 Ownership of natural resources 4, 10

P

Power to declare/approve war 21
 Power to pardon 13
 Powers of cabinet 15
 Preamble 4
 Presumption of innocence in trials 6
 Principle of no punishment without law 6
 Prohibition of cruel treatment 5
 Prohibition of slavery 5
 Prohibition of torture 5
 Protection from ex post facto laws 6
 Protection from expropriation 6
 Protection from unjustified restraint 5, 6
 Protection of environment 5, 7, 10
 Protection of stateless persons 5
 Public or private sessions 20, 30
 Publication of deliberations 20

R

Reference to art 6
 Reference to country's history 4
 Reference to fraternity/solidarity 9
 Referenda 9, 12, 27, 32, 33
 Regional group(s) 5, 31
 Regulation of marriage 6
 Removal of individual legislators 19, 20
 Replacement of legislators 18, 19, 20
 Restrictions on political parties 9
 Restrictions on the armed forces 17
 Right to counsel 6, 15
 Right to establish a business 7

Right to fair trial 6

Right to form political parties 9

Right to found a family 6

Right to health care 6

Right to information 6

Right to join trade unions 7

Right to life 5

Right to overthrow government 33

Right to own property 6

Right to privacy 5, 6

Right to rest and leisure 6, 7

Right to shelter 6

Right to speedy trial 6

Right to strike 7

Right to water 6

Right to work 6, 7

Rights of children 5

S

Scheduling of elections 10, 14

Second chamber selection 18

Secrecy of legislative votes 19

Separation of church and state 4, 8

Source of constitutional authority 4, 8, 9, 24, 32

Structure of legislative chamber(s) 18

Structure of the courts 24, 25

Subsidiary unit government 30, 31

Supreme court powers 25

Supreme court selection 25

Supreme/ordinary court judge removal 25

T

Term length for first chamber 18

Term length of second chamber 18

Transitional provisions 33

Treaty ratification 32

Type of government envisioned 8

U

Unamendable provisions 32