

World Constitutions Illustrated

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Niger

Constitution of the Vth Republic
9 August 1999
Amended 13 May 2004

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William S. Hein & Co., Inc.
Getzville, New York
2018

This translation is based on the original French text provided by the Secretariat General of the Government, Niamey, 1999. The translation of the amendments of 2004 is based on the consolidated texts provided by the Organisation Internationale de la Francophonie, Espace francophone des Droits de l'Homme: <http://www.democratie.francophonie.org> [consulted December 2008]; and of the Supreme Court of Niger: <http://www.cour-constitutionnelle-niger.org> [consulted July 2016].

The Articles amended or inserted in 2004 are: 40, 53, 56, 97, 98, 116, 116bis, 116ter and 138.

Cite as: Maria del Carmen Gress and J.J. Ruchti, trans., Constitution of the Vth Republic Aug. 9, 1999 as amended to May 13, 2004 (Niger) (HeinOnline World Constitutions Illustrated library 2018)

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CONSTITUTION OF THE Vth REPUBLIC

Adopted at the Referendum of 18 July 1999

Promulgated by Decree No. 99-320/PCRN of 9 August 1999

Amended by Law No. 2004-15 of 13 May 2004

PREAMBLE

- Resolved to consolidate the gains of the Republic and of the national independence proclaimed respectively on 18 December 1958 and 3 August 1960 as well as those of the Sovereign National Conference that reunited from 29 July to 3 November 1991 the totality of the living forces of the Nation;
- Resolved to build a State of Law, [and] a unified, dignified, peaceful, industrious and prosperous Nation;
- Profoundly attached to the values of civilization that founded our personality;
- Concerned to safeguard our cultural identity;

WE, THE SOVEREIGN NIGERIEN PEOPLE

- Proclaim our attachment to the principles of pluralist democracy and of the Rights of Man as defined by the Universal Declaration of the Rights of Man of 1948, the African Charter of the Rights of Man and of Peoples of 1981 and as they are guaranteed by this Constitution;
- Reaffirm our attachment to African Unity and our engagement to make every effort to realize regional and sub-regional integration;
- Express our willingness to cooperate in amity and equality with all peoples [who] love [*épris de*] peace, justice and freedom;
- Solemnly adopt this Constitution, Supreme Law of the State to which we swear loyalty, fidelity and respect.

TITLE I

OF THE STATE AND OF SOVEREIGNTY

Article 1

The State of Niger is an independent and sovereign Republic.

All infringement [*atteinte*] of the republican form of the State is a crime of high treason punished as such by the law.

The capital of the Republic of Niger is *Niamey*.

The national emblem is the tricolored flag composed of three (3) horizontal, rectangular and equal bands of which the colors are disposed from top to bottom in the following order: orange, white and green. The median white band has in its middle a disk of orange color.

The hymn of the Republic is *La Nigérienne* [the Nigerien].

The motto of the Republic is *Fraternité, Travail, Progrès* [Fraternity, Work, Progress].

The seal of the State, with a diameter of forty millimeters, is composed of a shield bearing a sun accosted to dexter by a lance in pale [*en pal*] charged with two Tuareg spades saltire [*en sautoir*], and to sinister by three ears of millet, one in pale and two placed saltire, accompanied at the point [*en pointe*] by a head of a zebu. Highlighted [*en exergue*], are placed the following inscriptions:

- in the superior part: *République du Niger* [Republic of Niger];

– in the inferior part: *Fraternité, Travail, Progrès* [Fraternity, Work, Progress].

The Arms of the Republic are composed of a shield of sinople, with a sun [with] rays of gold [*soleil rayonnant d'or*], accosted to dexter by a lance in pale charged with two Tuareg spades saltire, and to sinister of three millet ears, one in pale [*en pal*] and two placed saltire, accompanied at the point [*en pointe*] by a head of a zebu, all gold.

This shield is superimposed on a trophy formed of four flags of the Republic of Niger. The inscription *République du Niger* [Republic of Niger] is placed below.

Article 2

The attributes of the Republic, such as defined in Article 1, are reserved for the use of the public powers.

All illegal use for private purposes, [and] all profanation of these attributes are punished by the law.

Article 3

All communities composing the Nigerien Nation enjoy the freedom to use their languages[,] respecting those of others.

These languages have, in all equality, the status of national languages.

The law establishes the modalities of their promotion and of their development. The official language is French.

Article 4

The Republic of Niger is one and indivisible, democratic and social.

Its fundamental principles are:

- the government of the people, by the people and for the people;
- the separation of the State and of religion.

Article 5

National sovereignty belongs to the People.

No fraction of the People and no individual may arrogate its exercise.

In the exercise of the power of the State, personal power, regionalism, ethnocentrism, the clan spirit, nepotism, the feudal spirit, illicit enrichment, favoritism, corruption and influence-trafficking are banished, under penalty of judicial prosecution.

Article 6

The People exercise their sovereignty through their elected representatives and by way [*voie*] of referendum. The conditions of recourse to the referendum are determined by the law.

An Independent National Electoral Commission [*Comission électorale nationale Indépendante (CENI)*] is charged with the organization, with the development and with the supervision of the voting operations. It proclaims the provisional results.

A law determines the modalities of the organization and of the functioning of this Commission.

The Constitutional Court sees to the regularity of the voting operations and proclaims the definitive results.

Article 7

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

Nigeriens of the two sexes, aged eighteen (18) years on the day of the ballot or emancipated minors, enjoying their civil and political rights are electors under the conditions determined by the law.

Article 8

The Republic of Niger is a State of Law [*Etat de droit*].

It assures to all equality before the law without distinction of sex, [or] of social, racial, ethnic or religious origin.

It respects and protects all beliefs. No religion, no belief may arrogate the political power or interfere in the affairs of State.

All particularist propaganda of a regionalist, racial or ethnic character, all manifestation of racial, ethnic, political or religious discrimination, are punished by the law.

On the territory of the Republic[,] foreigners benefit from the same rights and freedoms as Nigerien citizens within the conditions determined by the law.

Article 9

Under the framework [*cadre*] of the freedom of association recognized and guaranteed by this Constitution, the political parties, groups of political parties, trade-unions [*syndicats*], and other associations are formed and exercise their activities freely under reserve of respect for the principles of national sovereignty of democracy and of the laws of the Republic.

The political parties and the groups of political parties concur in the expression of suffrage. The same prerogatives are recognized to all Nigerien citizens enjoying their civil and political rights and meeting the conditions of eligibility provided for by the law.

The [political] parties with an ethnic, regionalist or religious character are prohibited. No party may be knowingly created with the purpose of promoting an ethnicity, a region or a religion, under penalty of judicial prosecution.

TITLE II

OF THE RIGHTS AND DUTIES OF THE HUMAN PERSON

Article 10

The human person is sacred. The State has the absolute obligation to respect it and to protect it. It guarantees to it a full development.

Article 11

Each one has the right to life, to health, to freedom, to security, to physical and mental integrity, to education and to instruction within the conditions defined by the law.

Article 12

No one shall be submitted to torture, to slavery or to cruel, inhuman or degrading abuse or treatments [*séVICES*].

Article 13

No one is required to execute an order manifestly illegal.

The law determines the order manifestly illegal.

Any individual, any agent of the State, who is found culpable [*se rendre coupable*] of acts of torture, of cruel, inhuman or degrading abuse or treatments [*sérvices*] in the exercise of or on the occasion of the exercise of their functions, either on his own initiative, or under instructions, will be punished according to the law.

Article 14

Each has the right to the free development of his personality in its material, temporal, intellectual and spiritual, cultural and religious dimensions, provided that he does not violate the rights of others, or infringe the constitutional order, the legal order or morality.

Article 15

No one may be arrested or charged except by virtue of a law that entered into force prior to the acts alleged against them.

No citizen may be forced into exile or be subject to deportation.

Enforced exile or deportation of a citizen is considered as a crime against the Nation and punished according to the law.

Article 16

The laws and regulations only have retroactive effect insofar as [they] concern the rights and advantages that they may confer to the citizen.

Article 17

Any person accused of a delinquent act is presumed innocent until their culpability has been legally established in the course of a public process [*procès*] during which all the guarantees necessary for their free defense have been assured to them.

No one shall be condemned for actions or omissions which, at the moment when they were committed, did not constitute an infraction according to the national law. In the same way [*de même*], more severe penalties than those applicable at the moment when the infraction was committed may not be inflicted.

Article 18

Marriage and family constitute the natural and moral base of the human community. They are placed under the protection of the State.

The State and public collectivities have the duty to see to the physical, mental and moral health of the family, particularly [of] the mother and the child.

Article 19

Parents have the right and duty to raise and educate their children. They are supported in this task by the State and the public collectivities.

Youth is protected by the State and the public collectivities against exploitation and abandonment.

The State sees to the elderly.

The State sees to the equality of opportunities [*chances*] for handicapped persons with a view to their promotion and/or their social reintegration [*réinsertion*].

In addition, the State sees to the material and intellectual development of youth. It sees to the well-being of the people.

Article 20

The domicile is inviolable. Search, arrest or questioning [*interpellation*] may only be ordered within the forms and conditions provided for by the law.

Article 21

Any person has a right to property. No one may be deprived of their property except for cause of public utility [and] under reserve of a just and prior indemnification.

Article 22

The secrecy of correspondence and of communications is guaranteed within the conditions defined by the law.

Article 23

Any person has the right to freedom of thought, of opinion, of expression, of conscience, of religion and of worship [*culte*].

The State guarantees the free exercise of worship [*culte*] and the expression of beliefs [*croyances*].

These rights are exercised within respect for the public order, for social peace and for national unity.

Article 24

The State recognizes and guarantees the freedom of movement, the freedoms of association, of assembly, of procession and of manifestation within the conditions defined by the law.

Article 25

The State recognizes to all citizens the right to work and strives to create the conditions that make the enjoyment of this right effective, and that guarantee to the worker just compensation [*r tribution*] for his services or for his production.

Article 26

The State recognizes and guarantees the syndical right and the right to strike that are exercised within the conditions provided for by the laws and regulations.

Article 27

Any person has the right to a healthy environment. The State sees to the protection of the environment.

Each is required to contribute to the safeguarding and to the amelioration of the environment in which he lives.

The storage, the handling and the disposal of toxic wastes or pollutants originating from factories and other industrial or artisanal sites, installed on the national territory[,] are regulated by the law.

The transit, importation, storage, landfill, [and] dumping on the national territory of foreign pollutants or toxic wastes, as well as any agreement relating [to it] constitute a crime against the Nation punished by the law.

Article 28

The defense of the Nation and of the integrity of the territory of the Republic is a sacred duty for each Nigerien citizen.

Military service is obligatory. The conditions of its accomplishment are determined by the law.

Article 29

All Nigerien citizens, civil or military, have the sacred duty to respect, in all circumstances, the Constitution and the juridical order of the Republic.

Article 30

All citizens have the duty to work for the common good, to fulfill all their civic and professional obligations and to make their tax [*fiscales*] contributions.

Article 31

The Public assets are sacred and inviolable. Every person must respect them and protect them scrupulously. Any act of sabotage, of vandalism, of corruption, of diversion, of squandering or of illicit enrichment is reprimanded [*réprimé*] by the law.

Article 32

The State protects, abroad, the rights and legitimate interests of Nigerien citizens.

Article 33

The State has the duty to assure the translation into national languages, the diffusion and the teaching [*enseignement*] of the Constitution, as well as of the Rights of the human person and the fundamental freedoms.

A national commission will see to the promotion and to the effectiveness of the rights and freedoms consecrated above, as need be, in accordance with the international agreements subscribed by Niger.

A law determines the organization and the functioning of this commission.

Article 34

All these rights and freedoms are exercised within respect for the laws and regulations in force.

TITLE III OF THE EXECUTIVE POWER

Article 35

The President of the Republic is the Head of the State.

He incarnates the national unity.

The President of the Republic is above the political parties.

He is the guarantor of the national independence, of the national unity, of the integrity of the territory, of respect for the Constitution, [and] for the international treaties and agreements. He assures the regular functioning of the public powers and the continuity of the State.

Article 36

The President of the Republic is elected for five (5) years by universal, free, direct, equal and secret suffrage. He is re-eligible one sole time.

Every Nigerien [female] or every Nigerien [male] of [Nigerien] nationality of origin, at least forty (40) years old, enjoying their civil and political rights[,] is eligible to the Presidency of the Republic.

The law specifies the conditions of eligibility, of the presentation of the candidatures, of development of the ballot, of counting [*dépouillement*] and of proclamation of the results.

The Constitutional Court controls the regularity of these operations and proclaims the definitive results.

Article 37

The election of the President of the Republic takes place by majority ballot in two rounds.

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

The first round of the ballot with a view to the election of the President of the Republic takes place thirty (30) days at least and forty (40) days at most before the expiration of the mandate of the President in office [*exercice*].

The candidate who obtains the absolute majority of the suffrage expressed in the first round is declared elected.

If this condition is not met, it proceeds, no later than twenty-one (21) days after to a second round of [the] ballot in which the two (2) candidates that arrived ahead in the first round take part.

In the case of death, withdrawal [*déssistement*] or impediment of one or the other of the two candidates, the candidates following present themselves in the order of their ranking [*classement*] after the first round.

In the case of death of the two (2) candidates, the electoral operations of the first round are retaken.

After the second round, the candidate who obtained the greatest number of votes is declared elected.

Article 38

The mandate of the new President of the Republic takes effect counting from the date of expiration of the mandate of his predecessor.

Article 39

Before entering into [his] functions, the President of the Republic takes an oath on the Holy Book [*Livre Saint*] of his confession before the Constitutional Court, in the presence of the members of the National Assembly, in these terms:

"Before God and before the sovereign Nigerien People, We,
President the Republic, elected according to the laws, solemnly swear on the Holy Book [*Livre Saint*]:

- to respect and to have respected the Constitution that the People have freely given to themselves;
- to loyally fulfill the high functions with which we have been invested;
- to never betray or to misrepresent the aspirations of the People;
- to respect and to defend the republican form of the State;
- to preserve the integrity of the territory and the unity of the Nation;
- to respect and to defend the rights and freedoms of the citizens;
- not to take or to guarantee [*cautionner*] for any measures degrading [*avilissante*] human dignity;
- to see to the neutrality of the administration and to the observation of the principles of equity and of continuity;
- to work tirelessly for the happiness of the People;
- to spare no effort for the realization of African Unity;
- to conduct ourselves in all [matters] as faithful and loyal servant of the People;

In the case of perjury, may we suffer the rigors of the law”.

The oath is received by the President of the Constitutional Court.

The Prime Minister takes, before the National Assembly, the following oath on the Holy Book of his confession:

“Before God and before the representatives of the People, We,
Prime Minister, Head of the Government, solemnly swear on the Holy Book
[*Livre-Saint*]:

- to loyally fulfill the high functions with which we have been invested;
- to never betray or to misrepresent the aspirations of the People;
- to respect and to defend the republican form of the State;
- to respect and to defend the rights and freedoms of the citizens;
- Not to take or to guarantee for any measures degrading human dignity;
- to see to the neutrality of the administration and to the observation of the principles of equity and of continuity;
- to work tirelessly for the happiness of the People;
- to conduct ourselves in all [matters] as faithful and loyal servant of the People;

In the case of perjury, may we suffer the rigors of the law”.

Article 40

[Amended by Law No. 2004-15 of 13 May 2004]

After the ceremony of investiture and within a time period of forty-eight (48) hours, the President of the Constitutional Court publicly receives the declaration[,] written on his honor[,] of the assets of the President of the Republic.

This declaration is subject to an annual updating and [one] at the cessation of the functions. The initial declaration and the updates are published in the *Journal Officiel* [Official Gazette] and by the way of the press.

The copy of the declaration of the President of the Republic is communicated to the Court of Accounts and to the tax services.

The gaps between the initial declaration and the annual updates must be duly justified. The Constitutional Court has all powers of evaluation [*appréciation*] in this domain.

The Court of Accounts is equally responsible to control the declarations of assets such as received by the Constitutional Court.

The provisions of this Article extend to the Prime Minister and to the members of the Government.

Article 41

During his mandate, the President of the Republic may not, either by himself or by others, purchase or lease anything that belongs to the domain of the State or to its separated parts [*démembrements*].

He may not take part, either by himself or by others, in the public and private markets of the State and of its separated parts.

The provisions of this Article are extended to members of the Government and to the President of the National Assembly.

Article 42

In the case of vacancy of the Presidency of the Republic by death, resignation or absolute impediment, the functions of President of the Republic are provisionally exercised by the President of the National Assembly and, if the latter is impeded, by the Vice-Presidents of the National Assembly in the order of precedence.

The physical or mental incapacity of the President of the Republic rendering him unfit to exercise the responsibilities [*charges*] of his function[,] is considered absolute impediment.

The refusal of the President of the Republic to obey an order of the Constitutional Court that declares a violation by him of the provisions of this Constitution is also considered as an absolute impediment.

The absolute impediment is declared by the Constitutional Court, referred to [the matter] by the National Assembly, deciding by a majority of two-thirds (2/3) of its members.

In the case of death, the vacancy is declared by the Constitutional Court referred to [the matter] by the Prime Minister or by a member of the Government.

In the case of resignation, the vacancy is declared by the Constitutional Court referred to [the matter] by the resigning President of the Republic.

It [then] proceeds to new presidential elections forty-five (45) days, at least, and ninety (90) days, at most, after the opening of the vacancy.

When the President of the National Assembly assures the interim of the President of the Republic within the conditions enounced in the paragraphs above, he may not, except [by] resignation on his part or renouncement of the interim, stand as a candidate in the presidential elections. He exercises the attributions vested [*dévolues*] in the President of the Republic with the exception of those provided for in Articles 49, 50 and 53.

In the case of resignation of the President of the National Assembly or of renunciation of the interim on his part, the interim of the President of the Republic is assured by the Vice-Presidents of the National Assembly in the order of precedence.

In the case of impeachment [*mise en accusation*] of the President of the Republic before the High Court of Justice, his interim is assured by the President of the Constitutional Court who exercises all the functions of President of the Republic, with the exception of those mentioned in paragraph 8 of this Article. He may not stand as a candidate in the presidential elections.

Article 43

In the case of absence from the territory, of sickness or of vacation [*cong *] of the President of the Republic, his interim is assured by the Prime Minister within the limits of the powers that he would have delegated to him.

Article 44

The functions of President of the Republic are incompatible with the exercise of any other elective mandate, of any public, civil or military employment and of any other professional activity.

For the duration of his mandate, the President of the Republic may not be president or member of the directive organ of a political party or any national association.

Article 45

The President of the Republic appoints the Prime Minister from a list of three (3) notable persons [*personnalités*] proposed by the majority.

The majority is constituted by a party or of a coalition of parties holding the majority in the National Assembly.

On proposal of the Prime Minister, he appoints the other members of the Government and terminates their functions.

The President of the Republic terminates the functions of the Prime Minister on the presentation by him of the resignation of the Government.

Article 46

The President of the Republic convokes and presides over the Council of Ministers.

The Prime Minister substitutes him within the conditions established by this Constitution.

The agenda of the Council is established by common accord between the President of the Republic and the Prime Minister.

Article 47

The President of the Republic promulgates the laws within the fifteen (15) days that follow the transmission made to him by the President of the National Assembly.

This time period is reduced to five (5) days in the case of urgency declared by the National Assembly.

The President of the Republic can, before the expiration of these time periods, address a motivated demand to the National Assembly for a second deliberation of the law or of certain of its Articles. This deliberation may not be refused.

If after a second reading, the National Assembly votes the text by an absolute majority of its members, the law is promulgated of plain right and published according to the procedure of urgency.

Article 48

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

A new Assembly is elected forty-five (45) days at least and ninety (90) days at most after this dissolution.

A new dissolution may not proceed within the twenty-four (24) months which follow the elections.

Article 49

The President of the Republic can, after the opinion [*avis*] of the National Assembly and of the President of the Constitutional Court, submit to referendum any text which appears to him to demand [*devoir exiger*] the direct consultation of the people with the exception of any revision of this Constitution which remains governed by the procedure specified in Title XII.

When the bill is adopted by referendum, the President promulgates it within the time periods specified in paragraphs 1 and 2 of Article 47.

Article 50

The President of the Republic accredits the ambassadors and the envoys extraordinary to foreign powers.

The ambassadors and envoys extraordinary are accredited to him.

Article 51

The President of the Republic is the Head of the Administration. He sees to its neutrality within the conditions determined by the law.

Article 52

The President of the Republic is the Supreme Head of the Armies.

He is assisted by the Superior Council of National Defense [*Conseil Supérieur de la Défense Nationale*] of which he assures the presidency.

On proposal of the Minister of National Defense and after the opinion of the Superior Council of National Defense, he appoints to the military employments.

The law determines the composition, the attributions and the rules of functioning of the Superior Council of National Defense.

Article 53

[Amended by Law No. 2004-15 of 13 May 2004]

When the institutions of the Republic, the independence of the Nation, the integrity of the national territory or the execution of the international engagements are menaced in a grave and immediate manner and the regular functioning of the public constitutional powers is interrupted, the President of the Republic takes the exceptional measures demanded by these circumstances after consultation of the Prime Minister, of the President of the National Assembly, of the President of the Constitutional Court, the President of the Court of Cassation, of the President of the Council of State and of the President of the Court of Accounts.

He informs the Nation by a message. The National Assembly meets of plain right if it is not in session. It may not be dissolved during the exercise of the exceptional powers.

These measures must be inspired by the will to assure to the constitutional public powers, within the shortest time periods, the means to accomplish their mission.

The National Assembly approves [*apprécie*], with an absolute majority of its members the duration of the exercise of the exceptional powers and terminates them in the case of abuse.

Article 54

The President of the Republic after deliberation of the Council of Ministers proclaims the State of Urgency within the conditions determined by the law.

Article 55

The President of the Republic has the right of pardon.

Article 56

[Amended by Law No. 2004-15 of 13 May 2004]

When the regular functioning of the public powers and the continuity of the State are gravely menaced the Council of the Republic [*Conseil de la République*] meets under the presidency of the President of the Republic.

The Council of the Republic is constituted by:

- the President of the Republic;
- the President of the National Assembly;
- the Prime Minister;

- the President of the Constitutional Court;
- the President of the Court of Cassation;
- the President of the Council of State;
- the President of the Court of Accounts;
- the President of the High Court of Justice;
- the President of the Economic, Social and Cultural Council;
- the President of the Superior Council of Communications;
- the President of the National Commission of the Rights of Man and of the Fundamental Freedoms;
- the President of the Association of Traditional Leaders [*Chefs Traditionnels*]; [and]
- the Leader [*Chef*] of the opposition.

The law determines the attributions and the functioning of the Council of the Republic.

Article 57

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

He appoints, by decree taken in the Council of Ministers, to the civil and military employments of the State. A law will determine the functions that he would be provided by decree taken in the Council of Ministers.

Article 58

The law establishes the advantages granted to the President of the Republic and organizes the modalities for granting a pension to former Presidents of the Republic and Heads of State.

Article 59

The Prime Minister is the Head of the Government. He directs, animates and coordinates the governmental action.

He assures the execution of the laws.

He may delegate certain of his powers to the Ministers.

By virtue of an express delegation and for a determined agenda, he substitutes the President of the Republic in the presidency of a Council of Ministers.

Article 60

The acts of the Prime Minister are countersigned, the case arising, by the Ministers charged with their execution.

Article 61

The Government determines and conducts the policy of the Nation.

The Administration and of the Public Force is at its disposal. The Armed Force is at its disposal within the conditions determined by the law.

It is responsible before the National Assembly within the conditions provided for in Articles 88 and 89.

Article 62

The acts of the President of the Republic other than those provided for in paragraph 1 of Article 45, [and] in Articles 49, 50, 53, [and] 74 are countersigned by the Prime Minister and, the case arising, by the Ministers responsible.

Article 63

From their entry into [their] functions, the Prime Minister and the Ministers must remit to the President of the Constitutional Court the declaration[,] written on their honor[,] of their assets. This declaration is subject to an annual updating and [one] at the cessation of the functions.

The initial declaration and the updates are published in the *Journal Officiel* [Official Gazette] and by way of the press.

The provisions of Article 41 are applicable to the members of the Government.

The law determines the other public agents subject to the obligation of declaration of assets, as well as the modalities of this declaration.

Article 64

The functions of member of the Government are incompatible with the exercise of any parliamentary mandate, with any function of professional representation of a national or local scale [*à l'échelle*], with any public employment and with any professional activity.

Article 65

In case of cohabitation, the national defense and foreign affairs are domains shared [*partagés*] between the President of the Republic and the Government.

The Ministers in charge of the national defense and of foreign affairs are designated by a common accord by the President of the Republic and the Prime Minister.

TITLE IV OF THE LEGISLATIVE POWER

Article 66

The legislative power is exercised by a unique chamber denominated [the] National Assembly of which the members bear the title of Deputy.

Article 67

The Deputies are elected by universal, free, direct, equal and secret suffrage.

The duration of a legislature is of five (5) years. The general elections for the renewal of the National Assembly take place ten (10) days at least and twenty (20) days at most prior to the end of the current legislature.

The law establishes the number of members of the National Assembly, their indemnity, the conditions of eligibility, the regime of ineligibilities and of incompatibilities, the modalities of the ballot, as well as the conditions under which it proceeds to organize new elections in case of vacancy of [the] seats of [a] Deputies.

Article 68

The Constitutional Court decides on the eligibility of the candidates.

It equally decides on the validity of the election of the Deputies.

Article 69

Each Deputy is the representative of the Nation.

Any imperative mandate is null.

The right to vote of the Deputies is personal. However, the delegation of the vote is permitted when a Deputy is absent for cause of illness, for the execution of a mandate or a mission entrusted to him by the Assembly or the Government or to fulfill his military obligations. No one may receive for one ballot more than one delegation of [the] vote.

During the legislature, the Deputies may not resign from the parliamentary group in which they are registered either in an individual capacity [*titre*], or in the capacity of their political parties.

Any Deputy who resigns or who is excluded from his political party in the course of the legislature, is replaced in the National Assembly by his substitute.

Article 70

The members of the National Assembly enjoy parliamentary immunity.

No Deputy may be prosecuted, investigated, arrested, detained or judged on the occasion of the opinions or of the votes emitted by him in the exercise of his functions.

Except in the case of *flagrante delicto*, no Deputy may, during the duration of the sessions, be prosecuted or arrested in a correctional or criminal matter except with the authorization of the National Assembly.

No Deputy may, out of session, be arrested except with the authorization of the Bureau of the National Assembly, except in the case of *flagrante delicto*, of authorized prosecutions or of definitive condemnations.

Article 71

The National Assembly is directed by a President assisted by a Bureau. The President and the other members of the Bureau are elected within the conditions established by the internal regulations.

The composition must reflect the configuration of the National Assembly.

The President is elected for the duration of the legislature and the other members of the Bureau [are elected] every year.

When he assures the interim of the President of the Republic within the conditions specified in the Article 42 of this Constitution, the President of the National Assembly is replaced in his functions according to the internal regulations of the National Assembly.

In the case of vacancy of the Presidency of the Assembly by death, resignation or any other cause, the Assembly elects a new President within the fifteen (15) days that follow the vacancy[,] if it is in session; the case arising[,] it meets of plain right within the conditions established by the internal regulations.

Article 72

The National Assembly votes the law and consents to taxes.

It controls the action of the Government.

Article 73

Each year, the National Assembly meets of plain right in two ordinary sessions on the convocation of its President.

The first session opens the first week of the month of March and may not exceed ninety (90) days.

The second session, called [the] budgetary session, opens the first week of the month of October and may not exceed sixty (60) days.

Article 74

The National Assembly is convoked in extraordinary session by its President on a determined agenda, at the demand of the Prime Minister or by two-fifths (2/5) of the Deputies.

The extraordinary sessions, except in the cases where they take place of plain right, are opened and closed by decree of the President of the Republic. The closure intervenes as soon as the agenda is exhausted.

Their duration may not exceed fifteen (15) days.

Article 75

The sittings of the National Assembly are public. A complete record of the debates is published in the *Journal Officiel* [Official Gazette].

At the demand of the Prime Minister or of one-third (1/3) of the Deputies, the Assembly may sit in closed session.

Article 76

The work of the National Assembly takes place following the internal regulations that it adopts in accordance with the Constitution.

The internal regulations determine notably:

- the composition, [and] the rules of functioning of the Bureau as well as the powers and prerogatives of its President;
- the number, the mode of appointment, the composition, the role and the competence of the permanent commissions as well as those that are special and temporary;
- the creation of parliamentary commissions of inquiry within the framework of the control of the governmental action;
- the organization of the administrative services directed by a Secretary-General placed under the authority of the President of the National Assembly;
- the disciplinary regime of the Deputies during the sittings of the Assembly;
- the different modes of the ballot, with the exclusion of those expressly provided for by this Constitution;
- the conditions of exercise of the right of interpellation as well as the rules applicable in the matter of written and oral questions;
- the procedure for initiating [*mis en jeu*] the responsibility of the Government.

TITLE V

OF RELATIONS BETWEEN THE EXECUTIVE AND THE LEGISLATIVE POWERS

Article 77

The National Assembly informs the President of the Republic and the Government of the agenda of its sessions, of its sittings, as well as that of its commissions.

Article 78

The President of the Republic communicates with the National Assembly either directly or through messages that he has read by the President of the National Assembly.

These messages do not give rise to any debate.

Article 79

The members of the Government have access to the plenary and to the commissions of the National Assembly. They are heard either at the demand of these, or at their own demand.

They may be [*se faire*] assisted by their collaborators.

Article 80

The members of the National Assembly, either individually, or collectively[,] may interpellate the Prime Minister or any member of the Government by means of a petition [*requête*].

The members of the National Assembly may equally obtain, by means of written or oral questions, all information about the activities or the acts of administration of the Government.

Article 81

The law establishes the rules concerning:

- citizenship, the civil rights and the fundamental guarantees for the exercise of public freedoms;
- the constraints imposed in the interest of national defense and of public security on citizens, on their persons and on their assets.
- nationality, the state and the capacity of the persons, the matrimonial regimes, inheritance and gifts;
- the procedure according to which customs [*coutumes*] will be declared and brought into harmony with the fundamental principles of the Constitution;
- the determination of crimes and misdemeanors as well as of the penalties applicable to them, the penal procedure, [and] amnesty;
- the organization of the jurisdictions of all orders and the procedure to be followed before these jurisdictions, the creations of new orders of jurisdiction, the status of the magistrates, of the ministerial officers and of the auxiliaries of justice;
- the base [*l'assiette*], the rate and the modalities for collecting taxes [*impositions*] of any nature;
- the regime of emission of the currency;
- the electoral regime of the President of the Republic, of the members of the National Assembly and of the local assemblies;
- the creation of categories of public establishments;
- the nationalization of enterprises and the transfers of property of enterprises from the public sector to the private sector;
- the general status of the Public Function;
- the status of the military personnel, of the Forces of Public Security and Similar [Forces];
- the status of the traditional leadership [*chefferie*];

- the general organization of the Administration;
- the territorial organization, the creation and the modification of the administrative circumscriptions as well as the electoral divisions;
- the state of siege and the state of urgency;
- the associative regime [*régime associatif*];
- communications;
- the status of the opposition.

Article 82

The law determines the fundamental principles:

- of the organization of the national defense;
- of the free administration of the territorial collectivities, of their competences and of their resources;
- of teaching [*enseignement*] and of scientific research;
- of health;
- of the protection of the family;
- of the protection of the environment and of the conservation of the natural resources;
- of the protection, of the conservation and of the organization of the airspace [*l'espace*];
- of the protection of the cultural patrimony;
- of the regime of property, of real rights and of civil and commercial obligations;
- of the right to work [*droit du travail*], of social security, of the syndical right and of the right to strike;
- of the alienation and of the management of the domain of the State;
- of insurance [*mutualité*] and of savings;
- of the regime of transport, of the posts and of telecommunications
- of the regime of public accounting;
- of the penitentiary regime;
- of education;
- of the Rural Code;
- of housing policy;
- of the Code of the leases to rent. [*du code des baux à loyer*].

Article 83

The Law of Finance of the year specifies and authorizes for each civil year all [*l'ensemble*] of the resources and the charges of the State.

The Laws of Finance called corrective [*rectificatives*] [laws] may in the course of the year modify the provisions of the Law of Finance of the year.

The law of regulation [*loi de règlement*] declares the financial results of each civil year and approves the differences between the results and the projections [*prévisions*] of the Law of Finance of the year.

The program laws [*lois de programme*] establish the objectives of the economical and social action of the State.

Article 84

The matters other than those which are of the domain of the law have a regulatory character.

The texts of legislative form intervening in these matters before the entry into force of this Constitution may be modified by decree issued after the opinion [*avis*] of the Constitutional Court.

Article 85

The declaration of war and the sending of troops abroad are authorized by the National Assembly.

Article 86

The state of siege is decreed in the Council of Ministers after the opinion [*avis*] of the Bureau of the National Assembly. The National Assembly meets then of plain right, if it is not in session.

The extension of the state of siege over fifteen (15) days may only be authorized by the National Assembly.

Article 87

The Government may, for the execution of its program, demand of the National Assembly the authorization to take by ordinance(s) for a limited time period, measures that are normally of the domain of the law.

This authorization takes the form of an enabling law [*loi d'habilitation*].

The ordinances are taken in the Council of Ministers after the opinion [*avis*] of the Constitutional Court. They enter into force on their publication but become lapsed if the bill of law of ratification is not deposited before the National Assembly before the date established by the enabling law.

At the expiration of the time period mentioned in the first paragraph of this Article, the ordinances may only be modified by the law in their provisions that are of the domain of the law.

Article 88

The Prime Minister, after deliberation of the Council of Ministers, may engage [*engager*] before the National Assembly the responsibility of the Government concerning its program or eventually concerning a declaration of general policy.

The National Assembly engages [*mettre en cause*] the responsibility of the Government by the vote of a motion of censure. Such a motion is only receivable if it is signed by one-tenth (1/10) at least of the members of the National Assembly. The vote may only take place forty-eight (48) hours after its presentation. Only the votes favorable to the motion of censure are counted[,] which may only be adopted by the majority of the members composing the Assembly. If the motion is rejected, its signatories may not propose a new one in the course of the same session, except in the case provided for in the paragraph below

The Prime Minister can, after deliberation of the Council of Ministers, engage the responsibility of the Government before the National Assembly by the vote of a text. In this case, this text is considered as adopted except if a motion of censure, deposited within the twenty-four (24) hours which follow, is voted within the conditions provided for in the previous paragraph.

Article 89

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

Article 90

The Government has the initiative of the laws concurrently with the members of the National Assembly.

Article 91

The Deputies and the Government have the right of amendment.

Article 92

The proposals, bills and amendments that are not of the domain of the law or that infringe morality are irreceivable. The irreceivability is pronounced by the President of the National Assembly.

In the case of dispute [*contestation*], the Constitutional Court, referred to [the matter] by the Prime Minister or by the President of the National Assembly, decides within a time period of eight (8) days.

Article 93

The proposals and amendments deposited by the Deputies are not receivable when their adoption would have as consequence either a diminution of the public resources, or the creation or the aggravation of a public charge, unless they are accompanied by a proposal of augmentation of receipts or of equivalent economies.

Article 94

The discussion of the bills of law focuses on the text presented by the competent commission of the National Assembly.

At the demand of the Government, the commission must bring to the cognizance of the National Assembly, the points on which there is disagreement with the Government.

Article 95

The National Assembly votes the bill of the Law of Finance within the conditions determined by the law.

Article 96

The National Assembly is referred to [the matter] of the bill of the Law of Finance from the opening of the budgetary session; the bill of the Law of Finance must provide for the receipts necessary for the complete coverage of the expenses.

The National Assembly votes [a] balanced budget [*en équilibre*].

If the National Assembly has not decided within sixty (60) days of the presentation of the bill, the provisions of this bill can be put into force by ordinance.

The Government refers [the matter], for ratification, to the National Assembly convoked in extraordinary session, within a time period of fifteen (15) days.

If the National Assembly has not voted the budget at the end of this extraordinary session, the budget is definitively established by ordinance.

If the bill of the Law of Finance could not be presented in a timely fashion to be promulgated before the beginning of the fiscal year [*exercice*], the Prime Minister demands of urgency of the National Assembly the authorization to continue to

receive taxes and to continue [the] expenditures [of] the budget of the preceding year by provisional twelfths.

Article 97

[Amended by Law No. 2004-15 of 13 May 2004]

The National Assembly governs [*règle*] the accounts of the Nation following the modalities specified by the Law of Finance.

The Law of Regulation [*Loi de règlement*] must be deposited with the Bureau of the National Assembly at the budgetary session of the year following that of the execution of the budget to be debated at the next parliamentary session and adopted[,] at the latest[,] on 31 December of the second year that follows the execution of the budget.

The National Assembly may demand of the Court of Accounts to lead [*mener*] all inquests and studies related to the execution of the public receipts and expenses.

TITLE VI OF THE JUDICIAL POWER

Article 98

[Amended by Law No. 2004-15 of 13 May 2004]

The judicial power is independent of the legislative power and of the executive power.

It is exercised by the Constitutional Court, the Court of Cassation, the Council of State, the Court of Accounts, [and] the courts and tribunals created in accordance with this Constitution.

Article 99

Justice is rendered on the national territory in the name of the People and within strict respect for the rule of law as well as for the rights and freedoms of each citizen.

The decisions of justice impose themselves on all, on the public powers as well as on the citizens. They may only be criticized by the ways and under the forms authorized by the law.

Article 100

In the exercise of their functions, the judges are independent and are only subject to the authority of the law.

The President of the Republic is [the] guarantor of the independence of the judges.

He is assisted by the Superior Council of the Magistrature.

Article 101

The presiding magistrates [*du siège*] are appointed by the President of the Republic on proposal of the Minister of Justice, guardian of the seals [*garde des sceaux*], after the opinion of the Superior Council of the Magistrature [*Conseil supérieur de la magistrature*].

The prosecuting magistrates [*du parquet*] are appointed by the President of the Republic on proposal of the Minister of Justice, guardian of the seals.

The presiding magistrates are irremovable.

Article 102

The law establishes the composition, the organization, the attributions and the functioning of the Superior Council of the Magistracy.

SECTION I OF THE CONSTITUTIONAL COURT

Article 103

The Constitutional Court is the jurisdiction competent in constitutional and electoral matters. It is charged with deciding on the constitutionality of the laws, of the ordinances as well as of the conformity of international treaties and agreements with the Constitution.

It interprets the provisions of the Constitution. It controls the regularity, the transparency and the honesty [*sincérité*] of the referendum, [and] of the presidential, legislative and local elections. It is [the] judge of the electoral disputes [*contentieux*] and proclaims the definitive results of the elections.

Article 104

The Constitutional Court includes seven (07) members aged forty (40) years at least.

It is composed of:

- two (2) notable persons [*personnalités*] with a great professional experience of which one (1) is proposed by the Bureau of the National Assembly and one (1) is proposed by the President of the Republic;
- two (2) magistrates elected by their peers;
- one (1) lawyer elected by his peers;
- one (1) teacher of the Faculty of Law[,] holder [*titulaire*] at least of a doctorate in public law elected by his peers;
- one representative of the Associations of Defense of the Rights of Man recognized by his competence in public law.

The members of the Constitutional Court are appointed for six (6) years by decree of the President of the Republic. Their mandate is not renewable.

The members of the Constitutional Court are renewed by thirds every two (2) years.

Article 105

The members of the Constitutional Court are irremovable for the duration of their mandate. They may not be prosecuted or arrested without the authorization of the Constitutional Court, except in the case of flagrante delicto. In this case, the President of the Constitutional Court is referred to [the matter], at the latest[,] within forty-eight (48) hours.

Article 106

The President of the Constitutional Court is elected by his peers for a period of three (3) years renewable.

Article 107

Before entering into [their] functions, the members of the Constitutional Court take an oath on the Holy Book [*Livre Saint*] of their confession, in [a] solemn public hearing [*audience*] before the President of the National Assembly in these terms:

"I swear to well and faithfully complete my functions, to exercise them with total impartially within respect for the Constitution and with total independence, to keep

the secrecy of the deliberations and of the votes and not to take any public position, not to give any consultation on the questions relevant to the competence of the Court."

Article 108

The functions of [a] member of the Constitutional Court are incompatible with the exercise of any electoral mandate, of any public, civil or military employment, of any professional activity as well as with any function of national representation.

The credits necessary to the functioning of the Constitutional Court are inscribed in the general budget.

An organic law determines the organization and the functioning of the Constitutional Court, the procedure followed before it, notably the time periods for the referral as well as the conditions of eligibility, the advantages, the immunities, and the disciplinary regime of its members.

Article 109

The Constitutional Court decides on:

- the constitutionality of the laws before their promulgation within the conditions enunciated in Article 112 of this Constitution;
- the internal regulations of the National Assembly before their application;
- the conflicts of attribution between the institutions of the State.

It controls the regularity of the presidential, legislative and local elections. It examines the claims, decides in a general manner on the disputes of the presidential, legislative and local elections and proclaims the results of the ballots. It decides on the regularity of the referendum and proclaims the results of it.

Article 110

The Constitutional Court is equally competent to decide on the cases provided for in the Articles 6, 40, 42, 53, 63, 68, 84 and 92 of the Constitution.

Article 111

The Constitutional Court receives the oath of the President of the Republic.

Article 112

The organic laws, before their promulgation and the internal regulations of the National Assembly, before their application, must be submitted to the Constitutional Court which decides on their conformity with the Constitution.

To the same end, the laws may be referred [*déférées*] to the Constitutional Court, before their promulgation, by the President of the Republic, the President of the National Assembly, or one-tenth (1/10) of the Deputies.

In the cases provided for in the preceding paragraphs, the Constitutional Court must decide within a time period of fifteen (15) days. However, at the demand of the Government, if there is urgency[,], this time period is reduced to five (5) days.

In the same cases, the referral [of the matter] to the Constitutional Court suspends the time period of the promulgation.

Article 113

Any person party [*partie*] to a process may raise the unconstitutionality of a law before any jurisdiction by way of pleadings [*exception*]. This [jurisdiction] must postpone [*surseoir*] [its] decision [*à statuer*] until the decision of the Constitutional Court, [a] decision that must intervene within a time period of thirty (30) days.

A provision declared unconstitutional on the basis of the preceding paragraph is lapsed of plain right.

The order [*arrêt*] of the Constitutional Court establishing this unconstitutionality is published in the *Journal Officiel* [Official Gazette] following the procedure of urgency.

Article 114

The Constitutional Court emits opinions on the interpretation of the Constitution when it is referred to [the matter] by the President of the Republic, the President of the National Assembly or one-fifth (1/5) of the Deputies.

In no case may these opinions [*avis*] assume [*revêtir*/take on] the form of an order [*arrêt*].

Article 115

The orders of the Constitutional Court are not susceptible to any recourse. They bind [*lient*] the public powers and all the administrative, civil, military and jurisdictional authorities.

SECTION II OF THE COURT OF CASSATION

Article 116

[Inserted by Law No. 2004-15 of 13 May 2004]

The Court of Cassation is the highest jurisdiction of the State in judicial matters.

An organic law determines the composition, the organization, the attributions and the functioning of the Court of Cassation.

SECTION II/bis OF THE COUNCIL OF STATE

Article 116bis

[Inserted by Law No. 2004-15 of 13 May 2004]

The Council of State is the judge of excess of power of the administrative authorities in first and last resort, of the recourses in interpretation and in appreciation of the legality of administrative acts.

It takes cognizance equally of the appeals [*pourvois*] in cassation formed against the decisions rendered in last resort by the jurisdictions deciding [*statuant*] in administrative matters, the decisions of jurisdictional character rendered in last resort by the administrative organs [*organismes*] and the professional orders, the decisions rendered in last resort by the jurisdictions deciding in matters of contention concerning inscriptions on the electoral lists.

An organic law determines the composition, the organization, the attributions and the functioning of the Council of State.

SECTION II/ter OF THE COURT OF ACCOUNTS

Article 116ter

[Inserted by Law No. 2004-15 of 13 May 2004]

The Court of Accounts is the supreme jurisdiction of control of the public finances. It exercises a jurisdictional competence, a competence of control as well as a consultative competence.

An organic law determines the composition, the organization, the attributions and the functioning of the Court of Accounts.

SECTION III OF THE HIGH COURT OF JUSTICE

Article 117

The High Court of Justice is composed of Deputies that the National Assembly elects from within after each general renewal.

The High Court of Justice elects its President from among its members.

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

The High Court of Justice must be established in the course of the 2nd ordinary session of the 1st legislature.

Article 118

The President of the Republic is not responsible for the acts accomplished in the exercise of his functions except in the case of high treason. He is judged by the High Court of Justice.

There is high treason when the President of the Republic has violated his oath, is [the] recognized author, co-author or accomplice of grave and characterized violations of the rights of man, of fraudulent cession of a part of the national territory, [and] of the introduction of toxic wastes inside the national territory.

When the President of the Republic is found guilty of the crime of high treason, he is relieved [*déchu*] of his functions.

The forfeiture [*déchéance*] is declared by the Constitutional Court at the end of the procedure before the High Court of Justice according to the provisions of this Constitution.

The High Court of Justice is competent to judge the members of the Government for the reason of acts qualified as crimes or misdemeanors committed in the exercise[,] or on the occasion of the exercise of[,] their functions.

Article 119

The impeachment [*mise en accusation*] of the President of the Republic is voted by public ballot by the majority of two-thirds (2/3) of the Deputies composing the National Assembly.

The impeachment of the members of the Government is voted in the same conditions, by a simple majority.

Article 120

The High Court of Justice is bound [*liée*] by the definition of the crimes and misdemeanors[,] and by the determination of the sentences resulting from the penal laws in force at the time [*époque*] of the acts included in the prosecutions.

TITLE VII OF THE ECONOMIC, SOCIAL AND CULTURAL COUNCIL

Article 121

The Economic, Social and Cultural Council assists the President of the Republic and the National Assembly.

It gives its opinion on the questions which are submitted to it by the President of the Republic or the National Assembly.

Article 122

The Economic, Social and Cultural Council is competent to examine the bill and proposals of law of an economic, social and cultural character excluding the laws of finance.

The Council is obligatorily referred to [the matter] of the bills of program law of economic and social character.

It may be referred to any problem of interest to the economic and social life of the Nation.

The Council can, on its own initiative, undertake any study or inquiry concerning the economic, social or cultural questions. Its reports are transmitted to the President of the Republic for any useful ends.

Article 123

An organic law establishes the composition, the organization and the functioning of the Economic, Social and Cultural Council.

The composition of the Council will notably take into account the concern of an adequate representation of the regions, of the traditional leadership [*chefferie*], of the religious associations and trade-unions, of the cooperatives as well as of the civil society.

TITLE VIII

OF THE SUPERIOR COUNCIL OF COMMUNICATION

Article 124

The Superior Council of Communication is an administrative authority, independent of the political power.

Article 125

The Council has for [its] mission to assure and to guarantee the freedom and the independence of the means of audiovisual communication and of the written press within respect for the law.

It sees to the respect for ethics [*déontologie*] in matters of information and to the equitable and effective access of the citizens, of the associations and of the political parties to the official means of information and of communication within the conditions determined by the law.

Article 126

The composition, the organization, the attributions and the functioning of the Superior Council of Communication are established by an organic law.

TITLE IX

OF THE TERRITORIAL COLLECTIVITIES

Article 127

The territorial administration is based [*repose*] on the principles of decentralization and deconcentration.

The territorial collectivities are created by an organic law.

The law determines the fundamental principles of the free administration of the territorial collectivities, their competences and their resources.

Article 128

The State sees to the harmonious development of all the territorial collectivities on the basis of national solidarity, of regional potentialities and of interregional equilibrium.

TITLE X

OF INTERNATIONAL TREATIES AND AGREEMENTS

Article 129

The President of the Republic negotiates and ratifies the international treaties and agreements.

Article 130

The treaties of defense and peace, the treaties and agreements relative to international organizations, those which modify the internal laws of the State and those which involve [*portent*] financial engagement from the State may only be ratified following a law.

Article 131

If the Constitutional Court referred to [the matter] by the President of the Republic, the President of the National Assembly or one-tenth (1/10) of the Deputies, has declared that an international agreement contains a clause contrary to the Constitution, the authorization to ratify it can only intervene after revision of the Constitution.

Article 132

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

TITLE XI

OF COOPERATION AND ASSOCIATION WITH STATES

Article 133

The Republic of Niger may conclude with any African State agreements of association or of community involving [*empourtant*] partial or total abandonment of sovereignty in order to achieve African Unity.

The Republic of Niger may conclude agreements of cooperation and of association with other States on the basis of reciprocal rights and advantages.

It accepts to create with these States, intergovernmental organs [*organismes*] of common management, of coordination and of free cooperation.

These organs may have as [their] objective, notably:

- the harmonization of economical, financial and monetary policy;
- the establishment of unions with a view to [*visant*] to economic integration by the promotion of production and of exchanges;
- the creation of funds of solidarity;
- the harmonization of the plans of development;
- the harmonization of the foreign policy;
- cooperation in judicial matters;
- cooperation in defense matters;

- cooperation in health matters;
- cooperation in cultural, scientific and technical matters;
- the coordination of transport, communications and telecommunications;
- cooperation in the matters of the fight against natural calamities;
- to enhance [*la mise en valeur*] natural resources;
- the preservation of the environment;
- cooperation in the matters of the management of the hydraulic resources.

TITLE XII OF REVISION

Article 134

The initiative of the revision of the Constitution belongs concurrently to the President of the Republic and to the members of the National Assembly.

Article 135

To be taken into consideration, the bill or the proposal of revision must be voted by a majority of three-fourths (3/4) of the members composing the National Assembly.

If the bill or the proposal in question was approved by a majority of four-fifths (4/5) of the members of the National Assembly, the revision is adopted [*acquise*]. In default, the bill or the proposal is submitted to referendum.

Article 136

No procedure of revision may be engaged or followed when the integrity of the national territory is infringed.

The republican form of the State, the multiparty [system], the principle of the separation of State and of religion and the provisions of Articles 36 and 141 of this Constitution may not be made the object of any revision.

TITLE XIII OF TRANSITORY AND FINAL PROVISIONS

Article 137

This Constitution will be adopted by referendum. It will enter into force from its promulgation by the President of the Council of National Reconciliation [*Conseil de Réconciliation Nationale*] within the eight (8) days following the proclamation of the results of the referendum by the Court of State [*Cour d'Etat*].

Article 138

[Amended by Law No. 2004-15 of 13 May 2004]

While awaiting the establishment of the Court of Cassation, of the Council of State and of the Court of Accounts, the Supreme Court remains competent concerning matters pending before it and relevant to the competence devolved respectively on these jurisdictions.

The matters pending before the Judicial Chamber, the Administrative Chamber, and Chamber of Accounts and of Budgetary Discipline[,] and concerning which have not been decided, they will be transmitted in their entirety respectively to the Court of Cassation, to the Council of State and to the Court of Accounts, from the installation of these jurisdictions.

Article 139

Ordinance No. 99-014 of the 1st of June of 1999 concerning the organization of the public powers during the period of transition remains in force until the entrance into [their] functions of the new authorities.

Article 140

The legislation now [*actuellement*] in force remains applicable except express abrogation, insofar as it does not have anything contrary to this Constitution.

The organic laws and the other laws of application provided for by this Constitution must be adopted obligatorily within the two first years of the first legislature.

Article 141

An amnesty is granted to the authors of the Coups d'État of 27 January 1996 and 9 April 1999.

A law will be voted to this effect during the first session of the National Assembly.

Article 142

The Economic, Social and Cultural Council is established on the basis of [*en fonction de*] the means of the State.

Article 143

The provisions necessary for the entrance into force of this Constitution will be made the object either of [an] ordinance or of [a] decree taken in the Council of Ministers.
