

SOURCES FOR AFRICAN CONSTITUTIONAL STUDIES

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The present survey is designed as a research aid for those interested in working on the Constitutions of the African nations. This article catalogs some of the French-speaking countries, with the remainder of the French and the English-speaking nations to be dealt with in future installments. Under the heading of each country is a precis of its important political and constitutional developments, a notation (conforming to the AFRICAN LAW DIGEST system) of the sources of its Constitution(s), their amendments and significant related laws. Also included is a brief selected bibliography noting books and articles dealing with the various Constitutions as well as a list of general works covering more than one nation. The frequent changes of regime, however, have rendered most of these works out of date.

General Bibliography

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BURUNDI

I. From 1907 until independence, Burundi was administered as the united territory of Ruanda-Urundi, with the present Republic of Rwanda. In the 1890's the territory came under the control of Germany where it remained until 1919 when Belgium acquired it as a League of Nations mandate. After World War II the status of the territory was changed to a United Nations Trust which was dissolved by a vote of the General Assembly, June 27, 1962, declaring the separate states of Rwanda and Burundi to be independent as of July 1, 1962.

At the time of independence the people of Burundi voted to retain their traditional monarchy and a Constitution was proclaimed, taking effect on the day of independence. The Constitution was suspended during July, 1966 when Crown Prince Ntare V deposed his father Mwami (king) Mwambutsa IV, who had been in Europe for some time, and became Head of State. Several months later, during Ntare's absence from Burundi, a peaceful military coup dissolved his government and monarchy. A republic was declared and the National Revolutionary Council took up the reins of government. The President, former Capt. Michel Micombero, promised at that time a new constitution, a promise yet to be fulfilled.

II. Burundi (Independent)

A. Constitution

Constitution of the Kingdom of Burundi, July 1, 1962
[1/1 p.1] in force July 1, 1962, promulgated by Mwami
Mwambutsa IV, Oct. 16, 1962, published Jan. 1, 1963

B. Related Laws, Orders and Proclamations

1. Arrêté royal no. 001/792 du 20 oct. 1965 [12/1 p.845]
instituting martial law
2. Arrêté royal no. 001/794 du 20 oct. 1965 [2/1/66 p.27]
concerning method of capital punishment during martial law
3. Arrêté-loi no. 001/795 du 20 oct. 1965 [12/1 p.841]
dealing with the martial law

4. Arrêté royal no. 001/3 du 11 février 1966 [4/1 p.94] partially lifting martial law
5. Arrêté royal no. 001/2 du 8 juillet 1966 [9/1 p.315] suspending Constitution of Burundi until new one may be drawn up reflecting aspirations of the people, African Law Digest Vol. II Item 2543
6. Proclamation of Crown Prince Ndizeye of July 8, 1966 [11/1 p.441] revoking government, declaring himself Head of State, African Law Digest Vol. II Item 2513
7. Proclamation of the Republic of Burundi, November 28, 1966 [1/1/67 p.1] Michel Micombero proclaims the Republic and himself President
8. Décret présidentiel no. 1/24 du 7 février 1967 [3/1 p.88] establishing a commission to perfect a constitution
9. Ordonnance ministérielle no. 100/312 du 17 juillet 1967 [9/1 p.351] dealing with the interior order of the constitutional commission
10. Décret présidentiel no. 1/176 du 1 juillet 1968 [10/1 p.376] lifting martial law in all provinces

III. Burundi (Trust Territory)

A. Constitution

Constitution du Royaume du Burundi

Ordonnance législative no. 01/20 du 30 janvier 1962 [3/9 p.1] promulgated November 23, 1961, in force on date of publication in Official Bulletin; setting forth provisions for entry into force of various Articles

B. Related Acts

1. Loi du 29 juin 1962 concerning application to Burundi of legislative acts of the Trust Authority in force at independence
2. Ordonnance législative du 30 juin 1962 [B.O.B. 1962, p.87] removes restrictions on entry into force of Constitution set forth in [no. 01/20] supra

3. Ordonnance législative du 30 juin 1962 [B.O.R.U. 25 juin '62 p.172] Belgian High Representative extends for six months the validity of legislative ordinances in effect at that date

IV. Bibliography

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2. "Burundi: political and ethnic powderkeg," Africa Report, vol 15, no. 8, Nov. 1970, p.18
3. "Décolonisation et indépendance du Rwanda et du Burundi," L'Institut royal des relations internationales, vol XVI, nos. 4-6, July-December, 1963, p.439-748
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6. _____, Rwanda and Burundi, Pall Mall Press, London, 1970
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8. Nsanze, T. L'édification de la République du Burundi au carrefour de l'Afrique, Edition Remarques Africaines, Bruxelles, 1970

FEDERAL REPUBLIC OF CAMEROUN

I. The Kamerun Protectorate was established by Germany in 1884. After World War I, the territory was divided, France controlling the larger Cameroun, and Britain the smaller areas of North and South Camerouns. In 1922 both European powers received Mandates for their respective territories from the League of Nations which were succeeded by Trusteeships under the United Nations in 1947. From 1953 to 1961 the British territories were administered as separate regions of Nigeria.

Cameroun was granted autonomy by a French decree of April 16, 1957, and achieved independence January 1, 1960. A constitution was promulgated March 4 of that year. Following a plebiscite early in 1961 the British South Camerouns voted to join the Republic of Cameroun while the northern region voted to merge with Nigeria. By a United Nations vote of April 21, 1961 the merger was approved to take effect October 1 of the same year. The Constitution of the new Federal Republic of Cameroun was completed September 1, ratified September 7, and went into effect October 1.

II. Constitution

Constitution de la République fédérale du Cameroun,
Sept. 1, 1961 [9/1 (supp.) p.974]

II. Amendments

1. Loi no. 69-LF-14 du 10 nov. 1969 [12/1 (supp.) p.104] amending and completing various provisions of Article 10, 11, 15, 16, 24, 39 and 44 of the Constitution of Sept. 1, 1969, African Law Digest Vol. V, Item 2308

2. Loi no. 70-LF-1 du 4 mai 1970 [6/1 p.14] Completing Third Paragraph of Article 9 of the Constitution to prohibit the President or Vice-President from holding simultaneously other elective or professional activities, African Law Digest Vol. VI, Item 684

III. Related Laws, Decrees and Ordinances

1. Loi no. 61-24 du 1 sept. 1961 [9/30 (supp.) p.1090/1] revising and adapting the Constitution with respect to the needs of reunited Cameroun
2. Ordonnance no. 61-OF-18 du 27 dec. 1961 [1/15/62 p.36] organizing the Federal High Court of Justice
3. Decret no. 62-DF du 1 jan. 1962 [1/1 p.9] organizing the Presidency of the Republic
4. Ordonnance no. 62-OF-15 du 12 mars 1962 [4/1 p.229] fixing methods of election of the Federal National Assembly in application of Article 54 of the Constitution
5. Ordonnance no. 62-OF-33 du 31 mars 1962 [4/15 p.294] making provisions governing elections of President and Vice-President in pursuance of Articles 9 and 10 of the Constitution
6. Décret no. 62-DF-374 du 26 oct. 1962 [11/1 p.1248] amending Décret no. 62-DF-1, supra
7. Décret no. 63-DF-450 du 27 dec. 1963 [1/31 (supp.) p.2] revising English translations of the Constitution and certain laws
8. Décret no. 65-DF-50 du 9 fév. 1965 [2/15 (supp.) p.1] revising the English translation of Ordonnance no. 62-OF-33, supra
9. Décret no. 65-DF-249 du 12 juin 1965 [6/15 p.614] re-organizing the Presidency of the Republic
10. Décret no. 67-DF-344 du 8 août 1967 [8/15 p.1783] repealing the provisions of Articles 4, 5, 6, 11 and 13 of Décret no. 65-DF-249, supra, and inserting new provisions
11. Décret no. 68-DF-322 du 16 août 1968 [9/1 p.1525]

IV. République du Cameroun

- A. Constitution de la République du Cameroun, 4 mars, 1960 [3/4 (supp.) p.315]

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5. _____, "The New Cameroun Federation," Africa Report, vol 6, no. 11, Dec., 1961, p.7

POPULAR REPUBLIC OF THE CONGO

(BRAZZAVILLE)

I. The Moyen Congo became a colony of France in 1886 and was merged with French Equatorial Africa Jan. 5, 1910. Following the 1958 referendum on the French Constitution, the Congo became a member-state of the Community, its government shaped by a series of constitutional laws passed in 1958/59. Full independence was declared Aug. 15, 1960, with a Constitution promulgated March 2 of the following year. On the third anniversary of independence, a bloodless coup forced the resignation of the President, the old Constitution was suspended and replaced on Dec. 8, 1963. Following a period of intense political turmoil, a provisional government was established in August of 1968, the Constitution was suspended and replaced by an Acte Fondamentale. Jan. 3, 1970 a new constitution, passed December 31 of the previous year, was promulgated.

II. Constitutions

1. Constitution de la République Populaire du Congo Ordonnance no. 40-69 du 31 dec. 1969 [1/15 p.23]
2. Constitution de la République du Congo-Brazzaville, Dec. 8, 1963 [12/31 p.1039]
3. Constitution de la République du Congo, Mar. 2, 1961 Loi no. 22-61 du 2 mars, 1961 [3/4 p.2]

III. Related Laws, Acts and Decrees

1. Arrêté no. 4107/CAB 3 du 28 nov. 1958 [12/3 p.5] proclaiming the République du Congo (formerly territory of Moyen-Congo) and its decision to become a member-state of the French Community
2. Loi constitutionnelle no. 1 du 28 nov. 1958 [12/3 p.6] setting forth the powers of the Republic and the methods of preparation and approval of constitutional laws

3. Loi Constitutionnelle no. 2 du 28 nov. 1958 [12/3 p.7] provisionally designating Brazzaville as the seat of the Legislative Assembly and the government
4. Circulaire no. 1596 du 17 dec. 1958 [1/1/59 p.8] concerning the preparation of projects of laws and decrees
5. Loi Constitutionnelle no. 3 du 16 fév. 1959 [3/15 p.171] suspending provisionally the application of Article 2 of Loi Constitutionnelle no. 1, supra
6. Loi Constitutionnelle no. 4 du 20 fév. 1959 [3/15 p.171] concerning the Legislative Assembly
7. Loi Constitutionnelle no. 5 du 20 fév. 1959 [3/15 p.172] concerning the government of the Republic
8. Loi Constitutionnelle no. 6 du 20 fév. 1959 [3/15 p.172] concerning the relationship between public powers
9. Loi constitutionnelle no. 7 du 20 fév. 1959 [3/15 p.173] concerning the "mise en place" of institutions
10. Errata aux lois constitutionnelles nos. 5 et 7 du 20 fév. 1959 [7/15 p.460]
11. Loi constitutionnelle no. 8 du 18 août 1959 [9/15 p.568] "fixing" the flag of the Republic
12. Loi constitutionnelle no. 9 du 3 nov. 1959 [11/15 p.673] setting forth the motto of the Republic "Unite Travail Progres"
13. Loi constitutionnelle no. 10 du 21 nov. 1959 [12/1 p.703] concerning the national anthem of the Republic
14. Loi constitutionnelle no. 11 du 21 nov. 1959 [12/1 p.703] concerning the Presidency of the Republic
15. Loi constitutionnelle no. 12 du 7 dec. 1959 [12/15 p.740] concerning the title of the Legislative Assembly
16. Loi no. 60-43 [7/28/60 p.553] ratifying accords concerning transfer of competence from France to Republic of Congo and granting to Congo international sovereignty and independence

17. Loi no. 60-44 du 15 août 1960 [8/15 p.597] approving the accords of July 12, 1960, Item 16 supra, signed Aug. 15 between France and the Congo
18. Décret no. 61-46 du 16 fév. 1961 [3/1 p.151] instituting a constitutional study committee
19. Décret no. 63-310 du 16 sept. 1963 [10/1 p.828] instituting a constitutional study committee
20. Fundamental Act of Aug. 4, 1968 [1/1 p.3] organizing the National Revolutionary Council, the Presidency and the government, African Law Digest Vol.V Item 93
21. Act of Aug. 5, 1968 [8/15 p.382] creating the National Revolutionary Council to establish new national institutions, African Law Digest Vol.IV Item 1660
22. Fundamental Act of Aug. 14, 1968 [8/15 p.383] promulgated the fundamental law of the Congo, modifying the previous Constitution until a new one is adopted

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3. Constitution de la République du Congo-Brazzaville, Ministry of Interior, March, 1964
4. "Constitution de la République populaire du Congo," Afrique Contemporaine, No. 47, Jan./Feb., p.16
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6. Jouhaud, Y., "La nouvelle constitution de la République du Congo," Revue Juridique et Politique, Paris, 1964, p.143

DEMOCRATIC REPUBLIC OF THE CONGO

(KINSHASA)

I. Belgian interest in the Congo began during the reign of King Leopold who maintained personal interest and control over the region. In 1908 the Belgian government assumed colonial responsibility for the Congo which ended when independence was declared June 30, 1960. The governmental system was shaped by a Loi Fondamentale worked out at a Round Table Conference in Brussels. Less than a month after independence, revolution, mutiny and armed conflict broke out and it was not until 1964 that a Constitution was promulgated. A coup d'etat in November, 1965 reaffirmed the principles of the 1964 Constitution and a new one was instituted June 24, 1967. The province of Katanga, which seceded in July, 1960, promulgated a Constitution which remained in force for the duration of its separate status ending in January, 1963.

II. Constitutions

1. New Constitution of the Democratic Republic of the Congo of June 24, 1967
2. Constitution of May 30, 1964
3. Constitution de L'Etat du Katanga [8/8/60 p.1] published in Moniteur Katangais

III. Related Ordinances and Laws

1. Loi fondamentale relative aux structures du Congo, 19 mai 1960 setting forth the organization of the Congo Republic pending the adoption of a Constitution; published in Moniteur Belge Nos. 127-128, May 27/28, 1960
2. Arrêté royal du 1 juin 1960 [6/6 p.1621] concerning the entry into force of the Loi fondamentale
3. Loi fondamentale du 17 juin 1960 [6/27 p.1916] concerning public freedoms
4. Décret-loi constitutionnel du 29 sept. 1960 [10/10 p.209] concerning the exercise of legislative and executive functions

5. Décret-loi constitutionnelle du 9 fév. 1961 [2/9 p.39] concerning the exercise of legislative and executive functions
6. Décret-loi constitutionnel du 7 juillet 1961 [11/23 p.474] concerning the state of emergency
7. Loi fondamentale du 9 mars 1962 [4/5 p.92] amending Article 7 of Loi fondamentale du 19 mai 1960
8. Loi du 4 juillet 1963 [7/15 p.123] replacing Articles 247 and 248 of Loi fondamentale du 19 mai 1960
9. Loi constitutionnelle du 18 juillet 1963 [5/19 p.423] replacing Articles 40, and 41, abrogating Articles 189, 190, 253 and 254 of Loi fondamentale du 19 mai 1960
10. Ordonnance-loi no. 7 du 30 nov. 1965 [1/1 p.2] authorizing the President to act by ordinance-law in matters formerly to be governed by laws, African Law Digest Vol. II Item 904
11. Ordonnance-loi no. 92 bis du 7 mars 1966 [4/15 p.158] replacing Ordinance-Law no. 7 of Nov. 30, 1965, and providing that legislative power shall inhere in the President, African Law Digest Vol. II Item 914
12. Ordonnance-loi no. 66-621 du 21 oct. 1966 [1/1 p.1] returning to Parliament power to enact laws, but reserving to the President power to enact laws in time of emergency
13. Ordonnance-loi no. 614 du 31 oct. 1966 [12/1 p.816] granting the President power to annul acts of provincial authorities if they violate laws or Constitution of the Republic or harm public interest, African Law Digest Vol. II Item 783
14. Ordonnance-loi no. 67-223 du 3 mai 1967 [5/15 p.389] organizing a constitutional referendum for June 4-16, 1967, African Law Digest Vol. III Item 2832

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12. Juergensmeyer, J.C., "African presidentialism," Journal of African Law, vol 8, no. 3, 1964 p.157
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20. Vliebergh, H., "Les structures politiques de la République Democratique du Congo," Revue Juridique et Politique, 23(1969), 2, p.183

DAHOMEY

I. Dahomey became a part of French West Africa in 1904, retaining that status until 1958 when, following the referendum on the French Constitution, it became a member-state of the Community, Dec. 4, 1958. Its first Constitution was dated Feb. 14, 1959. Full independence was declared Aug. 1, 1960, with a second Constitution on November 25, of that year. On the first anniversary of its independence, Dahomey took control of the Portuguese enclave of Ajuda in the port of Ouidah, previously a dependency of Sao Tome and Principe. Following a general strike, the Army assumed control Oct. 28, 1963, and the Provisional Government promulgated a third Constitution, Jan. 11, 1964, which was suspended when a military coup toppled the regime Dec. 22, 1965. A revolt led by young officers overthrew the military government Dec. 17, 1967 and a fourth Constitution was promulgated April 8, 1968, with a civilian regime assuming power in July of the same year. That government fell following a coup on Dec. 10, 1969.

II. Constitutions

1. Constitution de la République du Dahomey Ordonnance no. 20 P.R. du 8 avril, 1968 [4/15 p.315]
2. Constitution du Dahomey du 11 janvier, 1964 [1/12 p.31]
3. Constitution de la République du Dahomey Loi no. 60-36 (Nov. 25, 1960) [11/26 p.733]
4. Constitution du 14 février, 1959 Loi no. 59-3 [n.s. 2/59]

III. Related Laws, Ordinances and Decrees

1. Loi no. 60-35 du 8 nov. 1960 [11/15 p.702] establishing Constituent Assembly
2. Ordonnance no. 1 G.P.R.D. du 28 oct.1963 [12/23 p.2] dissolving national institutions and establishing provisional government
3. Ordonnance no. 14 G.P.R.D. du 16 nov. 1963 [12/23 p.8] fixing conditions for Constitutional referendum

4. Décret no. 63-518 du 28 nov. 1963 [12/23 p.17] establishing a National Constitutional Commission
5. Ordonnance no. 17 G.P.R.D. - S.C.G. du 4 dec. 1963 [12/23 p.11] modifying and completing Article 3 of Ordonnance no. 1 G.P.R.D.
6. Loi organique no. 64-18 [8/17/64 p.551] organizing Chambre de Reflecion with respect to Article 97 of Constitution of Jan. 11, 1964
7. Ordonnance no. 3 P.R./C.R.N. du 11 jan. 1966 [2/15 p.128] concerning the role, powers and organization of the Comite de Removation Nationale
8. Ordonnance no. 12 P.R./C.R.N. du 16 mars 1966 [4/15 p.287] completing and amending Ordonnance no. 3 P.R./C.R.N.
9. Ordonnance no. 26 P.R./C.R.N. du 17 juin 1966 [4/15 p.287] correcting Ordonnance no. 3 P.R./C.R.N. and Ordonnance no. 12 P.R./C.R.N.
10. Décret no. 441 bis PR-SCG du 22 dec. 1967 [4/1/68 p.288] creating a Constitutional Committee
11. Décret no. 19 bis PR-SCG du 25 jan. 1968 [4/1 p.289] nominating members of the Constitutional Committee
12. Ordonnance no. 10-PR-MAIS-DAI-A du 29 fév. 1968 [4/17 p.328] fixing date for the Constitutional referendum
13. Ordonnance no. 26-PR du 16 avril 1968 [4/17 p.327] fixing the date for entry into force of the Constitution of April 8
14. Ordonnance no. 69-53 du 26 dec. 1969 [12/27 p.885] publishing the "Charte du Directoire" proclaimed by three-man Directorate, to be "fundamental law" until constitutional regime instituted, African Law Digest Vol. VI Item 2416

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6. Juergensmeyer, J.C., "African Presidentialism," Journal of African Law, vol 8, 1965, p.157
7. "La nouvelle constitution et l'election presidentielle," Afrique Contemporaine, No. 37, May-June, 1968, p.18

GABON

I. Following the first treaty signing with France in 1839, Gabon formed the smallest, least populated and richest of the territories in French Equatorial Africa until it became a member state of the French Community, Nov. 28, 1958. Its first Constitution was promulgated Feb. 19, 1959 and was replaced Nov. 14, 1960, and again Feb. 21, 1961 subsequent to the attainment of full independence August 17 of the previous year. On Feb. 18, 1964, Leon M'Ba, Gabon's first president, was deposed in a bloodless coup, but French troops were airlifted in the same day, and the regime restored.

II. Constitutions

1. Constitution de la République Gabonaise Loi Constitutionnelle no. 1/61 du 21 fév. 1961 [2/25 p.147]

2. Constitution de la République Gabonaise Loi Constitutionnelle no. 68/60 du 14 nov. 1960 [11/25 p.701]

3. Constitution de la République Gabonaise, 19 fév. 1959 (J.O. Afrique équatoriale française, 5/1/59)

III. Amendments

1. Loi no.23/63 du 31 mai 1963 [7/1 p.512] modifying Article 63 of the Constitution

2. Loi no. 17/66 du 30 juin 1966 [7/1 p.565] amends Article 20 of the Constitution by naming the President also Chief of the Army

3. Loi no. 1-67 du 17-2-67 [3/1 p.161] amends Articles 6 to 11, 17, 21, 26, and 27 of the Constitution with respect to the election, oath and impeachment of the President and Vice-President; also election of deputies to National Assembly, African Law Digest Vol. III Item 246

4. Loi no. 4/67 du 30 mars 1967 [4/15 p.263] revises Article 11 of the Constitution, African Law Digest Vol. III Item 1076

5. Loi no. 16-67 du 16-6-67 [7/15 p.487] revises Article 7 of the Constitution, African Law Digest Vol. III Item 2109
6. Loi no. 21-67 du 13-12-67 [1/15 p.25] revises Articles 10 and 21 of the Constitution
7. Loi no. 2-68 du 29-5-68 [7/1 p.403] repeals Article 4 of the Constitution, African Law Digest Vol. IV Item 1739
8. Loi no. 13-68 du 9-11-68 [12/15 p.774] revises certain Articles of the Constitution
9. Loi no. 1-69 du 1^{er}-6-69 [7/1 p.525] revises certain Articles of the Constitution
10. Loi no. 16-69 du 13-12-69 [3/1 p.142] revises certain Articles of the Constitution, African Law Digest Vol. VI Item 127

IV. Related Ordinances and Laws

1. Loi no. 5/59 du 19 fév. 1959 [7/1 p.25] concerns conditions for entry into force of the Constitution
2. Loi no. 52/60 du 1 août 1960 [8/18 p.504] authorizing government to sign accords of cooperation with France relative to the transfer of the competence of the Community
3. Loi no. 2-67 du 17 fév. 1967 [3/1 p.162] concerns election of President and Vice-President, eligibility requirements and direct universal suffrage
4. Ordonnance no. 29-68 du 13 mars 1968 [6/15 p.379] provides for the creation of a single party, the Democratic Party of Gabon (PDG), African Law Digest Vol. IV Item 1043

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5. _____, "Remaniement constitutionnel au Gabon," Revue Juridique et Politique, 22 (1968), 4, Paris, p.1052

GUINEA

I. Guinea became a French colony in 1891, and formed part of French West Africa for more than 60 years. In 1958 Guinea was the only African nation to reject the referendum on the French Constitution and achieved independence immediately thereafter, Sept. 30, 1958. On Nov. 10, 1958 its Constitution was approved by the Assembly and promulgated two days later.

II. Constitution

Constitution de la République de Guinea Loi no. 4/AN/58 du 10 nov. 1958 [11/12 p.87]

III. Amendments

1. Loi no. 1 AN-63 du 31 oct. 1963 [11/15 p.282] modifying Articles 2, 3, 7, 8, 11, 12, 16, 18, and 34 of the Constitution

IV. Bibliography

1. African One-Party States, G. Carter, ed., Cornell Univ. Press, Ithaca, N.Y., 1962

2. Charles, B., "La Guinee," Decolonisation et regimes politiques en Afrique noire, Malibeau and Meyriat, eds., 1967

REPUBLIC OF THE IVORY COAST

In September, 1958, the Ivory Coast, as well as all but one other of the territories of French Africa, accepted the constitution proposed by the government of France. According to the provisions in that document concerning the African territories, the Republic of the Ivory Coast was proclaimed Dec. 4, 1958, as a member of the French Community. On March 26 of the following year a constitution very similar to the French model was declared.

Ivory Coast joined the other new republics of Dahomey, Upper Volta, and Niger to form the Conseil de l'Etente in May, 1959; in June, 1960, following the independence of the Federation of Mali, the states of the Conseil also demanded complete severance of the federalist ties with France. The independence of the Ivory Coast was declared August 7, 1960, and a new constitution was adopted Nov. 3, 1960, in most respects identical to those promulgated by other members of the Conseil.

I. Ivory Coast (Independent)

A. Constitution

Constitution de la République de Cote D'Ivoire Loi no. 60-356
du novembre 1960 [11/4 p.1271]

B. Amendments

1. Loi no. 63-1 du 11 janvier 1963 [1/14 p.29] amending Article 64 of the Constitution dealing with the competence of the high Court to judge members of the government

II. Ivory Coast (French Community)

A. Constitution

Constitution de la République de Cote D'Ivoire Loi no. 59-1
du 26 mars 1959 [3/28 p.369]

B. Amendments

Loi Constitutionnelle no. 60-205 du 27 juillet 1960 [7/30 p.777] amending the Constitution with respect to the vesting of the powers and prerogatives of the Chief of State in the Prime Minister and the establishment of the legislative body as the National Assembly

C. Related Laws

1. Loi no. 60-204 du juillet 1960 [7/30 p.777] establishing the conditions for recourse to referendum noted in Articles 5 and 67 of the Constitution

2. Loi no. 60-206 du juillet 1960 [7/30 p.778] ratifying an agreement signed July 11, 1960, between the Ivory coast and France which provided that the former would achieve international sovereignty and full independence following the transfer of powers from the French Community to the Ivory Coast according to the provisions of Article 87 of the French Constitution

3. Loi no. 60-208 du 27 juillet 1960 [7/30 p.778] fixing August 7 of each year as the National Holiday

4. Loi no. 60-209 du juillet 1960 [7/30 p.778] creating a national Armed Forces

5. Loi no. 60-210 du 27 juillet 1960 [7/30 p.778] instituting a National Order

III. Bibliography

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7. Quermonne, J.L., "Les nouvelles institutions politiques des états africaines d'expression française," 11 Civilisations 171, Brussels, 1961.

MALAGASY REPUBLIC

I. Muslim kings held sway on the island of Madagascar in the 19th Century when France established a protectorate in 1885. The monarchy collapsed and Madagascar became a colony in 1896. Following the referendum on the French Constitution, the island became a member state of the Community as the Malagache Republic. Independence was declared July 1, 1960.

On Oct. 14, 1958 a Constitutional Law was passed and was later replaced by the Constitution of April 29, 1959. The Constitution was amended on June 28, 1960 to reflect the independent status of the Republic.

II. Constitutions

1. Constitution de la République Malagache du 29 avril 1959 [4/29 p.1098]
2. Loi constitutionnelle no. 1 du 14 oct. 1958 [10/18 p.2313]

III. Amendments

1. Loi no. 60-006 du 28 juin 1960 [7/2 p.1114] amending the Constitution
2. Loi no. 62-007 du 6 juin 1962 [6/16 p.1076] amending the Constitution
3. Loi no. 62-033 du 27 dec. 1962 [1/18 p.84] modifying the preamble to the Constitution
4. Loi no. 62-036 du 27 dec. 1962 [1/18 p.89] modifying paragraph I of Article 32 of the Constitution
5. Loi no. 66-012 du 5 juillet 1966 [7/16 p.1517] amending Article 46 of the Constitution, African Law Digest Vol. II Item 1067
6. Loi no. 70-018 du 13 oct. 1970 [10/13 p.2455] abrogates and replaces Articles 7, 9, 10, 16, 17, and 44 of the Constitution, African law Digest Vol. IV Item 2720

IV. Bibliography

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2. Feuer, G., "Madagascar," Decolonisation et regimes politiques en Afrique noire, Malibeu and Meyriat, eds., 1967
3. Massoit, M., Les institutions politiques et administratives de la République Malagache, Universite de Madagascar, 1967
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5. Thebault, E.P., Constitution et lois organique de la République malagache, Editions de la Librairie Madagascar, Paris, 1964

MALI

I. The territory which forms the present Republic of Mali was dominated by Arab tribes until the middle of the 19th Century when the first French trading posts were established. The territory was brought under control in the last decade of that century and became a part of French West Africa in 1899.

On January 17, 1959 the government of Soudan, Senegal, Dahomey and Upper Volta approved the Federation of Mali, but four days later its Constitution was ratified only by Soudan and Senegal. Independence was achieved by the Federation June 20, 1960; August 19 of the same year Senegal withdrew causing dissolution of the Federation. The Republic of Mali was proclaimed September 22 and a Constitution promulgated with significant amendments January 20, 1961. Military coups in 1963 and 1968 toppled the regimes in power; the second uprising vesting authority in a Military Committee of National Liberation and suspending the Constitution.

II. Constitutions

1. Constitution de la République du Mali Loi no. 60-1 A.N.R. M. du 22 sept. 1960 [9/29 p.III]

2. Constitution de la République Soudanaise Loi no. 59-16-A. C.L.P. du 23 jan. 1959 [1/31 p.8]

III. Amendments

1. Loi no. 60-23 A.L.-R.S. du 26 juillet 1960 [9/1 p.698] amending the Constitution

2. Loi no. 61-25 A.N.-R.M. du 20 jan. 1961 [3/15 p.245] amending various provisions of the Constitution

3. Loi no. 61-26 A.N.-R.M. du 20 jan. 1961 [3/1 p.203] amending various provisions of the Constitution

IV. Related Ordinances and Decrees

1. Décret no. 2 P.G. du 2 jan. 1963 [1/15 p.4] concerning control of the State

2. Ordonnance no. 1-PG-RM. du 22-1-68 [2/15 p.73] replacing the National Assembly with a legislative delegation

3. Ordonnance no. 1 du 28 nov. 1968 [11/28 p.1] vesting power of government in Military Committee of National Liberation, African Law Digest Vol. IV Item 2614

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MAURITANIA

I. The influence of Islam in Mauritania dates from the 11th Century; France, Holland, and England did not start vying for predominance until the 17th-18th Centuries. The territory finally became a French protectorate in 1903 and a formal colony December 4, 1920. Mauritania became an Islamic republic in the French Community November 28, 1958 and achieved full independence two years later. Constitutions were promulgated March 22, 1959 and May 20, 1961.

II. Constitutions

1. Constitution de la République Islamique de Mauritanie Loi no. 61-095 du 20 mai 1961 [6/3 p.171]
2. Constitution de la République Islamique de Mauritanie du 22 mars 1959 [5/13 p.10]

III. Amendments

1. Loi no. 60-193 du 26 nov. 1960 [12/7 p.588] modifying the Constitution
2. Loi constitutionnelle no. 64-062 du 24 avril 1964 [5/20 p.115] modifying Article 55 of the Constitution
3. Loi no. 65-039 du 12 fév. 1965 [3/3 p.61] modifying Article 9 of the Constitution
4. Loi no. 66-135 du 12 juillet 1966 [8/3 p.214] modifying Article 13 of the Constitution
5. Loi no. 70-182 du 4 juin 1970 [280-1/ p.157] modifying Article 24 and 27 of the Constitution, African Law Digest Vol. VI Item 2756

IV. Related Ordinances and Laws

1. Loi no. 59-058 du 10 juillet 1959 [8/19 p.189] concerning the Constitutional Commission
2. Ordonnance no. 59-004 du 1 avril 1959 [5/6 p.1] concerning elections to the National Assembly

3. Loi no. 61-129 du 1 juillet 1961 [7/4 p.273] concerning the election of the President

V. Bibliography

1. Gerteiny, A., Mauritania, Pall Mall Press, London, 1967
2. Moore, C.H., "One-Partyism in Mauritania," 3 Journal of Modern African Studies 409, 1965

NIGER

I. Largely controlled by Moroccan and Arab tribes until the 19th Century, Niger did not experience European domination until the 1890's when France and Britain established trading outposts along the Niger River and zones of influence. Around the turn of the century France gained the upper hand and undertook exploration and pacification of the interior.

On Dec. 18, 1958 Niger became a member state of the French Community and on May 29, 1959 joined Dahomey, Ivory Coast and Upper Volta in the Conseil de l'Entente. Independence was declared Aug. 3, 1960.

II. Constitutions

1. Constitution de la République du Niger Loi du 8 nov. 1960 [11/8, numero special]

2. Constitution de la République du Niger Loi du 12 mars 1959 [3/15 p.181]

III. Amendments

1. Loi no. 61-25 du 12 juillet 1961 [8/31 p.67] amending Articles 31 and 51 of the Constitution

2. Loi no. 64-001 du 14 mars 1964 [3/21 p.1] amending Article 64 of the Constitution

3. Loi no. 64-028 du 14 aout 1964 [8/15 p.2] amending Articles 31 and 51 of the Constitution

4. Loi no. 65-34 du 7 sept. 1965 [9/15 p.2] modifying Articles 10 and 29 of the Constitution, African Law Digest Vol. I Item 1336

IV. Related Laws

1. Loi no. 65-35 du 7 sept. 1965 [9/15 p.2] concerning the election of the President, African Law Digest Vol. I Item 1337

2. Loi no. 65-36 du 7 sept. 1965 [9/15 p.4] concerning the election of deputies to the National Assembly, African Law Digest Vol. I Item 1338

V. Bibliography

1. "French-Speaking Tropical Africa Revises Its Political Institutions," 6 Africa Report, no. 2, p.2, Feb. 1961
2. National Unity and Regionalism in Eight African States, G. Carter, ed., Cornell Univ. Press, Ithaca, N.Y., 1966

RWANDA

From 1907 until independence, Rwanda was administered as the united territory of Ruanda-Urundi, with the present Republic of Burundi. In the 1890's the territory came under the control of Germany where it remained until 1919 when Belgium acquired it as a League of Nations mandate. After World War II, the status of the territory was changed to a United Nations Trust which was dissolved by a vote of the General Assembly, June 27, 1962, declaring the separate states of Rwanda and Burundi to be independent as of July 1, 1962.

Rwanda made history of a sort by being the first U.N. Trust territory to declare its own independence. Following a revolution early in 1961, which drove out the traditional monarch, a sovereign republic was declared, Jan. 30, 1961, and a constitution promulgated. Belgian authorities, however, took over direct rule pending elections which in September of that year were heavily in favor of the republican party and opposed to the return of the king. Resisting U.N. pressure to join with Burundi, at independence, Rwanda finally became a sovereign republic. A constitution to replace the earlier document was passed Nov. 24, 1962.

I. Constitution

1. Constitution de la République Rwandaise du 24 nov. 1962 published in [J.O.R.R., 1962, p.439] replacing the provisional Constitution of Jan. 28, 1961

2. Constitution de la République du Rwanda, 28 janvier 1961 text may be found in Revue Juridique du Droit Ecrit et Coutumier du Rwanda et du Burundi, No. 2, March-April, 1961

II. Amendments

1. Revision constitutionnelle du 12 juin, 1963, [J.O.R.R., 1963 p.329] amending Article 108, confirming the mandate of the present President, and suspending, with respect to him, the provisions of Article 52

III. Related Laws

1. Ordonnance-loi du 12 septembre, 1962 [J.O.R.R., 1962, p.439] providing that laws in effect as of June 30, 1962 should remain so until expressly repealed

IV. Bibliography

1. Constitution de la République Rwandaise, Imprimerie du Rwanda, Kigali, 1963
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4. _____, Rwanda and Burundi, Pall Mall Press, London, 1970
5. Premier anniversaire de l'indépendance nationale, Imprimerie du Rwanda, Kigali, 1963

SENEGAL

I. Dominion over the desirable west coast territory of Senegal was contested by the European colonial powers over a long period with France emerging victorious after the Treaty of Vienna. A member state of the Community on November 25, 1958, Senegal, in company with Soudan, approved the Constitution of the Federation of Mali, January 21, 1959. However, Senegal withdrew from the Federation August 19, 1960 and promulgated an independent Constitution August 25, 1960. A third Constitution was approved by referendum March 3, 1963 and promulgated March 7, 1963.

II. Constitutions

1. Constitution de la République du Senegal Loi no. 63-22 du 7 mars 1963 [3/11 p.357]

2. Constitution de la République du Senegal Loi no. 60-045 A.N. du 25 août 1960 [8/31 p.881]

3. Constitution de la Republique du Senegal Loi no. 59-003 du 24 jan. 1959 [1/30 p.62]

III. Amendments

1. Loi no. 63-02 du 4 jan. 1963 [1/7 p.21] amending Articles 64 and 65 concerning immunity of the President from prosecution for official acts

2. Loi no. 67-32 du 20 juin 1967 [7/10 p.1033] amending Articles 22, 24, 31, 45, 47, 49, 53, 67, 75, 88, and 89 of the Constitution, African Law Digest Vol. III Item 2388

3. Loi no. 70-15 du 26 fév. 1970 [2/28 p.230] amending various articles of the Constitution dealing with the Executive, African Law Digest Vol. VI Item 387

IV. Related Laws and Decrees

1. Loi no. 62-62 du 18 dec. 1962 [12/19 p.1939] creating office of President of the Republic

2. Décret no. 70-231 du 26 fév. 1970 [3/7 p.234] establishing regulations dealing with the Executive, African Law Digest Vol. VI Item 393

v. Bibliography

1. "Collapse of the Mali Federation," 5 Africa Report no. 12 p.5, Dec. 1960
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5. _____, "Senegal: La Constitution du 3 mars 1963," Revue du Droit Public et de la Science Politique, March-April, 1963, Paris, p.207

TCHAD

I. Exploration of the territory of Tchad was not vigorously pursued by European powers until the end of the 19th Century, although some expeditions were made as early as 1822. Despite a border treaty between France and Britain which divided the territory in 1898, Tchad was completely under French control by 1903 and became part of French Equatorial Africa. On November 26, 1958 Tchad became a member state of the French Community and achieved independence August 11, 1960. Constitutions were promulgated March 31, 1959; November 28, 1960; and April 16, 1962.

II. Constitutions

1. Constitution de la République du Tchad Loi constitutionnelle no. 2-62 du 16 avril 1962 [5/23 p.341]

2. Constitution de la République du Tchad Loi constitutionnelle no. 18-60 du 28 nov. 1960 [12/15 p.571]

3. Constitution de la République du Tchad du 31 mars 1959 published in J.O. du Afrique equatoriale française, May 1, 1959

III. Amendments

1. Loi constitutionnelle no. 22 du 29 dec. 1965 [1/1 p.5] modifying certain articles of the Constitution

2. Loi constitutionnelle no. 7-67 du 7 fév. 1967 [6/15] abrogating Articles 60, 62, 66, and 68 and modifying Articles 13, 59, 61, 64, 65, 76, and 77 of the Constitution

IV. Bibliography

1. Decheix, P., "Chronique constitutionnelle: Tchad," Revue Juridique et Politique, 21, 1967, 2, p.332

2. Juergensmeyer, J.C., "African Presidentialism," 8 Journal of African Law 157, 1964

3. Le Cornec, J., Histoire politique du Tchad de 1900 a 1962, Ed. Pichon et Durand-Auzias, Paris 1963

4. _____, Les Chefferies du Tchad et l'evolution politique, Librairie Generale de droit et de jurisprudence, Paris, 1963

TOGO

I. Togo was free from European intervention until the wave of African exploration in the 19th Century. In 1885 France ceded its interest to Germany, but the territory was invaded by both France and Britain during World War I. Following that conflict two mandates were established under the League of Nations and continued as trusteeships under the United Nations. The English dominated section was eventually merged with Ghana and the French area became an autonomous republic, August 30, 1956. In 1958 the U.N. approved abolition of the trusteeship status and Togo became independent April 27, 1960. The Constitution of April 23, 1960 was followed by that of April 9, 1961 which in turn was abrogated January 18, 1963 following a coup in which the President was assassinated. A new Constitution was promulgated May 5, 1963 and was suspended following a further upheaval in January, 1967.

II. Constitutions

1. Constitution de la République Togolaise du 5 mai 1963
[5/12 p.305]
2. Constitution de la République Togolaise du 9 avril 1961
[4/17 p.293]
3. Constitution de la République Togolaise du 23 avril 1960
Loi nos. 60-10, 60-11, 60-12 du 23 avril 1960 [4/25 pp.1,3]

III. Amendments

1. Loi no. 66-21 du 15 dec. 1966 [12/31 p.13] revising certain articles of the Constitution

IV. Related Ordinances and Decrees

1. Ordonnance no. 63-1 du 17 jan. 1963 [2/16 p.107] establishing a provisional government
2. Ordonnance no. 1 du 14 jan. 1967 [1/30 p.1] terminating the government and vesting power in the National Reconciliation Committee, African Law Digest Vol. III Item 819
3. Ordonnance no. 16 du 14 avril 1967 [4/15 p.9] dissolving the National Reconciliation Committee and naming new ministers, African Law Digest Vol. III Item 1754

4. Ordonnance no. 22 du 30 mai 1967 [6/30 p.2] creating a Constitutional Committee, African Law Digest Vol. III Item 1759

5. Décret no. 67-202 du 6 oct. 1967 [11/1 p.521] designating members of the Constitutional Committee, African Law Digest Vol. III Item 3492

V. Bibliography

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UPPER VOLTA

I. The Seat of the former Mossi Empire, Upper Volta, had its first independent existence in 1919, when a new territory was carved out of the Ivory Coast and Niger. France divided the territory in 1932 but recreated it in 1947. Upper Volta became a member state of the Community, December 11, 1958, and proclaimed independence, August 5, 1960. Following a brief relationship with the Federation of Mali, Upper Volta joined Dahomey, Ivory Coast and Niger in the Conseil de l'entente. January 3, 1966 a military coup deposed the government and suspended the Constitution; a new Constitution was adopted June 24, 1970.

II. Constitutions

1. Constitution de la République de Haute-Volta Ordonnance no. 1 C.S. du 24 juin 1970 [6/25 p.378], African Law Digest Vol. VI Item 1268

2. Constitution de la République de Haute-Volta Loi no. 86-60 du 9 nov. 1960 [11/12 p.1]

3. Constitution de la République de Haute-Volta Project de Constitution du 28 fév. 1959 [3/2 p.2]

III. Amendments

1. Loi no. 463 AN du 29 jan. 1963 [2/16 p.118] amending Article 64 of the Constitution

2. Loi no. 12-65 AN du 28 juillet 1965 [7/29]

IV. Related Laws and Ordinances

1. Décret no. 475-PRES du 30 nov. 1960 [12/3 p.8] promulgating Constitution approved by Nov. 27, 1960 referendum

2. Loi no. 13-65 AN du 28 juillet 1965 [7/29] concerning the election of the President

3. Loi no. 14-65 AN du 28 juillet 1965 [7/29] concerning the election of deputies to the National Assembly

4. Décret no. 3 PRES du 8 jan. 1966 [1/13 p.12] fixing the composition of the provisional government

5. Ordonnance no. 70-13 PRES du 23 fév. 1970 [3/5 p.146] institutes constitutional committee to examine new proposed Constitution, African Law Digest Vol. VI Item 557

6. Ordonnance no. 70-21 PRES.IS.DI. du 13 mai 1970 [5/19 p.1] fixes the condition for the Constitutional referendum, African Law Digest Vol. VI Item 1265

7. Décret no. 70-93 PRES.SG. du 19 mai 1970 [5/19 p.4] publishes draft of the proposed Constitution, African Law Digest Vol. VI Item 1276

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