

FEDERATION OF THE AUTONOMOUS REGIONS OF THE REPUBLIC OF MADAGASCAR

UNITY-DEVELOPMENT-HOMELAND

PROPOSED CONSTITUTION



«RÉGIONAL STATE»

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CONSTITUTION OF THE 5th REGIONAL REPUBLIC OF MADAGASCAR

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PREAMBLE

The sovereign Malagasy People,

- Resolved to promote and develop its heritage of a pluralistic society that respects diversity, the richness, and dynamism of its ethical-spiritual and socio-cultural values, notably **fihavanana** and the belief in the Creator God;
- Aware that national unity can only have a solid foundation if its constituent entities are ensured harmonious and balanced development in political, economic, social, and cultural aspects;
- Convinced of the exceptional importance of Madagascar's unique fauna, flora, and mineral resources, which nature has endowed it with and must be preserved for future generations;
- Conscious of its diversities, its identity of origin, its common cultural foundation, and its insularity—elements that must guide the search for all possible means to strengthen national unity;
- Observing that:
 - The decentralization practiced thus far has failed to meet the people's rightful and legitimate aspirations due to the self-serving attitudes of successive leaders;
 - A sense of real and ongoing frustration exists among citizens living in remote areas as a result of excessive centralization of decision-making, which has been regarded under all successive regimes in Madagascar as an immutable and indispensable factor of national unity;
 - The disregard for the Constitution or its revision for the sole purpose of strengthening the power of the rulers at the expense of the people's interests has been the root cause of Madagascar's recurring crises;
- Considering Madagascar's geopolitical situation and its proactive participation in the international community, and embracing, in particular:
 - The International Charter of Human Rights;
 - The Conventions on the Rights of the Child, the Rights of Women, Environmental Protection, and Social, Economic, Political, Civil, and Cultural Rights;

- **Recognizing** that the fulfillment of every Malagasy individual's personality and identity is the key factor for sustainable and integrated development, which requires:

- The preservation of peace, the practice of solidarity, and the duty to safeguard national unity in the implementation of a development policy that ensures equal opportunities for all;

- Respect for and protection of fundamental rights and freedoms;

- The establishment of a Rule of Law under which both rulers and citizens are subject to the same legal norms, under the oversight of an independent Judiciary;

- The elimination of all forms of injustice, corruption, inequality, and discrimination;

- The rational and equitable management of natural resources for the benefit of human development;

- Good governance in public affairs, ensured through transparency in management and accountability of those entrusted with public power;

- The separation and balance of powers exercised through democratic processes;

- The establishment of a Regionalized State, founded on the principles of democracy, decentralization, and solidarity, in order to promote sustainable development, social equity, and the well-being of all, by granting the broadest autonomy to decentralized entities in terms of both competencies and financial resources;

- The preservation of human dignity.

Déclare :

TITLE ONE OF FUNDAMENTAL PRINCIPLES

Article 1

- The Malagasy People constitute a Nation organized as a Fédération of the Autonomous Regions, sovereign, republican, and secular.

- This State is named the "Federation of the Autonomus Regions of the Republic of Madagascar."
- Democracy and the rule of law form the foundation of the Republic. Its sovereignty is exercised within the limits of its territory.
- No one may infringe upon the territorial integrity of the Republic.
- The national territory is inalienable.
- The terms and conditions regarding the sale of land and long-term lease agreements (emphyteutic lease) to foreigners are determined by law.

Article 2.

- The State affirms its neutrality towards different religions.
- The secularism of the Republic is based on the principle of the separation of State affairs from religious institutions and their representatives.
- The State and religious institutions must refrain from any interference in each other's respective domains.
- No Head of an Institution or member of the Government may be part of the governing bodies of a religious institution, under penalty of removal by the High Constitutional Court or dismissal from their mandate or function.

Article 3

- The federation of regions of Madagascar is a State composed of Decentralized Territorial Communities: Regions, Communes, and Fokontany, whose competencies and principles of administrative and financial autonomy are guaranteed by the Constitution and defined by law.

Article 4.

- The motto of the Federation of Autonomous Regions of the Republic of Madagascar is:

"Tanindrazana – Fahafahana – Fandrosoana".

That is to say ***“Homeland – Freedom – Development”***.

-Its national emblem is the tricolor flag—white, red, and green—composed of three rectangular bands of equal dimensions: the first is a vertical white band on the hoist side, while the other two are horizontal, with red on top and green below.

-The national language is Malagasy.

-The working and educational languages are Malagasy, French, and English.

-Regional languages are recognized and promoted within their respective Regions.

-The national anthem is **"Ry Tanindrazanay malala ô!" (Our dear homeland.)*

-The capital of the Regional Republic of Madagascar is Antananarivo.

-The State seals and the coat of arms of the Republic are defined by law.

Article 5.

- Sovereignty belongs to the people, the source of all power, who exercise it through their elected representatives by direct or indirect universal suffrage, or by means of a referendum.

-No fraction of the people, nor any individual, can claim the exercise of sovereignty.

- The organization and management of all electoral operations fall under the jurisdiction of the Ministry of the Interior.

- The law establishes the procedures for the operation of the said structure.
- All nationals of both sexes who enjoy the exercise of their civil and political rights are eligible to vote, under the conditions determined by law. The status of voter is lost only by a final judicial decision.

Article 6.

- The law is the expression of the general will. It is the same for all, whether it protects, obliges, or punishes.
- All individuals are equal before the law and enjoy the same fundamental freedoms.
- Everyone is protected by the law without discrimination based on sex, level of education, wealth, origin, religious belief, or opinion.
- The law promotes equal access and participation of women and men in public employment and positions in political, economic, and social life.

TITLE II

FREEDOMS, RIGHTS, AND DUTIES OF CITIZENS.

SUBTITLE I

CIVIL AND POLITICAL RIGHTS AND DUTIES

Article 7.

- Individual rights and fundamental freedoms are guaranteed by the Constitution, and their exercise is regulated by law.

Article 8.

- Everyone's right to life is protected by law. No one may be arbitrarily deprived of life.
- Death shall not be considered as inflicted in violation of this article in cases where it results from the use of force made absolutely necessary to defend any person against unlawful violence.
- No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment.
- In particular, it is forbidden to subject a person to a medical or scientific experiment without their free consent.

Article 9.

- Every person has the right to liberty and shall not be subjected to arbitrary arrest or detention.
- No one may be prosecuted, arrested, or detained except in the cases determined by law and in accordance with the procedures it prescribes.
- Any individual who is a victim of unlawful arrest or detention has the right to compensation.

Article 10.

- The freedoms of opinion and expression, communication, press, association, assembly, movement, conscience, and religion are guaranteed to all and may only be restricted in respect of the freedoms and rights of others, as well as for the imperative of safeguarding public order, national dignity, and state security.
- The freedoms of expression, press, and information must not infringe on private life.
- Criticism and any form of denunciation of abuses of power and misgovernance shall in no case be considered an attack on public order, national dignity, or the security and safety of the state.

- No individual may be prosecuted for their expressions and judgments regarding the management of public affairs.

Article 11.

- Every individual has the right to information. Information, in all its forms, is not subject to any prior restriction, except when it threatens public order and moral standards.
- Allegations affecting public order must be clearly explained by the whistleblower to prevent any pretext for obstructing freedom of expression.
- Freedom of information, regardless of the medium, is a right.
- The exercise of this right entails duties and responsibilities and is subject to certain formalities, conditions, or sanctions provided by law, which constitute necessary measures in a democratic society.
- Any form of censorship is prohibited.
- The practice of journalism is regulated by law.

Article 12.

- Every Malagasy citizen has the right to leave the national territory and to return under the conditions set by law.
- Every individual has the right to move and settle freely throughout the territory of the Republic, while respecting the legitimate community of the place and in accordance with legal provisions.

Article 13.

- Every individual is guaranteed the inviolability of their person, their home, and the secrecy of their correspondence.
- No search can take place except by virtue of the law and upon written order from the competent judicial authority, except in cases of flagrante delicto.

- No one can be punished except in accordance with a law that was promulgated and published prior to the commission of the punishable act.
- No one can be punished twice for the same act.
- The law guarantees everyone the right to seek justice, and the lack of resources cannot prevent this right.
- The State guarantees the full and inviolable rights of defense before all courts and at all stages of the procedure, including during the preliminary investigation, at the level of the judicial police or the public prosecutor.

Article 14.

- Every person has the right to freely form associations, provided they comply with the law.
- This same right is recognized for the creation of political parties.
- The conditions for their creation are determined by a law on political parties and their financing.
- Associations and political parties that challenge the unity of the Nation and republican principles, and advocate for totalitarianism or ethnic, tribal, or sectarian segregation, are prohibited.
- Political parties and organizations contribute to the expression of suffrage.
- The Constitution guarantees the right to democratic opposition.
- After each legislative election, opposition political groups designate a Leader of the Opposition. In the absence of an agreement, the leader of the opposition political group that received the most votes in the election is considered the official Leader of the Opposition.
- The status of the opposition and opposition parties, recognized by this Constitution and providing them with an institutional framework for expression, is determined by law.

Article 15.

- Every citizen has the right to stand as a candidate in the elections provided for by this Constitution, subject to the conditions established by law.

Article 16.

-Every citizen has the duty to protect public property and funds.
-The waste and embezzlement of such property and funds constitute, depending on the case, an offense or a crime severely punished by law and may lead to the forfeiture of civil and political rights as well as the confiscation of the perpetrator's and accomplices' property.

Article 17.

- In the exercise of the rights and freedoms recognized by this Constitution, every individual is obligated to respect the Constitution, the Institutions, the laws, and regulations of the Republic.

SUBTITLE II

OF ECONOMIC, SOCIAL, AND CULTURAL RIGHTS AND DUTIES

Article 18.

- The State protects and guarantees the exercise of rights that ensure the individual's integrity and dignity, as well as their full physical, intellectual, and moral development.

Article 19.

-National Service is a duty of honor.
-Its fulfillment does not affect the citizen's employment position or the exercise of their political rights.

Article 20.

- The State recognizes and organizes for every individual the right to health protection from the moment of conception through the provision of free public healthcare, with the gratuity resulting from the capacity of national solidarity.

Article 21.

- The family, as the natural and fundamental element of society, is protected by the State.
- Every individual has the right to form a family and to pass on their personal property as an inheritance.

Article 22.

- The State ensures the protection of the family for its free development, as well as the protection of the mother and child, through appropriate legislation and social institutions.

Article 23.

- The Regions are committed to taking the necessary measures to ensure the intellectual development of every individual, with no limitation other than each person's abilities.

Article 24.

- Every child has the right to education and instruction under the responsibility of the parents, respecting their freedom of choice.
- The Regions are committed to developing general education and vocational training.

Article 25.

- The Regions organize public education, which is free and accessible to all.
- Primary education is compulsory for all.

Article 26.

- The State recognizes the right to private education and guarantees this freedom of education, provided that the teaching conditions regarding hygiene, morality, and educational standards, as set by law, are equivalent.
- These private educational institutions are subject to a tax regime under the conditions set by law.

Article 27.

- Every individual has the right to participate in the cultural life of the community, in scientific progress, and in the benefits resulting from it.
- The Regions, with the support of decentralized local authorities, ensure the promotion and protection of the national cultural heritage as well as scientific, literary, and artistic production.
- The Regions, with the support of decentralized local authorities, guarantee intellectual property rights.

Article 28.

- Work and vocational training are, for every citizen, a right and a duty protected by the State.
- Access to public office is open to every citizen, subject only to the conditions of ability and aptitude.
- However, recruitment in the public service may be subject to quotas by district for a period, the duration and conditions of which will be determined by law.

Article 29.

- No one shall be harmed in their work or employment due to their sex, age, religion, opinions, origins, membership in a trade union, or political beliefs.

Article 30.

- Every citizen has the right to fair compensation for their work, ensuring, for themselves and their family, a life in accordance with human dignity.

Article 31.

- The State endeavors to meet the needs of any citizen who, due to age or physical or mental incapacity, is unable to work, particularly through the intervention of social institutions or organizations.

Article 32.

- The State recognizes the right of every worker to defend their interests through union action and, in particular, the freedom to establish a union. Membership in a union is voluntary.

Article 33.

- Every worker has the right to participate, particularly through their representatives, in the determination of work rules and conditions.

Article 34.

- The right to strike is recognized, provided that it does not harm the continuity of public services or the fundamental interests of the Nation. The other conditions for exercising this right are determined by law.

Article 35.

- The State guarantees the right to individual property. No one may be deprived of it except through expropriation for public utility, and with fair and prior compensation based on prevailing market costs at the time of expropriation.
- The State ensures easy access to land ownership through appropriate legal and institutional mechanisms and transparent management of land information.

Article 36.

- The State facilitates citizens' access to housing through appropriate financing mechanisms.

Article 37.

- The participation of each citizen in public expenditures must be progressive and calculated based on their capacity to contribute.

Article 38.

- The State guarantees the freedom of enterprise, within the limits of respecting the general interest, public order, good morals, and the environment.

Article 39.

- The State guarantees the security of capital and investments.
- The State must secure the national currency.

Article 40.

- The State guarantees the political neutrality of the Administration, the Armed Forces, the Judiciary, the Police, Education, and Teaching.
- It organizes the Administration to prevent any act of waste or embezzlement of public funds for personal or political purposes.

- Embezzlement of public funds, when proven, is punishable by life imprisonment.

TITLE III

ORGANIZATION OF THE REGIONAL STATE

Article 41

- The Regional Republic of Madagascar is organized into autonomous Regions.
- Each Region has legal personality and possesses its own competencies in the areas defined by the constitution.

Article 42

The following autonomous Regions are established:

Diana, Sava, Itasy, Analamanga, Vakinankaratra, Bongolava, Sofia, Boeny, Betsiboka, Melaky, Alaotra-Mangoro, Atsinanana, Analanjirofo, Amoron'i Mania, Haute Matsiatra, Vatovavy-Fitovinany, Atsimo Atsinanana, Ihorombe, Menabe, Atsimo Andrefana, Androy, Anôsy, Ambatosoa.

Chapter 1

THE NATIONAL POWERS

Article 43:

- The national executive power is exercised by the President of the Republic and the national government.
- The President of the Republic is the guarantor of national unity, territorial integrity, and the Constitution.
- The national executive retains the following strategic competencies to ensure the sovereignty of the State:
 - National defense and security.

- Foreign policy.
- Currency and monetary policy.
- Justice.
- Legal control.

Article 44

The central government may intervene in regional affairs if necessary, particularly in the event of a conflict between regions or the failure of regional governments to comply with national laws.

Article 45

The central government guarantees a redistribution fund to reduce regional disparities and finance projects of general interest.

Article 46:

The national legislative power is exercised by the National Assembly, which legislates for the entire country but respects the competencies delegated to the regions.

Chapter 3 COLLABORATION AND SOLIDARITY

Article 47

To prevent conflicts of jurisdiction between the national government and the regional governments, a **National and Regional Coordination Commission** shall be established.

- It shall oversee interactions between the different levels of government.
- It shall resolve disputes relating to the allocation of powers and responsibilities.
- It shall propose reforms in cases of overlapping or incompatible competences.

This framework would strengthen the autonomy of the Regions while safeguarding national unity and solidarity among the country's territories.

Title IV

THE INSTITUTIONS OF THE REPUBLIC.

Article 48: Institutions at the central level.

- The President of the Republic
 - The Government
 - The Senate
 - The National Assembly
 - The Constitutional Court (proportional and non-majoritarian representation)
- The three branches of the State executive, legislative, and judicial adhere to the principle of the separation of powers and are exercised by distinct bodies.
- The Supreme Court, the Courts of Appeal, and the courts attached to them, as well as the High Court of Justice, exercise the judicial function.

Article 49.

- The law determines the amount, conditions, and methods of allocation for the allowances granted to individuals appointed to perform a mandate, fulfill functions, or carry out missions within the Institutions outlined in this Constitution.
- Before carrying out functions or missions and exercising a mandate, all individuals mentioned in the previous paragraph must submit a statement of assets to the Constitutional Court.
- Except for their rights and under penalty of disqualification, none of the individuals mentioned in Article 40 may accept emoluments or

remuneration from any natural or legal person, whether foreign or national, in the course of their duties.

- The law establishes the procedures for applying these provisions, particularly regarding the determination of rights, emoluments, and remuneration, as well as the procedure for disqualification.

Article 50.

- Functions within the service of the institutions must not constitute a source of illicit enrichment or a means to serve private interests.

Article 51.

- The High Council for the Defense of Democracy and the Rule of Law is responsible for overseeing the respect of ethics in power, democracy, and the rule of law, as well as monitoring the promotion and protection of human rights.

- The procedures regarding the composition, organization, and functioning of the High Council are determined by law.

SUBTITLE ONE **OF THE CENTRAL EXECUTIVE**

Article 52.

- The executive function is exercised by the President of the Republic and the Government.

Chapter 1 **The President of the Republic**

Article 53.

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

He is elected by the electors for a five-year term, which can be renewed only once. He is responsible for:

- External diplomacy
 - National defense and border security
 - Territorial organization
 - Justice and police
 - Finance, currency, and customs
 - National economy, education, and scientific research
 - Communication, culture, and good morals
- All development projects in the Regions fall under the responsibility of the regional institutions.
- The electors who elect the President of the Republic consist of fokontany leaders, municipal councils, mayors, regional deputies, regional councils, governors, and senators.
- He is the guarantor, through his arbitration, of the regular and continuous functioning of public authorities, national independence, and territorial integrity. He ensures the preservation and respect of national sovereignty both internally and externally. He is the guarantor of national unity.
- The President of the Republic performs these duties within the framework of the powers conferred upon him by this Constitution.

Article 54.

Any candidate for the office of President of the Republic must be solely of Malagasy nationality, enjoy full civil and political rights, be at least forty-five years of age on the closing date for the submission of candidacies, have resided within the territory of the Republic of Madagascar for at least six months prior to the deadline set for the submission of candidacies,

and be nominated by one or more political parties legally in force in Madagascar.

- The sitting President of the Republic who is a candidate in the Presidential elections must resign from office sixty days before the election date. In this case, the President of the Senate exercises the current Presidential duties until the inauguration of the new President.
- In the event that the President of the Senate himself runs for election, the functions of Head of State are exercised by a government, collectively.
- It is prohibited for any individual holding a public mandate or performing functions within the institutions, who is a candidate for the Presidential election, to use, for electoral propaganda purposes, any means or prerogatives they possess by virtue of their position.
- Any violation of this provision, as determined by the Constitutional Court, constitutes grounds for invalidating the candidacy.

Article 55.

- The election of the President of the Republic takes place at least thirty days and no more than sixty days before the expiration of the term of the incumbent President.
- In the cases provided for in Articles 53 and 133 of this Constitution, these timeframes begin after the vacancy is declared by the Constitutional Court.
- The election takes place in the first round by an absolute majority of the votes cast. If this is not achieved, the President of the Republic is elected in the second round by a majority of the votes cast among the two candidates who received the most votes in the first round. The second round takes place no later than thirty days after the official proclamation of the results of the first round.
- In the event of a candidate's death before an election round, or if another force majeure event occurs, duly recognized by the Constitutional Court, the election is postponed to a new date under the conditions and

procedures defined by an organic law.

- The incumbent President who is not a candidate in the election remains in office until the inauguration of their successor, under the conditions set forth in Article 59.

Article 56.

- The official transfer of power takes place between the outgoing President and the newly elected President.

- Before taking office, the President of the Republic, in a solemn audience before the Constitutional Court, in the presence of the Nation, the Government, the National Assembly, the Senate, and the Supreme Court, takes the following oath:

" Eto anatrehan'i ZANAHARY sy ny Firenena ary ny Vahoaka, mianiana aho fa hanantanteraka an - tsakany sy an - davany ary amim -pahamarinana ny andraikitra lehibe maha - Filohan'ny Firenena Malagasy ahy.

Mianiana aho fa hampiasa ny fahefana natolotra ahy ary hanokana ny heriko rehetra hiarovana sy hanamafisana ny firaisam- pirenena sy ny zon'olombelona.

Mianiana aho fa hanaja sy hitandrina toy ny anakandriamaso ny Lalàmpanorenana sy ny lalàm-panjakana, hikatsaka hatrany ny soa ho an'ny Vahoaka malagasy tsy ankanavaka "

- The presidential term begins on the day of the oath of office.

Article 57.

- The functions of the President of the Republic are incompatible with any elective public office, any other professional activity, any activity within a political party, a political group, or an association, as well as the exercise of responsibility within a religious institution.

- Any violation of the provisions of this article, as determined by the Constitutional Court, as well as high treason and repeated violations of the constitution, constitutes grounds for the permanent removal of the President of the Republic.

Article 58.

- The temporary incapacity of the President of the Republic is declared by the High Constitutional Court, upon request by the National Assembly, ruling by a two-thirds majority of its members, due to a duly established physical or mental inability to perform duties.
- In the event of temporary incapacity, the functions of Head of State are provisionally exercised by the President of the Senate.

Article 59

- The lifting of the temporary incapacity is decided by the High Constitutional Court upon request by Parliament.
- The temporary incapacity cannot exceed a period of three months, after which the High Constitutional Court, upon request by Parliament, ruling by separate vote of each Assembly and by a two-thirds majority of its members, may decide to convert the temporary incapacity into a permanent incapacity.

Article 60

- In the event of resignation, abandonment of power in any form, death, permanent incapacity, or declared removal from office, the vacancy of the Presidency of the Republic is confirmed by the High Constitutional Court.
- Upon confirmation of the presidential vacancy, the functions of Head of State are carried out by the President of the Senate.
- If the President of the Senate is unable to fulfill this role, as determined by the High Constitutional Court, the functions of Head of State are exercised collectively by the Government.

Article 61.

- After the High Constitutional Court confirms the vacancy of the Presidency of the Republic, a new President must be elected within a minimum of 30 days and a maximum of 60 days, in accordance with the provisions of Articles 48 and 49 of the Constitution.
- During the period from the confirmation of the vacancy until the inauguration of the new President of the Republic or the lifting of the temporary incapacity, Articles 71, 111, 114, 173, and 174 of the Constitution cannot be applied.

Article 62.

- The President of the Republic appoints the Prime Minister presented by the relative majority of the National Assembly.
- He appoints the members of the Government and terminates their functions.
- He terminates the functions of the Prime Minister either upon the latter's submission of the Government's resignation or in the event of serious misconduct or manifest failure.
- Upon the proposal of the Prime Minister, he appoints the members of the Government and terminates their functions.

Article 63.

- The President of the Republic:
 1. Presides over the Council of Ministers;
 2. Signs ordinances adopted in the Council of Ministers in the cases and under the conditions provided for by this Constitution;
 3. Signs decrees deliberated in the Council of Ministers;
 4. Carries out, in the Council of Ministers, appointments to high-ranking state positions, the list of which is determined by decree issued in the Council of Ministers;
 5. May, on any important national issue, decide in the Council of Ministers to directly consult the people's will through a referendum;
 6. Defines and establishes, in the Council of Ministers, the general policy of the State;

7. Oversees the implementation of the general policy thus defined and the actions of the government;

8. Has authority over administrative oversight bodies.

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

Article 64

- The President of the Republic is the Supreme Commander of the Armed Forces and guarantees their unity. In this capacity, he is assisted by a High Council of National Defense.

- The High Council of National Defense, under the authority of the President of the Republic, is specifically responsible for ensuring the coordination of actions assigned to the Armed Forces to preserve social peace. Its organization and responsibilities are defined by law.

- The President of the Republic decides, in the Council of Ministers, on the deployment of forces and military resources for external interventions, after consulting the High Council of National Defense and Parliament.

- He determines, in the Council of Ministers, the national defense strategy in all its aspects, including military, economic, social, cultural, territorial, and environmental.

- The President of the Republic appoints military personnel designated to represent the State in international organizations.

Article 65.

- The President of the Republic accredits and recalls the Ambassadors and Special Envoys of the Republic to other States and International Organizations.

- He receives the letters of credence and recall from the representatives of States and International Organizations recognized by the Republic of Madagascar.

Article 66.

- The President of the Republic exercises the right of pardon.
- He grants decorations and honors of the Republic upon the proposal of the Regions.

Article 67

- The President of the Republic promulgates national laws within three weeks following their transmission by the National Assembly after final adoption.
- Before the expiration of this period, the President of the Republic may request a new deliberation by Parliament on the law or certain of its articles. This new deliberation cannot be refused.

Article 68.

- When the institutions of the Republic, the independence of the Nation, its unity, or the integrity of its territory are threatened, and the regular functioning of public authorities is compromised, the President of the Republic may declare a state of exception over all or part of the national territory, including a state of emergency, a state of necessity, or martial law.
- The decision is made by the President of the Republic in the Council of Ministers, after consultation with the Presidents of the National Assembly, the Senate, and the High Constitutional Court.
- The declaration of a state of exception grants the President of the Republic special powers, the scope and duration of which are determined by an organic law.

- Upon the declaration of one of the aforementioned states of exception, the President of the Republic may legislate by ordinance on matters that fall within the domain of the law.

Article 69.

- The acts of the President of the Republic, except in the cases provided for in Articles 65 paragraphs 1 and 2, 69 paragraphs 1 and 2, 70, 92, 105, 125, 128, and 130, shall be countersigned by the Prime Minister and, where applicable, by the relevant Ministers.

Chapter 2 The Government

Article 70: Nature and Mission

The Central Government is the executive branch of the Central State.

- It consists of the Prime Minister and a number of Ministers ranging from ten (10) to twelve (12), each heading a ministry established by law, whose functions are limited to the sovereign and strategic responsibilities of the State.
- It directs national policy in matters falling within the sovereign powers of the State and guarantees the unity, continuity, and integrity of the Nation.
- It implements the general policy of the State.
- It is accountable to the National Assembly under the conditions provided for in Article 111 below.
- It enforces judicial decisions.

Article 71: Sovereign Powers

The Central Government shall exercise exclusively the following sovereign powers:

- National defence and the security of the national territory;
- Foreign affairs and the international representation of the State;
- The administration of justice, the guarantee of the rule of law, and the protection of fundamental freedoms;
- Currency, sovereign financial policy, and the management of the public debt;
- The drafting of national legislation and the establishment of fundamental standards applicable throughout the national territory.

Article 72: Strategic and Regulatory Role

The Central Government shall determine the Nation's major strategic directions.

It shall ensure regulation, coordination, and balance among the Regions, in particular through mechanisms of national solidarity and fiscal equalization.

Article 73: Relations with the Regions

The Central Government shall ensure that the Regions comply with the Constitution and the laws.

It shall exercise judicial review of the legality of their acts, without interfering with their decision-making autonomy in matters falling within their respective areas of competence.

Article 74.

- The functions of a member of the Government are incompatible with holding any elected public office, any professional representative role, any position within religious institutions, any public employment, or any other paid professional activity.
- Any member of the Government who is a candidate for an elective office must resign from their position as soon as their candidacy is declared admissible.

Article 75.

- The Presidential Cabinet, led by the President and the Prime Minister:

1. Conducts the general policy of the State;
2. Has authority over the members of the Government, directs their actions, and is responsible for coordinating ministerial departments as well as supervising and coordinating any national development program;
3. Has the initiative for legislation;
4. Approves draft laws to be submitted for deliberation by the Council of Ministers and presented to one of the two Assemblies;
5. Ensures the execution of laws;
6. Exercises regulatory power, subject to the provisions of Article 66, paragraph 3;
7. Ensures the enforcement of judicial decisions;
8. Refers matters, when necessary, to the General State Inspectorate and other administrative oversight bodies, ensuring the proper functioning of public services, sound management of public finances, and the financial governance of public entities;
9. Ensures security, peace, and stability throughout the national territory while respecting national unity; to this end, it commands all forces responsible for policing, maintaining order, internal security, and defense;
10. In the event of serious political unrest and before declaring a state of emergency, may resort to law enforcement forces to restore social peace, after consultation with senior authorities of the Police, Gendarmerie, Army, the High Council of National Defense, and the President of the High Constitutional Court;
11. Is the Head of the Administration;
12. Appoints individuals to civilian and military positions, as well as to those in State-controlled organizations, subject to the provisions of Article 56, paragraph 4.

-The Presidential Cabinet may delegate some of its powers to members of the Government.

-It ensures the balanced and harmonious development of all Decentralized Territorial Communities.

- Without prejudice to the provisions of Article 66, it may, exceptionally and with the express delegation of the President of the Republic, preside over the Council of Ministers on a specific agenda.
- The Prime Minister is the head of government representation in the assemblies.

Article 76 .

- The acts of the Prime Minister shall be countersigned, where applicable, by the Ministers responsible for their execution.

Article 77 : "REGIONAL COORDINATORS"

- The Regional Coordinators are the representatives of the central authority at the level of the former Provincial structures.
- District Chiefs and Prefects submit their reports to the Regional Coordinators, who then forward them to the central authority.
- The President of the Republic appoints the Regional Coordinators in the Council of Ministers.

SUBTITLE II THE LEGISLATIVE

Article 78.

- The Parliament consists of the National Assembly and the Senate.
- It enacts laws, oversees the actions of the Government, and evaluates public policies.

Chapter 1 The National Assembly

Article 79.

- The members of the National Assembly are elected for a five-year term by direct universal suffrage through proportional representation in the districts.
- Candidates for the position of Deputy must be at least 25 years old to be eligible.
- The voting system is determined by an organic law.
- Members of the National Assembly hold the title of "Deputy of Madagascar."

Article 80.

- A decree issued in the Council of Ministers determines the number of members of the National Assembly as well as the delimitation of electoral constituencies, proposed by the regions and approved by the Council of Ministers.

Article 81.

- The mandate of a Deputy is incompatible with holding any other elected public office or any public employment, except for teaching.
- A Deputy appointed as a member of the Government is automatically suspended from office and replaced by their substitute.
- The Deputy exercises their mandate according to their conscience and in compliance with the ethical rules determined in the forms specified in Article 80 below.

Article 82.

- During their mandate, a Deputy may not, under penalty of forfeiture, change political groups to join a new one other than the one under which they were elected.
- In case of violation of the previous paragraph, the penalty is forfeiture, which is pronounced by the High Constitutional Court.
- A Deputy elected without party affiliation may join the parliamentary group of their choice within the Assembly.

- The forfeiture of a Deputy may also be pronounced by the High Constitutional Court if they deviate from the guidelines of their parliamentary group.
- The rules governing forfeiture, as well as ethical and deontological regulations, are determined by the law on political parties and the regulations on political party financing.

Article 83.

- No deputy can be prosecuted, investigated, arrested, detained, or judged due to opinions or votes expressed by them in the exercise of their duties.
- No deputy can, during sessions, be prosecuted or arrested for criminal or correctional matters, except with the authorization of the Assembly, unless in the case of a flagrant offense.
- No deputy can, outside of sessions, be arrested except with the authorization of the Bureau of the Assembly, unless in the case of a flagrant offense or authorized prosecution or final conviction.
- Any person demonstrating a legitimate interest can submit in writing to the Permanent Bureau of the National Assembly to challenge a deputy. The Bureau must provide a reasoned response within three months.

Article 84.

- The President of the National Assembly and the members of the Bureau are elected at the beginning of the first session for the duration of the legislature.
- However, they can be removed from their respective positions as Bureau members for serious reasons by a secret vote of two-thirds of the deputies.

Article 85.

- The National Assembly meets by right in two ordinary sessions per year. The duration of each session is set to sixty days.

-The first session begins on the first Tuesday of May, and the second session, primarily dedicated to the adoption of the finance law, begins on the third Tuesday of October.

Article 86.

- The National Assembly is convened in an extraordinary session, with a determined agenda, by a decree of the President of the Republic issued in the Council of Ministers, either at the initiative of the Prime Minister or at the request of the absolute majority of the members of the National Assembly.

- The duration of the session cannot exceed twelve days. However, a decree to close the session is issued once the National Assembly has exhausted the agenda for which it was convened.

Article 87.

- The sessions of the National Assembly are public. A record is kept, and its publicity is ensured under the conditions provided by law.

- The National Assembly may sit in camera at the request of one-quarter of its members or the Government. A record is made of the decisions taken.

Article 88.

- The National Assembly meets by right in a special session on the second Tuesday following the proclamation of the results of its election to proceed with the constitution of its bureau and the formation of the committees.

- The parliamentary opposition is entitled to a vice-presidency and must preside over at least one of the committees.

The session is closed once the agenda has been exhausted.

Article 89.

- The rules regarding the functioning of the National Assembly are established in their general principles by an organic law and in their specifics by its internal regulations.
- The internal regulations are published in the Official Journal of the Republic.

Chapter 2

THE SENATE

Article 90.

- To be a Senator of Madagascar, a candidate must be 40 years old on the closing date for the submission of candidacies.
- The members of the Senate are elected by a body of grand electors, composed of regional deputies, governors, and mayors.
- The members of the Senate hold the title of "Senator of Madagascar."
- Their term of office is five years, except for the President of the Senate, in accordance with Article 47, paragraph 2 of the present Constitution.

Article 91.

- The Senate represents the Decentralized Territorial Communities and the regions.
- It plays a crucial role in reviewing laws, protecting the interests of the regions, and ensuring institutional balance within economic, social, and cultural organizations.

Article 92.

- The rules governing the functioning of the Senate, its composition, as well as the procedures for the election and appointment of its members, are established by an organic law.

Article 93.

- The Senate is consulted by the Government to provide its opinion on economic, social, cultural, and decentralized territorial community organization matters.

Article 94.

- The Senate meets by right in two ordinary sessions per year. Each session lasts sixty days.
- The first session begins on the first Tuesday of May, and the second, primarily dedicated to the adoption of the finance law, begins on the third Tuesday of October.
- It may also be convened for a special session upon request by the Government.

Its agenda is then strictly determined by the convocation decree issued in the Council of Ministers.

- When the National Assembly is not in session, the Senate may only discuss matters referred to it by the Government for consultation, excluding any legislative proposals.

Article 95.

- The provisions of Articles 82 to 90 shall apply, by analogy, to the Senate.

Chapter 3.

RELATIONS BETWEEN THE GOVERNMENT AND PARLIAMENT

Article 96.

- The initiative for legislation belongs concurrently to Deputies and Senators.
- Bills are deliberated in the Council of Ministers and submitted to the bureau of one of the two Assemblies.
- The agenda of the Assemblies gives priority, in the order set by the Government, to the discussion of bills submitted to the bureau of the National Assembly or the Senate by the Prime Minister.

- Bills and amendments proposed by parliamentarians are communicated to the Government, which has a period of thirty days for bills and fifteen days for amendments to provide its observations.
- Upon expiration of this period, the Assembly to which the bills or amendments were submitted proceeds with their examination for adoption.
- Bills or amendments are inadmissible if their adoption would result, within the framework of the current budgetary exercise, in either a reduction of public resources or an increase in the State's expenses, except in matters related to finance laws.
- If, during the legislative process, a bill or amendment is deemed outside the scope of the law, the Government may declare it inadmissible.
- In the event of a disagreement between the Government and the National Assembly or the Senate, the High Constitutional Court, upon request by the Prime Minister or the President of either parliamentary Assembly, shall rule within eight days.
- At least two weeks out of every four of parliamentary sessions shall be reserved for the examination of texts and debates requested by the Government to be included in the agenda.

Article 97.

- Organic laws, finance laws, and ordinary laws are passed by Parliament under the conditions set forth in this Constitution.

Article 98.

- In addition to matters referred to it by other articles of the Constitution, the following fall within the scope of an organic law:

- 1°- Rules governing the election of the President of the Republic;
- 2°- Voting procedures for the election of Deputies, eligibility conditions, incompatibility and forfeiture rules, replacement rules in case of vacancy, and the organization and functioning of the National Assembly;
- 3°- Voting procedures for the election of Senators, eligibility conditions, incompatibility and forfeiture rules, replacement rules in case of vacancy, and the organization and functioning of the Senate;

- 4°- Rules governing the competencies, organization, and functioning of Decentralized Territorial Communities, as well as the management of their own affairs;
- 5°- The organization, composition, functioning, and responsibilities of the Supreme Court and its three constituent courts, the appointment of their members, and the procedures applicable before them;
- 6°- The status of Magistrates;
- 7°- The organization, functioning, and responsibilities of the Superior Council of the Judiciary;
- 8°- The organization, functioning, responsibilities, referral procedures, and procedural rules before the High Court of Justice;
- 9°- The organization, functioning, responsibilities, referral procedures, and procedural rules before the High Constitutional Court;
- 10°- The Electoral Code;
- 11°- General provisions concerning finance laws;
- 12°- General provisions concerning public procurement in the mining sector;
- 13°- Exceptional situations and limitations on public, individual, and collective freedoms during such situations;
- 14°- Equalization mechanisms aimed at promoting equality among territorial communities.

The organization and functions of autonomous Regions shall be specified and supplemented by an organic law.

Article 99.

- Organic laws are passed and amended under the following conditions:

- 1°- The bill or proposal may only be deliberated and voted on by the first Assembly seized after a period of 15 days following its submission;
- 2°- The procedures provided for in Articles 98, 108, and 110 shall apply. However, an organic law may only be adopted by an absolute majority of the members of each Assembly. In the absence of agreement between the two Assemblies after two readings, the National Assembly shall make a final decision by a two-thirds majority of its members.

-If the National Assembly has not adopted the organic law bill before the end of the session, the provisions of the said bill may be put into effect by ordinance, including, if applicable, one or more amendments adopted by one of the Assemblies.

3°- Organic laws concerning the Senate must be passed in identical terms by both Assemblies.

-Organic laws may only be promulgated after the High Constitutional Court has declared their conformity with the Constitution.

Article 100.

- Within the framework of the applicable organic law, the finance law:

1°- Determines the State's resources and expenditures under the conditions and within the limits set by an organic law;

2°- Establishes, for a given fiscal year, the nature, amount, and allocation of the State's resources and expenditures, as well as the resulting budgetary and financial balance, taking into account macroeconomic constraints;

3°- Defines the public revenues allocated to the State and the Regions.

- The organic law sets out the implementation procedures for the provisions of this article, as well as equalization mechanisms aimed at promoting equality among Decentralized Territorial Communities.

- The law specifies the conditions for borrowing and decides on the possible creation of funds.

The law determines:

- The conditions for the use of external loan funds and the mechanisms for parliamentary and judicial oversight;

- The system of personal and financial liability for financial authorities responsible for misappropriation of loan funds, as well as the provisions governing the State's release from liability.

The distribution of resources between the central government and the Regions shall be specified and supplemented by an organic law, in accordance with Article 171 below.

Article 101.

- Program laws define the objectives of State action in economic, environmental, social, cultural, and territorial planning matters.
- The provisions of this article are specified and supplemented by an organic law.

Article 102

- Parliament examines the finance bill during its second ordinary session.
- Under the authority of the Prime Minister, Head of Government, the Ministers responsible for Finance and Budget prepare the finance bill.
- Parliament has a maximum period of sixty days to examine it.
- The National Assembly has a maximum period of thirty days from the submission of the bill to examine it in the first reading. If it fails to decide within this period, it is deemed to have adopted it, and the bill is transmitted to the Senate.
- Under the same conditions, the Senate has a period of fifteen days from the transmission of the bill for the first reading, and each Assembly has a period of five days for each subsequent reading.
- If an Assembly fails to decide within the allotted time, it is deemed to have given a favorable vote on the text submitted to it.
- If Parliament has not adopted the finance bill before the close of the second session, the provisions of the bill may be enforced by ordinance, including one or more amendments adopted by both Assemblies.
- Any amendment to the budget bill that results in an increase in expenditure or a decrease in public resources must be accompanied by a proposal for an equivalent revenue increase or cost-saving measure.
- If the finance bill for a fiscal year has not been submitted in time to be adopted before the beginning of that fiscal year, the Prime Minister is authorized to collect taxes and open by decree the appropriations related to previously approved services.
- The conditions for the adoption of the finance bill are determined by an organic law.

Article 103.

- The Court of Auditors assists Parliament in overseeing the Government's actions.

- It assists both Parliament and the Government in monitoring the implementation of finance laws and evaluating public policies. Through its public reports, it contributes to informing citizens.
- The accounts of public administrations must be accurate and sincere, providing a true representation of their financial management, assets, and financial situation.

Article 104.

- The President of the Republic communicates with Parliament through a message that does not lead to any debate.

Article 105.

- In addition to the issues referred to it by other articles of the Constitution:
 - I - The law sets out the rules concerning:
 - 1°- civil rights and the fundamental guarantees granted to individuals, associations, political parties, and any other group for the exercise of rights and freedoms, as well as their duties and obligations;
 - 2°- international relations;
 - 3°- nationality;
 - 4°- the Central Bank and the currency issuance system;
 - 5°- the movement of persons;
 - 6°- rules of civil and commercial procedure;
 - 7°- rules of administrative and financial procedure;
 - 8°- the determination of crimes and offenses, as well as the penalties applicable to them, criminal procedure, amnesty;
 - 9°- rules concerning conflicts of laws and jurisdiction;
 - 10°- the creation of new courts and their respective competencies, as well as their organization and the procedural rules that apply to them;
 - 11°- the organization of the family, the status and capacity of individuals, marital regimes, inheritance, and donations;
 - 12°- the legal regime of property, real rights, civil and commercial obligations, and the conditions under which property may be expropriated or requisitioned for reasons of public necessity or transferred to the State;
 - 13°- the creation of categories of public establishments;
 - 14°- the status and autonomy regime of Universities, as well as the status of higher education teachers;

- 15°- the general directions for enhancing primary and secondary education;
- 16°- strategic resources;
- 17°- the organization and functioning of decentralized territorial communities;
- 18°- the special statutes of the Capital of the Republic, certain parts of the national territory, State palaces and other buildings under State domain, ports and their network of connections, airports, and the regime of marine resources;
- 19°- the nature and scope of taxes and levies for decentralized territorial communities;
- 20°- the Council of the Malagasy National Order;
- 21°- urban planning and housing;
- 22°- the conditions for foreign ownership of land;
- 23°- the conditions for transferring undeveloped land to the State;
- 24°- the organization, functioning, and responsibilities of the State General Inspectorate and other control bodies of the Administration.

II - The law determines the general principles:

- 1°- of the organization of national defense and the use of the Armed Forces or Law Enforcement by civil authorities;
- 2°- of the general status of civil and military public servants and territorial civil servants;
- 3°- of labor law, trade union rights, the right to strike, and social security;
- 4°- of transfers of ownership of businesses or public sector entities to the private sector and vice versa;
- 5°- of the organization or functioning of various legal, economic, social, and cultural sectors;
- 6°- of environmental protection.

III - A declaration of war may only be authorized by Parliament convened in Congress with the absolute majority of all its members.

Article 106.

- Any bill or proposal is first examined by the Assembly where it was introduced and then transmitted to the other Assembly.

- The discussion takes place successively in each Assembly until a single text is adopted.
- When, due to a disagreement between the two Assemblies, a bill or proposal has not been adopted after two readings by each Assembly, or if the Government has declared urgency, after only one reading by each Assembly, the Prime Minister has the option to convene a joint parliamentary committee tasked with proposing a text on the remaining disputed provisions.
- The text drafted by the joint committee may be submitted by the Government for approval by both Assemblies.
- No amendments are admissible unless agreed upon by the Government.
- If the committee fails to reach an agreement on a common text or if the text is not adopted under the conditions specified in the previous paragraph, the National Assembly makes a final decision by an absolute majority of its members.

Article 107.

- Matters other than those falling under the domain of law are of a regulatory nature. Legislative texts enacted in these areas may be amended by decree taken after consultation with the Constitutional Court.
- Those texts enacted after the entry into force of this Constitution may only be amended by decree if the Constitutional Court has declared that they have a regulatory nature under the previous paragraph.

Article 108.

- The Government may require each Assembly to decide by a single vote on all or part of the provisions of the texts under discussion:
 - during extraordinary sessions, provided that these texts have been submitted within forty-eight hours of the opening of the session;
 - in the last eight days of each ordinary session.

Article 109.

- Within thirty days of his appointment, the Prime Minister presents the General State Program to Parliament, based on the development programs presented by the Regions. Parliament may make suggestions.
- If, during execution, the Government considers that fundamental changes to this program are necessary, the Prime Minister may submit the proposed changes to the National Assembly, which may make suggestions.

Article 110.

- At the beginning of each first ordinary session, the Government presents a report on the implementation of the State program to the National Assembly.
- The presentation will be followed by a debate on the results of the Government's and Regions' actions and the evaluation of public policies.

Article 111.

- The means of parliamentary oversight over government action include oral questions, written questions, interpellations, and inquiry committees.
- At least one session every two weeks, including during extraordinary sessions as provided in Article 74, is reserved for questions from members of Parliament and responses from the Government.
- Three session days per month are reserved for an agenda set by each Assembly at the initiative of the opposition groups of the concerned Assembly, as well as the minority groups.

Article 112.

- The National Assembly may call the Government into question by passing a motion of no confidence.
- Such a motion is admissible only if it is signed by half of the members of the National Assembly. The vote may take place only forty-eight hours after the motion has been submitted.
- The motion is adopted only if it is approved by two-thirds of the members of the National Assembly.

- If the motion is adopted, the Government shall submit its resignation to the President of the Republic, and a new Prime Minister shall be appointed under the conditions set out in Article 55 above.

Article 113.

- The Parliament, by an absolute majority vote of the members of each Assembly, may delegate its legislative power to the President of the Republic for a limited period and a specific purpose.

- This delegation of power authorizes the President of the Republic to adopt, by ordinance in the Council of Ministers, general measures on matters within the domain of the law.

SUBTITLE III

THE ECONOMIC, SOCIAL, AND CULTURAL COUNCIL

Article 114.

- The Economic, Social, and Cultural Council, when consulted by the Government, gives its opinion on draft laws, ordinances, or decrees, as well as on proposed laws submitted to it.

- It is competent to examine draft and proposed laws of an economic, social, and cultural nature, excluding finance laws.

- It may, on its own initiative, undertake any studies or investigations relating to economic, social, and cultural matters. Its reports are submitted to the President of the Republic.

- The composition, responsibilities, and functioning of the Economic, Social, and Cultural Council are determined by an organic law.

Article 115.

- Solidarity funds are established at the level of the Central State as well as in each Region to improve infrastructure and accelerate the economic and social development of the least developed local communities within each Region.

- Their implementation is governed by an organic law.

SUBTITLE IV JUDICIAL MATTERS

Chapter 1 FUNDAMENTAL PRINCIPLES

Article 116

In the Republic of Madagascar, justice shall be administered, in accordance with the Constitution and the law, in the name of the Malagasy people, by the Constitutional, Administrative and Financial Court, the Supreme Court, the Courts of Appeal, the lower courts, and the High Court of Justice.

Article 117

The Judiciary shall be independent of the Executive and Legislative branches. The Constitutional, Administrative and Financial Court and the Supreme Court shall be the guarantors of this independence.

Article 118

In the exercise of their judicial functions, judges, trial magistrates, and lay assessors shall be independent and subject only to the Constitution and the law.

Accordingly, except in cases provided for by law and subject to disciplinary authority, they shall not, in any manner whatsoever, be questioned or held liable in the performance of their duties. They shall not be required to account for the decisions they render or in which they participate.

Article 119

Trial judges shall enjoy security of tenure. They shall hold the positions corresponding to their judicial rank and may not be reassigned without their consent, except where required by the needs of the service as duly determined by the High Council of the Judiciary.

Article 120

Public prosecutors shall be subject to hierarchical authority. However, in their written submissions and oral pleadings, they shall act in accordance with their own conscience and the law.

They shall have authority over the judicial police and may supervise and monitor its activities and operations

Article 121

The office of magistrate shall be incompatible with any activity within a political party, the holding of any elective public office, or the pursuit of any other remunerated professional activity.

.Article 122

A General Inspectorate of Justice, composed of representatives of Parliament, representatives of the Government, and representatives of the Judiciary, shall be responsible for ensuring compliance with the ethical rules applicable to magistrates and for overseeing the conduct of judicial personnel.

The General Inspectorate of Justice shall be attached to the Supreme Court.

The President of the Republic, Parliament, the Government, the heads of the courts, legally established associations, and any individual may refer matters to the General Inspectorate of Justice.

The organization, functioning, and powers of the General Inspectorate of Justice shall be determined by law.

Article 123

The **National Council of Justice**, an advisory body composed of the First President of the Supreme Court, who shall serve as Chair, the Prosecutor General of the Supreme Court, the Presidents of the Courts of Appeal, representatives of the Executive Branch, the Legislative Branch, the Constitutional, Administrative and Financial Court, the High Council of the Judiciary, and the officers of the court, may make recommendations for the improvement of the administration of justice in general.

In this capacity, it may propose to the Government legislative or regulatory measures relating to the organization and functioning of the courts, the status of magistrates, and the status of officers of the court.

The organization, functioning, and powers of the National Council of Justice shall be determined by law.

Chapter 2

THE CONSTITUTIONAL, ADMINISTRATIVE AND FINANCIAL COURT

Article 124

The **Constitutional, Administrative and Financial Court**, as an institution of the State, shall comprise:

- the Constitutional Court;
- the Council of State;
- the Court of Audit.

The President of the Constitutional Court shall, *ex officio*, serve as the First President of the Constitutional, Administrative and Financial Court.

Article 125

The Constitutional Court shall have jurisdiction to determine the constitutionality of treaties, statutes, ordinances, and autonomous regulations, as well as to resolve disputes concerning jurisdiction between two or more State institutions and between State institutions and decentralized territorial authorities.

It shall also have jurisdiction over electoral disputes.

Article 126

The Constitutional Court shall be composed of nine (9) members whose term of office shall be six (6) years and shall not be renewable.

In their capacity as the highest courts of the judicial, administrative, and financial orders, respectively, the Supreme Court, the Administrative Court, and the Financial Court shall each designate three (3) members to serve on the Constitutional Court.

These members shall be selected from among experienced magistrates holding at least the second judicial grade.

Article 127

Membership of the Constitutional Court shall be incompatible with membership of the Government or Parliament, the holding of any elective public office, the pursuit of any remunerated professional activity, or membership in any political party or trade union.

Article 128

The Constitutional Court shall supervise the regularity of referendum proceedings and of the elections of **Fokontany Presidents**, Mayors, Members of the National Assembly, Senators, and the President of the Republic.

It shall proclaim the official results of such referenda and elections.

Article 129

Before their promulgation, all statutes shall be referred by the President of the Republic to the Constitutional Court for constitutional review.

Any provision declared unconstitutional by the Constitutional Court shall not be promulgated. In such a case, the President of the Republic may decide either to promulgate the remaining provisions of the statute, to refer the entire text back to Parliament for further deliberation, or to refrain from promulgating the statute.

Article 130

Before their promulgation, ordinances and the rules of procedure of each House of Parliament, prior to their entry into force, shall be submitted to the Constitutional Court, which shall determine their conformity with the Constitution.

Article 131

The Constitutional Court may be consulted by the public authorities to render an advisory opinion on the constitutionality of any draft decree.

Article 132

Where, in proceedings before any court, a party raises a plea of unconstitutionality, the court shall stay the proceedings and grant that party a period of one (1) month within which to refer the matter to the Constitutional Court. The Constitutional Court shall render its decision within one (1) month.

Article 133

The Council of State shall have jurisdiction over:

- applications for the annulment of acts issued by administrative authorities;
- actions involving full judicial review arising from the activities of the administration; and
- tax disputes.

It shall hear appeals against judgments rendered at first instance by administrative courts and administrative bodies exercising judicial functions. It shall also hear appeals on points of law against final decisions rendered by bodies exercising judicial functions.

The Council of State may be consulted by the public authorities to render advisory opinions on:

- draft legislative or regulatory instruments of general application; and
- the interpretation of legislative or regulatory provisions of general application.

Furthermore, at the request of the public authorities, it may conduct studies concerning legislative texts, as well as the organization, functioning, and responsibilities of public services.

Article 134

The Court of Audit shall:

- audit and adjudicate the accounts of public accountants;
- supervise the implementation of finance laws and the budgets of public authorities and public bodies; and
- audit the accounts and management of public enterprises.

It shall hear appeals against judgments rendered in financial matters by financial courts or administrative bodies exercising judicial functions.

It shall assist Parliament and the Government in overseeing the implementation of finance laws.

Article 135

The organization, functioning, and powers of the Constitutional, Administrative and Financial Court shall be determined by law.

THE SUPREME COURT

Article 136

The Supreme Court is the institution of the State entrusted with:

- ensuring the proper functioning of the courts within the judicial order;
- overseeing compliance with the ethical rules applicable to magistrates and the conduct of judicial personnel; and
- hearing appeals on points of law (*cassation appeals*) against decisions rendered by the courts of the judicial order.

Article 137

The First President and the Prosecutor General shall be the heads of the Supreme Court.

The First President shall be elected jointly by the High Council of the Judiciary and the General Assembly of the Supreme Court. Such election shall be confirmed by decree of the President of the Republic. The term of office shall be three (3) years and may be renewed once only.

The Prosecutor General of the Supreme Court shall be appointed by decree of the President of the Republic sitting in the Council of Ministers, from a list of candidates proposed by the High Council of the Judiciary. The term of office shall be three (3) years and may be renewed once only.

Article 138

The organization, functioning, and powers of the Supreme Court shall be determined by law.

Article 139

The Supreme Court shall submit an annual report on its activities to the President of the Republic, the Prime Minister, the President of the National Assembly, the President of the Senate, and the President of the Constitutional Court. Such report shall be made public.

Chapter 4

THE HIGH COURT OF JUSTICE

Article 140

The President of the Republic, the Presidents of all State institutions, the members of the Government, the members of the Constitutional, Administrative and Financial Court, and the members of the Supreme Court shall incur criminal liability for acts committed in the exercise of their official duties which constitute a felony or a misdemeanour under the law in force at the time the acts were committed.

They shall be subject to the jurisdiction of the High Court of Justice.

They may be impeached by the National Assembly by an absolute majority vote of its members, cast by secret ballot.

Article 141

The High Court of Justice shall have full jurisdiction over all matters within its competence.

Article 142

The High Court of Justice shall be composed of nine (9) members as follows:

- the First President of the Supreme Court, who shall serve as President;
- three Presidents of Chambers of the Supreme Court;
- one First President of a Court of Appeal, designated by the First President of the Supreme Court;
- two full members and two alternate members elected by the National Assembly from among its members; and
- two full members and two alternate members elected by the Senate from among its members.

Five alternate magistrates shall be designated by the General Assembly of the Supreme Court from among the Presidents of Chambers of the Supreme Court or the First Presidents or Presidents of Chambers of the Courts of Appeal.

The Office of the Public Prosecutor shall be represented by the Prosecutor General of the Supreme Court, assisted by one or more members of the Office of the Prosecutor General.

The Chief Registrar of the Supreme Court shall, *ex officio*, serve as the Registrar of the High Court of Justice and shall personally keep the official record of its proceedings. In the event of the Chief Registrar's incapacity or absence, he or she shall be replaced by the senior-most Chamber Registrar.

Article 143

The organization of, and the procedure before, the High Court of Justice shall be determined by law.

TITLE V

ON INTERNATIONAL TREATIES AND AGREEMENTS

Article 144.

- The President of the Republic negotiates and ratifies treaties. He is informed of any negotiations aimed at concluding an international agreement that is not subject to ratification.
- The ratification or approval of alliance treaties, trade treaties, treaties or agreements related to international organizations, those that involve the finances of the State, including foreign loans, and those that modify provisions of a legislative nature, those concerning the status of individuals, peace treaties, and those involving territorial changes, must be authorized by law.
- Before any ratification, treaties are submitted by the President of the Republic to the constitutional review by the Constitutional Court.
- In case of non-compliance with the Constitution, ratification can only take place after a revision of the Constitution.
- Treaties or agreements that are regularly ratified or approved, upon publication, have a superior authority over laws, subject to the application of each agreement or treaty by the other party.
- Any treaty regarding Madagascar's membership in a regional integration organization must be submitted to a popular consultation via referendum.

Article 145.

- The Prime Minister negotiates and signs international agreements not subject to ratification.

TITLE VI
OF THE TERRITORIAL ORGANIZATION OF THE
STATE
THE REGIONS, THE COMMUNES, THE FOKONTANY.

SUBTITLE ONE.
GENERAL PROVISIONS

Article 146.

- The Republic is composed of the Fokontany, the Communes, the Districts, the Regions, and the State.
- The Fokontany, the Communes, and the Regions are autonomous collective entities with their own status, powers, and functions, in accordance with the principles established by the Constitution.
- Antananarivo is the capital of the Republic. Its organization is governed by the law of the State.
- The Fokontany, the Communes, and the Regions have their own assets, which are allocated to them according to the general principles established by the law of the State.
- They can only resort to borrowing for financing investment expenditures, while defining amortization plans that respect the budgetary balance for all local authorities in each Region.
- This recourse to borrowing does not require any guarantee from the central State.

Article 147.

- Legislative power is exercised by the State and the Regions in compliance with the Constitution, as well as the constraints arising from community regulations and international obligations.
- The central government has exclusive power to legislate in the following areas:
 - a) foreign policy and international relations of the State;

- b) immigration;
 - c) relations between the Republic and religious confessions;
 - d) defense and armed forces; state security; arms, ammunition, and explosives;
 - e) currency, protection of savings and financial markets; protection of competition; exchange system; state tax and accounting system; harmonization of public budgets; equalization of financial resources;
 - f) state bodies and respective electoral laws; state referendums;
 - g) administrative system and organization of the State and national public institutions;
 - h) public order and security, excluding local administrative police;
 - i) jurisdiction and procedural rules; civil law and criminal law; administrative justice;
 - j) establishment of essential levels of benefits related to civil and social rights to be guaranteed across the national territory;
 - k) general rules in education;
 - l) social security;
 - m) electoral legislation, governing bodies, and core functions of Fokontany, Communes, and Regions;
 - n) customs, protection of national borders, and international health measures;
 - o) weights, measures, and legal time; coordination of information, statistical, and IT data of state, regional, and local administration; intellectual property;
 - p) protection of the environment, ecosystem, and cultural heritage.
- The following areas are subject to regional legislation:
 - foreign trade;
 - protection and safety at work;
 - school education, without prejudice to the autonomy of schools, and excluding vocational education and training;

- professions;
- scientific and technological research and support for innovation in productive sectors;
- health protection;
- food; sports activities; civil protection;
- land planning; ports and civil airports;
- major transport and navigation networks; communications system;
- national production, transport, and distribution of energy;
- supplementary and additional social security;
- coordination of public finances and the tax system;
- promotion and management of cultural activities and the enhancement of cultural and environmental assets;
- savings banks, rural savings banks, regional banking institutions;
- regional land and agricultural credit institutions;
- civil status and civil status registers.
- In matters of concurrent legislation, legislative power belongs to the Regions, subject to the establishment of fundamental principles, which fall under the state's legislation.
- In all matters not expressly reserved for state legislation, legislative power belongs to the Regions.
- The Regions and the Communes, within their areas of competence, participate in decisions aimed at forming community normative acts and ensure the implementation and execution of international agreements, in compliance with the procedural rules established by state law, which governs the exercise of the power of substitution in case of failure by the Regions and the Communes.
- Regulatory power belongs to the State in areas of exclusive legislation, but the State may delegate this power to the Regions.
- Regulatory power belongs to the Regions in all other areas. It is the responsibility of the Fokontany, Communes, and Regions to exercise

regulatory power related to the organization and execution of the functions assigned to them.

- Regional laws remove all obstacles preventing full equality of opportunity between men and women in social, cultural, and economic life and encourage gender parity in access to elective offices.
- Regional law ratifies agreements of the Region with other Regions for better exercise of its functions; for this purpose, common bodies may also be established.
- In matters within their competence, the Regions may enter into agreements with foreign States and agreements with local authorities abroad, in the cases provided for and according to the forms regulated by state law.

Article 148.

- The country remains one and indivisible, and the free movement of every citizen is respected.
- The Region cannot establish import, export, or transit duties between Regions, nor adopt measures that would in any way obstruct the free movement of people and goods between Regions, nor limit the exercise of the right to work in any part of the national territory.
- The central government may substitute the organs of the Fokontany, Communes, or Regions in case of non-compliance with international standards and treaties or community standards, or in case of serious danger to public health and safety, or when required to protect legal unity or economic unity, particularly to protect the essential levels of benefits related to civil and social rights, regardless of the territorial boundaries of local governments.
- The law defines procedures to ensure that substitute powers are exercised in compliance with the principle of subsidiarity and the principle of loyal cooperation.
- The Fokontany, Communes, and Regions are autonomous collective entities with their own status, powers, and functions, in accordance with the principles established by the Constitution.
- Antananarivo is the capital of the Republic. Its organization is governed by state law.

Subtitle II Of the Regions

Article 149: Status of the Regions

The Regions shall constitute territorial authorities endowed with legal personality and administrative and financial autonomy, while respecting the unity of the State.

Article 150: Principle of Autonomy

The Regions shall enjoy administrative, financial, and decision-making autonomy.

They shall govern themselves freely through elected institutions. They shall possess the authority to make decisions and administer matters falling within their areas of competence.

Article 151: Regional Institutions

Each Region shall comprise:

- a Regional Assembly; and
- a Regional Government.

Article 152: Powers of the Regions

The Regions shall have jurisdiction over the economic, social, cultural, and environmental development of their respective territories.

To this end, they shall exercise, in particular, the following powers:

- economic development and investment promotion;
- agriculture, livestock, fisheries, and food security;
- education, vocational training, and applied research;
- public health and social welfare;

- regional planning, regional infrastructure, and local transportation, including regional roads, markets, and secondary ports;
- culture, heritage, and regional identity; and
- environmental protection and the management of natural resources.

Each Region may establish between five (5) and seven (7) Regional Ministries, adapted to its specific circumstances and needs.

Article 153: Residual Powers

Any power not expressly vested in the Central State shall fall within the jurisdiction of the Regions.

Article 154: Organization of the Regional Government

Each Region shall be headed by a Chief of the Regional Executive, known as the **Governor**.

- The Governor shall represent the Region.
- The Governor shall be elected by direct universal suffrage.
- The elected Governor shall appoint and dismiss the members of the Regional Government.
- The Governor shall direct the policies of the Regional Executive and shall be accountable for its administration.
- The Governor shall promulgate regional laws and issue regional regulations. The Governor shall also oversee the administrative functions delegated by the State to the Region, in accordance with the instructions of the Government of the Republic.
- In cooperation with public and private bodies, the Regional Government shall lead, promote, coordinate, and harmonize the economic and social development of the entire Region and shall be responsible for regional planning, land-use planning, and the implementation of all development initiatives.

Article 155

Any candidate for the office of Governor of a Region shall enjoy full civil and political rights and shall have attained the age of forty (40) years on the date of the election.

The other eligibility requirements and the procedures governing candidacies shall be determined by the law of the Region.

Article 156

- The Governor shall be the guarantor of unity and autonomy within the Region. In this capacity, the Governor shall be the head of all forces responsible for policing, the maintenance of public order, and internal security within the Region.
- The Governor shall appoint the members of the Regional Government and may terminate their appointments.
- The Governor may delegate certain of his or her powers to members of the Regional Government.
- The Governor shall ensure the enforcement of judicial decisions.
- The Governor may negotiate treaties or agreements with foreign entities, with the authorities of other Regions, or with the Central State, in his or her capacity as Governor of the Region, in accordance with the law.
- The Governor shall present to the Regional Assembly the general policy of the Regional Government together with its programme of action for the Region.
- Members of the Regional Government shall bear the title **"Regional Minister."**

Article 157

The Governor, sitting in the Council of Government, shall:

- adopt the regulatory measures necessary for the implementation of the general policy of the Regional Government;

- determine the economic, social, and cultural development plan of the Region, in coordination, where appropriate, with the authorities of the Central State or of other Regions;
- convene the electorate for all internal elections within the Region; and
- convene the ordinary and extraordinary sessions of the Regional Assembly.

The Governor shall sign the regional decrees adopted by the Council of Government.

Such acts shall be countersigned by the Regional Ministers responsible for their implementation.

Article 158

Where the Governor considers that public security and public order are under threat, the Governor, acting in the Council of Government, may declare a state of emergency throughout all or part of the territory of the Region.

In such circumstances, the Governor shall inform the Central Government and may legislate by ordinance.

The Governor shall promulgate the laws passed by the Regional Assembly within fifteen (15) days following their transmission by the Assembly after final adoption.

Before the expiry of this period, the Governor may request the Regional Assembly to reconsider the law or any of its provisions.

The Governor and the Regional Ministers may be impeached by the Regional Assembly by a two-thirds majority of its members.

They shall enjoy the privilege of jurisdiction and shall be tried by the High Court of Justice under the conditions set forth in Articles 140 and 141 above.

Article 159: Composition

The Regional Government shall consist of between five (5) and seven (7) Regional Ministries, exclusively responsible for development policies.

The Regional Ministries shall, in particular, cover the following sectors:

- Economy and Development;
- Agriculture and Natural Resources;
- Education and Training;
- Health and Social Affairs;
- Infrastructure and Regional Planning;
- Culture and Tourism; and
- Environment and Sustainable Development.

Article 160: Principle of Efficiency

The organization of the Regional Government shall be based on the principles of simplicity, proximity to citizens, and effectiveness in public administration.

Article 161: Review of Legality

The acts of the Regions shall be subject to review for legality by the Central State.

Such review shall not extend to the merits or expediency of regional decisions and shall not restrict the autonomy of the Regions.

Article 162

Each Region shall have a **Statute** which, in conformity with the Constitution, shall determine its system of government and the fundamental principles governing its organization and operation.

The Statute shall regulate the exercise of the right of legislative initiative and the holding of referenda on regional laws and administrative measures, as well as the publication of regional laws and regulations.

The Statute shall be adopted and amended by the Regional Council through a law approved by an absolute majority of its members in two successive readings held at least two (2) months apart.

Such law shall not require approval or endorsement by a Minister of the Central Government.

The Government of the Republic may challenge the constitutionality of a Regional Statute before the Constitutional Court within thirty (30) days following its publication.

A Regional Statute shall be submitted to a popular referendum if requested, within three (3) months of its publication, by one-fiftieth (1/50) of the registered voters of the Region or by one-fifth (1/5) of the members of the Regional Council.

A Statute submitted to a popular referendum shall be promulgated only if approved by a majority of the valid votes cast.

In each Region, the Statute shall establish a **Council of Local Autonomies** as a consultative body between the Region and the local authorities.

Courts of first-instance administrative jurisdiction shall be established within each Region in accordance with the judicial organization provided for by a law of the Republic.

Branches of such courts may be established at locations other than the regional capital.

Subtitle III

Of the Regional Parliaments

Article 163.

- The members of the regional parliaments are composed of:
 - Senators of the region.
 - National deputies elected in the region.
 - Regional councilors.
 - Presidents of the municipal and communal councils.
 - Representatives of civil society (5 people)
- The regional parliament exercises the legislative powers assigned to the Region, as well as other functions conferred upon it by the Constitution and by laws.
- It may submit draft laws to the Assembly and the Senate.

The members bear the title of "Regional Deputy."

Article 164.

- No member of the Regional Parliament may be prosecuted, sought after, arrested, detained, or judged on account of the opinions or votes cast by them in the exercise of their duties.
- No member may, during the session, be prosecuted or arrested on criminal or correctional matters without the authorization of the Regional Parliament Assembly, except in cases of flagrant delito.
- No member may, outside of session, be arrested without the authorization of the permanent bureau of the Regional Parliament, except in cases of flagrant delito, authorized prosecution, or a final conviction.
- Any person demonstrating an interest may submit a written request to the Permanent Bureau of the Regional Parliament to challenge a regional deputy. The Bureau must provide a detailed response within three months.

Article 165.

- Any imperative mandate is null and void.
- The voting right of deputies is personal.
- However, the delegation of power is allowed if the Deputy is absent from Madagascar.
- An organic law specifies the conditions and procedures for this delegation

Article 166.

- The duration of each session may not exceed FIFTEEN days.
- The first ordinary session ends no later than one month before the opening of the first ordinary session of the Central Parliament as stipulated in Article 173 of this Constitution.
- The second session, mainly dedicated to the finance law, ends no later than one month before the opening of the second ordinary session of the Central State Parliament.
- The examination of the finance law may begin in the first session and must be completed in the second session.
- If the assembly has not made a decision by the end of the second session, the provisions of the draft law are enacted by an ordinance from the Governor, who may include one or more amendments adopted by the Assembly.

Article 167.

- The Regional Parliament meets in an extraordinary session at the request of the Governor in the Council of Government or at the request of half of the members of the Regional Parliament, with a specific agenda.
- When the extraordinary session takes place at the request of the Deputies, the decree to close the session is issued as soon as the Parliament has exhausted the agenda for which it was convened, and no later than one week from the date of the first session.

Article 168.

- During the first ordinary session of the Regional Parliament, the Governor presents the annual report of the Regional Government.

Article 169.

- The Governor and the members of the Regional Government have access to the Parliament. They are heard whenever necessary.

Article 170.

- At the beginning of the inaugural session, the Regional Parliament elects its President and other members of the permanent bureau for the duration of the legislature.
- However, if the circumstances require, the Regional Parliament may proceed with a general or partial replacement of the Bureau.
- The Regional Parliament sets its internal rules and organizational structure.

Article 171.

- The sessions of the Regional Parliament are public. Minutes are taken, and their publication is ensured under the conditions set by law.
- The Regional Parliament Assembly may sit behind closed doors at the request of the Government or one-third of its members.

Article 172.

- The general principles regarding the organization and functioning of the Assembly of Regional Parliaments are set by law, with the implementation procedures determined by the internal regulations.
- The Regional Parliament may submit a reasoned motion of censure against the Governor, signed by at least one-fifth of its members and adopted by a roll-call vote with an absolute majority of its members.

- The motion can only be discussed three days after its submission.
- The adoption of the motion of censure against the Governor, elected by direct universal suffrage, as well as his dismissal, permanent incapacity, death, or voluntary resignation, results in the resignation of the Regional Executive.

Article 173.

- When the central Government believes that a regional law exceeds the Region's competence, it may refer the matter of constitutional legitimacy to the Constitutional Court within sixty days of its publication.
- When the Region believes that a law, or another act with the force of law from the State or another Region, infringes upon its area of competence, it may refer the matter of constitutional legitimacy to the Constitutional Court within sixty days of the publication of the law or the act with the force of law.

Article 174.

- When a number of municipal councils representing at least one-third of the affected populations request it, and the proposal is approved by referendum with a majority of these populations, a constitutional law, after hearing the regional councils, will proceed with the merger of existing Regions or the creation of new Regions with a minimum of one million inhabitants.
- Following a referendum expressing the approval of the majority of the populations of the relevant Commune(s), a law of the Republic may allow, after hearing the regional councils, the separation of Communes and Fokontany that request it from one Commune to be attached to another.
- The electoral system, the cases of ineligibility and incompatibility for the President and other members of the collegiate Regional Executive, as well as regional councilors, are governed by a regional law within the

framework of the fundamental principles determined by a law of the Republic, which also sets the term of office for elected bodies.

- No one can simultaneously belong to a Regional Council or a collegiate Regional Executive and to one of the Chambers of Parliament, another Regional Council, or another collegiate Regional Executive.
- The Council elects a President and a Bureau from among its members.
- Regional councilors cannot be held accountable for the opinions expressed and the votes cast in the exercise of their functions.

Article 175.

- The modification of municipal boundaries and the creation of new Communes within a Region are established by laws of the Republic, on the initiative of the Communes, after consulting the Region.
- The Region, after consulting the affected populations, may, through its own laws, create new Communes within its territory and modify their boundaries and names.

SUBTITLE IV THE COMMUNES

Article 176: Local Institutions

The local institutions shall consist of:

- the Communes; and
- the Fokontany.

Article 177: Status of the Communes

The Communes shall constitute the basic decentralized territorial authorities, endowed with legal personality and administrative and financial autonomy, while respecting the unity of the State.

Communes shall be classified as either urban or rural, depending on whether their population is concentrated in an urbanized area.

Article 178: Principle of Autonomy

The Communes shall enjoy administrative, financial, and decision-making autonomy.

They shall govern themselves freely through elected institutions and shall possess decision-making and management powers in matters falling within their areas of competence.

They shall contribute to the economic, social, cultural, and environmental development of their respective territories.

Their powers shall be exercised in accordance with the Constitution and the law and shall be guided by the principles of subsidiarity, proximity to citizens, and the promotion and protection of the interests of their inhabitants.

Communes may form associations or inter-municipal groupings for the implementation of common development projects.

Within the Communes, executive and deliberative functions shall be exercised by separate bodies elected by direct universal suffrage.

The composition, organization, powers, and functioning of the executive and deliberative bodies, together with the method and conditions governing the election of their members, shall be determined by law.

The **Fokonolona**, organized into **Fokontany** within the Communes, shall constitute the foundation of development and of social, cultural, and environmental cohesion.

The leaders of the Fokontany shall participate in the preparation of the development programme of their Commune.

SUBTITLE V

THE MAYOR

Article 179

The Mayor shall be the head of the executive branch of the Commune.

The Mayor shall be elected by direct universal suffrage for a term of five (5) years, renewable once only.

Any candidate for the office of Mayor shall enjoy full civil and political rights and shall have attained the age of twenty-five (25) years on the date of the election.

The other eligibility requirements and the procedures governing candidacies shall be determined by the law of the Region.

The Mayor shall be the principal authority responsible for the strategy and implementation of all economic and social development initiatives within the Commune.

The Mayor shall be the head of the municipal administration.

Subtitle VI

STRUCTURES

Chapter 1

THE FOKONTANY

Article 180.

- The Fokontany are the basic decentralized local authorities.
- The Fokonolona, organized into Fokontany within the communes, is the foundation of development and socio-cultural and environmental cohesion.
- The Fokontany contribute to the economic, social, cultural, and environmental development of their territorial jurisdiction. Their competences are primarily based on constitutional and legal principles as well as the principles of proximity, promotion, and defense of the residents' interests.
- The Fokontany may form associations to carry out joint development projects with other Fokontany.
- In the Fokontany, executive and deliberative functions are carried out by distinct bodies, elected by direct universal suffrage.
- The composition, organization, responsibilities, and functioning of the executive and deliberative bodies, as well as the method and conditions of election of their members, are established by law.
- The leaders of the Fokontany participate in the development of their commune's development program.

Chapter 2

THE FOKONTANY PRESIDENT

Article 181.

- The Fokontany President is the head of the executive in the Fokontany.
- He is elected by direct universal suffrage for a five-year term, renewable only once.
- He works in close collaboration with the municipality.

TITLE VII

THE LEGISLATIVE FUNCTION AND THE RELATIONS BETWEEN THE ASSEMBLY AND THE GOVERNMENT COUNCIL OF THE REGIONS.

Article 182

- The law is voted by the Regional Parliament.
- The parliament can legislate on all matters that do not fall under the exclusive competence of central legislation.
- 1. The law sets the rules concerning the election procedures, the general organization, and the functioning of the Regional Parliament and the assemblies of decentralized territorial authorities.
- 2. The law approves the Regional Development Plan.
- 3. The Regional Finance Law sets the resources and expenses of the Region, within the limits of its competences.
- 4. The law determines the fundamental principles of the status of civil servants, firefighters, militias, civil protection agents of the Region, and decentralized territorial authorities within the Region.
- 5. Treaties or agreements with foreign countries or other Regions or with the Central State, entered into by another Region, are ratified by the concerned Regional Parliament.

Article 183

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

Article 184.

- The initiative for law belongs to the Regional Government and its Parliament.
- Draft laws are submitted to the office of the Regional Parliament.
- Regional deputies and the Regional Government have the right to amend regional laws.
- Proposals for laws and amendments to draft laws made by Regional deputies are communicated to the Governor of the Region and the President of the Republic.
- Any amendment to the finance law must respect the overall balance of the budget.
- The Government's observations must be submitted to the office of the Regional Parliament no later than fifteen days. After this period, the Parliament may proceed to vote on the proposals and amendments.

Article 185.

- The Governor, after deliberation with the Government Council, may bring before the Regional Parliament the Government's responsibility for its program or, if applicable, for a general policy statement.
- He then poses the question of confidence.
- The vote can only take place forty-eight hours after its submission.
- The Regional Parliament may challenge the Government's responsibility by voting on a motion of censure.
- Such a motion is admissible only if it is signed by at least one-third of the members of the Regional Parliament.
- The vote can only take place forty-eight hours after its submission.
- The motion of censure or the question of confidence is adopted only if it is voted by an absolute majority of the members of the Parliament.

- If the motion of censure is rejected, its signatories may not propose another one during the same session.
- No motion of censure may be filed within twelve months following the approval of the Government's general policy program.

Article 186.

- When the Regional Parliament adopts a motion of censure or disapproves of the program or the general policy statement of the Regional Government, the Governor must reshuffle his government within fifteen days.
- Within thirty days from the formation of the new Government, the Governor shall submit to the Regional Parliament the general policy program adopted in the council of government

Article 187

- No motion of censure may be submitted within twelve months following the presentation of the general policy program of the Government by the new Regional Government.

Article 188 .

- The accountability of magistrates serving in the Region may be challenged by the deputies in the Region according to the impeachment procedure stipulated in Article 87 of this Constitution.

TITLE VIII
RELATIONS BETWEEN THE STATE AND THE REGIONS
Chapter 1
COOPERATION AND NON-INTERFERENCE

Article 189

The State and the Regions shall cooperate in a spirit of complementarity.

- Cooperation between levels of government shall be mandatory.
- An annual National State–Regions Conference shall be held.

Article 190

The State shall not intervene in matters falling within the powers of the Regions, except in cases of violation of the law.

Chapter 2
REVIEW OF LEGALITY (CENTRAL GOVERNMENT AUTHORITY)

Article 191

The Central Government shall intervene **ONLY** to verify:

- compliance with the Constitution;
- compliance with national laws;
- respect for fundamental freedoms; and
- budgetary compliance (including the absence of unlawful deficits, corruption, or misappropriation of public funds).

Means of intervention:

- annulment of unlawful acts;
- referral of matters to the Constitutional Court; and
- suspension in cases of serious misconduct.

Article 192

The Central Government **SHALL NOT** intervene in:

- the choice of regional development priorities;
- the management of lawful regional budgets;
- the internal organization of Regional Ministries;
- local economic projects;
- local agricultural, educational, or health policies; and
- regional investment decisions.

The State shall not assess whether a decision is good or bad, but only whether it is lawful.

The Central Government shall not be a superior authority; it shall perform a role of coordination.

TITLE IX LAND TENURE SYSTEM AND LAND MANAGEMENT

Chapter 1 FUNDAMENTAL PRINCIPLES

Article 193: Land Sovereignty

Land belongs to the Malagasy Nation.

It constitutes a common heritage for which the State shall ensure protection, development, and transmission to future generations.

Article 194: Right to Land

Every Malagasy citizen shall have the right to equitable access to land, in accordance with the law.

The State shall ensure the legal security of land rights.

Article 195: Principle of Subsidiarity

Land management shall be decentralized and exercised in accordance with the principle of subsidiarity, giving priority to the level of governance closest to citizens.

It shall be organized according to the following structure:

Fokontany → Commune → Region → State

Article 196: Recognition of Customary Rights

Land rights arising from customary practices shall be recognized and protected.

They shall acquire legal value after validation by the competent local authorities.

Article 197: Land Transparency

All land transactions and operations shall be:

- registered;
- traceable; and
- accessible under the conditions established by law.

Chapter 2

POWERS OF TERRITORIAL AUTHORITIES

Section 1

The Fokontany

Article 198: Role of the Fokontany

The Fokontany shall constitute the basic unit of land management.

It shall be responsible for:

- identifying occupants and landowners;
- recording and establishing local land rights;
- demarcating parcels with the participation of the community;
- maintaining a local land registry; and
- providing mediation in cases of land disputes.

Article 199: Initial Procedure

Any application relating to a land right shall be submitted as a matter of priority to the Fokontany.

Section 2

The Commune

Article 200: Municipal Powers

The Commune shall have authority to:

- validate decisions made by the Fokontany;
- issue land certificates;
- maintain land archives; and

- adjudicate disputes that have not been resolved at the Fokontany level.

Section 3

The Region

Article 201: Regional Powers

The Region shall be responsible for:

- managing the regional cadastre;
- planning land use;
- reviewing the legality of municipal acts; and
- resolving disputes through regional land courts.

Chapter 3

POWERS OF THE STATE

Article 202: National Competence

The State shall be responsible for guaranteeing:

- land legislation;
- the unity of the cadastral system;
- the legal security of land titles; and
- the general regulation of the land domain.

Article 203: Strategic Lands

The following shall fall within the exclusive competence of the State, subject to prior approval by the Government and the Regional Parliament:

- mineral resources;
- major forests;
- areas of national interest; and
- lands allocated to major structural development projects.

Chapter 4

CADASTRE AND DIGITALIZATION

Article 204: National Cadastre

A unified, digital, and accessible national cadastre shall be established.

Article 205: Interconnection of Systems

The land registers of the Fokontany, Communes, and Regions shall be interconnected with the national system.

Article 206: Unique Land Identifier

Each parcel of land shall be assigned a unique identifier ensuring its traceability.

Chapter 5

LAND PROCEDURE

Article 207: Processing Chain

All land procedures shall mandatorily follow the following process:

Fokontany → Commune → Region → State (where applicable).

Article 208: Legal Value

Land certificates issued by the Commune shall have legal validity, subject to their registration in the regional and national cadastral systems.

Chapter 6 SETTLEMENT OF LAND DISPUTES

Article 209: Principle of Progressive Settlement

Land disputes shall be settled according to the following levels:

- mediation at the Fokontany level;
- municipal arbitration;
- regional land jurisdiction; and
- the competent national jurisdiction.

Article 210: Priority to Mediation

Local mediation shall be given priority before any judicial proceedings are initiated.

Chapter 7 GUARANTEES AND PROTECTION OF RIGHTS

Article 211: Protection Against Abuse

No person may be deprived of his or her land without:

- a lawful procedure;
- a reasoned decision; and
- fair compensation, where applicable.

Article 212: Fight Against Corruption

Land management shall be subject to:

- control mechanisms;
- regular audits; and
- sanctions provided for by law.

Article 213: Access to Information

Citizens shall have the right of access to land-related information concerning them.

Chapter 8

ECONOMIC AND ENVIRONMENTAL PROVISIONS

Article 214: Economic Development of Land Resources

Land shall constitute a means of economic development, particularly in the agricultural and regional development sectors.

Article 215: Protection of Land Resources

The following shall be protected by law:

- agricultural land;
- environmentally sensitive areas; and
- natural resources.

Chapter 9

TRANSITIONAL PROVISIONS

Article 216: Transition of the Land Management System

The State shall organize the progressive transition towards a decentralized land management system.

Article 217: Recognition of Existing Rights

Existing land rights shall be recognized and incorporated into the new system following verification.

Article 218: Implementation

Organic laws shall specify the procedures for the implementation of this Title.

TITLE X

RESOURCE SHARING

Chapter 1

GENERAL PRINCIPLES

Article 219: Principle of National Unity and Solidarity

Natural, fiscal, and strategic resources shall belong to the Nation.

Their management shall guarantee:

- national unity;
- the autonomy of Decentralized Territorial Authorities; and
- solidarity among the Regions.

Article 220: Principle of Financial Decentralization

Decentralized Territorial Authorities shall have their own resources and shall participate in the management of public finances in accordance with the rules established by this Constitution

Chapter 2 SHARING OF TAXES AND LEVIES

Article 221: Resources of Territorial Authorities

The resources of the Regions and Communes shall include:

1. The proceeds from taxes and levies collected within their territories, distributed as follows:

- 40% allocated to the benefit of the Communes;
- 40% allocated to the benefit of the Regions;
- 20% allocated to the benefit of the National Interregional Solidarity Fund.

2. Non-reimbursable external assistance and grants allocated to territorial authorities.

3. Revenues from services and activities of local structures, including:

- revenues collected by the Fokontany, retained at their level and recorded in an official register;
- income derived from assets belonging to the Fokontany.

Article 222: Resources of the Central Government

The Central Government shall have the following resources:

- 100% of customs revenues derived from imports and exports;
- external assistance, whether repayable or non-repayable;
- loans contracted in accordance with the law;
- 40% of strategic resource revenues.

Article 223: Transfers Related to Strategic Resources

The Central Government shall transfer to territorial authorities a share of the revenues generated from strategic resources exploited within their territories, in accordance with the procedures provided for in Chapter 3 below.

Chapter 3 EXPLOITATION AND SHARING OF STRATEGIC RESOURCES

Article 224: Principle of National Ownership

- The natural and strategic resources of the subsoil, land, and maritime areas shall constitute an inalienable heritage of the Nation.
- Their exploration and exploitation shall be subject to prior authorization by the Central Government, granted after obtaining the binding opinion of the Regional Government and the Regional Parliament of the territory in which such resources are located.
- The Regional Government shall participate as of right in the negotiation of exploitation agreements, particularly with regard to local environmental, social, and economic impacts.
- All exploitation activities shall guarantee:
 - the protection of the environment and ecosystems;
 - the prior consultation of the populations concerned; and
 - transparency in the management of revenues derived from exploitation.

Article 225: Distribution Formula

Revenues derived from the exploitation of strategic resources shall be distributed as follows:

- **40%** shall be allocated to the Central State, in respect of national sovereignty and sovereign State powers;

- **40%** shall be allocated to the Region concerned, for the financing of territorial development (**including 20% for the Region and 20% for the Commune of origin**);
- **20%** shall be allocated to a National Solidarity Fund intended for fiscal equalization and the reduction of inequalities among Regions.

An organic law shall specify the procedures for the management, distribution, and oversight of these resources.

Article 226: Allocation of the Central Government Share

The share of resources allocated to the Central Government shall be used for the exercise of its sovereign powers, as defined in Article 71.

Article 227: Allocation of the Share of Producing Territorial Authorities

The share allocated to the Region and the Commune of origin shall be mandatorily dedicated to development sectors as referred to in Article 152.

Article 228: National Solidarity Fund

The National Solidarity Fund shall have the mission of reducing territorial inequalities.

It shall give priority to financing:

- agriculture;
- education;
- health; and
- opening up and improving access to disadvantaged Regions.

An organic law shall determine the organization, composition, and operating procedures of the body responsible for managing the National Solidarity Fund.

The Fund shall receive, in particular:

- revenues derived from the exploitation of strategic resources.

Chapter 4

GUARANTEES AND OVERSIGHT

Article 229: Transparency and Traceability

All public resources shall be subject to:

- full traceability;
- oversight by the competent institutions; and
- regular publication accessible to the public.

Article 230: Territorial Balance

The resource-sharing system shall aim to:

- prevent regional imbalances;
- strengthen national cohesion; and
- ensure the equitable redistribution of wealth.

TITLE XI

THE COUNCIL OF ELDERS

Article 231

- The Council of Elders may be consulted by the central government and the regional governments on all issues, plans, draft laws, and programs of a scientific, cultural, economic, and social nature.

- The number, organization, composition, powers, and operating rules of the Council of Elders shall be determined by an organic law.

Article 232.

- A solidarity fund is established at the level of each Region to improve infrastructure and accelerate the economic and social development of communities within the Region.

TITLE XII

POLITICAL PARTIES AND THE OPPOSITION

Article 233.

- Political parties and coalitions of political parties contribute to the expression of suffrage and democratically participate in shaping the political will of the people and organizing political power.

- To this end, the State is required to preserve their existence and promote their development to ensure the sustainability of the country's democratic achievements.

- They must respect the Constitution, the principles of national sovereignty, national unity, territorial integrity, the democratic system, multipartyism, as well as fundamental human rights and freedoms.

- They may not adopt names that directly or indirectly associate them with any part of the national territory, a church, a religion, or a religious denomination, nor may they use names that reference a person, a company, or an institution. Likewise, they cannot adopt a symbol identical to or likely to be confused with national or regional emblems.

Article 234.

- Regardless of the reason or pretext, any act of racial, ethnic, or religious discrimination, as well as any tribalist propaganda that could threaten the internal security of the State, the territorial integrity of the Republic, or the unity of the Nation, shall be punished by law.

(Right to airtime, right of reply, and right to political rebuttal)

Article 235

- Political parties have:

- The right to airtime on public radio and television services, based on their representativity and in accordance with other objective criteria defined by law.

- The right to respond or reply to statements made by the government.

- During electoral periods, candidates are entitled to regular and fair airtime on all radio and television stations, regardless of their scope of operation or leadership, in accordance with the law.

- The right to airtime, the right of response, and the right of reply established in this article are regulated by law.

Prohibition

Article 236

The establishment of political parties that seek to achieve their objectives through subversive or violent means or that have a paramilitary nature is prohibited.

Dissolution of Parties

Article 237.

-The conditions under which political parties and political coalitions are formed, operate, and cease their activities are determined by the law governing the statutes and charter of political parties and the opposition.

Benefits

Article 238 .

-The law regulates the benefits granted by the State to political parties and establishes the rules governing other constitutional provisions related to political parties, as stipulated in the statutes of political parties and the opposition.

Article 239.

-Every citizen has the right, without any discrimination based on membership or non-membership in a political party or the obligation to be endorsed by a political party, to run as a candidate in the elections provided for by this Constitution, subject to the conditions established by law.

Rights of the Political Opposition

Article 240

-The Constitution guarantees political parties opposing the government's policies the right to opposition.

-The Regional Republic of Madagascar grants them a status that defines their rights and duties in accordance with the law.

NATIONAL SECURITY

Article 241

-National security shall be attached to the Ministry of the Interior to ensure unified command and harmonization of actions.

-A State Secretariat for the Gendarmerie and a State Secretariat for the National Police, both under the authority of the Ministry of the Interior, are responsible for national security.

-These two entities have well-defined missions:

- The Gendarmerie operates in rural areas.
- The Police operates in urban areas.

TITLE IX

NATIONAL DEFENSE

Article 242

-The defense of the Nation and the integrity of the territory is a duty for every Malagasy citizen and is ensured exclusively by professional national defense and security forces under the conditions determined by law.

-Military service is voluntary and is never mandatory.

-National defense ensures the establishment, integration, and coordinated action of all the Nation's moral and material forces and energies in the face of any form of threat or aggression, with the aim of permanently guaranteeing the unity, sovereignty, territorial integrity, and independence of Madagascar, as well as the freedom and security of its population and the constitutionally established democratic order.

Armed Forces

Article 243.

- The Armed Forces are a permanent and regular institution composed exclusively of Malagasy citizens, with a structure based on hierarchy and discipline.
- The Armed Forces are professional. They are subordinate to and obey the competent sovereign authorities in accordance with the Constitution and the law.
- They serve the Nation and are strictly independent of all political parties.
- Their active members or those belonging to the permanent active force cannot be affiliated with any union, political party, or political association, nor can they engage in political activities within any party.
- The organization of the Armed Forces is unified throughout the entire national territory.

Missions of the Armed Forces

Article 244.

- It is the exclusive responsibility of the professional Armed Forces to carry out military activities within the framework of national defense and to ensure the military protection of the Republic against any external threat or aggression.
- The Armed Forces also fulfill missions assigned to them by law in the following cases:

- Implementation of a declaration of a state of siege or emergency;
- Surveillance, control, and defense of national maritime and airspace, particularly concerning the use of territorial waters and the exclusive economic zone, as well as search and rescue operations;
- Collaboration in missions aimed at meeting basic needs and improving the living conditions of the population;
- Participation in the national civil protection system;
- Defense of democratic institutions and the constitutional order;
- Execution of other missions of public interest.

- The intervention of the Armed Forces can only take place under the orders of the competent military authorities, whose actions must strictly comply with the decisions and instructions of the sovereign bodies, in accordance with the Constitution and the law.

Superior Defense Council

Article 245.

- The Superior Defense Council is the specific consultative body for national defense and all matters related to the Armed Forces.
- The Superior Defense Council serves as the strategic think tank or the brain of the military, with the Ministry of National Defense and the Armed Forces General Staff as its executive bodies.
- This council will define, annually or over multiple years, the objectives, strategy, budget, and assessment of human resource quality to ensure the best alignment of personnel with various missions and optimal efficiency.

Article 246

- Being the Supreme Commander of the Armed Forces does not grant the President of the Republic the authority to replace military officials in human resource management or to arbitrarily assign promotions or ranks.
- This responsibility falls to the Superior Defense Council, which follows well-defined professional criteria.
- Promotion proposals are submitted to the President of the Republic, who gives final approval by affixing his signature.
- If the President disagrees with certain decisions, he may refuse them, provided that the refusal is well-founded, supported by evidence, and clearly communicated to the Superior Defense Council.

Article 247.

- The decision to initiate war belongs to the President of the Republic, with the informed advice of the Superior Defense Council.

Article 248

The Superior Defense Council is composed of representatives of the highest-ranking military officers and senior non-commissioned officers.

- All branches of the military are represented (Air, Land, and Sea).
- All corps, as well as a part of the gendarmerie involved in national defense, are included.
- The criteria for membership must be established by the Superior Defense Council, which submits the lists to the President of the Republic, who appoints members by decree.

TITLE X

REVISION OF THE CONSTITUTION

Article 249.

- The initiative to revise the Constitution belongs either to the President of the Republic, who decides in the Council of Ministers, or to Parliament upon the proposal of at least one-third of its members.
- The proposed revision is adopted only if it is approved by a two-thirds majority of the members of Parliament in each Region.

Article 250

- The President of the Republic, after consultation with the Regional Parliaments, the Prime Minister, and the President of the Supreme Court, may proceed with the revision of the Constitution.

Article 251.

- The Republican form of government and the Regional State cannot be subject to revision.

TITLE XI

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Article 252.

- Electoral disputes concerning decentralized local governments fall under the jurisdiction of the administrative courts in each Region. If these

courts are not yet established, the Administrative Court of Justice within the Supreme Court will rule in the first instance.

Article 253.

- All territorial administration authorities provided for by previous legislation, whether elected or appointed, shall cease their activities as soon as the corresponding officials are installed.

Article 254.

- The assets of the Unitary State are fully transferred to the Regions, which may allocate them to local governments after approval by the Senate.

Article 255

- Laws of the Republic shall regulate the transfer of senior officials and State agents, including those from central administrations, to the Regions as required by the new organization.

- To establish their services, the Regions must, except in cases of necessity, recruit their personnel from among State and local government employees.

Article 256

- Unless modified, the legislation in force within the Republic shall remain applicable in all provisions that are not contrary to this Constitution.

Article 257

- A transitional period of five years is established to allow for the installation of new regional institutions.
- During this period, the central State shall continue to exercise certain powers to ensure a smooth transition.

Article 258

- A national commission shall be responsible for overseeing the implementation of regionalization and assessing its impacts.

Article 259

- If the current President of the Republic agrees to submit this Constitution to a referendum and it is approved by the population, it will mark the birth of the Fifth Republic.
- He shall complete his term and may run as a candidate in the new Republic.
- A consensus government will be established to organize the elections for the Fifth Republic.
- The composition of the consensus government and the procedures to ensure a credible and transparent election will be determined by an organic law.

Article 260

- This Constitution shall come into effect upon its official proclamation and will be published in the Official Journal of the Republic.
- It shall be enforced as the Constitution of the Regional State Republic of Madagascar.

N.B: *The Constitution of the Regional State of Madagascar was drafted by the Regional State platform, a collective of Malagasy citizens and experts committed to promoting decentralized governance.*

This initiative aims to strengthen regional autonomy and foster balanced development across the country.

August 2026.