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State of the Comoros

APPLICATION OF THE REPUBLIC OF GUINEA FOR ADMISSION TO MEMBERSHIP
IN THE UNITED NATIONS

13 January 1959

Prime Minister of the State of 1958

Letter dated 3-December-1958 from the Ambassador of the Republic
of Guinea addressed to the Secretary-General

Note by the Secretary-General: Pursuant to rule 136 of
the rules of procedure of the General Assembly, the
Secretary-General has the honour to transmit herewith,
for the information of the Members of the United Nations,
a copy of a letter dated 3-December-1958 from the
Ambassador of the Republic of Guinea concerning the
application of the Republic of Guinea to membership in
the United Nations.

Ground, 13 January 1959

New York, 3 December 1958

I have the honour, on behalf of my Government and in accordance with
instructions received from it, to submit, on behalf of the Republic of Guinea,
an application for admission to membership in the United Nations.

I also have the honour to transmit a declaration, in conformity with the
relevant rules of procedure of the Security Council and of the General Assembly,
in which the Republic of Guinea accepts the obligations contained in the Charter.

I should be grateful if you would take such steps as you may consider
necessary to ensure the immediate consideration of this application.

(Signed) Diallo Telli
Ambassador of the Republic
of Guinea

3 December 1958

I, Diallo Telli, Ambassador, duly authorized by the Government of the Republic of Guinea, declare that the Republic of Guinea accepts, by these presents the obligations contained in the Charter of the United Nations and undertakes to comply with those obligations with effect from the date of its admission to membership in the United Nations.

(Signed) Diallo Telli
Ambassador of the Republic
of Guinea

ANNEX I

NATIONAL ASSEMBLY OF THE
REPUBLIC OF GUINEA

CONAKRY, 2 October 1958

Proclamation

The Territorial Assembly of FRENCH GUINEA, at a special session held on October 1958,

(1) Taking note of the solemn declaration made by General DE GAULLE, President of the Council of the Government of the French Republic, before the country on 25 August 1958, in the following terms:

"France proposes this community; no one is under any obligation to join it. There has been talk of independence; I would like to stress here even more than I have elsewhere that Guinea is free to choose independence. It can make that choice: it can make that choice on 18 September by saying "NO" to the proposal put to it and, if it does, I guarantee that Metropolitan France will not stand in its way. France will, of course, draw its own conclusions but will place no obstacle in your way and your Territory can choose its own path, according to its own wishes and on its own conditions."

(2) Considering that the preamble to the Constitution of the French Republic lays down:

"The French People solemnly proclaims its devotion to the Rights of Man and to the principles of national sovereignty as defined in the Declaration of 1789 and confirmed and supplemented by the preamble of the Constitution of 1946. By virtue of these principles and of the self-determination of peoples, the Republic offers those Overseas Territories which express the desire to adhere to it new constitutions based on the common ideal of liberty, equality and fraternity and designed to promote their democratic progress."

(3) Considering that article 1 of the Constitution provides that:

"The Republic and the Overseas Territories which, by an act of self-determination, adopt the present Constitution shall form a community",

(4) Considering that in consequence the negative vote in the Referendum of 28 September 1958 by an Overseas Territory establishes the Territory's independence in relation to the French Republic,

(5) Considering the results of the Referendum of 28 September 1958 in which 1,136,324 persons voted NO and 56,891 voted YES,

(6) Notes that this majority of negative votes places the Territory of Guinea outside the French Republic by virtue, on the one hand, of the French Constitution and, on the other, of the declarations of the President of the Council of the French Republic, General DE GAULLE;

(7) Solemnly proclaims the national independence of Guinea and the election of the present Territorial Assembly as a Sovereign National Constituent Assembly the members of which assume the title of deputy;

(8) Decides to confer on this new Independent State the name of Republic of Guinea,

(9) Proclaims the adhesion of the Republic of Guinea to the principles embodied in the United Nations Charter;

(10) Invites the Government of the Republic of Guinea to take all necessary measures to accredit the Republic of Guinea with other nations and with the United Nations;

(11) Gives full powers to the Government of the Republic of Guinea to administer and manage the Nation's interests, to take all measures that may be necessary and to enter into and conclude any negotiations in the interest of the Nation.

FOR A UNITED AND INDEPENDENT AFRICA
LONG LIVE THE REPUBLIC OF GUINEA

The President of the National Constituent
Assembly of the Republic of Guinea

(Signed) Diallo Saifoolaye

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ANNEX II

(Extract from the Journal Officiel of the Republic of Guinea -
special issue of 12 November 1958)

ORDINANCE

Ordinance No. 15 promulgating Act. No. 4/AN/58 of 10 November 1958
concerning the Constitution of the Republic of Guinea

We, the President of the Government of the Republic of Guinea,

Having regard to the proclamation of the independence of the Republic of
Guinea dated 2 October 1958;

Having regard to Act No. 1/AN/58, whereby President Sékou Touré is vested
with power to form the Government of the Republic of Guinea,

Hereby order as follows:

Article 1. Act No. 4/AN/58 of 10 November 1958 adopting the Constitution of
the Republic is hereby promulgated.

Article 2. This Act shall be executed as a law of the State.

Done at Conakry, on 12 November 1958

SEKOU TOURE

President of the Government of the Republic

ACT

Act No. 4/AN/58 of 10 November 1958 adopting the Constitution of
the Republic of Guinea

Sole article. The National Assembly of the Republic of Guinea has unanimously
ad., at its plenary meeting of 10 November 1958, the following Constitutional
Law:

CONSTITUTION

PREAMBLE

The people of Guinea, by its overwhelming vote of 28 September 1958, rejected
domination and thereby acquired its National Independence and establishes a Free
and Sovereign State..

The State of Guinea fully endorses the United Nations Charter and the Universal Declaration of Human Rights.

It proclaims the equality and solidarity of all its nationals without distinction as to race, sex or religion.

It affirms its resolve to strive to the utmost to achieve and consolidate the Unity in Independence of the African Fatherland. To that end, it will combat all chauvenistic trends and manifestations, which it regards as serious obstacles to the achievement of that objective.

It expresses its desire to establish ties of Friendship with all Peoples on the basis of the principles of equality, mutual interest and respect for National Sovereignty and Territorial Integrity.

It unreservedly supports any policy designed to establish the United States of Africa and to safeguard and consolidate world Peace.

THE PRINCIPLE OF THE REPUBLIC OF GUINEA IS "GOVERNMENT OF THE PEOPLE,
BY THE PEOPLE AND FOR THE PEOPLE"

TITLE I

SOVEREIGNTY

Article 1. Guinea is a Democratic, Secular and Social Republic.

The National Emblem shall be Red, Yellow and Green in vertical stripes of equal breadth.

The National Anthem shall be:

"FREEDOM"

The motto of the Republic shall be:

LABOUR - JUSTICE - SOLIDARITY

TITLE II

THE NATIONAL COMMUNITIES

- Article 2. The Republic of Guinea shall consist of Territorial Communities, viz. the Communes and the Circonscriptions.
- Article 3. National Sovereignty shall be vested in the People, who shall exercise it in all matters through their Deputies elected to the National Assembly by universal, equal and direct suffrage, and by secret ballot, or by way of referendum.

TITLE III

PARLIAMENT

- Article 4. Parliament shall consist of a Single National Assembly, whose members shall be elected on the basis of a national list for a term of five years and shall bear the title of Deputies.
- Article 5. The method of election, conditions of eligibility and grounds of disqualification of members of the National Assembly, and the number of deputies, shall be determined by LAW.
- Article 6. The National Assembly shall be sole judge of the eligibility of its members and of the regularity of their election. It may accept their resignation.
- Article 7. The National Assembly shall meet regularly in two ordinary Annual Sessions not exceeding two months in duration, in March and October. It may meet in Extraordinary Session, if convened by its President at the request of the Government or of two-thirds of its members.
- Article 8. Elections for the Officers of the National Assembly shall be held at the beginning of each legislative term, and at the beginning of the first Session each year.

TITLE IV

RELATIONS BETWEEN PARLIAMENT AND GOVERNMENT

- Article 9. The National Assembly shall alone enact the LAW.
The scope of the LAW is unlimited.
- Article 10. No member of the National Assembly may be prosecuted, pursued, arrested, detained or sentenced for opinions he has expressed or votes he has cast in the discharge of his duties.
- Article 11. No criminal proceedings may be instituted against any member of the National Assembly during his term of office, unless he is taken flagrante delicto, without the authorization of the Assembly. The detention or prosecution of a Deputy shall be suspended, if the General Assembly so directs.
- Article 12. The members of the National Assembly shall receive remuneration at a rate to be determined by LAW.
- Article 13. The meetings of the National Assembly shall be public. However, the National Assembly may meet in "closed session" at the request of the President of the Government or of more than half of its members.
- Article 14. The President of the Republic and the Deputies to the National Assembly shall have the sole right to initiate LEGISLATION.
- Article 15. The National Assembly shall examine government and private bills submitted to it in its Commissions, the number, composition and terms of reference of which it shall determine. Government bills and private bills accepted by the Government shall be given priority.
- Article 16. The draft Budget shall be submitted to the National Assembly and shall be enacted by Parliament. The National Budget shall be enacted not later than 20 November of the preceding year.
- Article 17. The Deputies to the National Assembly shall have the right to initiate expenditure. However, no proposal for increasing expenditure may be submitted unless accompanied by a proposal for finding the necessary revenue.
- Article 18. The National Assembly shall control the Nation's finances. A statement of expenditure shall be submitted to it at the end of every half-year

for the preceding half year. Final accounts for the preceding year shall be examined during the October Session and approved by a LAW.

Article 19. The National Assembly may obtain information on Government activities by:

- oral questions
- written questions
- interpellations
- hearings by the Commissions
- Commissions of Inquiry.

The LAW shall determine the conditions and procedure for the use of these means of information.

It shall also determine the time-limits for replies.

TITLE V

THE HEAD OF STATE

As 20. The President of the Republic shall be the Head of State. He shall be the Commander-in-Chief of the Armed Forces. Any eligible citizen not under thirty-five years of age may be elected President of the Republic.

TITLE VI

THE GOVERNMENT

Article 21. The Powers of the Government of the Republic shall be exercised by the President of the Republic, assisted by a Cabinet.

Article 22. The President of the Republic shall be elected for a term of seven years by universal suffrage, by an absolute majority in the first ballot or by a relative majority in the second ballot. He may be re-elected.

Article 23. The President of the Republic shall appoint the Ministers by decree. No member of the Government of the Republic may be arrested or prosecuted without the prior authorization of the President of the Republic.

- Article 24. In the exercise of their functions, the Ministers shall be responsible for their actions to the President of the Republic, who shall be responsible to the National Assembly for the general policy of his Cabinet.
- Article 25. The President of the Republic shall ensure the enforcement of the LAWS. He shall make all appointments to the civil service. He shall make all appointments to military posts and duties.
- Article 26. All governmental acts shall be signed by the President of the Republic and countersigned by the Ministers responsible for their application.
- Article 27. No member of the Government may be a Deputy or engage in any professional activity in a private capacity.
- Article 28. When the office of President becomes vacant, the Cabinet shall continue in office in order to carry out current business pending the election of a new Chief of State.
- Article 29. Ministers shall have access to meetings of the National Assembly and to those of its Committees. They must be heard on their request. They may attend or be represented at debates in the National Assembly or in Committees, by officials specifically designated to that end.
- Article 30. In case of necessity, the President of the Republic may delegate his powers to a Minister.

TITLE VII

INTERNATIONAL RELATIONS

- Article 31. The Republic of Guinea shall conform to the rules of International Law.
- Article 32. Subject to the provisions of article 33, the President of the Republic shall negotiate treaties.
- Article 33. Treaties relating to international organization, trade treaties, treaties of peace, treaties committing the finances of the State, treaties relating to persons, treaties which modify legislative provisions and treaties involving cession or exchange of, or addition to, the Territory, may be ratified only by enactment of a LAW. They shall take effect only when ratified.
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TITLE VIII

INTER-AFRICAN RELATIONS

Article 34. The Republic may conclude with any African State agreements providing for association of the establishment of a community and involving partial or total relinquishment of Sovereignty with a view to the achievement of African Unity.

TITLE IX

JUDICIAL AUTHORITY

Article 35. Justice shall be administered in the name of the People of Guinea. The President of the Republic shall guarantee the independence of the Judicial Authority. He shall have the right of pardon.

In the exercise of their judicial functions, judges shall obey the law alone.

Article 36. Justice shall be administered in public except in the special cases prescribed by law.

The right of defence is recognized to accused persons.

Article 37. The Judicial Authority, as the guardian of personal freedom, shall ensure respect for the rights of citizens as prescribed by LAW.

Article 38. The Judicial Organization of the Republic shall be established by LAW.

TITLE X

FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS

Article 39. All citizens and persons under the jurisdiction of the Republic of Guinea, without distinction as to race, sex, or religion, shall be entitled to elect and be elected in the manner prescribed by LAW.

Article 40. The citizens of the Republic of Guinea shall enjoy freedom of speech, of the press, of assembly, of association and the right to participate in processions and manifestations, as prescribed by LAW.

- Article 41. Citizens shall be ensured freedom of belief by the secular character of the schools and of the State.
- Article 42. No one may be detained arbitrarily.
- Article 43. The dwellings of citizens of the Republic of Guinea shall be inviolable. The secrecy of the mails shall be guaranteed by LAW.
- Article 44. All citizens of the Republic of Guinea shall enjoy the same right to work, to rest, to social welfare and to education. The exercise of trade union rights and the right to strike shall be recognized to workers.
- Article 45. All acts of racial discrimination and all racial or regionalist propaganda shall be punished by LAW.
- Article 46. The Republic of Guinea shall grant the right of asylum to foreign citizens persecuted for having fought to defend a just cause, or for their scientific or cultural activities.
- Article 47. All citizens of the Republic of Guinea shall have a duty to abide by the Constitution and other LAWS of the Republic, to pay their taxes and honestly to discharge their social obligations.
- Article 48. The defence of the Fatherland shall be the sacred duty of every citizen of the Republic of Guinea.

TITLE XI

AMENDMENT OF THE CONSTITUTION

- Article 49. The right to propose amendments to the Constitution shall be vested concurrently in the President of the Republic and the members of the National Assembly. By decision of a two-thirds majority of its membership, the National Assembly may adopt or submit to referendum a proposed amendment to the Constitution.
- Article 50. The Republican form of the State may not be jeopardized by any constitutional amendment.

TITLE XII

TRANSITIONAL PROVISIONS

Article 51. The Government in office on the date of promulgation of the present Constitution shall continue to exercise executive power until the President of the Republic is elected.

Article 52. The present Constitution shall be promulgated by the Chief of State within forty-eight hours of its adoption by the National Assembly.

Article 53. The first legislative session of the National Assembly of the Republic of Guinea shall open on the date of promulgation of the present Constitution.

DIALLO SAIFOULAYE

PRESIDENT OF THE NATIONAL ASSEMBLY
