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CONSTITUTIONS
OF THE
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OF THE
WORLD

Editors

ALBERT P. BLAUSTEIN & GIBERT H. FLANZ

51

REPUBLIC OF CAPE VERDE

by MATTHEW F. JODZIEWICZ

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THE REPUBLIC OF CAPE VERDE

LAW NO. 2/81

REVISION OF THE POLITICAL CONSTITUTION
OF THE REPUBLIC OF CAPE VERDE,

APPROVED BY LAW NO. 3/80 OF OCTOBER 13.

The National Conference of Party Militants, assembled in Congress from January 16 to 20, recognized that the institutional change-over in Guinea-Bissau on November 14, 1980, terminated the African Independence Party of Guinea and Cape Verde as a binational political organization. The organization of the African Independence Party of Guinea and Cape Verde was transformed, in Cape Verde, into an autonomous national party, with the name of the African Party for the Independence of Cape Verde -- PAICV, inheriting the history, politics and ideology of the African Party for the Independence of Guinea and Cape Verde and the thought of Amilcar Cabral as a guide for its policy.

Therefore, there shall be a revision of certain provisions of the constitution which no longer correspond to the present political reality.

As provided by the provision of paragraph (a) of Article 62 of the Political Constitution of the Republic of Cape Verde;

By mandate of the People, the National Popular Assembly has deliberated and promulgated the following law:

Article 1. References in the Constitution of the Republic of Cape Verde to the African Party for the Independence of Guinea and Cape Verde shall be considered as references to the African Party for the Independence of Cape Verde and the PAICV to the extent that there is nothing incompatible with present political reality.

Article 2. The following articles of the Political Constitution of the Republic of Cape Verde are revoked: No. 3 of Article 19, Articles 22, 23, 24 and 29; paragraph (p) of Article 62; Articles 67 and 68.

Article 3. 1. Modifications resulting from this law of revision shall be considered as part of the Constitution and shall be inserted in substitution for the altered or revoked articles.

2. The Constitution in its new text shall be published jointly with this law of revision.

Article 4. This law shall enter into force immediately, independently of the date of its publication in the Official Bulletin.

Approved February 12, 1981.

Abilio Duarte, President of the National Popular Assembly.

Aristides Maria Pereira, President of the Republic.

CONSTITUTION OF THE REPUBLIC OF CAPE VERDE

On July 5, 1975, crowning a popular resistance of centuries and a heroic struggle for national liberation of several years, led to victory by the PAIGC, the People of Cape Verde solemnly proclaimed their independence, breaking forever the chains of colonial domination and taking definitively in their own hands the reins of their own destiny.

On that historic date Cape Verde entered the community of free and sovereign nations and was constituted as a democratic state, taking as its fundamental objective the defense of the interests of the laboring masses and the construction of peace, progress and happiness for all Cape Verdians.

The effective exercise of power from the day of National Independence provided the Cape Verdian people with rich experience and useful information to establish the fundamental bases of a just, free, and fraternal society.

Based on this information and these experiences, faithful to the thought of Amilcar Cabral, Founder of the Nation, and to the objectives of the PAICV;

Conscious of interpreting the legitimate aspirations of the Cape Verdian people;

The National Popular Assembly approves the first Political Constitution of the Republic of Cape Verde.

TITLE I

FUNDAMENTAL PRINCIPLES

OF

THE NATURE AND FOUNDATION OF THE STATE

Article 1. Cape Verde is a republic, sovereign, democratic, secular, unitary, anti-colonialist and anti-imperialist.

Article 2. 1. National sovereignty in the Republic of Cape Verde shall be vested in the people.

2. The popular masses shall exercise political power directly and by means of democratically elected organs of power.

Article 3. The Republic of Cape Verde is a revolutionary national democratic state, based on national unity and effective political participation and the performance, guidance and direction of public activities, oriented toward the building of a society free from the exploitation of man by man.

Article 4. 1. In the Republic of Cape Verde, the African Party for the Independence of Cape Verde (PAICV) shall be the guiding political force of the society and the State.

2. In the fulfillment of its historic mission, the PAICV shall carry out its guiding role based on this Constitution, namely:

- a) Establishing the foundations of the political, economic, social and cultural programs, and the defense and security programs to be accomplished by the State;
- b) Defining the stages in National Reconstruction and establishing the means for its accomplishment.

Article 5. 1. In the Republic of Cape Verde there shall be separation between the State and religious institutions.

2. The State shall respect and protect legally recognized religious groups. The activity of these groups and their services shall be subject to law.

Article 6. In the framework of its unitary structure and in the realization of the national interest, the State of Cape Verde shall promote the creation and support the policy of decentralized territorial units endowed with autonomy as provided by law.

Article 7. 1. The State shall support and protect mass organizations and other legally recognized social organizations formed around specific interests which support and encourage popular initiative and ensure the full participation of the masses in National Reconstruction.

2. The State, in its policy, shall support mass organizations and other social organizations to which may be transferred certain activities which they agree to assume.

3. The State shall create conditions for the development of the material bases of mass organizations and other social organizations and shall protect their property.

Article 8. The Republic of Cape Verde shall exercise its sovereignty:

1. Over all national territory, including
 - a) The surface territory historically belonging to it;
 - b) The straits and territorial sea defined by law, as well as riverbeds and underground territory;
 - c) The air space associated with the geographical areas referred to in the previous paragraphs.
2. Over all natural resources, living and non-living, found in its territory.

Article 9. In its exclusive economic zone, defined by law, the State of Cape Verde shall exercise exclusive jurisdiction regarding conservation and exploitation of natural resources, living and non-living.

Article 10. 1. The economic and social organization of the Republic of Cape Verde shall have as its objective the continual promotion of the well-being of the people, the elimination of exploitation of man by man and all forms of subjugation for the benefit of individuals, groups or classes.

2. To accomplish this objective, the State of Cape Verde shall promote:

- a) The elimination of the remnants of colonial domination and exploitation and all forms of behavior incompatible with economic and cultural progress;
- b) The development and strengthening of democratic power;
- c) The building of an independent national economy and social and cultural progress;
- d) The defense and consolidation of national independence and unity;
- e) The creation of the technical-material basis of society and supervision of the basic sectors of the economy as the basis of social progress;
- f) The accomplishment of agrarian reform, aiming at development of agricultural production as an indispensable condition for the building of a society without exploitation;
- g) The organization of cooperatives and popular production;
- h) The creation of the necessary structures and the establishment of a system of economic and social planning;
- i) The development of cooperative relations with other States and peoples.

Article 11. 1. In the Republic of Cape Verde the following forms of property shall be recognized:

- a) State property, the common inheritance of all the people, the dominant sector of the economy;
- b) Cooperative property which, organized on the basis of free consent, includes the land and agricultural exploitation, the production of consumer goods and crafts and other activities established by law;
- c) Private property, including wealth separate from that of the State.

2. Included in State property are: the underground areas, waters, mineral wealth, the main sources of energy, the basic means of industrial production, the means of information and communication, banks, insurance, infrastructures, and basic means of transportation.

Article 12. 1. The national economy shall be regulated on the principle of state direction and planning.

2. The State shall control foreign commerce and shall possess a monopoly over operations in gold and foreign credits.

3. The State may authorize the investment of foreign capital whenever this would be useful for the economic and social development of the country.

Article 13. The State shall recognize the right of inheritance.

Article 14. The public health authority shall have as an objective the promotion of the physical and mental well-being of the people and their balanced integration in the socio-ecological environment in which they live. Public health care must be oriented toward prevention and must aim at the progressive socialization of medicine and medical-pharmaceutical sectors.

Article 15. 1. Education shall aim at the total instruction of man. It must remain strictly linked to productive work and must provide for the acquisition of skills, knowledge and values permitting the citizen to be integrated in the community and to contribute to its continuous progress.

2. The State shall consider the elimination of illiteracy to be its fundamental task.

Article 16. 1. The fundamental obligation of the State is to create and promote the conditions favorable to safeguard its cultural identity, as a basis for national consciousness and dignity and as a stimulant to the harmonious development of society. The State shall preserve, defend and develop the cultural inheritance of the Cape Verdian people.

2. Conditions shall be created for all citizens to have access to culture and to be motivated to participate actively in its creation and diffusion.

3. The State has the duty to encourage and promote the practice and diffusion of sports and physical culture.

Article 17. 1. The Republic of Cape Verde shall establish and develop relations with other countries based upon international law, the principles of national independence, equality among States, non-interference in internal affairs, and reciprocity of trade, peaceful co-existence and non-alignment.

2. The Republic of Cape Verde shall defend the right of peoples to self-determination and to independence, shall support the struggle of peoples against colonialism, imperialism, racism and all other forms of oppression and exploitation, shall promote the peaceful solution of international conflicts and shall participate in efforts tending to assure peace and justice in relations among States and the establishment of a new international economic order.

3. Without jeopardizing the conquests obtained through the struggle for national liberation, the Republic of Cape Verde shall participate in efforts of African States on a regional or continental basis to bring about the principle of African unity.

Article 18. The State has the fundamental duty to safeguard in all its forms the conquests of the People and, particularly, the revolutionary national democracy which has been instituted. The defense of the Nation must be organized on the basis of active participation and conscious adherence of the popular masses.

Article 19. 1. The People's Revolutionary Armed Forces (FARP), an instrument of national liberation in the service of the People, is the primary institution in the defense of the Nation. It has the duty to defend independence, sovereignty, and territorial integrity, and to cooperate closely with specific national services to guarantee and maintain internal security and public order.

2. It shall be a civic duty and an honor for members of FARP to participate actively in the tasks of National Reconstruction.

Article 20. 1. The national symbols of the Republic of Cape Verde shall be the flag, a coat of arms, and the hymn.

2. The National Flag of the Republic of Cape Verde shall be formed by three bands, red, yellow and green. The bands shall be of equal size, with the red band on the left side, vertical, and the yellow and green horizontal on the upper and lower right. The yellow band shall be marked with wheat and corn arranged in a circle and tied at the base, with a yellow shell holding a black, five-pointed star.

3. The Coat of Arms of the Republic of Cape Verde shall consist of two sheaves of wheat and corn arranged in a circle and tied at the base, with a yellow shell holding a circular crown in which is inscribed the motto, "Unity, Work, Progress." In the interior, bordered by the circular crown, shall appear a serrated wheel on an open book, topped by the black star.

4. The National Hymn shall be "This is Our Beloved Country."

Article 21. The capital of the Republic of Cape Verde shall be the city of Praia.

TITLE II

RIGHTS, LIBERTIES, GUARANTEES

AND FUNDAMENTAL DUTIES OF CITIZENS

Article 22. All citizens shall be equal under the law, shall enjoy the same rights and shall be subject to the same duties, without distinction as to sex, social, intellectual or cultural level, religious belief or philosophical conviction.

Article 23. Men and women shall be equal under the law in all aspects of political, economic, social and cultural life.

Article 24. 1. The State shall recognize the institution of the family and shall assure its protection.

2. Children shall be equal under the law, independent of the status of their parents.

Article 25. 1. All citizens residing or located abroad shall enjoy the same rights and be subject to the same duties as other citizens, provided that is not incompatible with absence from the country.

2. Cape Verdian citizens resident abroad shall enjoy the care and protection of the State.

Article 26. 1. Foreigners, on a basis of reciprocity, and stateless persons who reside or are located in Cape Verde, shall enjoy the same rights and be subject to the same duties as the Cape Verdian citizen except for political rights, the exercise of public office, and other rights and duties expressly reserved by law for citizens.

2. Foreigners shall be permitted to exercise public office only if it is predominantly technical in nature, except for international agreements or conventions.

Article 27. The rights, liberties, guarantees and duties sanctioned in this Constitution do not exclude others which may be provided for in other laws of the Republic.

Article 28. The exercise of rights, liberties and fundamental guarantees may be suspended or limited only in the event of martial law or an emergency declared by law.

Article 29. All citizens shall have the right of access to judicial organs to appeal acts which violate their rights recognized by the Constitution or by the law, with no denial of justice for lack of economic means.

Article 30. None of the rights and liberties guaranteed to citizens may be exercised against the independence of the Nation, the integrity of the territory, national unity, the institutions of the Republic, and the principles and objectives sanctioned by this Constitution.

Article 31. 1. Every citizen shall have the right to life and to physical and moral integrity.

2. Every citizen shall enjoy inviolability of his person, and may not be imprisoned or suffer any penalty except in cases, under the forms, and with the guarantees provided by the law. Every accused shall be assured of the right of defense.

3. No one may be subject to torture, or to cruel, inhuman, and degrading punishment or treatment.

4. In no case shall there be the death penalty, life imprisonment, forced labor, or security measures involving unlimited or indefinite deprivation of liberty.

Article 32. Criminal law may not be made retroactive except for cases in which retroactivity may benefit the condemned or accused person.

Article 33. In no case shall a citizen be subject to extradition or expulsion from the country.

Article 34. 1. It shall be an honor and supreme duty for the citizen to participate in the defense of the independence, sovereignty and territorial integrity of the Nation.

2. Every citizen shall have the duty to perform military service as provided by law.

3. Treason shall be a crime punishable by the most severe sanctions.

Article 35. 1. Work shall be a right and a duty of every citizen.

2. The State shall create conditions for full employment of citizens of working age.

3. The State shall recognize and guarantee to every citizen the right to choose his profession or type of work in agreement with the necessities and fundamental obligations of National Reconstruction.

4. The principle of remuneration according to the quantity and quality of work must be applied within the possibilities of the national economy.

Article 36. 1. Workers shall have the right to protection, security and hygiene.

2. The worker may not be dismissed except in the cases and under the terms provided by law.

3. The State shall create a system capable of guaranteeing the worker security in old age, illness or disability.

Article 37. The State shall recognize the right of the citizen to inviolability of domicile, correspondence and other means of private communication, except for cases expressly provided for in the law of criminal procedure.

Article 38. Every citizen shall have the right to the protection of his health and the duty to promote and defend it.

Article 39. Children, youth and mothers shall have the right to the protection of society and the State.

Article 40. 1. Every citizen shall have the right and the duty to be educated.

2. The State shall promote free education with equal access for all citizens.

Article 41. Intellectual, artistic and scientific creation shall be free as long as it does not jeopardize the promotion of social progress. Copyright shall be protected by law.

Article 42. 1. Every citizen shall have the right and the duty to participate in the political, economic and cultural life of the country as provided by law.

2. Every citizen may present suggestions, grievances, complaints and petitions to sovereign organs or other authorities under the terms and in the form established by law.

Article 43. Freedom of expression, assembly, association, demonstration, as well as religion, shall be guaranteed under conditions provided for by law.

Article 44. In conformity with the development of the country, the State shall create the conditions necessary for the total realization of the rights of an economic and social nature recognized in this Title.

TITLE III

ORGANS OF POWER OF THE STATE

Article 45. The organs of power in the State shall be the National Popular Assembly, the President of the Republic, the Government, the Courts, and the organs of local power.

CHAPTER I

THE NATIONAL POPULAR ASSEMBLY

Article 46. The National Popular Assembly shall be the supreme organ of power in the State. It shall decide fundamental questions of internal and external politics in the State and shall organize and control the application of political, economic, social, cultural policy, and defense and security as defined by the PAICV.

Article 47. 1. Members of the National Popular Assembly shall have the title of Deputies.

2. Deputies to the National Popular Assembly shall be representative of all the People and not only the constituency by which they were elected.

Article 48. 1. Deputies shall be elected by constituencies by free, universal, equal, direct and secret balloting. All citizens 18 years of age and over shall be electors, except for those excluded by law.

2. Only citizens 21 years of age and over may be elected deputy.

3. The electoral system, conditions of eligibility, division of the territory in electoral districts as well as the number of deputies shall be determined by an electoral law.

Article 49. Each legislature shall have a five-year term beginning with the proclamation of the electoral results.

Article 50. A deputy shall have the right to interrogate members of the Government, orally or in writing, and shall receive a response in the same legislative session or within 15 days, in writing, if an investigation is required.

Article 51. 1. No deputy may be harassed, prosecuted, detained, imprisoned, judged or condemned for votes or opinions given in the exercise of his mandate.

2. Deputies may not be prosecuted or imprisoned for criminal or disciplinary matters except with the prior consent of the National Popular Assembly or in cases of flagrante delicto punishable by two or more years of prison.

Article 52. 1. The rights and privileges, as well as the powers and duties, of deputies shall be determined by law.

2. A deputy who is seriously deficient in his duties may be dismissed by the National Popular Assembly.

Article 53. 1. The National Popular Assembly shall elect, in the first session of each legislature, its President and other members of the Bureau.

2. The Bureau shall consist of the President, a first Vice President, a Second Vice President, a Secretary, and a Second Secretary, elected for the entire legislature. The duties and authority of the President's Bureau shall be regulated by the bylaws of the Assembly.

Article 54. The office of President of the National Popular Assembly shall be incompatible with that of Member of the Government.

Article 55. The National Popular Assembly shall create specialized permanent commissions and may constitute temporary commissions as the need arises in matters to be determined.

Article 56. 1. The National Popular Assembly shall meet twice a year in ordinary session, one of which shall be devoted to an examination of the Government's report and to discussion and voting upon the State Budget for the following fiscal year.

2. The National Popular Assembly may meet in extraordinary session in cases provided for by its bylaws.

Article 57. Members of the Government who are not deputies may be seated and may address plenary meetings of the Assembly within the provisions of its bylaws.

Article 58. The National Popular Assembly shall be authorized:

- a) To proceed with constitutional revision under the terms of Articles 90, 91 and 92;
- b) To make laws and vote upon motions and resolutions;
- c) To decide upon the constitutionality of laws and other legislative bills;
- d) To decide on the implementation of popular referenda;
- e) To confer legislative authority upon the Government;
- f) To grant amnesty;
- g) To approve the budget of the State;

- h) To ratify treaties the subject matter of which is provided for in Article 59, treaties which entail the participation of Cape Verde in international organizations, treaties of friendship, peace, defense, and modification of borders, and any others submitted by the Government;
- i) To approve the National Development Plan and related laws;
- j) To review, modify or revoke legislation or any regulatory measures adopted by State organs which are contrary to this Constitution;
- k) To ratify decrees issued by the Government in the exercise of delegated legislative authority;
- l) To supervise the implementation of the Constitution and the laws;
- m) To rule on states of emergency or martial law;
- n) To receive financial reports from the State;
- o) To formulate and approve its bylaws;
- p) To review and approve the Government Program;
- q) To exercise other duties assigned by the Constitution and by law.

Article 59. The National Popular Assembly shall have exclusive authority to legislate on the following matters:

- a) Cape Verdian nationality;
- b) General organization of the Administration, except for the provision of paragraph (e) of Article 75;
- c) Organization of local authorities;
- d) Regulation of the civil service and its administration;
- e) Agrarian reform;
- f) Planning;
- g) The organization of national defense;
- h) Taxes and the fiscal system;
- i) Expropriation and requisition in the public interest;
- j) The monetary system;

- k) The organization of justice;
- l) The definition of crimes, penalties, security measures, and criminal procedure;
- m) Martial law and states of emergency;
- n) The status and capacity of persons, rights of the family, and rights of inheritance;
- o) Nationalization of the means of production.

Article 60. 1. Legislative initiative shall be vested in the deputies and the Government.

2. Decisions of the National Popular Assembly shall take the form of laws, resolutions and motions.

Article 61. 1. The National Popular Assembly may authorize the Government to legislate, by decree, on the matters provided for in Article 59. Legislative authorization must establish its object, extent and duration.

2. The end of the legislature and change of Government shall terminate the legislative authorizations which were granted.

Article 62. The decrees published by the Government up to a month before each legislative session in the exercise of delegated legislative authority shall be considered ratified if, in the first five full sessions of the National Popular Assembly after their publication, no deputy demands that they be submitted for ratification.

CHAPTER II

THE PRESIDENT OF THE REPUBLIC

Article 63. The President of the Republic shall be the Chief of State and the Supreme Commander of the People's Revolutionary Armed Forces. He shall represent the Republic of Cape Verde.

Article 64. 1. The President of the Republic shall be elected by the National Popular Assembly from its members, and he shall be responsible to them.

2. In order to be elected President of the Republic a deputy must be a Cape Verdian by birth and not less than thirty-five years of age.

Article 65. 1. The duties of President of the Republic shall be incompatible with the exercise of a mandate as deputy.

2. In the exercise of his duties, the President of the Republic will be replaced in his term as deputy by a substitute from the constituency where he was elected.

Article 66. 1. The term of the President of the Republic shall expire at the beginning of a new legislature, but he shall remain in office until the investiture of his successor.

2. In the event of vacancy through resignation, dismissal, permanent disability or death, election of a new President of the Republic shall take place within sixty days.

Article 67. In taking office before the National Popular Assembly the President of the Republic shall swear the following oath: "I swear, upon my honor, to defend national independence, to dedicate my intelligence and my energy to the service of the People of Cape Verde, and to fulfill the duties of the high office of President of the Republic with total faithfulness to the objectives of the PAICV, to the Constitution, and to the laws of the Republic."

Article 68. The President of the Republic shall have the following duties:

- a) To defend the Constitution of the Republic;
- b) To convene in extraordinary session the National Popular Assembly whenever critical reasons in the public interest shall justify it;
- c) To address the National Popular Assembly;
- d) To propose to the National Popular Assembly the nomination or dismissal of the Prime Minister;
- e) To install the Prime Minister;
- f) To appoint and dismiss other members of the Government, upon nomination by the Prime Minister, and to install them in office;
- g) To create and abolish Ministries and Secretaries of State, upon nomination by the Prime Minister;
- h) To preside in the Council of Ministers;
- i) To appoint and dismiss Judges of the Supreme Tribunal of Justice;
- j) To appoint and dismiss Ambassadors;
- k) To accredit foreign Ambassadors;

- l) To promulgate laws and decrees;
- m) To grant amnesty or commutations;
- n) To set the date for elections to the National Popular Assembly;
- o) To declare martial law or states of emergency;
- p) To award State decorations;
- q) To exercise the other duties which may be vested in him by law.

Article 70. 1. In the event of temporary disability or absence abroad, as well as vacancy, and up to the installation of his successor, the President of the Republic shall be temporarily replaced by the President of the National Popular Assembly.

2. While exercising temporarily the duties of the President of the Republic, the President of the National Popular Assembly shall be replaced in that function by the first Vice President.

3. The interim President of the Republic may in no event exercise the authority provided for in paragraphs (d), (k), (m) and (n) of Article 68.

4. The authority provided for in paragraph (b) of Article 68 may be exercised by the interim President of the Republic only to fulfill the provision of Article 66 (2).

CHAPTER III

THE GOVERNMENT

Article 71. 1. The Government shall be the supreme executive and administrative organ of the Republic of Cape Verde.

2. The Government shall set and conduct the policy of the nation in harmony with the general lines established by the National Popular Assembly.

Article 72. 1. The Government shall consist of the Prime Minister, the Ministers, and the Secretaries of State.

2. The Prime Minister shall be head of the Government, with the authority to direct and coordinate its activity and to ensure the execution of laws.

Article 73. 1. The Prime Minister shall be designated by the National Popular Assembly from among its members upon nomination by the President of the Republic.

2. Ministers and Secretaries of State shall be appointed by the President of the Republic upon nomination by the Prime Minister.

Article 74. 1. The office of Prime Minister shall be incompatible with the exercise of the office of deputy.

2. While in office, the Prime Minister shall be replaced as deputy by a substitute from the constituency where he was elected.

Article 75. 1. In the exercise of its duties the Government shall have the authority:

- a) To interpret and apply creatively the governmental guidelines established by the National Popular Assembly;
- b) To direct the administration of the State, to coordinate and supervise the activity of the Ministries and other central organs of the Administration;
- c) To organize and direct the execution of political, economic, cultural, scientific, and social activities, as well as defense and security, as prescribed in its program;
- d) To prepare the National Development Plan and the General Budget of the State and to ensure their execution;
- e) To legislate, by decree, on matters regarding its own organization and functioning;
- f) To pass decrees on matters reserved to the National Popular Assembly with the authorization of the latter;
- g) To negotiate and conclude international agreements and conventions;
- h) To appoint civil and military officials;
- i) To approve bills to be submitted to the National Popular Assembly;
- j) All others which may be granted by law.

2. The authority granted by paragraphs (a), (b), (c), (e), (f), and (i) will be exercised by the Government assembled in the Council of Ministers.

Article 76. 1. The Council of Ministers shall consist of the Prime Minister and the Ministers.

2. Specialized Councils of Ministers may be created on particular subjects.

3. The Secretaries of State may be convened to participate in the Council of Ministers.

Article 77. The Government, convened in the Council of Ministers, shall exercise its executive authority by means of Decrees and Orders.

Article 78. The Government shall be responsible politically to the National Popular Assembly and the President of the Republic.

Article 79. Members of the Government shall be bound by the program and the decisions made in the Council of Ministers.

Article 80. Members of the Government shall be civilly and criminally responsible for acts which they authorize and execute.

CHAPTER IV

TRIBUNALS

Article 81. 1. The purpose of justice shall be the realization of the fundamental objectives of the Constitution.

2. Justice shall be administered based upon full popular participation.

3. The administration of justice shall be the exclusive province of tribunals instituted by law.

Article 82. The Supreme Tribunal of Justice shall be the supreme judicial authority of the Republic. Its judges shall be appointed by presidential decree.

Article 83. 1. Tribunals destined exclusively for certain categories of crimes shall be prohibited.

2. The following shall be exceptions to the provisions of the above:

- a) Military tribunals, with the authority to judge essentially military crimes defined by law and other crimes which are comparable in subject matter;
- b) Customs tribunals.

Article 84. Judicial organs may be created by law to hear cases relative to rural and urban property, labor relations, and questions regarding minors.

Article 85. 1. A judge shall exercise his duties with total fidelity to the fundamental principles and objectives of this Constitution.

2. In the exercise of his duties the judge shall be independent and shall follow only the law and his conscience.

3. A judge shall not be liable for his judgments and decisions. He shall be subject to civil, criminal or disciplinary responsibility, by reason of the exercise of his duties, only in cases especially provided for in law.

Article 86. The organization, authority and working of the organs of the administration of justice shall be regulated by law.

Article 87. 1. The Public Prosecutor's Office shall be the State organ, along with the tribunals, responsible for maintaining order, representing public and social interest, and conducting penal activity.

2. The Prosecutors shall be organized in a hierarchy under the direction of the Prosecutor General of the Republic.

3. The organization, authority and operation of the Prosecutor's Office shall be regulated by law.

CHAPTER V

LOCAL POWER

Article 88. 1. Local organs of power shall be part of the unitary state power. They shall be based on popular participation, supported by the initiative and creative ability of the local communities, and they shall act in strict coordination with mass organizations and other social organizations.

2. Local power shall be organized in local units.

3. The organization, functions and authority of local power shall be regulated by law.

TITLE IV

GUARANTEES AND REVISION OF THE CONSTITUTION

CHAPTER 1

RULING ON THE CONSTITUTIONALITY OF THE LAWS

Article 89. 1. In cases submitted to their judgment the tribunals may not apply principles which infringe upon the provisions of the Constitution or principles sanctioned by it.

2. The question of unconstitutionality may be officially raised by a tribunal, by the Public Prosecutor's Office, or by any other body.

3. Upon receipt of a question of unconstitutionality the case shall be decided by the National Popular Assembly.

4. Decisions made regarding unconstitutionality by the National Popular Assembly shall have general force and shall be published in the "Official Bulletin."

CHAPTER II

CONSTITUTIONAL REVISION

Article 90. 1. This Constitution may be revised at any time by the National Popular Assembly.

2. Initiative for constitutional revision shall be vested in the deputies and the Government.

Article 91. 1. A revision bill shall indicate the articles to be revised and the text of the modifications to be introduced.

2. The revision bill and law must be supported by not less than one third of the deputies in office and by the Government.

Article 92. Revision bills must be approved by a two-thirds majority of the deputies constituting the Assembly.

FINAL AND TEMPORARY PROVISIONS

Article 93. Legislation in force at the date of national independence shall remain in effect temporarily as long as it is not contrary to this Constitution, other laws of the Republic, and the principles of the PAICV.

Article 94. The President of the Republic in office on the date that this Constitution takes effect shall remain in office until the installation of his successor.

Article 95. The Government in office on the date that this Constitution takes effect shall remain in office until the installation of the new Government.

Article 96. This Constitution shall take effect on the date of the first session of the Second Legislature.

Approved September 5, 1980.

Abilio Duarte, President of the National Popular Assembly.

Fromulgated October 7, 1980.

Aristides Maria Pereira, President of the Republic.