

Constitution of Suriname, 1987

Preamble

WE, THE PEOPLE OF SURINAME,

inspired by the love for this Country and the belief in the power of the Almighty and guided by the centuries-long struggle of our people against colonialism, which was terminated by the establishment of the Republic of Suriname on 25 November 1975,

taking into consideration the consequent struggle against neo-colonialist colonization and the process of renovation of social relations, which was commenced on 25 February 1980,

conscious of our duty to combat and to prevent every form of foreign domination,

resolved to defend and protect the national sovereignty, independence and integrity,

assured of the will to determine our economic, social and cultural development in full freedom convinced of our duty to honor and to guarantee the principles of freedom, equality and democracy as well as the fundamental rights and freedoms of man,

inspired by a civic spirit and by the participation in the construction, expansion and maintenance of a society that is socially just,

determined to collaborate with one another and with all peoples of the world on the basis of freedom, equality, peaceful coexistence and international solidarity,

SOLEMNLY DECLARE, TO ACCEPT, AS A RESULT OF THE PLEBISCITE TO BE HELD, THE FOLLOWING CONSTITUTION.

CHAPTER I SOVEREIGNTY

First Section

THE REPUBLIC OF SURINAME

Article I

1. The Republic of Suriname is a democratic State based upon the sovereignty of the people and on the respect and guarantee of the fundamental right and liberties.
2. The Suriname Nation determines its economic social and cultural development in full freedom.

Second Section

TERRITORY

Article 2

1. Suriname comprises the territory on the South American continent that is as such historically defined.
2. The State shall not transfer rights to territory or sovereign rights which it exercises over that territory.
3. The extent and boundaries of the territorial waters and the rights of Suriname to the adjacent continental shelf and the economic zone are determined by law.

Third Section

NATIONALITY

Article 3

1. Who is a Suriname national and who is a resident shall be decided by law.
2. Naturalization shall be regulated by law.
3. All Suriname citizens are allowed access into Suriname and are free to move about and to reside within Suriname, except in the cases, defined in the law.
4. All Suriname citizens shall be eligible for appointment to any office in the service of the State on an equal footing.
5. The law shall determine in which public offices foreigners can be appointed.
6. The entry of foreigners and their expulsion shall be regulated by law.
7. The law shall determine the rules regarding the extradition of foreigners; extradition can only occur on the basis of a treaty or in the manner determined by law.

Fourth Section

STATE AND SOCIETY

Article 4

The concern of the State is aimed at:

- a. The construction and maintenance of a national economy free from foreign intervention;
- b. Sufficiency of means for the total population;
- c. Sufficient employment under the guarantee of freedom and justice;
- d. The sharing of everyone in the economic, social and cultural development and progress;
- e. Participation in the sense of citizenship during the construction, the expansion and the maintenance of a just society;
- f. Guaranteeing national unity and sovereignty.

CHAPTER II ECONOMIC GOALS

Article 5

1. The economic objectives of the Republic of Suriname shall aim at the construction of a national economy, free from foreign domination and for the benefit of the Suriname nation.
2. The economic system within which the social-economic development takes place, is characterized by common, contemporaneous and equal functioning of state enterprises, private enterprises, enterprises in which the State and private persons participate in common and cooperative enterprises, according to rules of law applicable in that matter.
3. It is the duty of the State to promote and to guarantee as much as possible all modes of production by private enterprises.

CHAPTER III SOCIAL GOALS

Article 6

The social objectives of the State shall aim at:

- a. The identification of the potentialities for development of the own natural environment and the enlarging of the capacities to ever more expand those potentialities;
- b. Guaranteeing the participation of the community in the political life among other ways through national, regional and sectoral participation;
- c. Guaranteeing a governmental policy intent upon raising the standard of living and of well-being of the society, based upon social justice, the integral and balanced development of State and society;
- d. A just division of the national income, directed towards a just spreading of well-being and wealth over all strata of the population;

- e. Regional spreading of public utilities and economic activities;
- f. The improvement of codetermination by the employees in companies and production units in the taking of decisions about production, economic development and planning;
- g. Creating and improving the conditions necessary for the protection of nature and for the preservation of the ecological balance.

CHAPTER IV

INTERNATIONAL PRINCIPLES

Article 7

1. The Republic of Suriname recognizes and respects the right of nations to self-determination and national independence on the basis of equality, sovereignty and mutual benefit.
2. The Republic of Suriname promotes the development of the international legal order and supports the peaceful settlement of international disputes.
3. The Republic of Suriname rejects all armed aggression, every form of political and economic pressure, as well as every direct or indirect intervention in the domestic affairs of other States.
4. The Republic of Suriname promotes the solidarity and cooperation with other peoples in the combat against colonialism, neo-colonialism, racism, genocide and in the combat for national liberation, peace and social progress.
5. The Republic of Suriname promotes the participation in international organizations with a view to establishing peaceful coexistence, peace and progress for mankind.

CHAPTER V

BASIC RIGHTS, INDIVIDUAL RIGHTS AND FREEDOMS

Article 8

1. All who are within the territory of Suriname have an equal claim to protection of person and property.
2. No one may be discriminated against on the grounds of birth, sex, race, language, religious origin, education, political beliefs, economic position or any other status.

Article 9

1. Everyone has a right to physical, mental and moral integrity.
2. No one may be submitted to torture, degrading or inhuman treatment or punishment.

Article 10

Everyone has in case of infringement of his rights and freedoms a claim to an honest and public treatment of his complaint within a reasonable time by an independent and impartial judge.

Article 11

No person may be withdrawn against his own will from the judge whom the law assigns to him.

Article 12

1. Everyone can have legal assistance before the courts
2. The law regulates the rendering of legal aid to those who are financially weaker.

Article 13

Loss of civil rights or the general forfeiture of all the goods of an offender may not be inflicted as a penalty or as a consequence of a penalty for any crime.

Article 14

Everyone has a right to life. This right is protected by the law.

Article 15

No one shall be obliged to do forced or compulsory labour.

Article 16

1. Everyone has the right to personal liberty and safety.
2. No one will be deprived of his freedom, other than on grounds and according to proceedings determined by law.
3. Everyone who is deprived of his freedom has a right to a treatment in accordance with human dignity.

Article 17

1. Everyone has a right to respect of his privacy, his family life, his home and his honor and good name.
2. No dwelling may be entered against the occupant's will except when commissioned by an authority which has the power to give that order by virtue of law and subject to the conditions prescribed by the law.
3. The secrecy of letters, telephone and telegraph is inviolable except in the cases described by law.

Article 18

Everyone has the right of freedom of religion and philosophical conviction.

Article 19

Everyone has the right to make public his thoughts or feelings and to express his opinion through the printed press or other means of communication, notwithstanding everyone's responsibility according to the law.

Article 20

Everyone has the right to freedom of peaceful association and assembly, taking into consideration the rules to be determined by law for the protection of public order, safety, health and morality.

Article 21

1. The right to demonstrate peacefully is acknowledged.
2. The use of that right can, for the protection of public order, safety, health and morality, be submitted to limitation through the law.

Article 22

1. Everyone has the right to submit written petitions to the public authorities.
2. The law regulates the procedure for handling them.

Article 23

In case of war, danger of war, state of siege or state of emergency or for reasons of state security, public order and morality, the rights mentioned in the Constitution may be submitted to limitations by law, which will be in force during a certain time, depending on the circumstances, with due respect for the international rules applicable in that matter.

CHAPTER VI SOCIAL, CULTURAL AND ECONOMIC RIGHTS AND OBLIGATIONS

First Section

THE RIGHT TO WORK

Article 24

The state shall take care of the creation of conditions in which an optimal satisfaction of the basic needs for work, food, health care, education, energy, clothing and communication is obtained.

Article 25

Labour is the most important means of human development and an important source of wealth.

Article 26

1. Everyone has the right to work, in accordance with his capacities.
2. The duty to work is indissolubly attached to the right to work.
3. Everyone has the right of free choice of profession and work, except for regulations imposed by law.
4. Everyone has the right of initiative for economic production.

Second Section

STATE CONCERN FOR LABOUR

Article 27

1. It shall be the duty of the State to guarantee the right to work maximally by:
 - a. Following a planned policy, aimed at full employment;
 - b. Forbidding the discharge without sufficient cause or for political or ideological reasons;
 - c. Guaranteeing equal opportunity in the choice of profession and type of work and forbidding that access to any function or profession be prevented on grounds of someone's sex
 - d. Promoting professional training for employees.
2. The State shall take care of the creation of conditions for the optimal promotion of initiatives for economic production.

Third Section

RIGHTS OF EMPLOYEES

Article 28

All employees have, independent of age, sex, race, nationality, religion or political opinions, the right to:

- a. Remuneration for their work corresponding to quantity, type, quality and experience on the basis of equal pay for equal work;
- b. The performance of their task under humane conditions, in order to enable self-development;
- c. Safe and healthy working condition;
- d. Sufficient rest and recreation.

Fourth Section

DUTIES OF THE STATE CONCERNING THE RIGHTS OF EMPLOYEES

Article 29

It is the duty of the State to indicate the conditions for work, remuneration and rest to which employees are entitled, especially by:

- a. Mankind regulations with regard to wages, time of work, about conditions and special categories or workers;
- b. Supplying special protection on the job for women before and after pregnancy, for minors, disabled persons and for those who are engaged in work which demands special efforts or who work in unhealthy or dangerous conditions.

Fifth Section

FREEDOM OF TRADE UNIONS

Article 30

1. Employees are free to establish trade unions to foster their rights and interests.
2. For the exercise of the rights of trade unions the following freedoms are guaranteed indiscriminately:
 - a. Freedom to join or not to join a trade union;
 - b. The right to participate in trade union activities.
3. Trade unions shall be bound by the principles of democratic organization and management, based on regular elections of their boards of directors through secret ballot.

Sixth Section

RIGHTS OF TRADE UNIONS AND COLLECTIVE AGREEMENTS

Article 31

1. The trade unions shall have the power to defend the rights and interests of the employees they represent and for whom they assume responsibility.
2. Trade unions shall participate in:
 - a. The preparation of labour legislation;
 - b. The creation of institutions of social security and other institutions aimed at serving the interests of employees;
 - c. The preparation for and the control of the execution of economic and social plans
3. Trade unions shall have the right to conclude collective labour agreements. The rules concerning the powers to conclude collective labour agreements and the sphere of application of their rules shall be determined by law.

RIGHTS OF EMPLOYERS

Article 32

The associations for the defense of business entrepreneurs shall have the power to defend the rights and interests of those whom they represent and for whom they assume responsibility.

Seventh Section

RIGHT TO STRIKE

Article 33

The right to strike is recognized subject to the limitations which stem from the law.

Eighth Section

RIGHT TO PROPERTY

Article 34

1. Property, of the community as well as of the private person, shall fulfill a social function. Everyone has the right to undisturbed use of his property subject to the limitations which stem from the law.
2. Expropriation shall only take place for reasons of public utility according to rules to be laid down by law and against previously assured compensation.
3. Compensation need not be previously assured if in case of emergency immediate expropriation is required.
4. In cases determined by or through the law, the right to compensation shall exist if the competent public authority destroys or renders property unserviceable or restricts the exercise of property rights for the public interest.

Ninth section

THE FAMILY

Article 35

1. The family is recognized and protected.
2. Husband and wife are equal before the law.
3. Every child shall have the right to protection without any form of discrimination.
4. Parents shall have the same responsibilities towards legal or natural children.
5. The State recognizes the extraordinary value of motherhood.
6. Working women shall be entitled to paid maternity leave.

Tenth Section

HEALTH

Article 36

1. Everyone shall have a right to good health.
2. The State shall promote the general health care by systematic improvement of living and working conditions and shall give information on the protection of health.

Eleventh Section
YOUTH

Article 37

1. Young people shall enjoy special protection for the enjoyment of economic, social and cultural rights, among which are:
 - a. Access to education, culture and work;
 - b. Vocational schooling;
 - c. Physical training, sports and recreation;
2. The primary goal of youth policy shall be the development of the personality of the young person and of the concept of service to the community.

Twelfth Section
EDUCATION AND CULTURE

Article 38

1. Everyone shall have a right to education and to enjoyment of culture.
2. The provision of education shall be free, subject to State control of all public educational institutions in keeping with the national education policy and the rules regarding education laid down by the State.
3. The practice of science and technology shall be free.
4. The State shall promote the kind of education and the conditions under which school education and other forms of education can contribute to the development of a democratic and socially just society.
5. The State shall promote the democratization of culture by stimulating the enjoyment of culture and cultural relations and through assuring the availability of those cultural creations to all citizens by means of cultural and recreational organizations , information media and other suitable channels.

Thirteenth Section
EDUCATION

Article 39

The State shall recognize and guarantee the right of all citizens to education and shall offer them equal opportunity for schooling. In the execution of its education policy the State shall be under the obligation:

- a. To assure obligatory and free general primary education;
- b. To assure durable education and to end alphabetism;
- c. To enable all citizens to attain the highest levels of education, scientific research and artistic creation, in accordance with their capacities;
- d. To provide, in phases, free education on all levels;
- e. To tune education to the productive and social needs of the society

CHAPTER VII

THE ECONOMIC ORDER:

TASKS OF THE STATE IN THE ECONOMIC ORDER

Article 40

In order to promote the socioeconomic development towards a socially just society, a development plan shall be determined by law, taking into consideration the national and socioeconomic goals of the State.

Article 41

Natural riches and resources are property of the nation and shall be used to promote economic, social and cultural development. The nation shall have the inalienable right to take complete possession of the natural resources in order to apply them to the needs of the economic, social and cultural development of Suriname.

Article 42

1. The law shall guarantee that the mode of exercise of trade and industry is not contrary to the national goals, the public interest and notably the public policy, health, morality and state security.
2. The currency exchange shall be regulated by law.

Article 43

The structure of the financial system shall be regulated by law in such a manner that by saving and by the correct allocation of the necessary financial means, investments in the productive sector would be advanced.

Article 44

The right to industrial property shall be regulated by law.

CHAPTER VIII

THE SOCIAL ORDER

Article 45

The social order shall be based in principle on a society, wherein all Suriname citizens have equal rights and obligations.

Article 46

The State shall create the conditions, which lay the foundations for the formation of citizens capable of participating in a democratic and effective manner in the development process of the nation.

Article 47

The State shall safeguard and protect the cultural heritage of Suriname, stimulate its preservation and promote the use of science and technology in the context of the national development aims.

Article 48

1. The State shall inspect the production, storing and handling of chemical, biological, pharmaceutical and other products, intended for consumption, medical treatment and diagnosis.
2. The State shall inspect all medical functions, the function of pharmacist and other paramedical practices.
3. The inspection of the products and functions mentioned in paragraphs (2) and (3) shall be regulated by law.

Article 49

A housing plan shall be determined by law, aimed at the procurement of a sufficient number of affordable houses and State control of the use of real estate for public housing.

Article 50

The policy regarding widows, orphans, the aged, invalids and incapacitated workers shall be indicated by law.

Article 51

The State shall take care to make the services of legal aid institutions accessible to those looking for justice.

CHAPTER IX

PRINCIPLES OF DEMOCRATIC STATE ORGANIZATION

First Section **POLITICAL DEMOCRACY**

Article 52

1. All political power is vested in the people and shall be exercised in accordance with the constitution.
2. Political democracy is characterized by the participation and representation of the Suriname people, which shall express itself through the participation of the people in laying down a democratic political regime, and through their participation in legislation and administration, aimed at the upholding and expanding of this system. Political democracy shall further create the conditions for the participation of the people in t general, free and secret elections for the composition of representative organs and of the Government.
3. Accountability to the people, supervision of government actions by institutions created for that purpose and the right of revocation with regard to elected representatives are guarantees for true democracy.

Second Section **POLITICAL ORGANIZATIONS**

Article 53

1. The State shall accept the freedom of citizens to create political organizations, subject to the limitations which stem from the law.
2. Political organizations shall respect the national sovereignty and democracy.
3. In exercising their mandate the political organizations shall take into account the following:
 - a. Their goals may not be in violation of or incompatible with the Constitution and the laws;
 - b. The organization shall be accessible to the Suriname citizen, who fulfills criteria to be defined by law provided that he agrees upon the basic principles of the party.
 - c. The internal organization must be democratic, which shall be evidenced inter alia by:
 - o - regular elections for the board of directors;
 - o - the prerequisite that candidates proposed of the chamber of representatives shall be elected within the party structures;
 - d. The electorate shall be informed of the political program and the election program of the political organizations;
 - e. Annual publications of sources of income and accounts shall be made in the Official Journal of the Republic of Suriname and at least one newspaper;
 - f. Their functioning shall be in accordance with principles of good administration, and with prescribed legal rules for the guaranteeing of openness and transparency;
 - g. The drafting of a programme, with as sole goal the promotion of the national interest

Third Section **BASIC PRINCIPLES FOR THE FUNCTIONING OF THE STATE ORGANS**

Article 54

1. The State is obliged to register those with voting rights and to convoke them to participate in the elections. The registration of the voters shall serve no other purpose. Those with a right to vote are obliged to cooperate with the registration of the electorate.
2. For the organization and the functioning of the state organs the following principles shall be respected:
 - a. Decisions of higher State organs shall be binding upon lower organs. This rule does not apply to judicial organs;
 - b. Lower State organs shall be deemed to submit justification to the superior organs and to give account of their work;
 - c. The local, administrative and executive organs shall be subject to control by the representative bodies;

- d. The freedom of discussion, criticism and recognition of the minority and the majority shall apply in all councils and organs of the State;
- e. Those who hold political office shall be liable in civil and criminal law for their acts and omissions;
- f. Those who hold political office shall be under the obligation to fulfill their tasks in the public interest;
- g. No one shall be nominated for life in a political office;
- h. The central authority shall organize the regular dissemination of information on government policy and state administration, in order to allow the people to participate optimally in the administrative structures. The lower administration shall have the obligation to create a process of communication with the people, for the purpose of making government public-oriented and for participation in policy-making.

CHAPTER X

THE NATIONAL ASSEMBLY

First Section

ORGANIZATION AND COMPOSITION OF THE NATIONAL ASSEMBLY

Article 55

1. The National Assembly represents the people of the Republic of Suriname and expresses the sovereign will of the nation.
2. The National Assembly is the highest organ of the State.

Second Section

ELECTION OF THE MEMBERS OF THE NATIONAL ASSEMBLY

Article 56

1. *Members of the National Assembly shall be elected for a five-year term.*
2. *The law can only derogate from the five-year term in case of war or other extraordinary circumstances, which prevent the holding of elections.*

Article 57

1. *The members of the National Assembly shall be elected directly by the inhabitants having Suriname nationality and having reached the age of eighteen years.*
2. *Each elector shall have one vote only.*

Article 58

Those persons shall be debarred from exercising the right to vote:

- a. To whom the right to vote has been denied by an irrevocable judicial decision;*
- b. Who are lawfully deprived of their liberty*
- c. Who, by virtue of an irrevocable judicial decision, have lost the right to dispose of or administer their property on account of insanity or imbecility.*

Article 59

Eligible are the inhabitants who have Suriname nationality, who have reached the age of twenty-one and have not been deprived of the right to vote on the grounds mentioned in the previous article under (a) and (c).

Article 60

Everything else relating to universal suffrage, the creation of an independent electoral council and its authority the division of Suriname in electoral districts, the repartition of seats in the National Assembly by electoral district and the methods according to which the allocation of seats takes place shall be regulated by law. This law shall be passed with a 2/3 majority.

Third Section

MEMBERSHIP OF THE NATIONAL ASSEMBLY

Article 61

1. *The National Assembly consists of 51 members chosen by district on the basis of general, free and secret elections by virtue of the system of proportionate representation on the highest number of average and preferential votes.*
2. *Persons who have submitted their candidacy for election as representatives in the National Assembly shall live in said district and shall have had their main or real residence there during two years preceding the elections.*

Article 62

The law determines for which functions the membership of the National Assembly results in non-activity.

Article 63

1. *Among the members of the National Assembly there may not be two members connected by blood up to and including the second degree and two married members.*
2. *When individuals in a forbidden degree of blood connection or of marriage are elected simultaneously, it shall be decided by lot who will be admitted.*

Article 64

The sessions of the National Assembly and of the other representative organs on the local and district levels coincide as much as possible.

Article 65

When assuming office the members shall make the following oath or promise:

"I swear (promise) that in order to be elected a member of the National Assembly I have not given or promised, nor will give or promise, directly or indirectly, under whatsoever name or pretext, anything to anyone whomsoever.

I swear (promise) that in order to do or refrain from doing anything whatsoever in this office, I will not accept any promises or presents, directly or indirectly, from anyone whomsoever.

I swear (promise) that I will fulfill the office of member of the Assembly conscientiously.

I swear (promise) that I will foster the well-being of Suriname to the best of my capacities.

I swear (promise) obedience to the Constitution and all other rules of law.

I swear (promise) allegiance to the Republic of Suriname. So help me, God Almighty (that I declare and promise)."

Article 66

Within thirty days at the latest after the members of the National Assembly are chosen, this organ convenes under the chairmanship of the member oldest in years, assisted by the member next oldest in years as secretary and in case of unavailability or absence, always by the next oldest member. In this meeting the National Assembly shall examine the credentials of its new members, and shall settle disputes arising concerning those credentials or the election itself, according to rules to be laid down by law.

In the case where several members could be eligible for appointment as oldest member, who will act as chairman is decided by lot.

Article 67

1. *The oldest member referred to in the previous article shall, previous to this meeting, take the prescribed oath or promise before the President, after which he shall swear in the other fifty members. Hereafter, the meeting attends to the business of electing a chairman, vice-chairman and a secretary of the National Assembly, who immediately accept their functions.*
2. *The chairman takes the required oath or promise, in the National Assembly before the acting chairman.*
3. *If the acting chairman is elected as chairman he takes the required oath or promise in the National Assembly before the vice-chairman.*

Fourth Section

TERMINATION OF THE MEMBERSHIP OF THE NATIONAL ASSEMBLY

Article 68

1. *Membership of the National Assembly is terminated by:*

- a. Death;
- b. Discharge on personal request;
- c. Revocation of the member in the manner to be laid down by law;;
- d. The arising of conditions that exclude eligibility;
- e. The voluntary change of domicile and main and real residence from the district in which the member was elected, insofar as the sanction of revocation is applicable to the member;
- f. Absence during an uninterrupted period of five months
- g. Condemnation for criminal offence in an irrevocable judicial decision to a penalty involving loss of liberty of at least five months.

2. Further rules regarding the loss of membership of the National Assembly can be laid down by law.

CHAPTER XI THE LEGISLATURE

First Section

EXERCISE OF LEGISLATIVE POWERS

Article 69

The Legislator, the Government and the other organs of government shall respect the rules of the Constitution.

Article 70

The Legislative Power shall be exercised jointly by the National Assembly and the Government.

Second Section

POWERS OF THE NATIONAL ASSEMBLY

Article 71

1. *The National Assembly shall have the power to decide over all proposals of law that will be submitted before it for approval.*
2. *The National Assembly shall have the power to decide by 2/3 majority on organizing a People's Assembly or a plebiscite in the cases provided for by law or if the National Assembly thinks right to do so.*
3. *The National Assembly lays down its Rules of order. These Rules of Order shall be promulgated by a decision of state.*

Article 72

Without prejudice to what is reserved elsewhere in the Constitution for regulation by law, the following subjects shall certainly be determined by law:

- a. *Treaties, subject to what is determined in article 104;*
- b. *The amending of the Constitution;*
- c. *The declaration or the termination of the state of war, the civil or military state of emergency*
- d. *The determination and change of the political-administrative partitioning of the Republic of Suriname;*
- e. *The determination of the extent and boundaries of the territorial waters and the rights of the Republic of Suriname to the adjacent continental shelf and the economic zone;*
- f. *The creation of a development council for national development;*
- g. *The granting of amnesty or pardon.*

Article 73

The socio-economic and political policy to be followed by the Government shall be previously approved by the National Assembly.

EXECUTIVE TASKS OF THE NATIONAL ASSEMBLY

Article 74

The National Assembly has the following executive tasks:

- a. *The election of the President and the Vice-President;*
- b. *The proposal for nomination to the President of the chairman and vice-chairman, the members and the surrogate members of the organ charged with the supervision and control of the expenditure of the state finances.*

<bThird Section

LEGISLATIVE PROCEDURE

RIGHTS OF AMENDMENT INITIATIVE, INTERROGATION AND INVESTIGATION

Article 75

1. *The President introduces the proposals of law or other Government proposals before the National Assembly in a written message.*
2. *Public debate on any received Government proposal shall always be preceded by an examination of that proposal.*
3. *The National Assembly shall determine in its Rules of Order the manner in which such examination shall be made.*

Article 76

The National Assembly shall have the right of amendment in a proposal of law of the Government.

Article 77

1. *If the National Assembly resolves to pass the proposal either unchanged or changed, it shall notify the President thereof.*
2. *If the National Assembly resolves not to pass the proposal it shall also give notice thereof to the President, with the request to consider anew the proposal. As long as the National Assembly has not taken a decision, the President shall continue to have the power to withdraw the proposal which he introduced.*

Article 78

Every member to the National Assembly shall have the right to introduce proposals of law to the National Assembly.

Article 79

The National Assembly shall have the right of examination, that is to be regulated by law.

Article 80

1. *All bills passed by the National Assembly and approved by the President shall acquire force of law after promulgation.*
2. *The laws shall be inviolable, subject to what is stated in article 137.*

<bFourth Section

PROCEDURE

Article 81

Annually, on the first working day of September, the President shall address the National Assembly on the policy to be followed by the Government.

Article 82

All meetings of the National Assembly shall be held in public, except in special cases when it decides to convene behind closed doors.

Article 83

1. *The National Assembly may not commence deliberation or take decisions if no more than one half its members are present.*
2. *All decisions of the National Assembly, except those regarding the amendment of the Constitution, the election of the President, the decision to organize plebiscite and to hold a People's Assembly, and those regarding the amendment of the Law on Elections as well as the case described in Article 83, paragraph (4), shall be taken by an absolute majority of votes.*
3. *For the amendment of the Constitution, the election of the President, the decision to organize a plebiscite and a People's Assembly, and for the amendment of the Law on Elections, a majority of at least 2/3 of the number of members of the National Assembly shall be required.*

Article 84

1. *If, at a meeting attended by all those who are at that moment members of the National Assembly, the votes are equally divided, the proposal shall be regarded as not having been passed.*
2. *If, at a meeting not attended by all those who are at the moment members of the National Assembly, the votes are equally divided, the decision shall be postponed until a subsequent meeting. In that meeting the proposal is, if the votes are equally divided, regarded as not having been passed.*
3. *Voting is oral and by roll call, but when persons are to be appointed or nominated, voting is by closed and unsigned voting papers.*
4. *The meeting can decide by at least two thirds of the votes cast that a specific matter shall be voted by closed and unsigned voting papers.*

Article 85

1. *The Government shall provide the National Assembly with the requested information either in writing or orally. It can be invited by the National Assembly to attend the meeting.*
2. *The Government can attend meetings of the National Assembly as well as the People's Assembly. It has an advisory vote in those meetings. It can be assisted in the meetings by experts.*

Article 86

The law regulates the financial provisions for the benefit of the members and former members of the national Assembly and their surviving relatives.

Article 87

1. *The National Assembly appoints, suspends and discharges its clerk. The clerk may not at the same time be a member of the National Assembly.*
2. *The law regulates his position.*

<bFifth Section

IMMUNITY

Article 88

The chairman, the members of the National Assembly, the Government and the experts referred to in article 85, paragraph (2), shall be exempt from criminal prosecution for anything they have said at the assembly or have submitted to it in writing, except that if in so doing they had made public what was said or submitted under obligation of secrecy in a closed meeting.

Article 89

The National Assembly is bound to inform the district councils in a manner to be laid down by law about decisions taken or viewpoints expressed that are of significance to their districts.

CHAPTER XII THE PRESIDENT

First Section

IN GENERAL

Article 90

1. *The President is Head of State of the Republic of Suriname, Head of Government, Chairman of the Council of State and of the Security Council.*
2. *He is responsible to the National Assembly.*

Article 91

1. *The President and the Vice-President are appointed by the National Assembly for five years. The term of office of the President is terminated at the swearing in of a newly appointed President. If the office becomes vacant, then the following President to be elected begins a new term of office.*
2. *What is stated in the previous paragraph applies mutatis mutandis to the Vice-President.*

Article 92

1. *To be eligible for appointment as President or Vice-President a candidate must:*
 - *possess the Suriname nationality;*
 - *have reached the age of thirty;*
 - *not be excluded from the right of active and passive suffrage;*
 - *not have acted in violation of the Constitution.*
2. *Before submitting his candidacy, he must have had his domicile and main and real residence in Suriname for at least six years.*

Article 93

At the inauguration, the President and the Vice-President shall make the following oath or promise:

"I swear (promise) that in order to be elected President (Vice-President) of the Republic of Suriname I have not given or promised, nor will give or promise, directly or indirectly, under whatsoever name or pretext, anything to anyone whomsoever.

I swear (promise) that in order to do or refrain from doing anything whatsoever in this office, I will not accept any promises or presents, directly or indirectly, from anyone whomsoever.

I swear (promise) that in fulfilling the office of President (Vice-President) I will attend to and foster, with all my powers, the interests of the county and the people.

I swear (promise) that I will defend and preserve, with all my powers, the independence and territory of the Republic of Suriname; that I will protect the general and particular liberty and the rights of all people and will employ, for the maintenance and promotion of the particular and general welfare, all means which the laws and circumstances place at my disposal, as a good and faithful President (Vice-President) should do.

I swear (promise) obedience to the Constitution and all other rules of law.

I swear (promise) allegiance to the Republic of Suriname. So help me God Almighty (That I declare and promise)."

Article 94

The President and the Vice-President shall fulfill no other functions beside their office.

Article 95

The President and Vice-President may neither directly or indirectly participate in any undertaking, nor act as guarantor thereof, which is based on an agreement for profit or gain made with the State or with a part thereof. They may hold no money claims, except for government bonds, against the State.

Article 96

The President and the Vice-President may neither directly nor indirectly participate in any concession undertaking of any nature established in Suriname or operating therein.

Article 97

1. *The President may not be related by marriage or by blood up to the second degree with the Vice-President, the ministers, the vice-ministers and the chairman and other members of the State Council and the organ that is charged with the supervision and control of the expenditure of state finances.*
2. *He who comes to stand in a forbidden degree of relation after his appointment retains his office only after leave thereto is given by law.*

Article 98

The office President is exercised by the Vice-President:

- a. In case the President is declared unfit to exercise his powers;*
- b. In case the President has laid down the exercise of his powers temporarily;*
- c. As long as there is no President or if he is absent;*

d. If, in the case described in article 140, prosecution against the President has been initiated.

<bSecond Section

POWERS OF THE PRESIDENT

Article 99

The executive power is vested in the President.

Article 100

The President shall have the supreme authority over the armed forces.

Article 101

The President shall have the direction of foreign relations and shall promote the development of the international legal order.

Article 102

- 1. The President shall not declare the Republic of Suriname to be at war, in danger of war or in state of siege, except with the previous consent of the National Assembly. This consent shall not be required when, as a result of force majeure, consultation with the National Assembly has appeared to be impossible.*
- 2. The President shall not declare war, danger of war or state of siege between the State of Suriname and another power to be terminated, except with the previous consent of the National Assembly. This consent shall not be required when, as a result of force majeure, consultation with the National Assembly is not possible.*
- 3. To maintain external and domestic security, in case of war, danger of war or in case of serious threat to or disturbance of the domestic order and peace which could result in substantial damage to the interests of the State, the President can declare the state of emergency in any part of Suriname, subject to previous consent of the National Assembly.*
- 4. The President shall not declare the State of emergency to be terminated, except with previous consent of the National Assembly. This consent is not required when consultation with the National Assembly has, as a result of force majeure, appeared to be impossible.*

Article 103

Agreements with other powers and with organizations based on international law shall be concluded by, or by authority of, the President and shall be, insofar as the agreements require, ratified by the President. These agreements shall be communicated to the National Assembly as soon as possible; they shall not be ratified and they shall not enter into force until they have received the approval of the National Assembly.

Article 104

- 1. Approval shall be given either explicitly or implicitly. Explicit agreement shall be given by an act. Implicit approval has been given if, within thirty days after the agreement has been submitted for that purpose to the National Assembly, no statement has been made by the National assembly expressing the wish that the agreement be subject to explicit approval.*
- 2. The law determines the cases in which no approval is required.*

Article 105

The provisions of the agreements mentioned in article 103 which may be directly applicable to anyone shall have this binding effect as from the time of publication.

Article 106

Legal regulations in force in the Republic of Suriname shall not apply, if this application should be incompatible with provisions that are directly applicable to anyone, to agreements entered into either before or after the enactment of the regulations.

Article 107

The law shall regulate the publication of agreements and of decisions of organizations based on international law.

Article 108

On proposal of the Government, the President confers honorary orders of the Republic of Suriname upon people who are eligible thereto.

Article 109

The President shall have the right to grant pardons for penalties inflicted by judicial sentence. He shall exercise this right after having ascertained the opinion of the judge, who had taken the judicial sentence.

POWERS WITH REGARD TO OTHER ORGANS

Article 110

The President furthermore has the powers;

- a. To constitute the Council of Ministers, after consultation, including with regard to the results of the elections;*
- b. To direct the preparatory work for the government programme*
- c. To direct the activities of the State Council;*
- d. To convoke, if he wishes, and to lead the meetings of the Council of Ministers;*
- e. To appoint and remove ministers from office;*
- f. To ratify the proposals of law and general administrative measures that have been passed;*
- g. To ratify the decisions of the State Council and to take care they are promulgated in the Official Journal of the Republic of Suriname;*
- h. To appoint to suspend and to discharge any person to whom a public service is entrusted, inasmuch as appointing, suspending or discharging has not been reserved to another state organ.*

POWERS IN INTERNATIONAL RELATIONS

Article 111

In international relations the President has the power:

- a. To appoint, to discharge, to replace and to suspend diplomatic representatives of the Republic of Suriname;*
- b. To accredit or not to accredit diplomatic representatives of other states;*
- c. To accept letters of accreditation of foreign diplomatic representatives.*

Article 112

All other matters relating to the President shall be regulated by law.

CHAPTER XIII THE COUNCIL OF STATE, THE GOVERNMENT, THE COUNCIL OF MINISTERS AND THE MEMBERS OF THE COUNCIL OF MINISTERS

First Section

THE COUNCIL OF STATE

Article 113

There is a Council of State, whose composition and powers shall be regulated by law. The President is Chairman of the Council of State.

Article 114

On assuming office the members of the Council of State shall take the following oath or make the following promise before the President:

"I swear (promise) that in order to be appointed member of the Council of State, I have not given or promised, nor will I give or promise, anything, directly or indirectly, to anyone whomsoever, under whatsoever name or pretext.

I swear (promise) that in order to do or to refrain from doing anything whatsoever in this office, I will not accept, directly or indirectly,

any promises or presents from anyone whomsoever.

I swear (promise) that I will perform my duties and that I will not make public the things of which I have taken cognizance, through my appointment as member of the Council of State, and which are entrusted to me as secret, or of which I should understand the confidential character, except to those persons to whom I am obliged by law ex officio to communicate them.

I swear (promise) obedience to the Constitution and all other rules of law.

I swear (promise) allegiance to the Republic of Suriname. So help me, God Almighty (That I declare and promise)."

POWERS OF THE COUNCIL OF STATE

Article 115

1. *The Council of State has without prejudice to what is regulated by law the following powers:*
 - a. *To give guidance to the state administration and to supervise the correct execution of the decisions of the National Assembly by the Government;*
 - b. *To suspend the decrees of the Council of Ministers and those of lower organs that do not contain generally binding rules, if they are, in the opinion of the Council of State, in violation of the Constitution, the law and the government programme ;*
 - c. *To advise the President in the execution of his office of Head of State and of head of the Government;*
 - d. *To advise the Government on general policy matters and on the content and the constitutionality of proposals of law as well as agreements under public international law for which the consent of the National Assembly is required;*
 - e. *To advise the Government on proposals of general administrative measures;*
 - f. *To present, if necessary, proposals of law or of general administrative measures to the Government;*
 - g. *To arrange for the mobilization of the people when the national interest demands that;*
 - h. *To pass its own Rules of Order which shall be determined by general administrative measures.*
2. *If a decree, as mentioned in paragraph (1) under (b), is suspended by the Council of State, the President shall need to decide to ratify or not to ratify that decision within one month after the date of the suspension.*

Second Section

THE GOVERNMENT

Article 116

1. *The President with the Vice-President and the Council of Ministers form the Government. The Vice-President is charged with the day-to-day management of the Council of Ministers and is as such responsible to the President.*
2. *The Government is responsible to the National Assembly.*

Article 117

The Government takes general administrative measures. Punishment shall only be imposed through general administrative measures by order of the law. The law regulates the applicable punishment.

Article 118

The manner of promulgation of laws and general administrative measures and the time they shall become binding shall be regulated by law.

Third Section

THE COUNCIL OF MINISTERS

Article 119

1. *The Council of Ministers is the highest executive and administrative organ of the Government.*
2. *The Ministers together form the Council of Ministers, which is presided by the Vice-President.*
3. *The Council of Ministers has at least one Vice-Chairman.*

Article 120

The meetings of the Council of Ministers may be attended by specialized or technical experts.

Article 121

The Council of Ministers is under the obligation to assist in the procurement of information to the Council of State for the execution of its advisory and supervisory task.

TASKS OF THE COUNCIL OF MINISTERS

Article 122

Subject to that which is laid down in the Rules of Order of the Council, that Council of Ministers has as tasks:

- a. To execute the policy determined by the Government*
- b. To prepare legislative acts and administrative regulation;*
- c. To supervise the correct execution of decrees when their execution is entrusted to it;*
- d. To prepare and to execute an efficient policy;*
- e. To give direction to administrative organs and to supervise administrative functions of local organs by means of the suitable ministerial debarments.*

TASKS OF THE MEMBERS OF THE COUNCIL OF MINISTER

S Article 123

The members of the council of Ministers shall be charged with leading their respective ministerial departments and with the tasks appointed to them by the Rules of Order of the Council of Ministers and by other Regulations.

Fourth Section

UNDER-SECRETARIES OF STATE

Article 124

The President may appoint to a ministerial department one or more under-secretaries of state who, in cases the Minister deems necessary, may act as Minister in his stead, observant of his directions. The under-secretary of state is on that account responsible to the President, without prejudice to the responsibility of the Minister.

Article 125

On assuming office, the ministers and under-secretaries of state shall take the following oath or make the following promise before the President:

"I swear (promise) that in order to be appointed minister I have not given or promised, nor will I give or promise, anything, directly or indirectly, to anyone whomsoever, under whatsoever name or pretext.

I swear (promise) that in order to do or to refrain from doing anything whatsoever in this office, I will not accept, directly or indirectly, any promises or presents from anyone whomsoever.

I swear (promise) that I will faithfully perform all the duties which the office of a minister lays upon me.

I swear (promise) that I will promote the well-being of Suriname to the best of my abilities.

I swear (promise) obedience to the Constitution and all other legal rules.

I swear (promise) allegiance to the Republic of Suriname.

So help me, God Almighty (That I declare and promise)."

Article 126

The law regulates the financial provisions for the benefit of the ministers, the under-secretaries of state, and former ministers and former under-secretaries of state and of their surviving relatives.

Article 127

The Rules of Order of the Council of Ministers shall be determined by administrative measure.

CHAPTER XIV THE NATIONAL SECURITY COUNCIL

First Section

IN GENERAL

Article 128

The National Assembly shall install a National Security Council, hereafter to be called Security Council, in case the organs who have the power to do so have declared the state of war, of danger of war or the state of siege in case of military aggression and have declared the state of civil or military emergency.

Second Section

COMPOSITION OF THE SECURITY COUNCIL

Article 129

The Security Council shall consist of:

- *the President*
- *the Chairman of the National Assembly*
- *the Vice-President*
- *one representative of the Minister of Justice*
- *two representatives of the National Armed Forces*
- *one member of the Council of Ministers*
- *one representative of the Suriname Police Corps.*

Article 130

The Security Council shall protect the sovereignty and the domestic security of the Republic of Suriname and is endowed with special powers with regard to the external and domestic security of the Republic of Suriname in case of war, danger of war or state of siege and other extraordinary circumstances, to be defined by the law.

CHAPTER XV THE JUDICIAL POWER

First Section

IN GENERAL

Article 131

1. *In Suriname justice shall be administered in the name of the Republic.*
2. *No act shall be punishable other than by virtue of a previously determined legal rule.*
3. *Every interference in detection or prosecution and in cases pending in court shall be forbidden.*

Article 132

Civil and commercial law, civil and military penal law and procedure shall be regulated by law in general codes, without prejudice to the power of the Legislature to regulate certain subjects in separate laws.

Second Section

THE JUDICIARY

Article 133

1. *The Judicial Power is formed by the President and the Vice-President of the High Court of Justice, the members and the surrogate members of the High Court of Justice, the Attorney-general with the High Court of Justice, and the other members of the Public Prosecutors Office, and of other judicial functionaries indicated by law.*
2. *The law may provide that persons not belonging to the Judicial Power shall also take part in the activities of the Judicial Power.*
3. *The President, the Vice-President, the members and the surrogate members of the High Court of Justice constitute the Judicial Power that is charged with the administration of justice.*

Article 134

1. *The cognizance and adjudication of all lawsuits is exclusively entrusted to the Judicial Power, save when the law appoints another judge.*
2. *The pronouncement of punishment and of measures provided by law is also entrusted to the Judicial Power that is charged with the administration of justice, subject to exceptions made by law, which, when concerning imprisonment, may only relate to military penal and disciplinary law.*

Article 135

1. *The decision of lawsuits not arising from civil law relations may be referred by law to administrative judges. The law shall regulate the procedure of deciding and the consequences of such decision.*
2. *In the cases indicated in the previous paragraph the administrative appeal can also be made available. That appeal shall only exclude the competence of the Judicial Power insofar as this stems from the law.*

Article 136

1. *All judgements shall state the grounds upon which they are decided, and in penal cases they shall also indicate the articles of the legal regulations upon which the condemnation is based.*
2. *The court sessions shall be public, subject to exceptions made by the law.*
3. *For punishable acts designated by law for which no imprisonment is provided as sanctioned, the provision in the first paragraph may be departed from.*
4. *The pronouncement of sentence shall take place in public.*

Article 137

Insofar as the judge considers the application of a legal rule in the particular case brought before him to be contrary to one or more constitutional rights, he declares that application unwarranted in that case.

Third Section

COMPOSITION OF THE JUDICIAL POWER

Article 138

The law shall determine the organization, the composition and the jurisdiction of the Judicial Power.

Article 139

The supreme instance of the Judicial Power entrusted with the administration of justice is called the High Court of Justice of Suriname. The High Court shall supervise the regular course and settlement of all lawsuits.

Article 140

Those who hold political office shall be liable to trial before the High Court, even after their retirement, for indictable acts committed in discharging their official duties. Proceedings are initiated against them by the Attorney-General after they have been indicted by the National Assembly in a manner to be determined by law. It may be determined by law that members of the High Boards of State and other officials shall be liable to trial for punishable acts committed in the exercise of their functions.

Article 141

1. *To be appointed as a member of the Judicial Power entrusted with the administration of justice or as Attorney-General with the*

High Court of Justice, one shall be at least thirty years of age and possess Suriname nationality and have domicile and main and real residence in Suriname.

- 2. The members of the Judicial Power entrusted with the administration of justice and the Attorney-General with the High Court of Justice shall be appointed by the Government, after consultation of the High Court of Justice. The appointment of the President, Vice-President, the members of the High Court of Justice and the Attorney-General shall be for life.*
- 3. The law determines the other conditions for appointment and also the financial provision for their benefit and that of their surviving relatives.*

Article 142

- 1. The member of the Judicial Power entrusted with the administration of justice and the Attorney-General with the High Court of Justice are discharged by the Government: on their request; when reaching the age of retirement.*
- 2. The persons mentioned in the first paragraph may be discharged on the proposal of the High Court of Justice:*
 - o when they have been placed under custody;*
 - o in case of apparent continuous mental disorder;*
 - o when they have been irrevocably deprived of their liberty by virtue of a penal condemnation;*
 - o when they have obtained a composition under court supervision or are under court custody for their civil debts;*
 - o on the grounds of serious misconduct or immorality or in case of proven continuous inadvertence in the fulfillment of their office.*

Article 143

If the President is of the opinion that one of the reasons for discharge as mentioned in article 142, paragraph (2) are present, he can suspend the person in question and he can also provide for a temporary replacement in that office. The law regulates the consequences of the suspension and discharge from the office.

Fourth Section

THE CONSTITUTIONAL COURT

Article 144

- 1. An organ that is entrusted with judging the constitutionality of legal rules and measures shall be created by law.*
- 2. The composition, tasks and jurisdiction of this organ shall be regulated by law.*

Fifth Section

THE PUBLIC PROSECUTION

Article 145

The Public Prosecutor's Office is to the exclusion of all other organs responsible for the detection and is charged with the prosecution of all punishable acts. The law can derogate from this principle for the criminal procedure with regard to the military.

Article 146

- 1. The Public Prosecution with the High Court of Justice shall be exercised by or for the Attorney-General.*
- 2. The Attorney-General represents the Republic of Suriname before courts of law. He is the head of the public Prosecutor's Office and is at the same time charged with the judiciary police. He has the powers to give to the officers who are entrusted with police tasks, instructions towards preventing, detecting and researching punishable acts, which he deems necessary in the interests of sound justice.*

Article 147

The Attorney-General supervises the correct execution of the tasks of the Police. He has the power to make any proposal that he considers practical in that regard.

Article 148

The Government determines the general prosecution policy. The Government may in specific instances give the Attorney-General orders with regard to prosecution, in the interest of state security.

CHAPTER XVI SUPERVISION OF THE EXPENDITURE OF STATE FINANCES

Article 149

- 1. An organ which shall have as task to supervise the defrayal of state finances as well as to control the management of government means in the broadest sense shall be created by law.*
- 2. Supervision and control shall be exercised on the justification as well as on the effectiveness of the expenditure and management of the state finances.*

Article 150

The chairman, the members and the surrogate members are appointed by the President for a period of five years, on proposal of the National Assembly.

Article 151

The organ mentioned in article 149 shall periodically, however at least once per year, report on the supervision it exercises to the National Assembly, the Council of State and the Government. The report shall be made public.

Article 152

Other matters pertaining to the composition, the organization and the authority of this organ, shall be regulated by law.

CHAPTER XVII ADVISORY COUNCILS

Article 153

One or more advisory councils for the benefit of the Government shall be created by a law, which will also contain rules on their appointment, composition, procedures and authority.

CHAPTER XVIII THE FINANCIAL AND MONETARY SYSTEM

Article 154

- 1. The structure of the financial system shall be organized by law in such a way, that by saving and by correct allocation of the necessary financial means, investments in the productive sector shall be promoted.*
- 2. The law shall lay down rules concerning the monetary system and the Central Bank.*
- 3. The law shall lay down rules concerning insurance and banking services.*
- 4. Conditions for the making of loans by the State shall be regulated by law.*

CHAPTER XIX TAXES

Article 155

- 1. Taxes are levied by virtue of the law, which regulates the rate of taxation, tariffs, dispensations and guarantees for taxpayers.*
- 2. No privilege with regard to taxes shall be permitted other than by virtue of the law.*

THE BUDGET

Article 156

1. *The manner in which the annual budget is prepared, drafted and executed and the period for which it is valid are regulated by law.*
2. *All expenditures of the State and the means for the defrayal thereof shall be estimated in the budget.*
3. *Annually, on the first working day of October at the latest, the budget shall be submitted to the National Assembly in one or more proposals of law in accordance with the law and with the government development plan.*

Should it appear that for the service year 1988 the drafts of the budget cannot be brought into accordance with the development plan, then the Government may suffice to submit in accordance with the law. At the occasion of the submission of draft budgets by the Government to the National Assembly, the President will address the National Assembly in a formal session.

4.

- a. *The budget shall become effective starting January 1st of the fiscal year to which it relates.*
- b. *It shall be considered to have become effective from that day, notwithstanding it could have been promulgated thereafter.*

As long as that has not occurred, the budget of the fiscal year preceding the year in question shall serve as basis for the management.

5.

- a. *The closing of the accounts shall be decided by law for each fiscal year separately.*
- b. *The justification of revenue and of expenditure of the State is done before the National Assembly following legal prescriptions and with submission of the accounts reviewed by an independent organ to be created by law.*

CHAPTER XX THE PUBLIC ADMINISTRATION

Article 157

1. *The structure of the administrative organs of government shall be such that they can bring their services close to the people in order to assure the participation of those concerned with what is happening and in order to avoid bureaucratism.*
2. *Suitable forms of administrative decentralization shall be created by law, taking efficiency into consideration and without diminishing the unity of action or the powers of the Government to give guidance and to exercise supervision.*
3. *Administrative procedures shall be created by law, which will ensure the rationality of the methods used by the ministerial departments, as well as the participation of the citizens in the process of decisionmaking or in the debates that concern them.*

Article 158

1. *Everyone shall have the right to be informed by the organs of government administration on the advancement in the handling of cases in which he has a direct interest and on measures taken with regard to him.*
2. *Interested parties have access to the courts to have them judge the unjustified character of any final and executionable act by an organ of government administration.*
3. *In disciplinary procedures the right of interested parties to reply shall be guaranteed.*

CHAPTER XXI THE REGIONAL GOVERNMENTS

First Section

IN GENERAL

Article 159

The democratic order of the Republic of Suriname comprises inferior government organs on the regional level, whose function, organization, competence and operation mode shall be regulated by law in accordance with the principles of participatory democracy and

decentralization of administration and legislation.

Second Section

PARTITIONING OF THE TERRITORY

Article 160

1. *The partitioning of the Territory into districts and of districts into departments shall be regulated by law. The following criteria shall apply for the partitioning in districts and departments:*
 - *the concentration of the population;*
 - *the potential for development;*
 - *the feasibility of administering the territory;*
 - *the availability of infrastructure;*
 - *the location of the center of administration.*

1. *The boundaries of the districts are the boundaries indicated in the decree "Districtenindeling 1983" (S.B. 1983 Nr. 24).*

Third Section

REGIONAL REPRESENTATION

Article 161

1. *There are two representative bodies on the regional level: the district councils and the department councils.*
2. *The district council is the supreme political-administrative organ of the district.*
3. *The department council is the supreme political-administrative organ of the department.*

DISTRICT COUNCILS

Article 162

The composition of the district councils takes place after general, free and secret elective franchise in the departments of the district concerned. The seats in the district council are given to the representative political organizations with a seat in the department councils of the district concerned, in proportion to the total number of seats they acquired in the department councils.

DEPARTMENT COUNCILS

Article 163

The composition of the department councils takes place after general, free and secret elective franchise within the department. The order of election of the representatives is determined by the counting order of received personal votes. All available seats shall be so granted. Without prejudice to other legal requirements with regard to eligibility in representative bodies, the candidates for a department council or a district council shall have their main and real residence in the department or district concerned.

Fourth Section

COMPETENCE

Article 164

The regional representative bodies and the regional administrative organs participate in the preparation, creation and the execution of the regional district plans and department plans. Other specific tasks shall be regulated by law.

Article 165

The financial provisions for the districts and departments shall be determined by law; they envisage among other things to promote the reasonable and equitable division of funds in the districts.

Article 166

The Government exercises supervision over the districts, in the manner and in the cases provided by law.

Fifth Section

MODE OF OPERATION

Article 167

The district councils and department councils express the will and the aspiration of the inhabitants. The district councils shall manifest those to the National Assembly, whereas the department councils shall do so to the district councils.

The district councils shall be bound to inform the department councils about measures taken or opinions that are held, which concern the department councils. This obligation shall also apply to department councils in relation to the district council.

Article 168

- 1. The opportunity shall be granted to the elected district representatives to participate in the formulation and the creation of the national and regional development policy.*
- 2. The district council shall have the power to delegate its representatives to participate in the development council for the national development.*
- 3. The district councils shall have the power to forward proposals that concern their own district for further treatment to the ministerial departments concerned.*

CHAPTER XXII REGIONAL LEGISLATION

Article 169

- 1. The regulation and administration of the domestic affairs of the district shall be left to the district council.*
- 2. The district council shall make the district-ordinances which it considers necessary in the interest of the district subject to the limits of the Constitution and the laws and administrative measures of the Government. It shall be indicated by law with regard to which subjects the district councils shall have legislative powers.*

Article 170

- 1. The district-ordinances shall be notified to the National Assembly, the Government, the Council of State in the local District Commissioner, before they become effective.*
- 2. The population of the district shall be informed about the contents of the district ordinances through their publication in local newspapers and in the Official Journal of the Republic of Suriname and by keeping them available for reading at the office of the District commissioner.*

Article 171

After the publication as mentioned in Article 170 everyone shall have the opportunity to lodge complaints against the district ordinances with the National Assembly.

Article 172

- 1. If a district ordinance is contrary to the Constitution, the government programme or the existing laws, the National Assembly can annul it.*
- 2. The district council shall have the power to commence the procedure of making the district ordinance effective and of promulgating it, in a manner that shall be decided by law, if the National Assembly has notified the district council in writing within six weeks after the district ordinance was submitted to it, that no complaints were lodged with it.*

Article 173

- 1. The measures taken by the district council which do not contain general rules, shall and under strict supervision exercised by the*

Government. If those measures are considered to be contrary to the government program the Government shall propose their suspension to the Council of State.

- 2. If, after the suspension by the Council of State, the district council in question should think that there is no violation of the government program or the national interest, the dispute is submitted to the National Assembly, which makes a final binding decision.*

CHAPTER XXIII REGIONAL AUTHORITIES

Article 174

- 1. In every district there shall be a district administration. The district administration is the Executive organ of the district.*
- 2. The district administration consists of the District Commissioner and the representatives of the ministerial departments in the district.*

Article 175

The district administration is entrusted with the daily administration of the district.

Article 176

A Regional Commissioner can be appointed by law, to direct the complementary administration, the regional development and the cooperation between districts for the improvement of common interests.

CHAPTER XXIV THE ARMED FORCES

First Section

THE NATIONAL ARMY

Article 177

- 1. The National Army is the military vanguard of the people of Suriname and shall have as its task the defense of the sovereignty and independence as well as the protection of the supreme rights and liberties of land and people through service to legal order, peace and security.*
- 2. The National Army also labours for the national development and for the liberation of the nation. In order to fulfill that task effectively, a continuous organizational, technical and social adjustment of the National Army shall be required.*

Article 178

- 1. The Military Command is the representative organ of the National Army that shall direct the task of the National Army as laid down in Article 177, always respecting the powers which the constitution confers on other state organs.*
- 2. The creation and the composition of the Military Command shall be regulated by law. That organ shall moreover be charged with guaranteeing the conditions under which the Suriname people can bring about and consolidate a peaceful transition to a democratic and socially just society.*

Second Section

THE SURINAME POLICE CORPS

Article 179

- 1. The Suriname Police Corps shall have as function to defend and to protect the democratic legality of the citizens' rights, and to guarantee the security of the community.*
- 2. The police shall execute its tasks, conform the legal regulations with respect of the rights, the freedoms and guarantees of all who are on the territory of Suriname.*
- 3. In general the police shall have as task to assure:*

- a. *The maintenance of public order and security, the prevention of violation thereof and the protection of persons and goods;*
- b. *The detection of punishable acts and the supervision of the abidance to legal rules that are sanctioned by punishment.*
4. *Without prejudice to what is laid down in the previous paragraphs, the police can be entrusted with special tasks to be regulated by law.*
5. *The police executes its tasks in submission to the competent authority and in conformity with existing legal rules.*

CHAPTER XXV DEFENSE OF THE STATE

Article 180

1. *The defense policy is vested in the Government.*
2. *The protection of the State is a fundamental duty of every citizen.*
3. *Military service is obligatory for a certain period, under conditions to be regulated by law.*
4. *Civil service is obligatory under conditions to be regulated by law, as a substitute or complement to military service.*
5. *Persons who are found to be unsuited for military service of conscientious objectors can, under conditions to be laid down by law, perform unarmed military or civil service fitting for their situation.*
6. *A citizen who when given the opportunity to perform military or civil service intentionally forbears, shall not fulfill or maintain a function within the government or in another public service, without prejudice to further sanction, to be determined by law.*
7. *A citizen who performs military or civil service shall not be deemed to damage this legal position or further career development or to infringe secondary labour conditions.*
8. *In case of war, danger of war, state of siege or other extraordinary circumstances the people of Suriname can participate directly in the defense of the country under conditions to be regulated by law, through defense structures under the command of the National Army.*

CHAPTER XXVI THE PEOPLE'S ASSEMBLY

Article 181

1. *The People's Assembly consists of:*
 - o *the National Assembly*
 - o *the District Councils;*
 - o *the Department Councils.*
1. *This People's Assembly convenes:*
 - a. *In case of amending of the Constitution with regard to the powers and tasks of the representatives in the several representative bodies, whereto the consent of at least 2/3 of the number of valid votes is required, if that majority can not be obtained after two votes in the National Assembly.*
 - b. *For the election of the President and the Vice-President, in case none of the candidates has obtained the constitutional majority after two votes, for the third vote, in order to elect the said officials with a majority of the votes;*
 - c. *In case a law shall be voted by absolute majority over the eventual discharge of the President, if the National Assembly does not reach agreement;*
 - d. *In the case described in Article 71, paragraph (2).*

CHAPTER XXVII TRANSITORY AND FINAL PROVISIONS

First Section

FORMER CONSTITUTIONAL LAW

Article 182

The rules of the Constitution of 25 November 1975, the application of which was suspended on 13 August 1980, shall cease to exist when

this Constitution becomes effective.

Second Section **FORMER COMMON LAW**

Article 183 *The legal regulations, such as they existed before this constitution shall become effective, including the laws and decrees promulgated after 25 February 1980, shall remain in force, until they will have been replaced by other rules according to this Constitution, under stipulation that they shall, inasfar as they may be contrary to the Constitution, be brought in harmony with this Constitution, not later than by the end of the first period of session of the National Assembly, failing which they shall lose their force of law.*

CHAPTER XXVIII INSTALLATION OF STATE ORGANS

Article 184

- 1. The National Assembly commences its activities within 30 days after the results of the election.*
- 2. The National Assembly chooses the President and the Vice-President of the Republic of Suriname within 30 days after the commencement of the session period of the National Assembly.*

Article 185

Until the second session period of the National Assembly the Council of State shall consist of the following persons:

- the representatives of the combined labour unions;*
- the representatives of the associations of employers;*
- the representatives of the National Army.*

CHAPTER XXIX RATIFICATION, PROMULGATION AND ENTRY INTO FORCE

Article 186

- 1. The Constitution of the Republic of Suriname shall have as date the date of the plebiscite whereby the people of Suriname approved it.*
 - 2. The decision whereby the Constitution is approved by the people of Suriname, shall be ratified by the President and formally promulgated, not later than 30 days after its approval.*
 - 3. Thus the Constitution has come into force on October 30, 1987.*
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