Ethiopian Constitution

** The following English Translation of the Ethiopian Draft Constitution is an unofficial draft that has been released to enable members of the International community follow the discussions and forthcoming elections, pending publication of the official translation.

PREAMBLE

We, the nations, nationalities and Peoples of Ethiopia:

Determined to build by the exercise of our right to self -determination, for ourselves and of our own free will, a single political community which is based on our common consent and the rule of law so as to ensure lasting peace, an irreversible and thriving democracy and an accelerated economic and social development for our country Ethiopia;

Strongly convinced of the necessity of respect for the fundamental rights of individuals and of the nations and nationalities as well as the even development of the various cultures and religions for the attainment of these objectives;

Convinced that we, the nations, nationalities and people, with our own individual and admirable culture, territories and modes of life have, by virtue of the fact that our country Ethiopia has been and still is our common home in which we have formed a common bond of relationships in various fields and in varying degrees, developed a common interest and outlook;

Recognising that our common destiny needs to be based upon the rectification of historically distorted relationships and promoting common interests;

Convinced of the necessity of building a single economic community so as to promote our common rights, freedoms and interests;

Determined to ensure the maintenance of the peace and democracy we have achieved through our struggle and sacrifice;

Now, therefore, in order to consolidate these aims and beliefs, do hereby adopt this Constitution through our representatives in the Constitutional Assembly on this _____ of 1994.

CHAPTER ONE

GENERAL PROVISIONS

Article 1 The Name of the Ethiopian State

This Constitution establishes a federal and democratic state structure. Accordingly, the Ethiopian State shall be called the Federal Democratic Republic of Ethiopia.

Article 2 Territory of Ethiopia

The territory of Ethiopia shall, as determined by international agreements, comprise of the borders of the member states of the Federation.

Article 3 The Ethiopian Flag

1. The Ethiopian flag consists of three horizontal bands of equal size, the uppermost green, the middle yellow and the nethermost red.

2. The national emblem on the flag shall reflect the equality of the nations, nationalities, peoples and religions in Ethiopia and their aspirations to live in unity.

3. Each member state of the Federation may have its own flag and emblem. Particulars shall be determined by their respective parliaments.

Article 4 The National Anthem

The national anthem of Ethiopia shall be determined by law so as to reflect the objectives of this Constitution, the Ethiopian people's resolve to live in unity within a democratic system and their common future.

Article 5 Language

1. The official language of the Federal Government shall be Amharic.

2. All Ethiopian languages shall enjoy equal state recognition.

3. The member states of the Federation shall determine their respective official languages.

Article 6 Citizenship

1. Any person with one or both parents of Ethiopian citizenship is an Ethiopian. Particulars shall be determined by law.

2. Foreigners may acquire Ethiopian citizenship.

3. Particulars relating to citizenship shall be determined by law.

Article 7 Gender

In this Constitution, provisions enacted in the masculine gender shall be deemed to include the feminine gender.

CHAPTER TWO

FUNDAMENTAL CONSTITUTIONAL PRINCIPLES

Article 8 Sovereignty

1. Sovereignty resides in the nations, nationalities and peoples of Ethiopia.

2. This Constitution is an expression of their sovereignty.

3. Sovereignty shall be expressed through the peoples' representatives, elected by them in accordance with this Constitution, and through their direct democratic participation.

Article 9 Supremacy of the Constitution

1. This Constitution is the supreme law of the land. All laws, customary practices, and decisions made by state organs or public officials inconsistent therewith, shall be null and void.

2. All citizens, state organs, political organizations, other associations and their officials, have the duty to comply with this Constitution and abide by it.

3. Assuming power in any manner other than as provided by this Constitution is prohibited.

4. International agreements ratified by Ethiopia are an integral part of the law of the land.

Article 10 Human and Democratic Rights.

1. Human rights and freedoms as inherent rights of man are inalienable and inviolable.

2. The human and democratic rights of peoples and citizens shall be protected.

Article 11 Separation of State and Religion

1. The Ethiopian State is a secular state.

2. There shall be no state religion.

3. The State shall not interfere in religious affairs; neither shall religion interfere in the affairs of the State.

Article 12 Functions and Accountability of Government.

1. The activities of government shall be undertaken in a manner which is open and transparent to the public.

2. The people may recall any one of their representatives whenever they lose confidence in him. Particulars shall be determined by law.

3. Any public official or elected representative shall be made accountable for breach of his official duties.

CHAPTER THREE

FUNDAMENTAL RIGHTS AND FREEDOMS

Article 13 Scope and Interpretation

1. The provisions of this Chapter shall, at all levels, apply to the federal and state legislative, executive and judicial branches of government.

2. The fundamental rights and freedoms enumerated in this Chapter shall be interpreted in a manner consistent with the Universal Declaration of Human Rights, international human rights covenants and conventions ratified by Ethiopia.

HUMAN RIGHTS

Article 14 The Right to Life, Liberty and Security of Person.

Everyone by virtue of being human, has the inalienable and inviolable right to life, liberty and security of person.

Article 15 The Right to Life.

Every human being has the right to life. No one shall be deprived of his life except by reason of his conviction in accordance with the law for a serious crime committed by him.

Article 16 The Right to Security of Person

Every one shall have the right to security of person.

Article 17 Liberty

1. No one shall be deprived of his liberty except in accordance with such procedures as are laid down by law.

2. No one shall be arrested or detained without being charged or convicted of a crime except in accordance with such procedures as are laid down by law.

Article 18 Prohibition of Inhuman Treatment

1. Everyone shall have the right not to be subjected to cruel, inhuman or degrading treatment or punishment.

2. No one shall be held in slavery or servitude; trafficking in human beings, for whatever purpose it might be, is prohibited.

3. No one shall be required to perform forced or compulsory labour.

4. For the purpose of this article, the term "forced or compulsory labour" shall not include:-

a) Any labour which is, in accordance with the law, required of a prisoner while in detention, or of a person during conditional release from such detention:

b) Any service required of a person who is a conscientious objector in lieu of military service:

c) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community.

d) Any voluntary economic or social developmental activity undertaken by the people of the community concerned.

Article 19 Rights of Persons under Arrest

1. Anyone arrested on criminal charges shall have the right to be informed promptly and in detail, in a language which he understands, of the nature and cause of the charge against him.

2. Everyone shall have the right to keep silent and be warned promptly, in a language which he understands, that any statement he may make may be used in evidence against him.

3. Everyone shall have the right to be brought before a court of law within 48 hours after his arrest. This shall not include a reasonable time taken in the journey to a court of law. He shall have the right to be specifically informed that there is sufficient cause for his arrest as soon as he appears in court.

4. Everyone shall be entitled to an inalienable right of habeas corpus where the police officers or the public prosecutor fails to bring the accused to court within the time limit provided by law. Where the interest of justice so requires, or where remand has been requested for further investigation, the court may order the accused to be kept in custody for a duration as is deemed necessary. Remand granted by a court shall be such as to enable the responsible officials of the public prosecution to investigate and speedily bring the case to a court of law.

5. Everyone shall have the right not to be forced to make any confessions or admissions of any evidence that may be brought against him during the trial. No evidence obtained in such a manner shall be legally admissible.

6. Anyone arrested shall have the right to be released on bail. The courts may however, for reasons specified by law, reject the application for bail, allow a conditional release or demand the production of sufficient sureties.

Article 20 Rights of the Accused.

1. Everyone charged with an offence shall be entitled to a public hearing before an ordinary court of law without undue delay; the trial may, however, be conducted in camera only for the purposes of protecting the private lives of the parties, public morals and moral security.

2. Everyone charged with an offence shall be adequately informed in writing of the charges brought against him.

3. Everyone charged with an offence shall be presumed innocent until proved guilty by a court of law and not to be compelled to testify against himself.

4. Everyone charged with an offence shall be entitled to inspect any evidence brought against him, examine witnesses testifying against him, present or obtain the production of any evidence or obtain the attendance of witnesses in their defence.

5. Everyone charged with an offence shall have the right to defend himself through legal assistance of his own choosing and to have free legal assistance assigned to him by the government where the interests of justice so require and he does not have sufficient means to pay for it.

6. Everyone charged with an offence shall have the right to his conviction or sentence being reviewed on appeal by a competent court of law.

7. Everyone charged with an offence shall have the right to be provided with an interpreter by the government, where the trial is conducted in a language which he does not understand.

Article 21 Right of Persons in Custody and Convicted Prisoners

1. Any person in custody or a convicted prisoner shall have the right to humane treatment which accords with his human dignity.

2. Any person in custody or a convicted prisoner shall have the right to communicate with and be visited by spouse(s), close relatives and friends, medical attendants, religious and legal counselors.

Article 22 Non-retroactivity of Criminal Laws

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under the law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed.

2. The provisions of sub-Article 1 of this article notwithstanding, laws enacted after the commission of the offence shall apply before or after sentence where they are favourable to the accused.

Article 23 Prohibition of Double Jeopardy

No one shall be liable to be tried or submitted again for an offence for which he has been finally convicted or acquitted in accordance with the criminal laws and procedure.

Article 24 Right to Human Dignity and Good Reputation

1. Everyone shall have the right to his human dignity and good reputation.

2. Everyone shall have the right to freely develop his personality in a manner consistent with the rights of others.

3. Everyone shall have the right to recognition everywhere as a person before the law.

Article 25 The Right to Equality

All persons shall be equal before the law and shall be entitled to equal protection of the law without any discrimination whatsoever. All persons shall be entitled to equal and adequate guarantees without distinction of any kind such as race, nation, nationality, colour, sex, language, religion, political or social origin, property, birth or other status.

Article 26 Right to Privacy

1. Everyone shall have the right to his privacy and physical integrity. This right shall include protection from searches of his person, his home, his property and protection from seizure of property under his possession.

2. Private postal correspondence as well as other communications through the telephone, telecommunications and other electronic devices shall be inviolable.

3. Government officials shall have the duty to respect and enforce these rights. Exercise of these rights may only be restricted by laws enacted for purposes of prevention of crimes, protection of national security, public peace, public health and morality, rights and freedoms of others or in periods of emergency.

Article 27 Freedom of Religion, Conscience and Thought

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or in private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion by force or any other means, which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Parents and legal guardians shall have the right, in accordance with their belief, to give their children religious or moral instruction.

4. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others and to ensure the secular nature of the State.

Article 28 Crimes Against Humanity

There shall be no period of limitation on persons charged with crimes against humanity as provided by international conventions ratified by Ethiopia and other laws of Ethiopia. The legislature or any other organ of state shall have no power to pardon or give amnesty with regard to such offences.

DEMOCRATIC RIGHTS

Article 29 Right to Hold Opinions, Thoughts and Free Expressions

1. Everyone shall have the right to hold opinions without any interference.

2. Everyone shall have the right to freedom of expression without interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through other media of his choice.

3. Freedom of the press and mass media as well as freedom of artistic creation is guaranteed. Press freedom shall, in particular, include the rights enumerated hereunder: a) that censorship in any form is prohibited. b) the opportunity to have access to information of interest to the public.

4. The press shall be granted institutional independence and legal protection to enable it to accommodate different opinions and ensure the free flow of information, ideas and opinions that are necessary in a democratic society.

5. Any media financed or controlled by the government shall be organized in a manner suitable for the accommodation of differences of opinion.

6. Nothing in the foregoing shall absolve anyone of liability arising from laws enacted to protect public morals, peace, human dignity and democratic rights of citizens.

Article 30 Freedom of Assembly, Public demonstration and the Right to Petition.

1. Everyone shall have the freedom, in association with others, to peaceably assemble without arms, engage in public demonstration and the right to petition. Appropriate procedure may be enacted to ensure that public meetings and demonstrations do not disrupt public activities, or that such meetings and demonstrations do not violate public morals, peace and democratic rights.

2. This right shall not absolve anyone of liability arising from the laws enacted to protect public morals, peace, human dignity and democratic rights of citizens.

Article 31 Right to Association

Everyone shall have the right to form associations for whatever purpose. Associations formed in violation of the appropriate laws or associations formed with the objective of overthrowing the constitutional order or associations carrying out these activities shall be prohibited.

Article 32 Freedom of Movement

1. Every Ethiopian or any other person lawfully within Ethiopia shall have the freedom to freely move and establish his residence within Ethiopia as well as to travel abroad.

2. Every Ethiopian shall have the right to return to his country.

Article 33 Rights of Citizenship

1. No Ethiopian of either sex shall lose his/her Ethiopian citizenship against his/her will.

2. Every Ethiopian shall be entitled to the rights, protections, and benefits deriving, in accordance with the law, from Ethiopian citizenship. Marriage of an Ethiopian citizen of either sex to a foreign citizen shall not result in the loss of Ethiopian citizenship. 3. Ethiopians shall have the right to change their citizenship.

4. Ethiopian citizenship may be granted to foreigners in accordance with laws and procedures enacted in a manner not inconsistent with international agreements ratified by Ethiopia.

Article 34 Rights Relating to Marriage, the Individual and the Family

1. All men and women attaining the legal age of marriage, shall have, without any distinction as to race, nation, nationality or religion, the right to marry and found a family. They shall have equal rights in the process of contracting the marriage, its duration and dissolution. Regulations shall be enacted to protect the rights and interests of children in the event of dissolution.

2. Marriage shall be based on the free and full consent of the intending spouses.

3. The family is the natural and fundamental basis of society and hence is entitled to protection from society and the state.

4. Particulars relating to the recognition of religious and customary marriages may be determined by law.

5. This Constitution shall not preclude the right of parties to voluntarily submit their dispute for adjudication in accordance with religious or customary laws. Particulars shall be determined by law.

Article 35 The Rights of Women

1. Women shall have equal rights with men in the enjoyment of the rights and protections guaranteed by this Constitution to all Ethiopians.

2. Women shall, as prescribed by this Constitution, have equal rights with men in respect to marriage.

3. Considering that women have traditionally been viewed with inferiority and are discriminated against, they have the right to the benefit of affirmative actions undertaken for the purpose of introducing corrective changes to such heritage. The aim of such measures is to ensure that special attention is given to enabling women to participate and compete equally with men in the political, economic and social fields both within public and private organisations.

4. The State has the duty to guarantee the right of women to be free from the influence of harmful customary practices. All laws, stereotyped ideas and customs which oppress women or otherwise adversely affect their physical and mental well-being are prohibited.

5. (a) Women shall have the right to maternity leave with full remuneration. The duration of maternity leave shall be determined by law having regard to the nature of the work, the woman's health and the welfare of the child and its family.

(b) Maternity leave may, by law, be made to include pregnancy leave with full remuneration.

6. Women shall have the right to demand that their opinions be heard on matters of national development policies, on plan and project implementation, and in particular, on projects affecting their interests.

7. Women shall have the right to acquire, administer, control, enjoy and dispose of property. They shall, in particular, have equal rights with men regarding the use, transfer, administration and control of land. They shall enjoy the same rights with men with respect to inheritance.

8. Women shall have the right of access to education and information on family planning and the capability to benefit thereby so as to protect their good health and prevent health hazards resulting from child birth.

Article 36 The Rights of the Child

1. Every child shall be entitled to the rights enumerated hereunder:-

(a) the right to life;

(b) the right to a name and nationality;

(c) the right to know and be cared for by its parents or other legal guardians;

(d) the right to be protected against exploitative practices, and not to be permitted to engage in any employment which would prejudice its health, education or well-being;

(e) the right to be protected from cruel and inhuman punishment being inflicted upon him/her in schools or child welfare institutions.

2. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

3. Juvenile offenders, children in correction or rehabilitation institutions, youth, children under government fostership, and children in public or private orphanages shall be kept separate from adults.

4. Children born out of wedlock shall have equal rights with those born in wedlock.

Article 37 The Right to Justice

1. Everyone shall have the right to submit his justiciable grievances to and obtain a decree or judgment from a court of law or any other tribunal given by law the power of adjudication.

2. The following are entitled to the right to obtain the decree or judgment referred to under Sub-Article (1) of this Article:

(a) any association with respect to the private or common interests of its members.

(b) an individual or a member of a group representing any group or persons having similar interests.

Article 38 The Right to Vote and to be Elected

1. Every citizen, without distinction on the basis of race, colour, nation, nationality, sex, language, religion, political or other opinion, or discrimination based on any other status shall have the right:

(a) to take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot; guaranteeing the free expression of the will of the electors.

2. Subject to the general and special rules of membership of the organization concerned, the right of everyone to join political parties, trade unions, chambers of commerce, employer's and professional associations is guaranteed.

3. Elections to positions of responsibility within the organisations referred to under Sub-Article (2) of this Article shall be conducted in a free and democratic manner.

4. The provisions of Sub-Articles (2) and (3) of this Article shall, in so far as they considerably affect public interest, apply to public institutions.

Article 39 The Right of Nations, Nationalities and Peoples

1. Every nation, nationality or people in Ethiopia shall have the unrestricted right to self determination up to secession.

2. Every nation, nationality and people shall have the right to speak, write and develop its language and to promote its culture, help it grow and flourish, and preserve its historical heritage.

3. Every nation, nationality or people in Ethiopia shall have the unrestricted right to administer itself; and this shall include the right to establish government institutions within the territory it inhabits and the right to fair representation in the federal and state governments.

4. The right to self determination up to secession of nation, nationality and peoples may be exercised:-

(a) where the demand for secession is approved by a two thirds (2/3rds) majority of the legislature of the nation, nationality or people concerned.

(b) where the Federal Government within three years upon receipt of the decision of the legislature of the nation, nationality or people demanding secession, organises a referendum for the nation, nationality or people demanding secession.

(c) where the demand for secession is supported by a simple majority vote in the referendum.

(d) where the Federal Government transfers power to the parliament of the nation, nationality or people which has opted for secession.

(e) where propert is partitioned in accordance with the law.

5. The term "nation, nationality and people" shall mean a community having the following characteristics: People having a common culture reflecting considerable uniformity or similarity of custom, a common language, belief in a common bond and identity, and a common consciousness the majority of whom live within a common territory. An alternative supported by a minority of the Council.

1. Every nationality in Ethiopia shall have the right to speak and write in its own language, and express, promote and develop it.

2. Every nationality in Ethiopia shall have the full right to administer itself .This right shall include the right to establish government institutions within the territory it inhabits and the right to fair representation in the federal and state governments.

3. Nationalities shall have, on the basis of the free choice of their peoples, the right to organise on a larger territory a self- administrative structure for running their internal affairs and establish governmental institutions for common self-administration.

4. Nationalities shall also have, on the basis of the free choice of their peoples, the right to establish regional self-administration, and such regional self-administrative unit shall be a member of the Federation.

5. For the purposes of this constitution, the term "nationality" shall mean a community having the following characteristics: people with a common culture reflecting considerable uniformity and a similarity of custom, a common language or (minority) languages of communication, a belief in a common bond and identity, the majority of whom live in a common territory.

6. Affiliated nationalities who share common characteristics but exhibiting varying cultures, common political and economic interests and believe in establishing, on the basis of the free choice of their peoples, a common administration may together decide to be recognized as a single nation or as one people.

7. In the event where the rights enumerated in this Article are violated, or by virtue of an unjust distribution of social wealth or an unfair distribution of the products of development, a sector of the population which has obtained recognition as a nation in accordance with Sub-Article (6) of this Article raises the demand for secession, the causes for which the demand was made shall be made to find solutions.

(a) any question arising out of the causes indicated herein above shall be submitted to the Constitutional Court for its consideration. Where the Constitutional Court subsequently finds that these causes reflect the views of the majority of the population, it may further investigate the causes and decide upon various solutions, including that of compensation or submit other recommendations for conciliation.

(b) The decision made, or the recommendation for conciliation made by the Constitutional Court shall be submitted to a joint meeting of the two Chambers of the Council, and the joint meeting may accept, reject or amend the decision or recommendation for conciliation.

(c) The decision passed by the joint meeting shall be submitted to the parliament of the self-administration of the nation concerned.

(d) Where the parliament of the nation concerned rejects the joint meeting's decision, it may, by two-thirds majority vote submit an alternative recommendation for conciliation to the Council of the Federation or decide for a referendum on the secession issue to be conducted.

(e) The referendum shall be held three years after the nation's parliaments approval of the demand for secession in accordance with Sub-Article 1(d) of this Article.

(f) The decision for secession shall come into effect where it is supported by two-thirds majority vote of the population of the nation concerned.

Article 40 The Right to Property

1. The right of every Ethiopian citizen to own private property is guaranteed. Unless the law provides otherwise in the public interest, this right shall include the right to use and enjoy property, and, in so far as it does not violate the rights of others, to sell, transfer by succession or by any other means.

2. For the purposes of this Article the term "private property" shall mean any property, both corporeal and incorporeal, produced by the labour, creativity or capital of an Ethiopian citizen, associations of Ethiopian nationals endowed with legal personality by law, or associations who under appropriate conditions are allowed by special laws to jointly own property.

3. The right to own rural and urban land as well as natural resources belongs only to the state and the people. Land is an inalienable common property of the nations, nationalities and peoples of Ethiopia.

4. The right of Ethiopian peasants to free allotment of land and not to be evicted therefrom is guaranteed. Particulars for its implementation shall be determined by law.

5. Without prejudice to the right of ownership of land by the nations, nationalities and peoples of Ethiopia, the state shall guarantee the right of private investors to the use of land upon payment of money, the amount of which is to be determined by law. Particulars shall be determined by law.

6. Every Ethiopian shall have the full right to the immovable property he builds on the land and to the improvements he brings about on the land by his labor or capital. This right shall include the right to alienate, and where right of use expires, to remove his property, transfer his title, or claim compensation for it. Particulars shall be determined by law.

7. Without prejudice to the right to private property, the state may expropriate private property for public use with the prior payment of adequate compensation.

Alternative supported by the minority of the Council

1. Every Ethiopian citizen of either sex shall have the right to own property, including the ownership of both urban and rural land. This right includes the right to acquire, use, mortgage, sell, transfer by succession or by other means.

2. For the purposes of this article the term "property" shall mean any property, both corporeal and incorporeal, produced by the labor, creativity or capital of an Ethiopian citizen, associations

of Ethiopian nationals endowed with legal personality by law, or associations who under appropriate conditions are allowed by special laws to jointly own property,

3. The State may, in the public interest and in particular, to ensure that Ethiopian citizens shall have an equal opportunity to gain a living and an equal access to housing, determine the size of ownership of both rural and urban land.

4. The State may, without making any distinction whatsoever, lease out land to private investors.

5. (a) The State may expropriate property in the public interest in accordance with procedures that are laid down by law. Such procedure must, as a minimum requirement, ensure that the parties concerned are given an open forum in which whether the proposed expropriation satisfies the purposes of the proposed public interest and that such interest cannot be satisfied by other means.

(b) Expropriation may be made only upon prior payment of compensation by the State. Where compensation is to by made in money, the amount must be determined according to the market price prevailing at the moment of expropriation. Where the compensation is to be made in kind or by other means, the compensation must be estimated in a manner commensurate to the market price then prevailing.

6. The manner by which foreign nationals may own property shall be determined by law.

Article 41 Economic, Social and Cultural Rights

1. Every Ethiopian shall have the right to engage in any economic activity and gain his living by work which he freely chooses.

2. Every Ethiopian shall have the right to choose his vocation, work and profession.

3. Every Ethiopian citizen shall have the right to equal access to social services run with state funds.

4. The State shall allocate progressively increasing funds for the purposes of promoting the people's access to health, education and other social services.

5. The State shall, within the limits permitted by the economic capability of the country, care for and rehabilitate the physically and mentally handicapped, the aged, and children deprived of their parents or guardians.

6. The State shall devise policies designed to create employment of the poor and unemployed; issue programmes designed to open up work opportunities in the public sector and undertake projects.

7. The State shall take necessary measures to expand the opportunities of citizens to engage in gainful employment. 8. Peasants shall have the right to be paid a fair recompense for their

produce which would enable them to progressively attain an improved standard of living and in proportion to their productive contribution to the national wealth. The State shall be guided by this objective in determining its economic and social development policies.

9. The State shall have the responsibility to preserve the cultural and historical heritage and contribute to the promotion of the development of the Arts.

Article 42 Workers' Rights

1. (a) Factory and service sector employees, peasants, agricultural workers, other rural workers, government employees below a certain level of responsibility and the nature of whose employment so requires, shall have the right to form associations for the purpose of improving their economic and employment conditions. This right shall include the right to form trade union and other associations, and to negotiate with their employers and other organizations affecting their interests.

(b) The category of workers referred to in paragraph (a) of this Article shall have the right to express their grievances, which shall include the right to strike.

(c) Government employees who may benefit from the rights recognized under paragraphs (a) and (b) of this Article shall be determined by law.

(d) The right of women workers to equal pay for equal work is guaranteed. 2. Workers shall have the right to appropriately defined working hours, breaks, leisure, periodic leave with pay, paid public holidays, and a safe and healthy working environment.

3. Laws issued for the implementation of these rights shall, without derogating from the rights recognized under Sub- Article (1) of this Article, lay down procedures for the establishment of the said trade unions and the manner of conducting collective bargaining.

Article 43 The Right to Development

1. The right of the peoples of Ethiopia collectively, or the nations, nationalities and peoples in Ethiopia, individually, to improve their standard of living and to sustainable development is guaranteed.

2. Citizens shall have the right to participate in national development, and in particular, to demand that their opinions be heard on matters of policies and of projects pertaining to the community of which they are members.

3. International agreements entered into or relations formed by the State shall be such as to guarantee the right to the sustainable development of Ethiopia.

4. The main objectives of development activities shall be the citizens development and the fulfillment of their basic needs.

Article 44 Right to the Protection of the Environment.

1. Everyone has the right to a clean and healthy environment.

2. Everyone who is uprooted from the place of his residence by virtue of programmes undertaken by the Government, or one whose livelihood has been affected shall have the right to receive adequate monetary or other alternative compensation, including transfer, with assistance, to another locality.

CHAPTER FOUR

STATE STRUCTURE

Article 45 Form of Government

The form of government of the Federal Democratic Republic of Ethiopia shall be parliamentarian.

Article 46 States in the Federation

1. The Federation shall comprise of states.

2. States shall be structured on the basis of settlement patterns, language, identity and consent of the people.

Article 47 States in the Federation

1. Members of the Federal Democratic Republic of Ethiopia are the following.

1. Tigrai State 2. Afar State 3. Amara State 4. Oromia State 5. Somali State 6. Benshangul/Gumaz/ State 7. Southern Peoples' State* 8. Gambela Peoples' State 9. Harari Peoples' State

*The Nations, Nationalities and peoples of the Southern Peoples' State are the following:

Hadiya	Hamer	Melon	Mursi	Minit	
Male					
Surma	Sidama	Shekoch Sheko	Busa		
Besketo	Burji	Bencho	Bodi	Nao	
Gnangatamo	Alaba				
Kembata	Keficho	Kore (Amaro)	Konso	Konta	
Arbore					
Aide	Ori	Wolaita	Zeise	Zelmam	Yem
Dime	Disenech	Dawro	Dizi	Gaweda	
Gurage	Gidicha	Gidole	Gamo	Gedeo	
Gobeze	Gofa	Tenbaro Chara	Tsemay		

2. The nations, nationalities and peoples within the states provided under Sub Article (1) of this Article shall have the right to establish, at any time, a state of their own.

3. Member States of the Federal Democratic Republic of Ethiopia shall have equal powers and rights.

Article 48 Border Changes

1. Where a problem arises regarding a state border it shall be settled in accordance with an agreement reached between the states concerned. Where the states cannot reach an agreement, the Council of the Federation shall render a decision taking into account the settlement patterns and interests of the people.

2. Matters submitted to the Council of the Federation pursuant to Sub-Article (1) of this Article shall be decided within a time of not more than two years.

Article 49 Capital City

1. Addis Ababa shall be the capital city of the Federal Democratic Republic of Ethiopia.

2. The city of Addis Ababa shall have complete powers of self- administration. Particulars shall be determined by law.

3. The administration of the city of Addis Ababa shall be accountable to the Federal Government.

4. The special interest of the state of Oromia with respect to supply of services or the utilization of resources or administrative matters arising from the presence of the city of Addis Ababa within the state of Oromia shall be protected. Particulars shall be determined by law.

5. Residents of the city of Addis Ababa shall be represented in the Council of Peoples' Representatives of the Federation in accordance with the provisions of this Constitution.

CHAPTER FIVE

THE STRUCTURE AND ORGANIZATION OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

Article 50 Organs of State Power

1. The Federal Democratic Republic of Ethiopia shall comprise of the Federal and State governments.

2. The Federal Government and the States shall have legislative, executive and judicial powers.

3. Supreme power of the Federal Government shall reside in the Council of Peoples' Representatives which shall be accountable to the Ethiopian people. Supreme power of states shall reside in the State Parliament which shall be accountable to the people of the state which elected it.

4. States shall be organized at the state and Woreda level. State Parliament, may, while organizing its administration, include other administrative hierarchies. Sufficient power shall be given to organs at a lower level to allow for direct popular participation.

5. The State Parliament shall be the legislature of the State with regard to matters falling within its powers. It shall prepare, adopt or amend the Constitution of the State.

6. The Government of the State shall be the highest executive organ of the State.

7. Judicial powers of states shall reside only in the courts.

8. The respective powers of the Federal Government and the States is determined by this Constitution. Powers of the Federal Government shall be respected by the States and powers of the States shall be respected by the Federal Government.

9. The Federal Government, may, when it deems it necessary, delegate to the States, some of the powers given to it under Article 51 of this Constitution. States may also delegate some of their powers and responsibilities to the Federal Government.

Article 51 Powers and Duties of the Federal Government.

1. Prepares and implements general economic, social development policies, strategies and plans of the country.

2. Prepares and implements fiscal and monetary as well as foreign investment policies and strategies.

3. Prepares and implements, national standard and policy measures with respect to health, education, culture, historical heritage and science and technology.

4. Determines foreign policy and implements the same. Enters into and ratifies international agreements.

5. Organizes and guides public safety and national defence as well as the police force of the Federal Government.

6. Directs and controls inter-state commerce and foreign trade.

7. Determines and controls matters relating to immigration, passport, entry and exit visas, refugees and political asylum.

8. Determines on the granting of nationality.

9. Levies and administers taxes and duties on those sources of revenue reserved to the Federal Government. Prepares, approves and administers the budget of the Federal Government.

10. Promotes, administers and controls air, rail and sea transport; postal, telecommunication services as well as highways linking more than two states.

11. Administers the National Bank, issues currency, borrows money, controls foreign exchange and circulation of money. Enacts laws and regulations regarding borrowings by states from local sources.

12. Permits and protects artistic and intellectual property. 13. Adopts uniform measurement and time standards.

14. Declares and lifts state of emergency in the whole or part of the country.

15. Deploys Federal defence forces when a State requests, in case of danger to public security beyond the control of the State concerned.

16. Enacts laws relating to the utilization and protection of land, natural resources and historical heritage.

17. Determines and administers utilization of rivers and lakes that cross borders of the country or link two or more states.

18. Enacts laws relating to political organizations and elections necessary to implement political rights recognized by this Constitution.

19. Safeguards and defends the Constitution.

20. Enacts laws on the carrying of arms.

21. Administers and promotes service institutions established through the Federal Government budget.

Article 52 Powers and Duties of States.

1. Powers not exclusively reserved to the Federal Government or concurrently given both to the Federal Government and State Governments by this Constitution, shall belong to the States.

2. Without prejudice to the provisions of Sub-Article (1) of this Article, powers of the State shall include the following:-

(a) Prepare and implement economic and social development policies, plans and strategies.

(b) Enact and implement state constitution and other laws.

(c) Administer land and natural resources in accordance with laws enacted by the Federal Government.

(d) establish state administration aimed at self- administration; establish a democratic order where rule of law reigns. Safeguard and defend this Constitution.

(e) Levy taxes and duties on those sources of revenue reserved for the States; prepare and implement its own budget;

(f) Enact and implement laws regulating administration and working conditions of civil servants of the State. It shall however, have the responsibility to ensure that standards of education, training and experience for a given job category are comparable to the general standards adopted in the country.

(g) Organise and direct the police force of the state; ensure law and order within the state.

CHAPTER SIX

FEDERAL CHAMBERS OF PARLIAMENT

Article 53 The Federal Chambers

The Federal Parliament shall be composed of two chambers, namely the Council of Peoples' Representatives and the Council of the Federation.

Article 54 Members of the Council of Peoples' Representatives

1. The members of the Council of Peoples' Representatives shall be elected every five years in a direct, free and fair election by universal suffrage which shall be held by secret ballot.

2. The members of the Council of Peoples Representatives shall be elected from among candidates within one electoral district in an electoral process where the winner shall be the candidate with the highest number of votes. Minority nationalities and peoples that are believed to deserve special representation shall become, through election, members of the Council of Peoples' Representatives. Particulars shall be determined by law.

3. Members of the Council represent the whole people and shall be responsible only to

a) the Constitution b) the People, and c) their conscience

4. No action or charge may be brought or an administrative measure be taken against any member of the Council for a vote cast or statement made in the Council.

5. No member of the Council may be arrested or prosecuted without the permission of the Council except when caught in flagrante delicto for a serious offence.

6. The number of members of the Council shall be determined on the basis of population in each electoral district and the population of minority nationalities and peoples endowed with special representation. Particulars shall be determined by law.

7. Any member of the Council shall, in accordance with the law, be removed from membership of the Council where the electorate loses confidence in him.

Article 55 Powers and Duties of the Council of Peoples' Representatives

1. The Council of Peoples' Representatives shall, in accordance with this constitution, enact laws on matters falling within the powers of the Federal Government.

2. Without prejudice to the generality of the provisions under Sub- Article (1) of this Article, the Council of Peoples' Representatives shall enact laws with respect to the following matters:

a) Nationality, immigration, passport, entry and exit visas, refugee and matters relating to political asylum.

b) Utilization of land, natural resources, rivers and lakes crossing the border of the country or linking two or more states.

c) Inter-state commerce and foreign trade.

d) Air, rail, sea transport, postal and telecommunication services and highways linking two or more states.

e) Artistic and intellectual property rights.

f) Uniform time and measurement standards.

g) Election and exercise of political rights in accordance with the provisions of this Constitution.

h) Carrying of arms.

3. Enact labour laws.

4. Enact commercial laws /codes

5. Enact a Penal Code. Without prejudice to the foregoing, the States shall have the power to enact penal laws on matters not covered by the Penal Code of the Federal Government.

6. Enact laws on areas of private law where the interest of creating a single economic community requires that such laws be enacted on a federal level.

7. Decide upon the organization of public defence and police force of the Federal Government.

8. Declare state of emergency in accordance with the provisions of Article 95 of this Constitution. Approve the declaration of state of emergency made by the executive branch.

9. Declare war based on draft laws submitted to it by the Council of Ministers.

10. Approve general economic, social development policies and strategies, fiscal and monetary policies of the country, enacts laws on currency, administration of the National Bank, foreign exchange and circulation of money.

11. Levy taxes and duties on the sources of revenue reserved for the Federal Government. Approve the budget of the Federal Government.

12. Ratify international agreements signed by the executive branch.

13. Approve appointment of judges of the Federal Courts, members of the Council of Ministers, General Auditor, and other officials whose appointment shall be approved by the Council. 14. Establish a Human Rights Commission and determine its powers and duties.

15. Establish an Ombudsman, elect and appoint members that shall lead it; determine its powers and duties.

16. Request, on its own initiative and without the consent of the State concerned, a joint meeting of the Council of Peoples' Representatives and the Council of the Federation for the adoption of appropriate measures where human rights are violated in a state and the state persists in its violation, and give directives to the state for the implementation of the decisions that are adopted.

17. The Council shall have the power to call the Prime Minister and Ministers for questioning and inspect the activities of the executive branch.

18. Deliberate on any item within the powers of the executive where one third of the members of the Council so request. The Council shall have the power to deliberate and take any measure it deems appropriate.

19. Elect the Speaker of the Council and the deputy speaker of the Council; establish committees necessary to carry out its activities.

Article 56 Political power

A Political party or a coalition of political parties obtaining the highest number of seats in the Council shall have the power to form and lead the executive branch of the Federal Government.

Article 57 Adoption of Laws

Laws upon which the Council has deliberated and agreed shall be submitted to the President for signature. The President shall affix his signature within 15 days. The law shall come into force where the president fails to affix his signature within 15 days.

Article 58 Meeting and Term of Office of the Council

1. A simple majority of the members of the Council shall constitute a quorum.

2. The Council shall convene on the Monday of the last week of Meskerem and shall continue to the 30th day of Sene. It shall have a one month recess at a time to be determined by the Council.

3. Members of the Council of Peoples' Representatives shall be elected for a term of five years. New elections shall be held one month before the expiry of the term.

4. The House speaker of the Council may call a meeting when the Council is on recess. The House speaker shall have an obligation to call a meeting where a majority of the members of the Council so request.

5. No meeting of the Council shall be closed to public except upon a request by the members of the Council or the executive branch of the Federal Government supported by a majority of the members of the Council.

Article 59 Decisions and Rules of Procedure

1. Unless otherwise expressly provided by this Constitution, decisions of the Council shall be adopted by a simple majority vote.

2. The Council may adopt its own rules of procedure.

Article 60 Dissolution of the Council

1. The Prime Minister, with the consent of the Council, may dissolve the Council before the expiry of its term so as to conduct new elections.

2. The President shall invite political parties in the Council, after dissolving the Council of Ministers, to form a new coalition government within one week, where the coalition of the political parties that assumed power is dissolved with a resulting loss of their status as a majority. Where the political parties fail to form a new government or maintain the coalition, the Council shall be dissolved and new elections shall be conducted.

3. Where the Council is dissolved in accordance with the provisions of sub Article 1 and 2 of this Article, new elections shall be conducted within 6 months after the dissolution of the Council.

4. The new Council of Peoples' Representatives shall convene within 30 days after completion of the elections.

5. The political party or coalition of parties which was in power and continues to lead the country after dissolution of the Council of Peoples' Representatives may not, apart from performing normal functions of government and conducting new elections, enact new proclamations, regulations, decrees or amend existing laws.

Article 61 Council of the Federation

1. The Council of the Federation shall be composed of representatives of nations, nationalities and peoples of the member States of the Federation.

2. Each nation, nationality, people shall have at least one representative. Every additional one million people of the nation /nationality shall be represented by one additional representative.

3. The Members of the Council of the Federation may be elected by parliaments of the respective states. The parliaments may elect the representative either by themselves or through direct elections by the people.

Article 62 Powers and Responsibilities of the Council of the Federation

1. The power of interpretation of the Constitution shall be vested in the Council of the Federation.

2. The Council shall establish the Constitutional Court.

3. The Council shall decide upon questions arising with respect to the right of self determination up to secession of nations, nationalities and peoples, in accordance with the provisions of the constitution.

4. It shall promote and develop the equality of peoples and the unity, established by their free choice, provided for in this constitution.

5. It shall perform the functions assigned to it jointly with the Council of Peoples' Representatives.

6. It shall seek solutions to disagreements arising between states.

7. It shall decide on the sharing of revenues that are common to the Federal and State governments and determine the grounds for allocating federal funds to the respective states.

8. It shall order the Federal Government to intervene where any state, by violating the provision of this Constitution, endangers the constitutional order.

9. It shall establish permanent and provisional committees of the Council.

10. It shall elect its house speaker and deputy house speaker and adopt its own rules of procedure.

Article 63 Rights of the Members of the Council of the Federation

1. No member of the Council of the Federation may be arrested or prosecuted without permission of the Council except when caught in flagrante delicato for a serious offence.

2. No action or charge may be brought against any member of the Council of the Federation on account of any vote cast or statement made in the Council.

Article 64 Decisions and Rules of Procedure

1. A 2/3rds majority of the members of the Council shall constitute a quorum. Decisions of the Council shall be adopted by a simple majority of the members attending the meeting.

2. Voting by the members shall be made only in person.

Article 65 Budget

The Council of the Federation shall submit its budget to the Council of Peoples' Representatives for approval.

Article 66 Powers of the Speaker of the House

1. The House speaker shall preside over the meetings of the Council.

2. The House speaker shall, by representing the Council, direct the administrative functions of the Council.

3. The House speaker shall implement the disciplinary measures taken by the Council against its members.

Article 67 Meeting and Term of Office

1. The Council of the Federation shall convene a minimum of two sessions a year.

2. The term of office of the Council of the Federation shall be five years.

Article 68 Prohibition of Dual Membership

No one shall, simultaneously, be a member of both the Council of Peoples' Representatives and the Council of the Federation.

CHAPTER SEVEN

PRESIDENT OF THE REPUBLIC

Article 69 The President

The President shall be the Head of State of the Federal Democratic Republic of Ethiopia.

Article 70 Appointment of the President

1. The power to nominate the President shall reside in the Council of Peoples' Representatives.

2. A candidate shall become the President where his appointment is supported by a 2/3rds majority vote of the joint meeting of the Council of Peoples' Representatives and the Council of the Federation.

3. Where a member is appointed as a President, he shall lose his seat in the Council.

4. The term of office of the president shall be six years. No one may be appointed a president for more than two terms of office.

5. The President, whose appointment is approved in accordance with Sub-Article 2 of this Article, shall, before taking over the office express before the joint meeting, his loyalty to the Constitution and the Ethiopian people, on a date determined by the joint session, in the following words

I ---------- On my appointment as the President of the Federal Democratic Republic of Ethiopia swear to faithfully fulfill the heavy responsibilities incumbent on me.

Article 71 Powers and Responsibilities of the President of the Republic

1. Appoint Ambassadors who represent Ethiopia in foreign countries and other envoys upon nomination by the Prime Minister.

2. Receive the credentials of foreign ambassadors and other special envoys.

3. Award high military ranks in accordance with the law upon presentation by the Prime Minister.

4. Convene the annual joint session of the Council of Peoples' Representatives and the Council of the Federation.

5. Award medals and prizes in accordance with the law.

6. Grant amnesty.

7. Promulgate laws and international agreements ratified by the Council of Peoples' Representatives in the Negarit Gazetta.

CHAPTER EIGHT

THE EXECUTIVE BRANCH

Article 72 The Powers of the Executive

1. The highest executive authority in the Federal Democratic Republic of Ethiopia shall reside in the Prime Minister and the Council of Ministers.

2. The Prime Minister and the Council of Ministers shall be accountable to the Council of Peoples' Representatives. The members of the Council of Ministers shall bear collective responsibility for the joint decisions they make in their official capacity.

3. Unless otherwise determined by this constitution, the term of office of the Prime Minster shall be the term of office of the Council of Peoples' Representatives.

Article 73 Appointment of the Prime Minister

1. The Prime Minister shall be elected from among the members of the Council by the political party or a coalition of political parties which has obtained a majority of seats in the Council of Peoples' Representatives.

2. The political party or a coalition of political parties which obtained a majority of seats in the Council of Peoples' Representatives shall assume the power of government.

Article 74 The Powers and Duties of the Prime Minister of the Federal Republic

1. The Prime Minister shall be the head of government, chairman of the Council of Ministers and the Commander-in-Chief of the Armed Forces.

2. The Prime Minister shall nominate the members of the Council of Ministers from among the two chambers of parliament or other persons found to be appropriate to the post and present them for approval to the Council of Representatives.

3. Supervise and ensure the implementation of laws, policies, directives and decisions issued by the Council of Peoples' Representatives.

4. Direct, coordinate and represent the Council of Ministers.

5. Supervise the implementation of policies, regulations, directives and decisions of the Council of Ministers.

6. Ensure, in a supervisory capacity, the implementation of the country's foreign policy.

7. Nominate Commissioners, the President and Vice President of the Federal Supreme Court, the Auditor General and present them to the Council of Peoples' Representatives for approval.

8. Supervise the activities of the government and take the necessary corrective measures.

9. Appoint all high government officials other than those enumerated under Sub- Articles (2) and (7) of this Article.

10. Present to the President for the award of medals and prizes in accordance with laws issued by the Council of Peoples' Representatives.

11. Submit periodic reports to the Council of Peoples' Representatives on the state of the country, the activities of the government and its future plans.

12. Perform other duties assigned to him by this Constitution and other laws.

13. Safeguard and abide by this Constitution.

Article 75 The Deputy Prime Minister

1. The Deputy Prime Minister shall: (a) perform the duties assigned to him by the Prime Minister; (b) represent the Prime Minister in his absence.

2. The Deputy Prime Minister is accountable to the Prime Minister.

Article 76 The Council of Ministers

1. The Council of Ministers shall be composed of the Prime Minister, Deputy Prime Minister, ministers and other members determined by law.

2. The Council of Ministers is accountable to the Prime Minister.

3. The Council of Ministers is, in so far as it relates to the decisions it adopts, accountable to the Council of Peoples' Representatives.

Article 77 Powers and Duties of the Council of Ministers

1. Ensure the implementation of laws enacted and decisions made by the Council of Peoples' Representatives, and issue directives.

2. Organize, direct and coordinate Ministries and other administrative organs directly accountable to it.

3. Prepare the annual budget of the Federal Government, submit it to the Council of Peoples' Representatives and ensure its implementation upon approval.

4. Ensure the implementation of fiscal and monetary policies, administer the National Bank, issue currencies, borrow money both locally and internationally and control foreign exchange and circulation of money.

5. Protect artistic and intellectual property rights.

6. Prepare and implement economic and social policies, and strategies.

7. Adopt uniform time and measurement standards.

8. Issue and implement the country's foreign relations policy.

9. Ensure respect for law and order.

10. Decide on the form of organisations of ministries and subordinate organs accountable to the Council of Ministers.

11. Declare state of emergency, submit the declaration of a state of emergency to the Council of Peoples' Representatives for its approval within the time determined by this Constitution.

12. Submit draft laws on all matters, including matters relating to war, to the Council of Peoples' Representatives.

13. Perform other duties assigned to it by the Council of Peoples' Representatives and the Prime Minister.

14. Issue regulations in accordance with the powers given to it by the Council of Peoples' Representatives.

CHAPTER NINE

THE JUDICIARY

Article 78 Judicial Independence

1. An independent judiciary is hereby established.

2. The highest judicial power of the Federal Government resides in the Federal Supreme Court. The Council of Peoples' Representatives may, where it deems it necessary establish, by a two-thirds majority vote Federal High courts or First Instance courts throughout the whole country or in parts of it. Unless otherwise determined in accordance with the foregoing, the judicial powers of the Federal High and First Instance courts is hereby given to the state courts.

3. The States shall have State Supreme Courts, State High Courts and State First Instance courts. Particulars shall be determined by law.

4. Special or temporary courts that do not use the duly established procedures of the legal process or displace the jurisdiction belonging to the ordinary courts or judicial tribunals shall not be established.

5. The Council of Peoples Representatives and State Parliaments may, in accordance with Article 34 Sub-Article (5) of this Constitution, establish or recognize religious and customary courts of law.

Article 79 Judicial Power

1. Judicial power shall be vested only in the courts both on the Federal and State levels.

2. Courts of all levels shall be free of interference from any state organ or government authority or from any other source.

3. Judges shall exercise their judicial function in complete independence; they shall be guided by no other authority than that of the law.

4. No judge may be dismissed from his judgeship without his consent before the legally determined retirement age, except under the conditions enumerated hereunder:-

a) Where the Judicial Administration Commission finds him at fault in accordance with disciplinary laws or finds him grossly incompetent or inefficient; or the Commission.

b) decides that he cannot carry out his duties properly on account of his illness; and

c) where the decision of the Commission is approved by a simple majority of the Council of Peoples' Representatives.

5. The retirement age of judges may not be extended.

6. The Federal Supreme Court shall submit the budget for the administration of the Federal Judiciary to the Council of Peoples' Representatives and administer the budget upon its approval.

7. The budget of the state judiciary shall be determined by the respective State Parliaments. The Federal Council of Peoples' Representatives shall allocate a compensatory budget to the State Supreme and High courts which combine the functions of the Federal High and first instance courts.

Article 80 Jurisdiction

1. The Federal Supreme Court shall have the highest and final jurisdiction over federal matters.

2. The State Supreme Court shall have the highest and final jurisdiction over state matters. It shall, in addition assume the jurisdiction of the Federal High Court.

3. The provisions of Sub-Articles (1) and (2) of this Article notwithstanding, final decisions made by the Federal Supreme Court or state courts may be reviewed in cassation by the Federal Supreme Court where it finds such decision to be affected by a fundamental error of law.

Particulars shall be determined by law. 4. The State High Court shall, in addition to its jurisdiction in the state, assume the additional jurisdiction of the Federal First Instance court.

5. Decisions rendered by the State High Court in its federal jurisdiction shall be reviewed on appeal by the State Supreme Court.

6. Decisions rendered by the State Supreme Court in its federal jurisdiction may be reviewed on appeal by the Federal Supreme Court.

Article 81 Appointment of Judges

1. The President and Vice-President of the Federal Supreme Court shall be appointed by the Council of Peoples' Representatives upon their nomination by the Prime Minister.

2. The appointment of other judges of the Federal Supreme Court shall be made by the Council of Peoples' Representatives upon nomination of candidates by the Judicial Administration Commission and subsequent presentation by the Prime Minister.

3. The President and Vice-President of the State Supreme Courts shall be appointed by their respective State Parliaments upon their nomination by their respective heads of government.

4. Judges of the State supreme and High Courts shall be appointed by their respective state parliaments upon nomination by their respective Judicial Administrative Commissions.

5. The judges of the First Instance Courts of the states shall be appointed by their respective parliaments upon nomination by their respective Judicial Administration Commissions. The Judicial Administration Commission shall, before presenting the nominees to the State parliament, solicit the opinion of the Federal Judicial Administration Commission on the nominees and submit the same, together with its own recommendations, to the State Parliament.

6. Matters relating to the transfer and discipline of judges at all levels shall be determined by the Judicial Administrative Commissions concerned.

Article 82 Organization of the Constitutional Court

1. The Constitutional Court is hereby established.

2. The Constitutional Court shall consist of eleven members. They are:

(a) The President of the Federal Supreme Court, -chairman.

(b) The Vice-President of the Federal Supreme Court, vice chairman

(c) Three legal professionals of acknowledged integrity to be appointed by the President of the Republic upon their nomination by the Council of Peoples' Representatives.

(d) Six representatives of the Council of the Federation to be elected from among its members.

3. The Constitutional Court may establish an organizational structure which ensures its own efficiency.

Article 83 Interpretation of the Constitution

1. Disputes regarding constitutional matters shall be decided by the Council of the Federation.

2. The Council of the Federation shall decide upon constitutional matters within 30 days after submission to it by the Constitutional Court.

Article 84 Powers and Duties of the Constitutional Court

1. The Constitutional Court shall have judicial powers. Its decisions, may, however, be executed only where they are approved by the Council of the Federation

2. Where a question of unconstitutionality of any law enacted by the federal or state legislative body on grounds of contravention to this constitution arises and is submitted to the Constitutional Court by a concerned court or a party to a dispute, it shall hear the case and submit it to the Council of the Federation for a final decision.

3. The Constitutional Court shall submit its rules of procedure to the Council of the Federation and implement the same upon approval

4. The Constitutional Court may, where a question of interpretation arises in other courts:-

(a) remand the case to the concerned court where it is convinced that there is no need for constitutional interpretation. A party may appeal to the Council of the Federation against the decision of the court.

(b) submit its own interpretation of the Constitution to the Council of the Federation where it is convinced that interpretation is required.

CHAPTER TEN

PRINCIPLES OF NATIONAL POLICY

Article 85 Objective

1. Implementation of the Constitution, other laws and policies by any state organ shall be based on the principles laid down in this Chapter.

2. For purposes of this chapter, the term "state" shall mean the Federal State or the member States as the case may be.

Article 86 Principles of Foreign Relations

1. Respect for the sovereignty and equality of states and non interference in their internal affairs.

2. Promotion of foreign relations based on equality and mutual benefit; ensuring that international agreements entered into, protect the interests of Ethiopia.

3. Respect international laws and agreements that respect Ethiopian sovereignty and are not contrary to the interests of its peoples.

4. Promote a progressively developing economic community with its neighbours and other African countries and strengthen the brotherhood of peoples.

5. Strive for the peaceful resolution of conflicts among countries.

Article 87 Principles of National Defence

1. The National Defence Force shall be fairly representative of the nations, nationalities and peoples in its composition.

2. The Minister of Defence shall be a civilian.

3. The defence force shall, in addition to safeguarding the sovereignty of the country, perform such other duties as may be assigned to it in a state of emergency, in accordance with this constitution

4. The defence force shall at all times abide by the Constitution.

5. The defence force shall perform its duties in a manner free from partisanship to any political organization.

Article 88 Political Objectives

1. The State shall facilitate the conditions for self administration at all levels based on democratic principles.

2. The State shall have the duty to respect the identity of the nations, nationalities and peoples and on the basis of this promote equality, unity and fraternity among them.

Article 89 Economic Objectives

1. The State shall have the responsibility to devise the means to make all Ethiopians beneficiaries of the accumulated knowledge and wealth of the country.

2. The state shall have the duty to give equal opportunity to all Ethiopians for the improvement of their economic conditions and to promote a just distribution of wealth.

3. The State shall render special assistance to the less developed nations, nationalities and peoples.

4. The State shall have the responsibility to control land and natural resources in the name of the people and utilize them for their common good and development.

5. The State shall ensure popular participation at all levels in the preparation of development policies and programs of the country. The State shall support development activities by the people.

6. The State shall have the responsibility to promote the equal participation of women with men in all economic and social development activities.

7. The State shall strive to protect the health, safety and standard of living of the working population.

Article 90 Social Objectives

1. Every Ethiopian shall be entitled, within the limits of the country's resources, to food, clean water, shelter, health, education and security of pension.

2. Education shall be conducted in a manner, which is in all respects, free from religion, political and cultural influences.

Article 91 Cultural Objectives

1. The State shall have the responsibility to promote the equal development of customs and cultures in so far as they are not inconsistent with the fundamental rights, human dignity, democracy and the Constitution

2. The State and all Ethiopians citizens shall have the duty to preserve the natural resources and historical heritage.

3. The State shall have the duty, within the limits of its resources, to promote the Arts, Science and technology.

Article 92 Objectives for Environmental Protection

1. The State shall have the responsibility to strive to ensure a clean and healthy environment for all Ethiopians.

2. Any economic development activity shall not in any way be disruptive to the ecological balance.

3. The people concerned shall be made to give their opinions in the preparation and implementation of policies and programs concerning environmental protection.

4. The State and citizens shall have the duty to protect the environment.

CHAPTER ELEVEN

MISCELLANEOUS PROVISIONS

Article 93 Amendment of the Constitution

1. All the rights and freedoms provided in Chapter Three of this Constitution, this Article and Article 94 shall be amended only:-

(a) where all State Parliaments approve the proposed amendment by majority vote; and

(b) where the Council of Peoples' Representatives approves the proposed amendment by a 2/3rds majority vote, and

(c) where the Council of the Federation approves the proposed amendment by a majority vote

2. All the provisions of the Constitution other than those provisions under Sub- Article (1) of this Article shall be amended only;

(a) where the Council of Peoples' Representatives and the Council of the Federation, in a joint meeting approve the proposed amendment by a 2/3rds majority, and

(b) where the Parliaments of 2/3rds of the member states of the Federation approve the proposed amendment by a majority vote.

Article 94 Initiation of Constitutional Amendment

A proposal for the amendment of this constitution shall be presented for discussion and decision to the public and others concerned where it is supported by a two-thirds majority of the members of the Council of Peoples' Representatives or the members of the Council of the Federation or by one third of the Parliaments of the States of the Federation.

Article 95 State of Emergency

1. (a) The Council of Ministers of the Federal Government may declare a state of emergency in the event of external aggression or where conditions arise which endanger the constitutional order and cannot be brought under control by means of normal law enforcement measures, or in the cases of natural disaster or epidemic endangering public health.

(b) The State Governments may, within their territory, declare a state of emergency in the case of natural disasters or epidemic endangering public health. Particulars shall be determined by the constitutions of the respective states adopted on the basis of this Constitution.

2. A state of emergency declared in accordance with Sub- Article 1(a) of this Article,

(a) shall, where the declaration is made while the Council of Peoples' Representatives is in session, be submitted to it within forty eight hours. The declaration shall be revoked where it fails to get the support of two-thirds majority of the members of the Council of Peoples' Representatives.

(b) without prejudice to the provisions of the foregoing paragraph (a), where the Council of Peoples' Representatives is not in session, it shall in any case be submitted to the Council within fifteen days after its declaration.

3. A state of emergency declared by the Council of Ministers and approved by the Council of Peoples' Representatives may last only for six months. The Council of Peoples' Representatives may, however, by a two-thirds majority renew the state of emergency every four months.

4. (a) The Council of Ministers shall, during the state of emergency, have the power to protect, by means of regulations it issues, peace and the existence of the life of the nation, public security, and law and order.

(b) The power of the Council of Ministers may, on a level deemed necessary to remove the cause for which the state of emergency is declared, extend to the suspension of the fundamental political and democratic rights guaranteed by this Constitution.

(c) The regulations issued or the measures taken by the Council of Ministers during the state of emergency shall not in any way restrict the rights provided under Articles 1, 18, 25 and Sub-Articles (1) and (2) of Article 39.

5. The Council of Peoples' Representatives shall, upon the declaration of the state of emergency, establish a seven member State of Emergency Implementation Inspection Board from among its members and from legal professionals.

6. The State of Emergency Implementation Inspection Board shall have the following powers and duties:

(a) To announce the names of persons detained by virtue of the state of emergency within one month after detention and publicize the reasons for their detention;

(b) Supervise and control the measures taken during the state of emergency so as to ensure that they are not in any way inhuman;

(c) Where it is convinced that any measure of the state of emergency is inhuman, give recommendations for its improvement to the Prime Minister or the Council of Ministers;

(d) Bring to justice all those who perpetuate inhuman acts during the state of emergency; and

(e) Submit its recommendations to the Council of Peoples' Representatives where request for the renewal of the state of emergency is submitted to the Council.

Article 96 Financial expenditure

1. The Federal and State Governments shall cover the expenses needed to run the functions assigned to them by law. However, where either the Federal Government or any of the States undertake functions by delegation for the other, the one delegating shall, in the absence of any agreement to the contrary, cover such expenses.

2. The Federal Government may, unless deemed detrimental to the even development of the states, give aid to or loans for emergency relief, rehabilitation and to promote development activities. The Federal Government shall have the power to audit and control the disbursements it makes to the States.

Article 97 Revenue Sharing

The Federal and State Governments shall adopt a system of revenue sharing on the basis of the federal arrangement established.

Article 98 Taxation Powers of the Federal Government

1. The Federal Government shall have the power to levy and collect taxes, customs duties and other dues on import and export goods.

2. Levy and collect tax on income from employment, from the employees of the Federal Government and international organisations.

3. Levy and collect income sales tax, tax income from employment from public enterprises owned by the Federal Government.

4. Levy and collect taxes from winners of the National Lottery and other prizes of a similar nature.

5. Levy and collect taxes from incomes on transportation by air, rail and by sea.

6. Determine the rent of, levy and collect tax from houses and other property owned by the Federal Government.

7. Determine and collect fees from licenses issued and services provided by organs of the Federal Government.

8. Levy and collect monopoly tax.

9. Levy and collect federal stamp duties.

Article 99 Taxation Power of the States

1. The States shall levy and collect tax on income from employment from employees of the state government and other organization.

2. Determine and collect land use fees.

3. Levy and collect agricultural tax from individual farmers who are not members of an association of farmers.

4. Levy and collect income and sales tax from individual traders within the state.

5. Levy and collect tax on transport on waterways within the state.

6. Levy and collect tax on houses and other property owned by private persons situated in the state and determine rent of houses and other property owned by the State Government.

7. Levy and collect tax on income from employment, income and sales tax from public enterprises owned by the state government.

8. Without prejudice to the provisions on concurrent income, levy and collect income tax, royalties and land lease fees from mining undertakings:

9. Determine and collect fees from licenses issued and services provided by its government organs.

10. Determine and collect royalties from forest products.

Article 100 Concurrent Taxation Powers

1. Jointly levy and collect tax on income from employment, income and sales tax from public enterprises established jointly by the Federal and State Governments.

2. Jointly levy and collect income and sales tax from business organizations and dividends of shareholders.

3. Jointly levy and collect income tax and royalties on big mining, petroleum and gas operations.

Article 101 Unspecified Taxation Powers

The powers to levy and collect taxes and duties not specifically determined by this constitution shall be determined by a two-thirds majority of a joint meeting of both the Council of Peoples' Representatives and the Council of the Federation.

Article 102 Principles of Taxation

1. The Federal and State Governments when levying taxes and duties shall ensure that the taxes and duties are related to the source of revenue and determined after appropriate studies have been conducted.

2. The Federal and State Governments shall ensure that the levying of taxes is not detrimental to their mutual relations and that they are proportionate to the services provided.

3. Neither the Federal nor the State Governments shall have the power to levy taxes on each others property unless such taxation is levied on an organization established for profit.

Article 103 The Auditor General

1. The Auditor General shall be appointed by the Council of Peoples' Representatives upon nomination by the Prime Minister.

2. The Auditor General shall, by auditing the accounts of Ministries and other organs, report to the Council of Peoples' Representatives on whether the annual budget allocated to them by the Council was duly disbursed for the purposes for which it was allocated.

3. The Auditor General shall directly submit its budget to the Council of Peoples' Representatives for its approval.

4. The particulars of the Auditor General's responsibilities shall be determined by law.

Article 104 The Electoral Board

1. The National Electoral Board which shall conduct free and fair elections with impartiality and free from any interference in both the federal and state electoral districts shall be established.

2. The members of the Board shall be appointed by the Council of Peoples' Representatives upon nomination by the Prime Minister. Particulars shall be determined by law.

Article 105 The Population Census Commission

1. A Population Census Commission which shall undertake periodic census and demographic studies of the population of the whole country shall be established.