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# **THE DRAFT CONSTITUTION of ETHIOPIA**

*(An Official English Translation  
of the Amharic)*

**A DRAFT APPROVED BY  
THE COUNCIL OF REPRESENTATIVES**

**June 1994**

**Addis Ababa**

# **PREAMBLE**

## **WE, THE NATIONS, NATIONALITIES, AND PEOPLES OF ETHIOPIA,**

**Strongly committed, in full and free exercise of our right to self-determination, to building a political community founded on the rule of law and capable of ensuring a lasting peace, guaranteeing a democratic order, and advancing our economic and social development;**

**Firmly convinced that the fulfillment of this objective requires full respect of individual and people's fundamental freedoms and rights to live together on the basis of equality and without any religious or cultural discrimination;**

**Further convinced that by continuing to live with our rich and proud cultural legacies in territories we have long inhabited, have, through continuous interaction on various levels and forms of life, built up common interests and have also contributed to the emergence of a common outlook;**

**Fully cognizant that our common destiny can best be served by rectifying historically unjust relationships and by further promoting our shared interests;**

**Convinced that to live as one economic community is necessary in order to create sustainable and mutually supportive conditions for ensuring respect for our rights and freedoms;**

**Determined to consolidate, as a lasting legacy, the peace, and the prospect of a democratic order which our struggles and sacrifices have brought about;**

**Have therefore ratified, on (Day, month, year), this Constitution through representatives we have duly elected for this purpose as an instrument that binds us in a mutual commitment to fulfill the objectives and the principles set forth above.**

# **CHAPTER ONE**

## **GENERAL PROVISIONS**

### **Article 1**

#### **Nomenclature of the State**

This Constitution establishes a democratic federal state structure. Reflecting this structure the Ethiopian state shall be known as The Federal Democratic Republic of Ethiopia.

### **Article 2**

#### **Ethiopian Territorial Jurisdiction**

The territorial jurisdiction of Ethiopia extends to all boundaries, including the boundaries of all members of the Federation, as defined by international agreements.

### **Article 3**

#### **The Ethiopian Flag**

1. The Ethiopian flag comprises three colours. They shall be set horizontally in equal dimension with green at the top, yellow in the middle, and red at the bottom.
2. The national coat of arms on the flag shall reflect the desire of the nations, nationalities and peoples of Ethiopia, as well as of its religious communities, to live together in unity and equality.
3. Members of the Federation may have their own banners and coats of arms. Their legislatures shall determine their specifications by law.

**Article 4**  
**The National Anthem**

The national anthem shall reflect the objectives of this Constitution and shall express the commitment of the peoples of Ethiopia to live together in a democratic society and to share a common destiny. The specifics shall be determined by law.

**Article 5**  
**Languages**

1. Amharic shall be the working language of the Federal Democratic Republic of Ethiopia.
2. All Ethiopian languages shall enjoy official recognition.
3. Each member of the Federation shall determine its own working language.

**Article 6**  
**Citizenship**

1. Any woman or man, either of whose parents is an Ethiopian citizen, shall be an Ethiopian citizen.
2. Foreign citizens can become Ethiopian citizens.
3. Specific conditions relating to citizenship shall be determined by law.

**Article 7**  
**Gender Reference**

Where the provisions of this Constitution are set out in the masculine gender they apply equally to the feminine gender.

## **CHAPTER TWO**

### **FUNDAMENTAL PRINCIPLES OF THE CONSTITUTION**

#### **Article 8**

##### **Sovereignty of the People**

1. All sovereign power resides in the nations, nationalities, and peoples of Ethiopia.
2. This Constitution is an expression of their sovereignty.
3. They exercise, in accordance with this Constitution, their sovereignty through their elected representatives and through direct democratic participation.

#### **Article 9**

##### **Supremacy of the Constitution**

1. The Constitution is the supreme law of the land. Any law, customary practice, an act of an agency of government or official that contravenes the Constitution is invalid.
2. All citizens, governmental bodies, political parties and other associations and their officials are bound by this Constitution. They also have the duty to ensure its observance.
3. No one can assume or exercise the powers of government except in accordance with the provisions of this Constitution.
4. All international agreements ratified by Ethiopia are an integral part of the laws of the country.

**Article 10**  
**Human and Democratic Rights**

1. Human rights and freedoms are inviolable and inalienable. They are inherent in the dignity of human beings.
2. Human and democratic rights of Ethiopian citizens shall be respected.

**Article 11**  
**Separation of State and Religion**

1. State and religion are separate.
2. There shall be no officially established religion.
3. Government shall not interfere in the conduct or practice of any religion. Religion shall not interfere in the affairs of government.

**Article 12**  
**Conduct and Accountability of Government**

1. The conduct of the affairs of government shall be public and transparent.
2. An elected representative may be recalled if the electorate loses confidence in him. The procedure of recall shall be determined by law.
3. A public official or an elected representative is accountable for any dereliction of the duties of office.

## **CHAPTER THREE**

### **FUNDAMENTAL RIGHTS AND FREEDOMS**

#### **Article 13**

##### **Application and Interpretation**

1. All legislative, executive and judicial organs of the State at all levels of government shall be bound by the provisions of this Chapter.
2. The fundamental rights and liberties contained in this Chapter shall be interpreted in conformity with the Universal Declaration of Human Rights, international human rights covenants, humanitarian conventions and with the principles of other relevant international instruments which Ethiopia has accepted or ratified.

#### **Human Rights**

#### **Article 14**

##### **Right to Life, Liberty and the Security of the Person**

Everyone has the inviolable and inalienable right to life, liberty and the security of the person.

#### **Article 15**

##### **Right to Life**

No person shall be deprived of his or her life except for exceptionally grave crimes defined by law.

#### **Article 16**

##### **Right to the Security of the Person**

All persons have the right to protection from bodily harm.



**Article 17**  
**Right to Liberty**

1. No one can be deprived of his liberty except in accordance with procedures established by law.
2. No person may be subject to arbitrary arrest and no person may be detained without trial or conviction.

**Article 18**  
**Right to Humane Treatment**

1. No person shall be subject to torture or 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 is prohibited.
3. No one shall be required to perform forced or compulsory labor.
4. For the purpose of this Article, the term "forced or compulsory labor" shall not include:
  - (a) Any work to be done in the ordinary course of detention imposed according to the law or during conditional release from such detention.
  - (b) Any service of a military character, or in the case of conscientious objectors, service exacted in lieu of compulsory military service.
  - (c) Any service exacted in case of an emergency or a calamity threatening the life or well-being of the community.
  - (d) Any obligation to perform economic and social work incurred through voluntary community service.

**Article 19**  
**Rights of Persons Arrested**

1. All persons arrested have the right to be informed promptly, in a language that they understand, the particulars of the charges and the reasons for their arrest.
2. All persons arrested have the right to be informed promptly, in a language that they understand, that they have the right to remain silent and to receive a warning that any statement they make or evidence they give may be used against them in court.
3. All persons arrested have the right to appear before a court of law and to be given full explanation of the reasons for their arrest within 48 hours of their arrest excluding the time reasonably necessary for the journey from the place of arrest to the court.
4. All persons have the right to petition the court for a writ of *habeas corpus*, a right no court can deny, where the arresting officer or agency fails to bring them before a court of law and provide the reasons for their arrest; the court may, where the interest of justice requires, order the arrested person to remain in custody no longer than the time strictly required in order to carry out the necessary investigation aimed at establishing the facts. In determining the time necessary for investigation, the court shall take into account whether the responsible authorities are carrying out the investigation with deliberate speed in order to guarantee the arrested person's right to a speedy trial.
5. All persons shall not be compelled to make confessions or admissions which could be used in evidence against them. Statements obtained under coercion shall not be admitted as evidence.
6. All persons arrested have the right to be released on bail. The Court may, in exceptional cases as prescribed by law, deny bail or demand adequate guarantee for the conditional release of the arrested person.

**Article 20**  
**Rights of Persons Accused**

1. All persons have the right to a public trial before an ordinary court of law within a reasonable time after having been charged. The court may hear cases in a closed session in order to protect the rights to privacy of the parties concerned, public morals and national security.
2. All persons have the right to be informed with sufficient particularity of the charge and to be given the charge in writing.
3. All persons have the right to be presumed innocent and not to be compelled to testify during their trials.
4. All persons have the right to full access to any evidence presented against them as well as to examine witnesses testifying against them; to adduce evidence in their own defense; and to obtain the attendance of other witnesses on their behalves before the court.
5. All persons have the right to be represented by a legal counsel of their choice, or in the case of indigent defendants, where substantial injustice would otherwise result, to be provided with legal representation at state expense.
6. All persons have the right to recourse, by way of appeal or review, to the competent higher courts.
7. All persons have the right, where they cannot understand the language of the court, to have the proceedings interpreted at state expense.

**Article 21**  
**The Rights of Persons Detained**

1. All persons in custody, including sentenced prisoners, have the right to conditions which respect human dignity.

2. All persons shall have the opportunity to communicate with, and to be visited by, their spouses or partners, relatives and friends, religious counselors, lawyers and medical practitioners.

#### **Article 22**

##### **Prohibition of Retroactive Criminal law**

1. No person shall be held guilty of any penal offense on account of an act which, at the time of commission or omission leading to the charge, was not defined by law as an offense. Nor shall a penalty be imposed on any person which is greater than the maximum penalty which was applicable for that offense at the time it was committed.
2. Notwithstanding the provisions of sub-Article 1 of this Article, a law promulgated subsequent to the commission of the offense shall apply if it favors the accused.

#### **Article 23**

##### **Prohibition of Double Jeopardy**

No person shall be tried or punished twice for an offense in which he has been finally convicted or acquitted in accordance with criminal law and procedure.

#### **Article 24**

##### **Right to Honour and Reputation**

1. All persons have a right to respect due to human beings and to the protection of their reputation and honor.
2. All persons have the right to the free development of their personality compatible with the rights of other citizens.
3. Everyone has the right everywhere to the recognition of his status as a person.

**Article 25**  
**Right to Equality of Citizens**

All persons are equal before the law and are entitled without any discrimination to equal protection of the law. The law shall guarantee to all persons equal and effective protection without discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, wealth, birth or other status.

**Article 26**  
**Right to Privacy**

1. All persons have right to privacy. This right shall include the right not to be subjected to searches of their homes, persons or property, or the seizure of their personal possessions.
2. All persons have the right to the inviolability of their letters, post and communications by means of telephone, telecommunications and electronic devices.
3. Public officials shall respect and protect these rights. They shall not interfere with the exercise of these rights except in compelling circumstances and in accordance with specific laws which aim to safeguard national security, public safety, the prevention of crime, the protection of health, morals and the rights and freedoms of others.

**Article 27**  
**Right to Freedom of Religion, Belief and Opinion**

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

2. No one shall be prohibited or constrained through coercion in the free choice of their beliefs.
3. Parents and guardians, on the basis of their beliefs, have the right to provide religious and moral education to their children.
4. Freedom to express or manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, education, morals or the fundamental rights and freedoms of others, and in order to guarantee the independence of government from religion.

#### **Article 28**

#### **Crimes Against Humanity**

No time limit shall be prescribed for the prosecution of crimes which, under international conventions to which Ethiopia is a party and other Ethiopian laws, are declared to be crimes against humanity. Crimes against humanity shall not be subject to amnesty or pardon by any act of government.

### **Democratic Rights**

#### **Article 29**

#### **Right of Thought, Opinion and Expression**

1. Everyone has the right to hold opinions without interference.
2. Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas, regardless of frontiers, either orally, in writing or print, in the form of art, or through any media of his or her choice.
3. Freedom of the press and other media and freedom of artistic creativity is guaranteed. Freedom of the press shall specifically include the following elements:
  - (a) Prohibition of any form of censorship.
  - (b) Access to information of public interest.

4. In the interest of the free flow of information, ideas and opinions which are essential to the functioning of a democratic order, the press shall, as an institution, enjoy legal protection to ensure its autonomy and diversity.
5. All media financed by, or under the control of the State, shall be regulated in order to ensure diversity in the expression of opinion.
6. The rights contained in this Article cannot provide immunity from laws enacted to protect public morality and peace, or the rights, honour and reputation of citizens.

#### **Article 30**

##### **The Right of Assembly, Demonstration and Petition**

1. Every person has the right to assemble and to demonstrate together with others peaceably and unarmed, and to petition. Reasonable procedures may be prescribed in the interest of public convenience relating to the location of open-air meetings and the route of movement of demonstrators or, when such a meeting or a demonstration is in progress, for the protection of public morality and peace, and democratic rights.
2. The right prescribed in sub-Article 1 of this Article cannot provide immunity to any person from being accountable under laws enacted to protect public morals and peace, or the dignity and democratic rights of other citizens.

#### **Article 31**

##### **Freedom of Association**

Every person has the right to freedom of association for any cause or purpose. Associations which undertake acts that lawlessly subvert the rule of law and constitutional rule are prohibited.

#### **Article 32**

##### **Freedom of Movement**

1. Every Ethiopian citizen or any other person legally in Ethiopia has the right to freedom of movement anywhere within the national territory; to choose freely

his place of residence anywhere in the national territory, and to leave the country.

2. Every Ethiopian citizen has the right to return to his country.

### **Article 33** **Rights of Citizenship**

1. No Ethiopian citizen shall be deprived of his or her Ethiopian citizenship. Marriage of an Ethiopian male or female citizen to a foreigner shall not annul Ethiopian citizenship.
2. Every Ethiopian citizen has the right to the enjoyment of all rights of Ethiopian citizenship prescribed by law and to their enforcement by the State.
3. All Ethiopian citizens have the right to change their citizenship.
4. Ethiopian citizenship may be conferred upon foreigners in accordance with procedures established by law consistent with the obligations Ethiopia has assumed under international declarations and treaties ratified by Ethiopia.

### **Article 34** **Marital, Personal and Family Rights**

1. Men and women, who have attained marriageable age as defined by law, have the right to marry and to found a family without any limitation of race, nationality or religion. They are entitled to equal rights as to marriage, during marriage and at its dissolution. Laws shall be enacted to protect the interests and rights of children at the time of divorce.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental unit of society and is entitled to protection by society and the State.



4. Laws and specific procedures may be enacted recognizing the validity of marriage concluded under systems of religious or cultural laws.
5. The Constitution shall not preclude the adjudication of personal or family disputes by religious or cultural laws if all parties to the dispute agree. The law shall specify the procedures.

### Article 35 Rights of women

1. Women have the right to equality with men in the enjoyment and protection of rights provided for by this Constitution.
2. Women are entitled to equality with men in marriage as prescribed by this Constitution.
3. In recognition of the history of inequality and discrimination suffered by women in Ethiopia, women are entitled to remedial and affirmative measures. The purpose of such measures shall be to enable women to compete fairly with men in political, economic and social life, and access to opportunities and positions in public and private institutions.
4. Women have the right to protection by the state from harmful customs. Laws, customs and practices that oppress women or cause bodily or mental harm to them are prohibited.
5. (a) Women have the right to maternity leave with full pay. The duration of maternity leave shall be determined by law taking into account the nature of the work, the health of the mother and the welfare of the child and the family.  
(b) Maternity leave may, in accordance with procedures prescribed by law, include prenatal leave with full pay.

6. Women have the right to participate in the formulation of national development policies, the execution of projects, and to full consultation in the preparation of projects, particularly, those affecting the interests of women.
7. Women have the right to acquire, administer, control, transfer and benefit from property. In particular they have equal rights with men with respect to access, use, administration and transfer of land. They shall also enjoy equal treatment with in inheritance of property.
8. To prevent harm arising from bearing or giving birth to a child and in order to safeguard their health, women have the right to information and to means that would enable them to plan their families.

#### **Article 36** **Rights of Children**

1. Every child has the right :
  - (a) To life.
  - (b) To a name and nationality.
  - (c) To know, and be cared for, by his or her parents or legal guardians.
  - (d) Not to be subject to exploitative labour practices, neither to be required nor permitted to perform work which is hazardous or harmful to his or her education, health or well-being.
  - (e) To be free of corporal punishment or cruel and inhumane treatment in schools and other institutions responsible for the care of children.
2. In all actions concerning children undertaken by public and private institutions of social welfare, courts of law, administrative authorities or legislative bodies, the primary consideration shall be the best interest of the child.

3. Juvenile offenders, juveniles admitted to corrective or rehabilitative institutions, juveniles who become wards of the State, or juveniles in public or private orphanages, shall be kept separately from adults.
4. Children born out of wedlock shall have the same status and rights as children born of wedlock.
5. The State shall accord special protection to orphans and shall encourage the establishment of special institutions to promote their adoption. It shall also support institutions that provide for their welfare, upbringing and education.

#### **Article 37**

##### **Right of Access to Justice**

1. Every person has the right to bring justiceable disputes to, and to obtain a decision or judgment by, a court of law or, where appropriate, by another body with judicial power.
2. The decision or judgment referred to under sub-Article 1 of this Article may also be sought by:
  - (a) An association acting in the interest of its members.
  - (b) A person who is a member or a representative of a group of persons with shared interests.

#### **Article 38**

##### **The Right to Vote and to be Elected**

1. Every citizen has the right and the opportunity, without any discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, wealth, birth or status:
  - (a) To take part in the conduct of public affairs directly or through freely chosen representatives.
  - (b) To vote and to be elected to any office at all levels of government. Elections shall be by universal suffrage and secret ballot in order to ensure the free expression of the will of the electorate.

2. Participation in political parties, labour unions, trade organisations, employer and professional associations shall be free and accessible to those who meet the general and special requirements of the organization.
3. Elections to positions of responsibility within the organizations referred to under sub-Article 2 of this Article shall be conducted in accordance with free and democratic procedures.
4. The provisions of sub-Articles 2 and 3 of this Article shall apply to civic organizations which significantly affect the public interest.

### **Article 39**

#### **Rights of Nations, Nationalities, and Peoples**

1. Every nation, nationality and people in Ethiopia has an unconditional right to self-determination, including the right to secession.
2. Every nation, nationality and people in Ethiopia has the right to speak, to write, and to develop its own language; to express and to promote its culture; and to preserve its history.
3. Every nation, nationality and people in Ethiopia has the right to a full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits and to equitable representation in regional and national governments
4. The exercise of self-determination, including secession of every nation, nationality and people in Ethiopia is governed by the following procedures:
  - (a) When a demand for secession has been approved by a two-thirds majority of the members of legislative council of any nation, nationality or people;
  - (b) When The Federal Government has organised a referendum which must take place within three years from the time it received the concerned Council's decision for secession;

- (c) When the demand for secession is supported by a majority vote in the referendum;
  - (d) When the Federal Government will have transferred to the people or to their Council its powers; and
  - (e) When the division of assets is effected on the basis of a law enacted for that purpose.
5. A "nation, nationality or people", for the purpose of this Constitution, is a group of people who have or share a large measure of a common culture or closely related traditions, mutual intelligibility of language or dialects, and common outlook; a belief in common or related identities; and who predominantly inhabit an identifiable, contiguous territory.

The following alternative text to Article 39 has been supported by a minority of

Members of the Council of Representatives

1. Every nationality in Ethiopia has the right to speak, to write and to develop its language and to express and to promote its culture, and to preserve history.
2. Every nationality and people in Ethiopia has the right to a full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits and to equitable representation in regional and national governments.
3. Nationalities, by the free expression of the will of their peoples, have the right to form larger areas of self-government and to establish common institutions of government.
4. Likewise, nationalities, by the free expression of the will of their peoples, have the right to form regional self-governments which shall become members of the Federation.
5. A "nationality", for the purpose of this Constitution, is a group of people who have or share a large measure of a common culture or closely related traditions, mutual intelligibility of language or dialects and a common outlook; a belief

in common or related identities and who predominantly inhabit an identifiable contiguous territory.

6. Related nationalities who share a wider communality of distinct cultures, economic and political interests, including a belief in common governance have, through an expression of a common will, the right to determine their status as a people or a nation.

7. If any people, who have acquired the status of a nation in accordance with the preceding sub-Article, 6 of this Article, forward a demand for secession on claims that its rights under this Article have been violated or on the ground that it has been unjustly treated in the division of national resources or that it has not received an equitable share of the benefits of development, the following procedures shall apply to redress their grievances:

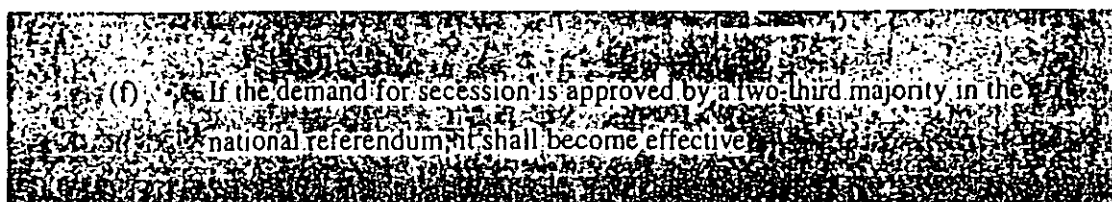
- (a) A petition for redress on the above grounds can be made to the Constitutional Court. If the Constitutional Court determines *prima facie* that the grievances are held by a significant number of people of the nation concerned, it shall consider the grievances and provide remedies, including compensation. It may also propose other terms of settlement.

- (b) Decision made or compromise proposed by the Constitutional Court shall be considered by a joint session of Parliament which shall have the right to accept, reject or modify the proposed remedy or settlement.

- (c) The decision of the joint session of the Parliament shall be submitted to the legislative council of the national self-government. (Regional Administration / Kilil)

- d) If the legislative council of the national self-government rejects the decision of Parliament, it may, by a two-thirds majority, decide on an alternative remedy or settlement of the grievances, or it may order a referendum on the question of secession.

- (e) A referendum shall be held on the issue after an interval of three years from the time the legislative council has adopted the decision to secede in accordance with the procedure laid down in sub-Article 1(d) of this Article.



(f) If the demand for secession is approved by a two-third majority in the national referendum, it shall become effective.

#### Article 40

#### The Right To Property

1. Every Ethiopian citizen has the right to the ownership of private property. This right shall include the right to acquire, to use and to dispose of such property by means of sale or bequest or by other means of transfer subject to limitations prescribed by law in the public interest and in a manner compatible with the rights of other citizens.
2. "Private property", for the purpose of this Article, shall mean any tangible or intangible product produced by the labour, creativity, enterprise or capital of an individual citizen, or association of citizens, which enjoy juridical personality under the law, or, in appropriate circumstances, by communities specifically empowered by the law to own property in common.
3. The right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the State and in the peoples of Ethiopia. Land is a common property of the nations, nationalities and peoples of Ethiopia and shall not be subject to sale or to other means of transfer.
4. Any Ethiopian who wants to earn a living by farming has a right, which shall not be alienated, to obtain, without payment, the use of land. The implementation of this provision shall be specified by law.
5. Without prejudice to the right of nations, nationalities, and peoples to own land, government may grant use of land to private investors on the basis of payment arrangements established by law.
6. Any Ethiopian has a proprietary right to any property he has built on land or any improvement he has made thereto by his labour or capital.
7. Government has the power to expropriate, in the public interest, private property. In all such cases, government shall pay compensation in advance commensurate to the value of the expropriated property.

Alternative Text of Article 40 Supported by a minority in the Council of Representatives

1. Every Ethiopian citizen has the right to ownership of private property, including the ownership of rural and urban land. This right shall include the right to acquire, to use and to dispose of such property by means of sale or bequest or by other means of transfer subject to limitations prescribed by law in the public interest and in a manner compatible with the rights of other citizens.
2. "Property" for the purpose of this Article, shall mean any tangible or intangible product produced by the labour, creativity, enterprise or capital of an individual citizen or association of citizens which enjoy juridical personality under the law, or, in appropriate circumstances, by communities specifically empowered by the law to own property in common.
3. The State may limit ownership of urban and rural land to protect the public interest and, in particular, to serve the objective of affording every citizen equal opportunity to have a means of livelihood and shelter.
4. State-owned agricultural land shall be distributed to those who have usufructuary right at the time of the adoption of this Constitution. Non-usufructuary state lands shall be distributed to persons who wish to earn a living by working on the land. The distribution of such land shall be made to members of communities who have lived for a long time on or nearby those state lands being distributed, or, in the case of state farms, to workers working on those farms.
5. The State may rent or lease state lands to investors on the basis of equality and without discrimination.
6. (a) The State has the right, for public purposes, to expropriate property and land in accordance with legally prescribed procedures. Such procedures shall, at minimum, provide for the holding of public hearings, in which all parties affected by the act of expropriation can receive a fair hearing; to determine whether the expropriation serves the intended public purpose and whether that purpose cannot be equally served by arrangements other than expropriation.



(b) State expropriation shall be subject to the payment of compensation in advance. If compensation is in monetary payment, it shall be at the current market price and, if compensation is through replacement or through other forms, it shall, likewise, be commensurate with the current market value of the expropriated land and of other properties that may exist on the land.

7. The conditions under which foreign citizens shall acquire property rights shall be established by law.

#### Article 41

##### Economic, Social and Cultural Rights

1. Every Ethiopian citizen has the right to engage freely in economic activity and to pursue a livelihood anywhere in the national territory.
2. Every Ethiopian citizen has the right to choose his or her means of livelihood, occupation and profession.
3. Every Ethiopian citizen has the right to equal access to publicly funded social services.
4. The State has the obligation to allocate increasing resources to provide public health, education and other social services.
5. The State shall allocate, within available means, resources to provide rehabilitation and assistance to the physically and mentally disabled, the aged, and to children who are left without parents or guardians.
6. The State shall pursue policy aims to expand job opportunities for the unemployed and indigent and shall accordingly undertake programmes and public works projects.
7. The State shall undertake all measures necessary to increase opportunities for citizens to find gainful employment.

8. Farmers have the right to receive fair prices for their products that would lead to improvement in their conditions of life and to enable them obtain an equitable share of the national wealth commensurate with their contribution. This objective shall guide the State in the formulation of policies of economic and social development and projects.
9. The State has the responsibility to protect and preserve historical and cultural legacies, and to contribute to the promotion of the arts.

## **Article 42**

### **Rights of Labour**

1.
  - (a) Factory and service workers, peasant farmers, farm labourers, other rural workers and government employees under a certain level of responsibility, have the right to form associations to protect and improve their conditions and economic well-being. This right includes the right to form trade unions and other associations to bargain collectively with employers or other organizations that affect their interests.
  - (b) Categories of persons referred to in paragraph (a) of this sub-Article have the right to express grievances. This right includes the right to strike.
  - (c) Government employees who enjoy the rights provided under (a) of this Sub-Article shall be determined by law.
  - (d) Women workers have the right to equal pay for comparable work.
2. Labour has the right to reasonable limitation of working hours, to rest, to leisure, to periodic holidays with pay, to remuneration for public holidays as well as to a healthy and safe work environment.
3. Without derogating from the rights recognized under sub-Article 1 of this Article, laws shall be enacted to establish procedures for the formation of such associations and unions and for the regulation of the bargaining process.

**Article 43**

**The Right to Development**

1. The peoples of Ethiopia as a whole, and each nation, nationality, and people have the right to improved living standards and to sustainable development.
2. All persons have the right to participate in national development and, in particular, to be consulted in respect to policies and projects affecting their community.
3. All international agreements to which Ethiopia is a party or relations that Ethiopia establishes and conducts with foreign countries shall ensure the country's right to sustainable development.
4. The aim of development policies and programmes shall be to enhance the capacity of citizens for development and to meet their basic needs.

**Article 44**

**Environmental Rights**

1. All persons have the right to a clean and healthy environment.
2. All persons who have been displaced or whose livelihoods have been adversely affected as a result of State programmes have the right to commensurate monetary or alternative means of compensation, including relocation with adequate State assistance.

## **CHAPTER FOUR**

### **STATE STRUCTURE**

#### **Article 45**

##### **Form of Government**

The Federal Democratic Republic of Ethiopia shall have a parliamentary form of government.

#### **Article 46**

##### **Member States of the Federal Democratic Republic**

1. The Federal Democratic Republic shall be comprised of States.
2. The States shall be delimited on basis of the settlement patterns of peoples, their self-defined identity, language or languages, and their consent.

#### **Article 47**

##### **Member States of the Federal Democratic Republic**

1. Member States of the Federal Democratic Republic of Ethiopia are the following:
  1. Tigrai
  2. Afar
  3. Amara
  4. Oromia
  5. Somali
  6. Benshangul/Gumuz/
  7. Southern Peoples'\*
  8. Gambela Peoples'
  9. Harari People

**\*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	Dasenech	Dawro	Dizi	Gaweda	Gurage
Gidicha	Gidole	Gamo	Gedeo	Gobeze	Gofa
Tenbaro	Chara	Tsemay			

2. Nations, nationalities and peoples within the States enumerated in Sub-Article (1) of this Article have the right to establish, at any time, their own States.
3. Member States of the Federal Democratic Republic of Ethiopia shall have equal powers and rights.

#### **Article 48**

##### **State Border Changes**

1. All State border disputes shall be settled by agreements of the concerned States. Where the concerned States fail to reach agreement, the Federal Council shall decide on the basis of settlement patterns of peoples and the wishes of the people or peoples concerned.
2. The Federal Council shall settle disputes submitted to it pursuant to sub-Article 1 of this Article within a period of two years.

#### **Article 49**

##### **Capital City**

1. Addis Ababa shall be the Capital city of the Federal Democratic Republic of Ethiopia.
2. The residents of Addis Ababa shall have a full measure of self-government. Laws shall be enacted to that end.
3. The Administration of Addis Ababa shall be responsible to the Federal Government.
4. The special interest of Oromia in Addis Ababa shall be respected in the provision of social services, the utilization of natural resources and in joint administrative matters arising from the location of Addis Ababa within Oromia State. The law shall specify the particulars.
5. Residents of Addis Ababa shall be represented, in accordance with the provisions of the Constitution, in the Council of Peoples' Representatives.

## **CHAPTER FIVE**

### **THE STRUCTURE AND DIVISION OF POWERS OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA**

#### **Article 50**

##### **Structure of the Organs of State**

1. The Federal Democratic Republic of Ethiopia comprises the Federal State and the State members.
2. The Federal State and the States shall have legislative, executive and judicial powers.
3. The Council of Peoples' Representatives is the highest authority of the Federal Government. The Council is responsible to the people. The State Council is the highest organ of State authority. It is responsible to the people of the State.
4. State government shall be established on the basis of state and *Woreda* jurisdictions. The State Council may, however, establish additional levels of jurisdiction. The States shall accord the lowest unit of government such powers as will enable the people to participate directly in their self-administration.
5. The State Council has the power of legislation on matters falling under State jurisdiction. Consistent with the provisions of this Constitution, it shall draft, ratify and amend a state constitution.
6. The State administration constitutes the highest organ of executive power.
7. State judicial power is vested in its courts.
8. Federal and State powers are defined by this Constitution. States shall respect the powers of the Federal State. The Federal State shall respect the powers of the State.

9. The Federal State may delegate to the States powers and functions granted to it by Article 51 of this Constitution. The States may, likewise, delegate to the Federal State powers and functions granted to them by the Constitution.

#### Article 51

##### Powers of the Federal State

1. It shall formulate the country's policies in respect to overall economic and social development; it shall draw up and implement plans and strategies of development.
2. It shall formulate and execute the country's financial, monetary and foreign investment policies.
3. It shall establish national standards and basic criteria for the evaluation of policies in public health, education, science, technology, culture as well as for the protection and preservation of historical legacies.
4. It shall formulate and implement foreign policy. It shall negotiate and ratify international agreements.
5. It shall establish and administer national defense and public security forces as well as a national police force.
6. It shall regulate inter-State and foreign commerce.
7. It shall determine and administer all matters relating to immigration, the granting of passports, entry into and exit from the country, refugees and asylum.
8. It shall, likewise, determine and administer matters relating to nationality and citizenship.
9. It shall levy taxes and collect duties on revenue sources granted to the Federal State. It shall draw up, approve and administer the Federal budget.

10. It shall be responsible for the development, administration and regulation of air, rail, waterways and sea transport and major roads linking two or more States, as well as for postal and telecommunication services.
11. It shall administer the National Bank, print and borrow money, mint coins, regulate foreign exchange and money in circulation. It shall determine by law the conditions and terms under which States can borrow money from internal sources.
12. It shall patent inventions and protect copyrights.
13. It shall establish uniform standards of measurement, and calendar.
14. It has the power to proclaim and to lift national state emergencies and states of emergencies limited to certain parts of the country.
15. It shall deploy, at the request of State authorities, Federal defense forces to arrest a deteriorating security situation within the requesting State when its authorities are unable to control it.
16. It shall enact laws for the utilization and protection of land and other natural resources, historical sites and objects.
17. It shall determine and administer the utilization of the waters of lakes linking two or more States or of rivers crossing the boundaries of two or more states.
18. It shall enact, in order to give practical effect to political rights provided for in this Constitution, all necessary laws governing political parties and elections.
19. It shall protect and defend the Constitution.
20. It shall enact laws regulating the possession and bearing of fire arms.
21. It shall administer and expand all federally funded institutions and programmes that provide services to two or more States.



**Article 52**

Article 52

**State Powers and Functions**

1. All powers not given separately to the Federal Government, or powers given expressly and concurrently to the States and the Federal State, are reserved to the States.
2. Consistent with sub-Article 1 of this Article, States shall have the following powers:
  - (a) To formulate and execute policies, strategies and plans for their economic and social development.
  - (b) To draft their constitutions, enact and execute laws.
  - (c) To administer land and the use of other natural resource in accordance with Federal laws.
  - (d) To establish State administration that best advances self-rule, a democratic order based on the supremacy of law, and the protection and the defense of the Federal Constitution.
  - (e) To levy taxes and duties on revenue sources allocated to the States and to draw up and administer State budgets.
  - (f) To enact laws on administrative matters and on conditions of services of state employees. In the implementation of this responsibility it shall ensure that educational, training and experience requirements for any administrative position approximate national standards.
  - (g) To establish and administer a state police force, and to maintain public order and peace within the State.

## **CHAPTER SIX**

### **THE FEDERAL COUNCILS**

#### **Article 53** **The Councils**

There shall be two Federal Councils: The Council of Peoples' Representatives and the Federal Council.

#### **Article 54** **The Council of Peoples' Representatives**

1. Members of the Council of Peoples' Representatives shall be elected for a term of five years on the basis of universal suffrage and by direct, free and fair elections. The law shall determine the specifics.
2. Members shall be elected from candidates in each electoral district by a plurality of the votes cast. Provisions shall be made by law for special representation of national minorities and minority peoples.
3. Members of the Council are representatives of the Ethiopian peoples as a whole. They are governed by:
  - (a) The Constitution;
  - (b) The will of the people; and
  - (c) Their conscience.
4. A member of the Council shall not be charged with an offense on account of the vote he casts or opinion he expresses in the Council, nor shall any administrative actions be taken against a member on such grounds.

5. A member of the Council shall not be arrested or charged with a crime without the permission of the Council unless he is apprehended *in flagrante delicto*.
6. The total membership of the Council shall be determined on the population base of electoral districts and on the number of national minorities that shall be accorded special representation in the Council. Laws shall be enacted to govern the electoral process and to specify the minorities that shall enjoy special representation.
7. A Council member may lose his mandate of representation upon recall by the electorate.

#### **Article 55**

##### **Powers and Functions of the Council of Peoples' Representatives**

1. The Council of Peoples' Representatives shall have the power of legislation in all matters assigned by this Constitution to Federal jurisdiction.
2. Consistent with the provision of sub-Article 1 of this Article, the Council of Peoples' Representatives shall enact specific laws on the following matters:
  - (a) Nationality, immigration, passport, exit from and entry into the country, the rights of refugees and of asylum;
  - (b) Land and other natural resources, the utilization of lakes and rivers whose waters connect or flow across the borders of two or more States;
  - (c) Inter-State and foreign commerce;
  - (d) Air, rail, water and sea transport, major inter-State roads, postal and telecommunication services;
  - (e) Patents and copyrights;
  - (f) Uniform standards of measurement, and calendar.

- (g) Enforcement of the political rights established by the Constitution and electoral laws and procedures.
  - (h) The possession and bearing of fire arms.
3. Labour code
  4. Commercial code.
  5. Penal code. The States may, however, enact penal laws in matters that are not covered by Federal penal legislation.
  6. Civil laws required to maintain and sustain one economic community.
  7. The organization of national defense, public security, and a national police force.
  8. In conformity with Article 95 of the Constitution it shall proclaim a state of emergency on the basis of an emergency decree approved by the Council of Ministers.
  9. On the basis of a draft law approved by the Council of Ministers it shall proclaim a state of war.
  10. It shall adopt national policies and strategies on overall economic and social development. It shall enact specific laws on matters relating to the administration of the National Bank, foreign exchange utilization and the conversion rate of the national currency.
  11. It shall levy taxes and duties on revenue sources reserved to the Federal State. It shall ratify the budget of the Federal budget.
  12. It shall ratify international agreements negotiated and signed by the Executive.
  13. It shall approve the appointment of Federal judges, members of the Council of Ministers, Commissioners, the Auditor General, and of other officials whose appointment is required by law to be approved by it.

14. It shall establish a Human Rights Commission and shall determine by law its powers and its functions.
15. It shall establish the institution of the Ombudsman. It shall elect its members. It shall determine by law the powers and functions of the institution.
16. It shall, on its initiative, request a joint session of the Council of Peoples' Representatives and the Federal Council to take appropriate measures when State authorities are unable to arrest violations of human rights. It shall, on the basis of the joint Councils' decisions, give directives to the concerned State authorities.
17. It has the power to call and to question the Prime Minister and Ministers and to investigate the Executive's discharge of its responsibilities.
18. It shall, at the request of one-third of its members, discuss any matter pertaining to the powers of the Executive. It has, in such cases, the power to take decisions or measures it deems necessary.
19. It shall elect the Speaker and Deputy speaker of the Council. It shall establish such committees as it deems necessary to accomplish its work.

#### **Article 56**

##### **Power of Government**

A political party, or a coalition of political parties, that has the greatest number of seats in the Council shall form the Executive and lead it.

#### **Article 57**

##### **Adoption of Laws**

The Council shall submit to the President for signature all laws it has passed. The President shall sign a law submitted to him within fifteen days. If the President does not sign the law within fifteen days it shall take effect without his signature.

## **Article 58**

### **Meetings of the Council and the Duration of its Sessions**

1. The presence of one-half of the members of the Council constitutes a quorum.
2. The Council's annual session shall begin on the Monday of the last week of the Ethiopian month of Meskerem and ends on the 30th day of the Ethiopian month of Sene. The Council may adjourn for one month of recess during its annual session.
3. Council members shall be elected for a term of five years. One month prior to the expiry of the Council's term, elections shall be concluded for a new Council.
4. The Speaker of the Council may call a meeting of the Council when it is in recess. The Speaker of the Council is also obliged to call a meeting of the Council at the request of one-half or more of the members.
5. Meetings of the Council shall be open to the public. However, the Council can hold a closed meeting if the Executive or members of the Council request a closed meeting and if such a request is approved by one-half or more of the members of the Council.

## **Article 59**

### **Decisions of the Council and Rules of Procedure**

1. Unless otherwise provided for in the Constitution, all decisions of the Council shall be by a majority vote of the members present and voting.
2. The Council shall adopt rules and procedures regarding the organisation of its work and of its legislative process.

## **Article 60**

### **Dissolution of the Council**

1. With the Council's consent, the Prime Minister may dissolve the Council before the expiry of its term in order to hold new elections.

2. The President may invite political parties to form a coalition government within one week, if the Council of Ministers of a previous coalition is dissolved because of the loss of its majority in the Council. The Council shall be dissolved and new elections shall be held if the political parties cannot agree to the continuation of the previous coalition or to form a new majority coalition.
3. New elections shall be held within six months of the dissolution of the Council in accordance with sub-Articles 1 and 2 of this Article.
4. Within thirty days of the conclusion of the elections the new Council shall convene.
5. After the dissolution of the Council, the previous governing party or a coalition of parties shall continue as a caretaker government. However except to conduct the day to day affairs of government and to organise new elections, it shall not decree new laws and orders, nor shall it amend or annul existing laws.

#### **Article 61**

##### **The Federal Council**

1. The Federal Council is composed of representatives of nations, nationalities and peoples.
2. Each nation, nationality and people is represented in the Federal Council by at least one member. Each nation or nationality shall be represented by one additional representative for each one million of its population.
3. Members of the Federal Council shall be elected by the State Councils. The State Councils may elect them directly, or they may hold elections to have members of the Federal Council elected by the people.

#### **Article 62**

##### **Powers and Functions of the Federal Council**

1. The Federal Council has the power to interpret the Constitution.

2. It shall organize the Constitutional Court.
3. It shall, on the basis of the Constitution, decide on claims based upon the rights of nations, nationalities and peoples to self-determination, including their right to secession.
4. It shall strive to promote unity among the peoples of Ethiopia on the basis of equality and mutual consent.
5. It shall exercise the powers and the functions concurrently entrusted to it and the Council of Peoples' Representatives.
6. It shall strive to find solutions to disputes or misunderstandings that may arise between States.
7. It shall determine the division of revenues derived from joint Federal and State tax sources and the subsidies that the Federal Government may provide to the States.
8. It shall order Federal intervention if any State, in violation of this Constitution, endangers the constitutional order.
9. It shall establish *ad hoc* and permanent committees.
10. It shall elect the Speaker and the Deputy Speaker of the Council, and it shall adopt administrative rules and rules of procedure.

#### Article 63

##### Immunity of Members of the Federal Council

1. A member of the Council shall not be arrested nor shall a member be charged with a crime without the Council's permission unless apprehended in *flagrante delicto*.
2. A member of the Council shall not be charged nor shall a member be held to answer in any other manner on account of a vote or a statement made in the Council.



#### **Article 64**

##### **Decisions and Rules of Procedure of the Federal Council**

1. The presence at a meeting of two-thirds of the members of the Council constitutes a quorum. All decisions of the Council require the approval of a majority of members present and voting.
2. Members of the Council vote only when they are present in person in the Council.

#### **Article 65**

##### **Budget**

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

#### **Article 66**

##### **Powers of the Speaker of the Federal Council**

1. The Speaker shall preside over the meetings of the Federal Council.
2. He shall, on behalf of the Council, direct all its administrative affairs.
3. He shall implement all disciplinary actions the Council takes on its members.

#### **Article 67**

##### **Session and Duration of Mandate of the Federal Council**

1. The Federal Council shall hold at least two sessions annually.
2. The duration of mandate of The Federal Council's mandate shall be five years.

#### **Article 68**

##### **Prohibition of Simultaneous Membership in the Two Councils**

A member of one Council cannot at the same time serve as a member of the other Council.

## CHAPTER SEVEN

### THE PRESIDENCY OF THE REPUBLIC

#### Article 69 The President

The President of the Federal Democratic Republic of Ethiopia is the Head of State.

#### Article 70 Nomination and Appointment of the President

1. The Council of Peoples' Representatives shall nominate the candidate for President.
2. The nominee shall be elected President if a joint session of the Councils approves his candidacy by a two-thirds majority vote.
3. A member of either Council shall vacate his seat if elected President.
4. The President's term of office shall be six years. No person shall be elected President for more than two terms.
5. Upon his election, in accordance with sub-Article 2 of this Article, the President, before commencing his responsibility, shall, at a time the joint session of the Council determines, present himself before it and shall make a declaration of loyalty to the Constitution and the peoples of Ethiopia in the following words:

*" I,----- when on (this date) commence my  
responsibility as President of the Federal Democratic  
Republic of Ethiopia, I pledge to carry  
out faithfully the high responsibility entrusted to me . "*

## **Article 71**

### **Powers and Functions of the President**

1. He shall appoint nominees submitted to him by the Prime Minister to represent the country abroad as ambassadors or special envoys.
2. He shall receive the credentials of foreign envoys and ambassadors.
3. He shall grant high military titles to nominees submitted to him by the Prime Minister in accordance with the law.
4. He shall open the joint session of the Council of Peoples' Representatives and the Federal Council at the commencement of their annual session.
5. He shall award medals, prizes and gifts in accordance with procedures established by law.
6. He shall grant pardons in accordance with procedures established by law.
7. He shall, by his signature, proclaim in the *Negarit Gazette* laws approved by the Council of Peoples' Representatives.

## **CHAPTER EIGHT**

### **THE EXECUTIVE**

#### **Article 72**

##### **The Powers of the Executive**

1. The highest executive powers of the Federal Democratic Republic of Ethiopia are vested in the Prime Minister and in the Council of Ministers.
2. The Prime Minister and the Council of Ministers are responsible to the Council of Peoples' Representatives. Members of the Council of Ministers are collectively responsible for all decisions they make as a body.
3. Unless otherwise provided in this Constitution the term of office of the Prime Minister is for the duration of the mandate of the Council of Peoples' Representatives.

#### **Article 73**

##### **Appointment of the Prime Minister**

1. The Prime Minister shall be elected by the Council of Peoples' Representatives from among its members who belong to a party or a coalition of parties that constitutes a majority in the Council.
2. Executive responsibility shall be assumed by a party or a coalition of parties that constitutes a majority in the Council of Peoples' Representatives.

#### **Article 74**

##### **Powers and Functions of the Prime Minister**

1. The Prime Minister is the Chief Executive the Chairman of the Council of Ministers, and the Commander-in-Chief of the national armed forces.

2. The Prime Minister shall submit for approval to the Council of Peoples' Representatives nominees for ministerial posts from among members of the two Councils or from among persons who are not members of either Council who in his judgment possess the required qualifications.
3. He shall ensure the implementation of laws, policies, directives and other decisions adopted by the Council of Peoples' Representatives.
4. He leads the Council of Ministers, coordinates its activities, and acts as its representative.
5. He exercises overall supervision over the implementation of policies, orders, directives and decisions adopted by the Council of Ministers.
6. He exercises overall supervision over the implementation of the country's foreign policy.
7. He selects and submits for approval to The Council Of Peoples' Representatives nominations for the posts of the Chief and Vice Chief Justice of the Federal Supreme Court and the Auditor General.
8. He ensures the efficiency of the Federal administration and takes such corrective measures as are necessary.
9. He appoints officials of the Federal Government other than those referred to in sub-Articles 2 and 3 of this Article.
10. He submits, in accordance with the law and the decisions adopted by the Council of Peoples' Representatives, to the President nominees for the award of medals, prizes and gifts.
11. He shall submit to the Council of Peoples' Representatives periodic reports on work accomplished by the Executive as well as on its plans and proposals.

12. He shall discharge all responsibilities entrusted to him by this Constitution and other laws.
13. He shall respect and protect the Constitution.

**Article 75**  
**Deputy Prime Minister**

1. The Deputy Prime Minister shall:
  - (a) Carry out responsibilities which shall be specifically entrusted to him by the Prime Minister.
  - (b) Act on behalf of the Prime Minister in his absence.
2. The Deputy Prime Minister shall be responsible to the Prime Minister.

**Article 76**  
**The Council of Ministers**

1. Members of the Council of Ministers include the Prime Minister, Deputy Prime Minister, Ministers of the Federal Government and other Federal officials whose membership has been determined by law.
2. The Council of Ministers is responsible to the Prime Minister.
3. In all its decisions, the Council of Ministers is responsible to the Council of Peoples' Representatives.

**Article 77**  
**Powers and Functions of the Council of Ministers**

1. The Council of Ministers ensures the implementation of laws and decisions adopted by the Council of Peoples' Representatives.

2. It shall decide on the organisational structure of the ministries and of other administrative agencies responsible to it and to the ministries. It shall coordinate their activities and provide leadership.
3. It shall draw up the annual Federal budget and, when approved by the Council of Peoples' Representatives, it shall implement it.
4. It shall ensure the proper execution of financial and monetary policies of the Federal Government. It exercises overall supervision over the operation of the National Bank. It decides on the printing of money, on internal and external loans, and on foreign exchange utilization and on the national currency's rate of exchange.
5. It shall protect patents and copy rights.
6. It shall formulate and implement economic and social policies and strategies.
7. It shall provide uniform standards of measurement, and calendar.
8. It shall formulate the country's foreign policy and shall exercise overall supervision over its implementation.
9. It shall ensure the observance of law and order.
10. It shall decide on the organizational structures of Federal ministries and of other Federal administrative agencies responsible to the ministries.
11. It shall decree a state of emergency and shall submit for approval its decree to the Council of Peoples' Representatives within the time limit specified in the Constitution.
12. It shall submit draft laws to the Council of Peoples' Representatives on any matter falling within its competence, including draft laws on a declaration of war.
13. It shall carry out other responsibilities that may be entrusted to it by the Council of Peoples' Representatives and the Prime Minister.

## **CHAPTER NINE**

### **STRUCTURE OF THE COURTS**

#### **Article 78**

##### **Independence of the Judiciary**

1. The Constitution establishes an independent judiciary.
2. Supreme Federal judicial authority is vested in the Federal Supreme Court. The Council of Peoples' Representatives may, by a two-third majority vote, establish, nationally or in some regions of the country, such Federal high and first-instance courts it deems necessary. Unless and until such lower Federal courts are established, federal high and first instance judicial powers are delegated to the State courts.
3. States shall establish Supreme, high and first-instance courts. Specific laws shall be enacted for that purpose.
4. The establishment of special or *ad hoc* courts, outside the regular court system or institutions which are legally empowered to exercise judicial functions and which follow legally prescribed procedures, are prohibited.
5. Pursuant to sub-Article 5 of Article 34 the Council of Peoples' Representatives and State Councils can establish or give official recognition to religious and cultural courts.

#### **Article 79**

##### **Judicial Powers**

1. Both at Federal and at State levels judicial powers are vested in the courts.
2. Courts of any level shall be free from interference or influence of any governmental body, official of government, or from any other source.



3. Judges shall exercise their functions in full independence and they shall be directed solely by the law.
4. No judge shall be removed from his duties before he reaches the legally mandated retirement age except under the following conditions:
  - (a) When the Judicial Administration Commission decides to remove him for violation of disciplinary rules or on grounds of gross incompetence or inefficiency; or
  - (b) When the Judicial Administration Commission decides that a judge can no longer carry out his responsibilities on account of illness; and
  - (c) When the Council of Peoples' Representatives has approved by a majority vote the decisions of the Judicial Administration Commission.
5. A judge cannot continue to serve as a judge after he has reached the legally mandated retirement age.
6. The Federal Supreme Court shall draw up and submit to the Council of Peoples' Representatives for approval the administrative budget of the Federal courts. It shall implement the budget upon approval.
7. Administrative budgets of State courts shall be determined by the State Councils. The Council of Peoples' Representatives shall compensate states for the expenses their supreme and high courts incur in adjudicating Federal disputes.

## **Article 80**

### **Joint Jurisdiction of courts**

1. The Federal Supreme Court shall have final power of appeal on matters within Federal jurisdiction.
2. State Supreme Courts shall have final power of appeal on matters within State jurisdiction. They shall also exercise Federal High Court jurisdiction.

3. Notwithstanding the provisions of sub-Articles 1 and 2, the final decisions of Federal and State Court may be reviewed and revised in cassation by the Federal Supreme Court if an error of law has been found in those decisions. The specifics shall be determined by law.
4. State High Courts shall, in addition to State jurisdiction, exercise federal first-instance court jurisdiction.
5. State High Court decisions in pursuance of Federal first-instance jurisdiction are appealable to State Supreme Courts.
6. State Supreme Court decisions on Federal matters are appealable to the Federal Supreme Court.

#### **Article 81** **Appointment of Judges**

1. The Council of Peoples' Representatives shall, on submission of nominees by the Prime Minister, appoint the Chief and the Vice-Chief Justices of the Federal Supreme Court.
2. The Council of Peoples' Representatives shall appoint all Federal judges whose nominations shall be submitted to it by the Prime Minister on the basis of selections made by the Federal Commission for Judicial Administration.
3. State Councils shall appoint State Supreme Court Chiefs and Vice-Chief Justices on the basis of nominations submitted to them by State heads of the executive branch of government.
4. State Councils shall also appoint State Supreme and High Court judges on the basis of nominations submitted to them by State commissions of judicial administration. The State commissions, before submitting nominations to their State Councils, shall have the responsibility to obtain the views of the Federal Judicial Administrative Commission on the nominees and to forward those views together with their recommendations.

5. State Councils shall appoint all first-instance State judges on the basis of nominations submitted to them by State commissions of judicial administration.
6. The appropriate commissions of judicial administration shall decide on the discipline and the transfer of all judges.

## **Article 82**

### **Structure of the Constitutional Court**

1. The Constitution hereby establishes the Constitutional Court.
2. The Constitutional Court shall have eleven members. Its membership comprises:
  - (a) The Chief Justice of the Federal Supreme Court who shall serve as its President.
  - (b) The Vice Chief Justice of the Federal Supreme Court who shall serve as its vice President.
  - (c) Three legal experts who shall be appointed by the President of the Republic on nominations submitted by the Council of Peoples' Representatives on the basis of their professional excellence and moral standing.
  - (d) Six persons designated by the Federal Council among its members.
3. The Constitutional Court shall establish institutional structures which will ensure expeditious execution of its responsibilities.

## **Article 83**

### **Constitutional Interpretation**

1. All constitutional disputes shall be decided by the Federal Council.
2. The Federal Council shall decide within thirty days after the Constitutional Court has submitted any dispute to it.

## **Article 84**

### **Powers and Functions of the Constitutional Court**

1. The Constitutional Court shall have judicial powers. However, only when its decisions are confirmed by the Federal Council shall they become final.
2. The Constitutional Court, after examining claims submitted to it by a court or a party to a dispute relating to the contravention of this Constitution by Federal laws or State laws, shall submit its finding to the Federal Council for a final decision.
3. The Constitutional Court shall draft procedures and it shall submit the draft to the Federal Council for approval.
4. When issues of constitutional interpretation arise in other courts the Constitutional Court shall follow the following procedures:
  - (a) If it finds no reason for constitutional interpretation it shall remand the case to the competent court. However, a party not satisfied with the order issued by the Constitutional Court may appeal to the Federal Council.
  - (b) If it finds a reason for constitutional interpretation, it shall decide the case and submit its decision to the Federal Council for final determination.

## **CHAPTER TEN**

### **NATIONAL POLICY DIRECTIVES**

#### **Article 85**

##### **Objective**

1. Public authorities shall be guided by the directive principles contained in this Chapter in the implementation of this Constitution, other laws and public policies.
2. The term "government" in this chapter shall mean, according to the context the Federal State or a member State.

#### **Article 86**

##### **Directives on External Relations**

1. To respect the sovereignty of other states and non-intervention in their internal affairs.
2. To promote external relations on the basis of equality, and respect of common interests; to ensure that international agreements respect the interests of Ethiopia.
3. To observe international agreements which respect and accord with the sovereignty and the interests of the peoples of Ethiopia.
4. To promote fraternal relations with Ethiopia's neighbours and other African countries and to forge closer economic links with them.
5. To seek and support peaceful solutions to international disputes.



**Article 91**  
**Cultural Objectives**

1. Government shall have the duty to promote, on the basis of equality, respect of fundamental democratic rights and human dignity, to preserve and to enrich cultures and traditions that are compatible with democratic norms and the provisions of this Constitution.
2. Government and all Ethiopian citizens shall have the duty to protect the country's natural endowments, historical sites and objects.
3. Government shall have the duty, to the extent its resources permit, to support the development of the arts, science and technology.

**Article 92**  
**Environmental Objectives**

1. Government shall have the duty to ensure that all Ethiopians live in a clean and a healthy environment.
2. The design and implementation of programmes and projects of development shall not damage or destroy the environment.
3. People have the right to full consultation and to the expression of views in the planning and implementation of environmental policies and projects that affect them directly.
4. Government and citizens shall have the duty to protect the environment.

## **CHAPTER ELEVEN**

### **SPECIAL PROVISIONS**

#### **Article 93**

##### **Amendment of the Constitution**

1. All rights and freedoms enumerated in Chapter Three of this Constitution, this Article, and Article 94 can be amended only by the following procedures:
  - (a) When all State Councils, by a majority, accept a proposed amendment;
  - (b) When the Council of Peoples' Representatives accepts, by a two-thirds majority vote, the proposed amendment approved by all State Councils; and
  - (c) When the Federal Council, by a two-thirds majority vote, accepts the proposed amendment approved by the Council of Peoples' Representatives.
2. All provisions of this Constitution other than those contained in sub-Article 1 of this Article can be amended only by the following procedures:
  - (a) When the Council of Peoples' Representatives and the Federal Council in a joint meeting accept a proposed amendment by a two-thirds majority vote; and
  - (b) When the proposed amendment, approved by the joint session of the Councils, is accepted by a majority vote in two-thirds of the State Councils of the Federation.



**Article 94**  
**Initiation of Amendment**

Any Constitutional amendment shall be initiated and shall be submitted to the procedures provided above when one of the following conditions is met: when supported by a two-thirds majority vote in the Council of Peoples' Representatives; or supported by a two-third vote in the Federal Council; or when one third of the State Councils, by a majority vote in each Council, have supported it.

**Article 95**  
**Emergency Proclamation**

1. (a) The Council of Ministers of the Federal Government shall have the power to decree a state of emergency when any of the following conditions affect the country or any part of the country: external invasion; a break down of law and order that regular law enforcement agencies and personnel cannot control; natural disaster; an outbreak of epidemics that endangers the lives of the population.  
  
(b) State executives can decree a state of emergency if their States are affected by natural disasters or by an outbreak of epidemics that endangers the lives of their peoples. States shall provide in their constitutions specific procedures in conformity with this Constitution.
2. An emergency decreed by the Council of Ministers, in accordance with sub-Article 1 (a) of this Article shall follow the procedures set forth below:
  - (a) If the Council of Peoples' Representatives is in session the decree shall be submitted to it within forty-eight hours of its adoption. The decree shall be annulled if it fails to obtain the Council's approval by a two-thirds majority vote.

- (b) If the Council of Peoples' Representatives is not in session, the emergency decree shall be submitted to it within fifteen days of adoption. The Council's confirmation requirement, set out in (a) this sub-Article, shall apply in this case.
- 3. An emergency proclamation adopted by the Council of Peoples' Representatives shall be in effect up to six months. However, the Council, by a two thirds majority vote, can renew the emergency proclamation for a month period successively.
- 4.
  - (a) The Council of Ministers, in accordance with orders and directives issues, shall assume all necessary power to protect the country's sovereignty and peace, and to maintain public security, law and order.
  - (b) The Council of Ministers shall have the power to suspend such democratic and political rights contained in this Constitution to the extent necessary to remove or to restore the conditions that had required the proclamation of a state of emergency.
  - (c) In the exercise of its emergency powers the Council of Ministers cannot, however, suspend or limit the rights provided for in this Constitution in Articles 1; 18; 25; and sub-Articles 1 and 2 of Article 39.
- 5. The Council of Peoples' Representatives shall, at the same time as it proclaims a state of emergency, establish an Emergency Board that oversees the implementation of all emergency measures. The Board shall comprise of seven legal experts who shall be chosen by the Council of Peoples' Representatives from among its representatives and from other legal experts.
- 6. The Emergency Board shall have following powers and responsibilities:
  - (a) To make public within one month of the proclamation the names of all individuals arrested on account of the state of emergency together with the reasons for their arrest.

- (b) To ensure that no inhumane measures shall be taken while the state of emergency is in effect.
- (c) To recommend to the Prime Minister or to the Council of Ministers corrective measures if it finds any case of inhumane treatment.
- (d) To ensure the prosecution of any one found guilty of inhumane action.
- (e) To submit its views to the Council of Peoples' Representatives at the time the Council considers the extension of the period of the state of emergency.

#### **Article 96**

##### **Financial Expenditure**

1. The Federal Government and the States shall respectively cover all financial requirements necessary to carry out all responsibilities and functions that have been given to them by law. However, unless otherwise agreed upon, the Federal Government and the States shall compensate one another for tasks performed by either on behalf of the other through delegation
2. The Federal Government shall grant States emergency, rehabilitation and development assistance and loans. However, care shall be taken that such assistance and loans do not unduly affect Government policy affecting the equality of opportunity of States for development. The Federal Government shall have the power to control and to audit all such expenditures.

#### **Article 97**

##### **Revenue**

The sharing of revenue between the Federal Government and the States shall follow the federal arrangements of the powers of government.

**Article 98**  
**Federal Power of Taxation**

1. The Federal Government shall levy and collect custom duties, taxes and payments on imports and exports.
2. It shall levy and collect income tax on Ethiopian employees of inter-organisations.
3. It shall levy and collect income, profit and sales taxes on Government enterprises.
4. It shall tax the proceeds of national lotteries and those of other games of chance.
5. It shall levy and collect taxes on the proceeds of air, rail and water transport services.
6. It shall tax rental incomes of Federal government houses and properties and fix and collect rents.
7. It shall fix and collect Federal license fees.
8. It shall levy tax on and collect the income of government monopolies.
9. It shall fix and collect government stamp duties.

**Article 99**  
**State Power of Taxation**

1. States shall levy and collect taxes on the incomes of State and public enterprise employees.
2. States shall fix and collect fees for land usufructuary right.
3. States shall levy and collect taxes on the incomes of farmers who are not incorporated.

4. States shall levy and collect taxes on the profits of merchants who are residents of the State. They shall also levy sales taxes.
5. States shall fix and collect water transport fees within their State.
6. They shall levy and collect taxes on incomes derived from private properties within the State. They shall collect rent on houses they own.
7. States shall levy and collect taxes on the profit and income of government enterprises located within the State. They shall also levy and collect sales taxes.
8. Consistent with the provisions relating to Federal and State joint power of taxation, States shall levy tax on income derived from mining operations, and shall collect royalty fees and land rent.
9. They shall levy fees for State licenses and services.
10. They shall fix and collect royalty fees for use of forest resources.

#### **Article 100**

##### **Concurrent Power of Taxation.**

1. The Federal Government and the States shall jointly levy and collect taxes on the incomes and profits of enterprises they jointly establish. They shall also jointly levy and collect sales taxes.
2. They shall jointly levy and collect taxes on the profits of corporations and on dividends paid to shareholders.
3. They shall jointly levy and collect taxes on incomes derived from large-scale mining, petroleum and gas operations, and they shall determine and collect royalties.

**Article 101**  
**Undesignated of Taxation.**

Tax powers which have not been given separately to the Federal Government or States, or to both, shall be determined by a two-thirds majority vote of the session of the Federal Council and the Council of the Peoples' Representatives.

**Article 102**  
**Directives on Taxation.**

1. Where the Federal Government and States exercise their tax powers relationship between the rate of taxation and the source of revenue taxed shall be fairly determined.
2. The Federal Government and the States shall exercise their tax powers in a manner that shall not adversely affect their relationship. The rate and amount of taxation shall be commensurate with the services the taxes help finance.
3. Neither the Federal Government nor the States shall levy taxes on each other's property except on profit-making enterprises.

**Article 103**  
**Auditor General**

1. On the nomination of the Prime Minister the Council of Peoples' Representatives shall appoint the Auditor General.
2. The Auditor General shall submit a report to the Council of Peoples' Representatives containing his audits of the accounts of the Ministries and of other Government agencies as well as his evaluation of the expenditure of the Federal budget in accordance with the approved allocations.
3. The Auditor General shall draw up and submit for approval to the Council of Peoples' Representatives his annual budget.
4. The specific functions of the Auditor General shall be established by law.

**Article 104**  
**Election Board**

1. The Constitution hereby establishes the National Election Board. The Board shall be an impartial and an autonomous agency and shall be responsible for ensuring that all Federal and State elections shall be free and fair.
2. Members of the Board shall be appointed by the Council of Peoples' Representatives on the nomination of the Prime Minister. A specific law shall be enacted to define the particulars.

**Article 105**  
**Population Census Commission**

1. There shall be established a National Census Commission that shall conduct a population census periodically.
2. Members of the National Census Commission shall be appointed by the Council of Peoples' Representatives on the nomination of the Prime Minister.
3. The National Census Commission shall have a Secretary General and a periodically professional and support staff.
4. The annual budget of the National Census Commission shall be submitted for approval to the Council of Peoples' Representatives.
5. A national population census shall be conducted every ten years. The Federal Council shall determine the boundaries of electoral districts on the basis of the census results and a study submitted to the Council by the National Election Board. The National Census Commission is responsible to the Council of Peoples' Representative and shall submit periodic reports to the Council on the progress of its work.

**Article 106**  
**Transitional Provisions**

The Transitional Government of Ethiopia and Kilil Administrations shall continue to exercise their responsibilities until a new government is elected on the basis of the Constitution and the powers of Government are transferred to the new government in accordance with a period the Constituent Assembly decides.