



IFO-INSTITUT FÜR WIRTSCHAFTSFORSCHUNG MÜNCHEN
ABTEILUNG ENTWICKLUNGSLÄNDER
AFRIKASTUDIENSTELLE

Die Schriftenreihe „Afrika-Studien“ wird herausgegeben
vom Ifo-Institut für Wirtschaftsforschung e. V. München

Gesamtredaktion:

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in Zusammenarbeit mit der
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Ethiopia: Revolution, Law and Politics

by

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WELTFORUM VERLAG · MÜNCHEN

CIP-Kurztitelaufnahme der Deutschen Bibliothek

SCHOLLER, Heinrich
Ethiopia: revolution, law and politics/by
Heinrich Scholler and Paul Brietzke.
Weltforum-Verlag, München, 1976.
(Afrika-Studien; Nr. 92)
ISBN 3-8039-0136-7
NE: Brietzke, Paul:

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1976

FA25 / December 1976

EDITORS' NOTE ON THE AFRICAN RESEARCH PROGRAMME

Owing to the generous financial support of the Fritz Thyssen Foundation, Cologne, the Department for Development Studies/African Studies Centre of the IFO-Institute for Economic Research in Munich was able to embark upon a comprehensive research programme dealing with theoretical and practical aspects of economic development in general with particular reference to tropical Africa. The programme has been conducted partly by the Department itself, partly in conjunction with other institutes and researchers.

The research activities cover investigations into the primary sector (agriculture, forestry, mining) as well as into the secondary and tertiary sectors (industry, handicrafts, trade, banking, energy supply and transport). Besides macro-economic investigations and sociological studies (mostly industrial sociology), also social change and its implications as political, legal and administrative aspects of the development process are investigated.

The entire research programme being conducted until spring 1976 covers the titles listed in chronological, i.e., numerical order at the end of this volume. For readers' information on changes, supplements, and forthcoming publications, each volume will conclude with a survey of all published and forthcoming studies.

The "Afrika-Studien" and the "Afrika-Forschungsberichte" have been issued by Weltforum Publishing House, Munich, in co-operation with publishing houses in the United Kingdom and the United States. The studies published as mimeographs ("African Research Reports") are also available through the Weltforum Publishing House, Munich.

The Editors

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Library of Congress Catalog Card Number

ISBN 3-8039-0136-7

Druck: H. u. E. Lang, München

Printed in Germany

V. THE DRAFT OF THE PROPOSED ETHIOPIAN CONSTITUTION, 1974
(Presented to the Prime Minister on Hamle 29th, 1966 (Aug. 9, 1974) and
published on Nehassie 4, 1966 (Aug. 14, 1974))

CHAPTER I

The Ethiopian Nation and Crown

Part I

The Ethiopian Nation

ARTICLE 1:

- (i) The Ethiopian nation comprises all the territories, including the territorial water, islands and airspace under the sovereignty of the Ethiopian people.
- (ii) All Ethiopians, whether living within or without Ethiopia, constitute the Ethiopian people. The Ethiopian people are the origin of the authority of Government.
- (iii) The Ethiopian territories and the sovereign rights therein are inalienable.

ARTICLE 2:

The Ethiopian flag consists of three horizontal bands of equal size, the uppermost green, the middle yellow and the nethermost red. The details shall be determined by law.

ARTICLE 3:

The Capital of Ethiopia is the city of Addis Ababa.

ARTICLE 4:

The official language of Ethiopia is Amharic. However, this in no way affects the respect accorded the other languages of the country.

ARTICLE 5:

- (i) Ethiopia is a nation administered by a constitutional monarchy; it is a nation that cherishes the right of all citizens to earn their living, and its aim is the fair distribution of property and uniformity in the living standard of all.
- (ii) The Ethiopian Government shall consist of legislative, executive and judicial branches.

ARTICLE 6:

- (i) Government offices and authorities shall exercise only those powers granted in this Constitution. They have the duty to serve the Ethiopian people in accordance with the law.

- (ii) Any official who unlawfully or by misuse of authority commits any miscreancy shall be held responsible for same.

PART II

The Crown

Sub-Part 1

The Emperor

ARTICLE 7:

The Emperor is the Head of State of Ethiopia and the symbol of the nation's unity and history. His rights and duties are defined in this Constitution.

ARTICLE 8:

By virtue of his status as Head of State, the person of the Emperor is sacred and his dignity inviolable. No one shall have the right to bring suit against the Emperor. The concerned officials shall be answerable for all national actions of the Emperor.

ARTICLE 9:

- (i) The faith of the Emperor shall be that of Monophysite Ethiopian Orthodox Church established in the fourth century according to the doctrines of St. Mark.
- (ii) In the religious services of all religions, prayer shall be offered for the Ethiopian nation and for the Emperor.

Sub-Part 2

Succession of the Throne

ARTICLE 10:

The Ethiopian Crown shall remain perpetually attached to the line of HAILE SELASSIE I, descendant of King Sahle Sellasie, whose line descends without interruption from the dynasty of Menelik I. This shall not, however, affect the provision of Article II.

ARTICLE II:

- (i) The Ethiopian Crown shall devolve upon the eldest child of the Emperor without regard to sex. In the event that the Emperor has no direct descendant, the Crown will go to the eldest of his nearest relative. If such a relative is not living, the Crown will go to his eldest direct descendant, and if there is none, to his eldest and nearest relative.
- (ii) Among those entitled to the Crown shall be reckoned a son or daughter unborn.
- (iii) Membership in the royal family and the attendant status and duties and other particulars shall be defined by law.

ARTICLE 12:

Those members of the royal family not born out of wedlock between natural Ethiopians, or those not of the Ethiopian Orthodox Faith, shall have no right of succession to the Throne. In the event that the Emperor abdicates, or is impeached and deposed, none of his descendants conceived and born after this event shall have the right of succession to the Throne.

ARTICLE 13:

The ceremonies for the Coronation of the Emperor shall be elaborated by law. The Emperor shall take the following oath at his Coronation:

"In the name of Almighty God, We.....Emperor of Ethiopia, swear that We will uphold and defend the Constitution of the Empire; that we will govern Our subjects with patience and devotion to the general welfare in accordance with the Constitution and the laws; that We will defend the integrity and territory of Our Empire; that We profess that Holy Orthodox Faith; that We will ever promote the spiritual and material advancement of Our Subjects; and that with the aid of the Almighty, We will faithfully execute the promise which We have undertaken. So help Us God."

ARTICLE 14:

The Emperor shall be anointed and crowned upon attaining the age of eighteen. If he had already attained the age of eighteen at succession, he shall be anointed within one year's period and crowned as Emperor. The Coronation ceremony will take place at the church of St. George in Addis Ababa.

ARTICLE 15:

Regency shall be exercised by the Crown Prince in case of confirmation by the National Assembly of the Emperor's serious illness or when the Emperor is absent from the country. However, in the event that the Crown Prince himself is seriously ill and the National Assembly confirms this, too, or in the event that he is absent from the country, or in the event that the Emperor or the Crown Prince has not yet attained the age of eighteen, regency shall be exercised by the Council of Regency. Regency shall automatically terminate upon the cessation of the conditions which gave rise to Regency.

ARTICLE 16:

The Council of Regency shall consist of the parents of the Crown Prince as Chairmen, the Prime Minister, two members of the National Assembly, the Afe Negus, and two close relatives of the Emperor, aged between 30 and 70 and selected by the National Assembly.

In the event that the Crown Prince's parents are unavailable, the National Assembly shall select close relatives of the Crown Prince to fill the place. The members shall choose the Chairman of the Regency Council from the

selected close relatives. The members of the Regency Council shall take an oath to perform their duties properly.

ARTICLE 17:

The law shall determine the manner of conducting mourning in the event that the Emperor or any member of his family shall die.

Sub-Part 3

Properties of the Crown

ARTICLE 18:

- (i) The regalia of the Crown, including all the regalia of the Empress and of the Crown Prince, are the inalienable national property of the Government.
- (ii) All realty in the name of the Crown (Bete Mengist) shall be registered by law and placed under the administration of the Emperor. The realty is inalienable unless legal provisions are made for doing so.
- (iii) It is the Emperor's right to receive and administer an annual appropriation, as provided by law, from the Government Treasury, which shall with the aforesaid profits and revenues, be adequate for the fulfilment of His functions under the present Constitution.
- (iv) All private properties held in the name of the Emperor or members of the Imperial Family are under the same regime as that applicable to all properties of Ethiopian nationals.
- (v) The Emperor's Court shall be under his direction. He may appoint to, or dismiss from all posts at His Court such persons as He shall see fit.

PART III

The Powers and Duties of the Emperor

ARTICLE 19:

The Emperor:

- (i) shall appoint the Prime Minister, Ministers, and judges and other high Government officials, proposed according to the provisions of the present Constitution.
- (ii) shall perform the following duties in accordance with the resolutions of the Council of Ministers:
 - a. proclaim legislation;
 - b. proclaim international agreements;
 - c. proclaim an emergency decree, proclaim martial law, or declare defensive wars;
 - d. convene the sessions of the National Assembly and present, or cause to be presented, a speech from the Throne;

- e. convoke extraordinary sessions, postpone the opening and extend any session of the National Assembly;
- f. accredit and receive Ambassadors, Ministers and Missions;
- g. grant pardons and amnesties and commute penalties;
- h. confer the title of Prince and other honours and grant insignia of orders.

(iii) shall perform all other duties assigned him in the present Constitution.

ARTICLE 20:

The Emperor is the Commander-in-Chief of the Armed Forces. As such he shall perform his duties as specified by law.

CHAPTER II

Rights, Duties and Responsibilities

ARTICLE 21:

No one shall be denied equal protection of the law.

ARTICLE 22:

There shall be no discrimination amongst Ethiopian subjects on the basis of birth, property, religion, race, language or political affiliation with respect to the enjoyment of all civil rights.

ARTICLE 23:

- (i) Every person with one or both parents of Ethiopian citizenship is considered an Ethiopian subject. He shall not lose his citizenship without his consent. The laws may, however, provide for instances of dual citizenship.
- (ii) The laws shall determine the conditions for acquisition and loss by aliens of Ethiopian citizenship.

ARTICLE 24:

Everyone has the right, within the limits of the present Constitution, to establish legally-recognised associations for the dissemination of the Christian, Moslem or any other faith so long as his association is not used for political purposes or its presence not prejudicial to public order or morality.

ARTICLE 25:

- (i) Every Ethiopian has freedom of conscience. He has the right to express any idea through speech, press or any other medium. He also has the right of access to the opinions of others.
- (ii) Everyone has the right without interference to communicate with others by telephone, telegraph or correspondence.

- (iii) The rights granted in this Article may be curtailed or limited only in accordance with provisions proclaimed in Arts. 111, 112 or 113. The limitations shall be removed as soon as the said proclamations are revoked.

ARTICLE 26:

No one may be deprived of life, liberty or property without (due process of) law.

ARTICLE 27:

All Ethiopians shall have the right, without having to acquire prior permission from the Government, to stage demonstrations or hold meetings. However, to stage a demonstration in public squares or in the streets, prior notice of 72 hours must be given to the appropriate authorities. The authority has the right to grant permissions to hold the demonstration with notice of less than 72 hours.

ARTICLE 28:

All Ethiopians have the freedom to travel within the country and to change their domicile therein.

ARTICLE 29:

All Ethiopians have the right to establish or be members of any association including political parties, provided that its religious, racial or any other purposes are not detrimental to the integrity of the nation.

ARTICLE 30:

- (i) The Ethiopian family, as the primary basis of education and social harmony, and the means of maintenance of the society, is under the special protection of the law.
- (ii) Matrimony must be founded on the free consent of the spouses. For the duration of marriage, or in the event of separation by divorce or death, the rights, duties and dignity of both spouses must be determined without discrimination.
- (iii) There shall be no discrimination with respect to the rights and duties of children born out of legal wedlock and those born illegitimately.

ARTICLE 31:

- (i) No Ethiopian subject may be banished from the country, nor may any Ethiopian be prevented from either leaving or entering Ethiopia.
- (ii) No Ethiopian subject may be extradited to a foreign country.

Article 32:

- (i) No one may be arrested without a warrant issued by a court which states the delict, unless he is caught in flagrante delicto or immediately after the commission of the fact.

- (ii) Anyone under arrest shall immediately be made aware of the offense of which he is accused and be informed, in the language he understands of his right to contact friends or his lawyer.
- (iii) Every arrested person shall be brought before the court within a maximum of twenty-four hours after his arrest. These twenty-four hours, however, do not include the time it may take to deliver the arrested person to a court.
- (iv) The period of detention prior to appearance before a court shall be reckoned as a part of the term of imprisonment imposed by sentence.
- (v) No one shall be detained in prison, even pending disposal by a court, for a criminal charge the sole penalty for which is a fine.
- (iv) Everyone charged with a criminal offence is entitled to bail if the laws concerning his alleged offence so provide, and unless his release by bail interferes with the judicial processes. The court shall determine the bail as commensurate with the offence and as amounting to no more than will ensure the appearance in court of the accused.

ARTICLE 33:

Every person charged with a criminal offence:

- (i) excepting cases to which the provision of Art. 125 applies, shall have the right to a speedy trial in a legally-established court of law;
- (ii) shall be informed of the charges against him in the language he understands. In the event that he does not speak Amharic, shall have made available to him, at the expense of the Government, a competent interpreter;
- (iii) shall be given enough time to prepare his defence;
- (iv) shall have the right to defend himself or use the assistance of counsel, who, if the accused is unable to obtain the same through his own funds, and further, if the charge is considered grave, shall be assigned and provided to the accused by the court; and
- (v) shall have the right to be confronted with the witnesses against him and to interrogate them or to have his counsel interrogate them on his behalf. The court shall obtain witnesses in favour of the accused and pay the necessary expenses if the accused does not have the necessary funds.

ARTICLE 34:

No person charged with a criminal offence shall be presumed guilty until so proven.

ARTICLE 35:

Punishment is personal. No one shall be punished except in accordance with the law and after conviction for an offence committed by him.

ARTICLE 36:

- (i) No one shall be accused of, or punished for, any offence which has not been declared by law to be punishable before the commission of such offence.
- (ii) No one shall suffer any punishment greater than that which was provided by the law in force at the time of the commission of the offence.

ARTICLE 37:

No one shall be punished for, or accused of, the same offence twice.

ARTICLE 38:

- (i) No one shall be subjected to lashing or cruel and inhuman punishment.
- (ii) No property of an Ethiopian subject may be confiscated as a penalty. However, property used for criminal activity, or property obtained in criminal ways, may be confiscated in accordance with the law. Attachment proceedings concerning the property of a person, made under judicial authority, to cover payment of civil liability, or liability arising out of the commission of an offence, or to meet taxes or fines, shall not be deemed a confiscation of property.

ARTICLE 39:

No one shall be forced to give information damaging or incriminating to himself.

ARTICLE 40:

No one shall be imprisoned for debt, except in case of legally-proved fraud or of refusal either to pay moneys adjudged by the court to have been taken in violation of the law, or to pay a fine, or to fulfil legal obligations of maintenance. This provision shall not have the effect of releasing the debtor from his obligations.

ARTICLE 41:

- (i) All persons and all private domiciles and property shall be exempt from unlawful searches. No document, or any other thing, may be seized thus. No search warrant shall be issued by the court without sworn testimony or sufficient proof of the necessity of the warrant, which shall specify the exact place or person to be searched and the object of the search.
- (ii) All seizure and searches thus conducted should be done in the presence of not less than two persons not involved in the case.

ARTICLE 42:

Every resident of Ethiopia has the right to present a petition to a Government authority and is entitled to a speedy disposal of the same.

ARTICLE 43:

- (i) No threats, bribes or torture may be used against a person accused of a criminal offence. The procedure of examination shall be determined by law. Evidence obtained through coercion threats or bribes shall have no legal effect. The person responsible for using such methods shall be punished by law and the victim of such mistreatment shall be entitled to the proper compensations.
- (ii) No person arrested and made to appear before a court shall be taken back to the police station. In the event that he cannot arrange bail, he shall be put at a "resting place" specially provided by the government.

ARTICLE 44:

Any person detained, imprisoned or prevented from freely moving by any authority or person has the right to bring suit to the courts either personally or through an agent against the said authority or person. If the authority or person sued cannot establish the legality of his action the petitioner shall be freed immediately.

ARTICLE 45:

All Ethiopian races and ethnic groups have the right to preserve, develop and improve their languages and traditions within the provisions of the present Constitution.

ARTICLE 46:

All Ethiopians have the right, in accordance with the present Constitution, to vote and to stand for elections.

ARTICLE 47:

- (i) Every Ethiopian subject has the right to engage in any occupation that his capacities permit.
- (ii) Every employee of private companies has the right to form or join associations and to collectively bargain to insure the protection of his rights, remunerations and dignity.

ARTICLE 48:

There shall be no discrimination in determining payments for persons performing identical jobs on the basis of sex, or any other reason not directly relevant to the work to be performed.

ARTICLE 49:

- (i) Children shall not engage in industrial labour.
- (ii) Working conditions for persons who have not attained majority shall be defined by law.

ARTICLE 50:

No one shall be forced to provide free labour except upon conviction by a court.

ARTICLE 51:

- (i) Everyone has the duty to obey the Constitution and all laws promulgated in accordance with the Constitution.
- (ii) Every Ethiopian has the duty of defending the country and the society against all enemies and to perform public services, including military services, when called upon to do so.

ARTICLE 52:

Everyone has the duty to pay the legally-imposed taxes and duties.

ARTICLE 53:

- (i) The laws shall determine any limitations on the rights granted in this Chapter that may be necessitated by the requirements of duty with respect to members of the Armed Forces or persons in the service of the Government.
- (ii) Unless Article 111, 112, or 113 are involved, no person who is not a member of the Armed Forces shall be court martialed.

ARTICLE 54:

Respect for the freedoms of others and the requirements of public order, well-being, morality, or interest shall alone justify any limitations upon the rights and liberties guaranteed in this Chapter. Such limitations must be approved by a two-thirds majority vote of the National Assembly. However, provisions within this Constitution concerning limitation shall remain unaffected by this Article.

Any laws promulgated according to this Article shall not be of such nature as to hinder the effective and continuous application of rights and liberties guaranteed in this Constitution.

ARTICLE 55:

All Ethiopians are entitled to free education, health care and to an occupation, the level of development and wealth of the country permitting; and it is the objective of the Government to encourage and aid all subjects in attaining these necessities.

ARTICLE 56:

- (i) The Government has the responsibility of making available opportunities of education and development without any partiality.
- (ii) Ethiopian parents have the responsibility to educate their children at least up to the end of the elementary level.
- (iii) Education given in Ethiopian schools shall be based on Ethiopian tra-

dition, literature, history and nature. Education in public elementary and secondary schools shall be free.

ARTICLE 57:

- (i) Laws shall be promulgated to insure the safety, health and general wellbeing of workers while engaged in their work.
- (ii) The law shall determine the responsibility to and any compensation owed a worker by his employer in the event that the former is afflicted by some employment-related disease or is hurt physically while engaged in his work.
- (iii) The law shall determine the living, educational, health and other facilities that will be required of employers for provision to workers hired by them to work at factories, farms, or mine sites not in the vicinity of cities.

ARTICLE 58:

The Government shall provide special protection and assistance to those uniquely gifted with scientific, philosophical, literary or artistic genius.

ARTICLE 59:

Provision shall be made for a social security scheme whereby Government and company employees shall be provided with unemployment benefits, medical care, retirement benefits, and maintenance money for their families in the event of death. The law shall determine the mode of contribution by employees and employers to finance the scheme and the manner of administration and payment of the benefits.

CHAPTER III

The Legislative Branch

Part I

The National Assembly

ARTICLE 60:

- (i) The National Assembly shall be composed of a Chamber of Deputies and a Senate.
- (ii) The Chamber of Deputies represents the sovereignty of the Ethiopian people. It shall have the final authority in all matters of legislative activity.
- (iii) No one can be simultaneously a member of the Chamber of Deputies and the Senate.

ARTICLE 61:

- (i) The two Chambers shall hold a joint meeting in the following cases:
 - (a) At the beginning and the end of each session.

- (b) Upon the call of the Emperor, with the suggestion to do so by the Council of Ministers.
- (c) Upon any occasion as may be determined by any one of the Chambers.
- (d) To decide on an issue the consideration of which, by this Constitution necessitates a joint session.
- (e) Upon the request of the Prime Minister.
- (ii) The Chairmen of both Chambers shall take annual turns to preside at joint meetings of the Chambers.

ARTICLE 62:

The regular sessions of the National Assembly shall convene on the twenty-fifth day of the month of Meskerem of each year and shall continue to the last day of the month of Sene. Laws shall be enacted to determine the session's duration in election years. The regular sessions shall convene and continue in Addis Ababa unless unforeseen circumstances make this impractical.

ARTICLE 63:

No meeting of either Chamber, or joint meeting of the Chambers shall be closed to the public, except upon a request by the Prime Minister and a decision by the majority of either Chamber or a joint meeting of both thereon. If, after a question has been declared to be secret, a member of either Chamber or any other person present in the meeting makes it known to the public, either in a speech, or by the press, by writing, or in any other way, he shall be punished according to the provisions of the law.

ARTICLE 64:

Neither of the Chambers shall commence its deliberations on the first day of any session without the presence of two-thirds of its members, or continue its deliberations, or take any vote on any succeeding day of any session without the presence of a majority of its members. At joint meetings of the Chambers, the presence of a majority of the members of each Chamber shall be required for deliberations and for voting.

ARTICLE 65:

If the quorum of Deputies and of Senators prescribed in Article 64 is not present on the day designated for the convening of the National Assembly or if, thereafter, either of the Chambers, or the Chambers in joint meeting, cannot continue deliberations or vote for lack of the required attendance, the members present shall take such measures as may be authorised in the rules of procedure of the respective Chambers to compel the attendance of a sufficient number of the absent members.

ARTICLE 66:

Each Chamber shall determine its own rules of procedure and internal discipline.

ARTICLE 67:

Members of the National Assembly shall receive salaries determined by law. Any law increasing the salaries of members of the National Assembly shall be effective only from the date of the election of the next National Assembly.

ARTICLE 68:

No action or charge may be brought against any member of the National Assembly, or against any Minister or his representative, for words uttered or written statements submitted by him at any meeting of either Chamber, or any joint meeting of the Chambers, or any meeting of any committee of either Chamber. Nevertheless, every member of each Chamber, or every person participating in any meeting of the Chambers, shall be obliged to respect all rules of order, conduct and procedure adopted by such Chamber for the transaction of its business and shall be subject to disciplinary action on the part of such Chamber for violation of such rules.

ARTICLE 69:

No member of the National Assembly, during a session thereof, may be arrested or detained or summoned to answer a criminal charge unless the permission of the Chamber of which he is a member be obtained, or he arrested in flagrante delicto. A comparable immunity does not apply to civil cases.

ARTICLE 70:

- (i) Draft legislation may be proposed by the executive branch of the Government, or by ten members of either Chamber of the National Assembly.
- (ii) Laws may be proposed to either or both Chambers of the National Assembly. However, every proposal involving an increase in governmental expenditure or a new or increased tax shall first be presented to the Chamber of Deputies.

ARTICLE 71:

All draft legislation, unless this Constitution prescribes otherwise, shall be adopted by a majority vote of the members present. In the event of an equal division of votes, the Chairman shall have a casting vote.

ARTICLE 72:

All proposed legislation approved by one Chamber of the National Assembly shall be immediately forwarded to the other Chamber. If it is approved by the other Chamber without amendments within a period of two months, it shall be forwarded to the Council of Ministers. If the Council of Ministers approves it, it shall be promulgated as law by the Prime Minister in the name of the Emperor.

ARTICLE 73:

If, within the aforesaid period of two months, a proposal of legislation approved by one Chamber is approved by the other with amendments, the said proposal including the amendments, shall be returned to the first Chamber. If, upon further consideration, it is approved within 30 days by the first Chamber, with the said amendments, it shall be promulgated as law in accordance with the provision of Article 72.

ARTICLE 74:

Legislative proposals shall be considered and decided on by a joint meeting of both Chambers under the following circumstances:

- (i) If a proposal of legislation approved by one Chamber and forwarded to the other does not gain approval within a period of two months; or
- (ii) If a proposal of legislation approved and forwarded by one Chamber to the other and returned to the first Chamber with the amendments of the second Chamber, is not approved by the first Chamber or not acted upon at all by same within a period of thirty days; or
- (iii) If a proposal of legislation approved by one Chamber is not acted upon by the other Chamber within a period of two months.
If the legislative proposal is approved by the joint meeting, the proposal shall be forwarded to the Council of Ministers for promulgation as law in accordance with the provision of Article 72. If, on the other hand, the proposed legislation is rejected by the joint meeting, it shall be abandoned and will not be considered by the National Assembly during that session.

ARTICLE 75:

- (i) If proposed legislation forwarded to the Council of Ministers does not gain approval, the Prime Minister shall return it to the National Assembly with his observations.
- (ii) If the Council of Ministers does not act on proposed legislation in accordance with sub-section (i) of this Article, the proposal shall be considered as approved by the Council of Ministers and promulgated as law by the Prime Minister in the name of the Emperor.

ARTICLE 76:

If proposed legislation returned to the National Assembly by the Council of Ministers with the comments of same, and considered by a joint meeting of the Chambers, is approved with an amendment or in its original un-amended form by a two-thirds majority vote, the draft shall be promulgated as law by the Prime Minister in the name of the Emperor. If this process does not take place within a period of two months, the proposed legislation shall be abandoned and will not be presented again to the National Assembly in the same session.

ARTICLE 77:

In case of an emergency that arises when the National Assembly is not in session, the Council of Ministers may approve, and the Emperor proclaim, a decree consistent with the Constitution. The text of such decree shall be transmitted for consideration by the National Assembly within a period of one month after the beginning of the annual session. In the event that the National Assembly shall not approve any such decree, it shall cease to have force and effect upon the publication, in the Negarit Gazeta, of such disapproval.

ARTICLE 78:

In the event that a member of any of the two Chambers shall be deceased, shall resign, or is found not to fulfil all the requirements of election, or shall be absent for a full month in a session without sufficient reason, and a vacancy is created, election shall be held in accordance with the electoral laws to fill the said vacancy in a period of two months beginning from the date the vacancy is created. However, if the session described in Articles 86 and 87 has only one more year before expiration, the vacancy shall not be filled.

ARTICLE 79:

Each Chamber shall have one Chairman and two vice-Chairmen. These shall be elected by a majority vote of the members of their respective Chambers. The duties and duration of office of these officers shall be determined by the internal rules of the respective Chambers.

ARTICLE 80:

Each Chamber shall be the sole judge of the qualifications and election of its members.

ARTICLE 81:

Each Chamber shall have its own office. Each Chamber shall determine the organization of the aforesaid offices, the qualifications for election of the Speaker of the House and other employees of the office, and the kind of services they shall perform.

Part II

The Chamber of Deputies

ARTICLE 82:

Members of the Chamber of Deputies are the representatives of all Ethiopian people and not only of the electoral district by which they were elected.

ARTICLE 83:

The entire territory of Ethiopia shall be divided into electoral districts containing, as nearly as possible, two hundred thousand inhabitants. Each electoral district shall be represented by two Deputies. However, each town with a population of thirty thousand shall have one Deputy and an ad-

ditional Deputy for each seventy thousand inhabitants in excess of thirty thousand. The location and limits of each electoral district shall be determined by law. The division and limitation of the electoral districts shall not be done in such a way as to increase or decrease the vote of any sector of the society.

ARTICLE 84:

All Ethiopian subjects of eighteen years of age or more who are regularly domiciled in any electoral district and who are not prohibited from voting by the electoral laws, shall have the right to vote in such electoral district for candidates for seats in the Chamber of Deputies. The system of voting shall be secret and direct and details of procedure shall be prescribed by law.

ARTICLE 85:

To be eligible as a candidate for Deputy a person must:

- (i) be an Ethiopian subject by birth and at least twenty-five years of age;
- (ii) be a resident of the electoral district, but not necessarily an owner of property; and
- (iii) not be disqualified under any provision of the electoral law.

ARTICLE 86:

Deputies shall be elected for a term of four years. This term may be extended by not more than one year in accordance with Article 113. Deputies shall be eligible for re-election subject to their continued fulfilment of the qualifications set forth in Article 85.

PART III

The Senate

ARTICLE 87:

Members of the Senate shall be elected by the Council of Ministers, provincial administrative councils, and the City Councils of provincial capitals. The term of office of Senators shall be six years. This shall not affect the provision of Article 91 (ii).

ARTICLE 88:

There shall be ninety members of the Senate and the procedure for their election shall be as follows:

- (i) Fifteen Senators shall be elected by the Council of Ministers.
- (ii) Sixty Senators shall be elected by the provincial administrative councils of the 14 provinces and by the City Council of the city of Addis Ababa. Thus each provincial administrative council shall elect four members to represent it, and the City Council of Addis Ababa shall elect four members.

- (iii) Fifteen members shall be elected by the City Councils of the Capitals of each province and by the City Council of Addis Ababa. Thus the City Council of each province and that of Addis Ababa shall elect one member.
- (iv) No member of the provincial administrative councils or city councils may be elected as a member of the Senate while still a member of the said councils.
- (v) Detailed procedures for the election of members of the Senate shall be determined by law.

ARTICLE 89:

To be eligible for appointment as a member of the Senate, a person must be an Ethiopian by birth, 30 years of age or above, perceptive and knowledgeable, and who:

- (i) has earned the faith and respect of the society;
- (ii) has served the country and the society in a praise-worthy manner;
- (iii) has gained high esteem for his good character and service to the society; and
- (iv) has not been dispossessed of the qualifications set forth in the electoral laws.

All the provisions of this Article remaining unaffected, the members to be elected by the Council of Ministers shall be persons acclaimed for their great service to society, their special skills or special knowledge.

ARTICLE 90:

A Senator elected by a provincial administrative council or by a City Council of any capital need not necessarily be a resident of the capital which he is elected to represent.

ARTICLE 91:

- (i) One-third of the members of the Senate shall be selected every two years.
- (ii) To facilitate this, the members of the Senate shall, on their second session, divide themselves by lot into three groups of equal number. Each group shall comprise a third of the members elected by the Council of Ministers, a third of those elected by provincial administrative councils, and a third of those elected by the City Councils of the Capitals. The duration of term of those members placed in the first such group shall expire at the end of the second year of the regular term; the term of those members in the second such group shall expire at the end of the fourth year of the regular year; and the term of the third group shall expire, along with the expiration of the regular term, after six years.

- (iii) Senators shall be eligible for re-election subject to their continued

fulfilment of the qualifications set forth in Article 89.

CHAPTER IV

The Executive

ARTICLE 92:

The Council of Ministers shall have the supreme executive authority of the Government.

ARTICLE 93:

The Council of Ministers shall be formed collectively by the Ministers. The Prime Minister shall be the leader of the Council of Ministers. The Council shall draw up its own rules of procedure.

ARTICLE 94:

The Prime Minister shall be elected by the National Assembly. The elected person shall be presented to the Emperor by the National Assembly and the appointment ceremony shall take place.

ARTICLE 95:

- (i) The term of office of the Prime Minister shall be four years.
- (ii) The Prime Minister may not be elected for more than three consecutive terms of office.

ARTICLE 96:

- (i) The Prime Minister shall select the Ministers and present them to the Emperor for formal appointment.
- (ii) It is the duty of the Council of Ministers to present to the Emperor for appointment, accrediting and receiving, Ambassadors, Ministers and Missions.

ARTICLE 97:

The Council of Ministers may:

- (i) convoke extraordinary sessions of the National Assembly, postpone the opening, or extend any session, for not more than thirty days; and
- (ii) present the text of the speech from the Throne concerning legislative programmes of other Government plans at the opening of each session of the National Assembly.

ARTICLE 98:

The Council of Ministers shall be answerable for all its actions to the National Assembly.

ARTICLE 99:

The Prime Minister shall be answerable to the National Assembly for all his official actions within the executive branch of Government.

ARTICLE 100:

Each Minister shall be individually answerable to the Prime Minister and the National Assembly for all his official acts.

ARTICLE 101:

- (i) The Prime Minister shall be obliged to attend and to answer questions personally or through his deputy, at any meeting of the Chamber of Deputies, or of the Senate, or a joint meeting thereof, or any meeting of any committee of either Chamber, when his presence is requested.
- (ii) The Prime Minister, or any other Minister, shall have the right to attend any meeting of either Chamber of the National Assembly, or any joint meeting of the Chambers, or any meeting of any committee of either Chamber for the purpose of explaining any matter relevant to his work.

ARTICLE 102:

In the event that any natural or man-caused catastrophe is believed to threaten, or actually to have afflicted, any part of Ethiopia, the Executive branch of the Government shall have the responsibility for publicising this fact, allocating Government relief aid, and coordinating the collection of funds from the public.

ARTICLE 103:

The Prime Minister shall have the right to establish Ministries and executive departments, and to determine the powers and duties of same. This shall be published in the Negarit Gazeta.

ARTICLE 104:

- (i) The salaries of and other payments to political officials, as distinguished from other civil servants, shall be determined by law.
- (ii) The Council of Ministers shall propose laws to determine the conditions for hiring, promotion, transfer, dismissal, resignation, and right to pension of civil servants, and to establish the rules of administration and the rights and duties of the Central Personnel Agency, and any other matter concerning civil servants.

ARTICLE 105:

Any proposal of legislation originating from the executive branch of Government shall be discussed by the Council of Ministers and then be presented to the National Assembly by the Prime Minister.

ARTICLE 106:

It is the duty of the Prime Minister to have published all laws in the Negarit Gazeta in the name of the Emperor.

ARTICLE 107:

All laws and all decisions of the Council of Ministers to be made public shall have affixed to them the signature of the Prime Minister and the Minister concerned with them.

ARTICLE 108:

The Council of Ministers shall determine, in accordance with the law, those entitled to pardons, amnesties and commutation of penalties in all criminal cases.

ARTICLE 109:

- (i) All international agreements shall be presented by the Council of Ministers to the National Assembly for its approval. After gaining approval it shall be promulgated as law in the name of the Emperor.
- (ii) All additional agreements made to implement the agreements mentioned in sub-section (i) of this Article, shall become effective, without being presented to the National Assembly, only after the approval of the concerned authority.

ARTICLE 110:

The Council of Ministers shall propose legislation to determine the size and organization of the country's armed forces and the conditions for the commission, dismissal, resignation and pensioning of the members of the armed forces.

ARTICLE 111:

The Council of Ministers may present, for proclamation by the Emperor, a state of emergency lasting not more than three months in the event that a chaotic situation uncontrollable by peaceful methods arises, natural catastrophes take place, civil disobedience occurs, or problems arise out of economic crises. If conditions necessitate, the said proclamation may be further extended for a limited period of time by the National Assembly.

The laws to be implemented for the duration of the said proclamation shall be promulgated prior to the proclamation itself.

However, the National Assembly may lift the proclamation of a state emergency if it considers it unwarranted, or it may shorten the duration of the proclamation if it considers its duration too long.

ARTICLE 112:

The Council of Ministers may present to the Emperor for proclamation a military administration proclamation of not more than three months' duration, in the event that a threat against Ethiopia of external aggression

or civil war is considered to be imminent. If the need arises, the National Assembly may extend the duration of such proclamation.

The laws to be implemented for the duration of the said proclamation shall be promulgated ahead of the proclamation itself.

However, the National Assembly may lift the proclamation of military administration if it considers it unwarranted, or it may shorten the duration of the proclamation if it considers its duration too long.

ARTICLE 113:

The Emperor shall declare defensive wars with the recommendation of the Council of Ministers and with the consent of the National Assembly. The Council of Ministers shall, after such a declaration, take all measures necessary to meet the threat to the wellbeing and integrity of the nation and to strengthen the defence and integrity of the country.

ARTICLE 114:

A Minister may be relieved of his office:

- (b) on being dismissed by the Prime Minister;
- (b) on resigning; or
- (c) on the resignation of the Council of Ministers.

ARTICLE 115:

(i) The Council of Ministers shall be relieved of its office:

- (a) when the duration of its term of office expires;
- (b) when the Prime Minister resigns;
- (c) when the National Assembly passes a vote of no confidence in the Prime Minister or when it refuses to grant him a vote of confidence;
- (d) when the Prime Minister's office is left vacant due to the illness or death of the Prime Minister; or
- (e) when the impeachment of the Prime Minister is recommended in accordance with the provision of Article 117.

(ii) In the event that any of the circumstances in sub-section (a), (b), (c), or (d) take place, the Council of Ministers shall continue as caretaker pending the election of a new Prime Minister within a period of not more than 40 days.

(iii) In the event that the circumstance in sub-section (e) takes place, the President of the Chamber of Deputies shall act as the head of the executive branch pending the election of a new Prime Minister within a period of not more than 40 days.

(iv) If the National Assembly fails to elect a new Prime Minister within a period of 40 days, the Emperor shall immediately dissolve it and

order an election, within a period of not more than four months, of a new National Assembly. In the meantime the Emperor shall appoint a caretaker Prime Minister. The caretaker Prime Minister shall work with the existing Government officials and may not make any political appointments. The caretaker Prime Minister may not, while holding this position, stand for election either as Prime Minister or as a member of the National Assembly.

ARTICLE 116:

- (i) Every elected or appointed official in a position with or in the service of the Government shall have all his property registered and verify this either with documents or a sworn testimony.
- (ii) No elected or appointed official in a position with or in the service of the Government may use his authority, directly or indirectly, for his own personal benefit. He may not engage in any business or activity that may result in conflicts between his own private gains and the performance of his duties. Further, no such official may:
 - (a) for remuneration, compensation or allowance engage in any activity;
 - (b) own, directly or indirectly, any shares in a company or in any way gain benefits from any company;
 - (c) enter directly or indirectly into any bids of sale or of purchases with the Government;
 - (d) grant or accept concessions or monopolistic privileges or any other similar privileges to any governmental organization within or without Ethiopia for personal benefit of special value or for the purpose of benefiting another party. He may not enter into any contractual agreement with the Government, nor may he participate in any other such arrangement.

The laws shall determine the process of registering the property of officials and the conditions where conflict of interest between officials and Government are said to exist.

ARTICLE 117:

Criminal charges brought against the Prime Minister or any other Minister in connection with their duties shall be considered by the Court of Appeals. Any such charge shall be brought to court after the decision on same by the National Assembly. The National Assembly shall nominate a prosecutor to conduct the court proceedings.

CHAPTER V

The Judiciary

ARTICLE 118:

The judicial power shall be vested in the Supreme Court and in the legally established courts of first instance and courts of appeal and shall be exercised by the courts in accordance with the law and in the name of the Emperor. The power of each court shall be determined by law.

ARTICLE 119:

The judges shall be independent in executing their judicial duties. They shall submit to no other authority than that of the law.

ARTICLE 120:

The Supreme Court shall be the court of final instance in the nation. The Supreme Court shall be the final authority in interpreting the Constitution. The Chairman of the Supreme Court shall be known as the Afe Negus.

ARTICLE 121:

- (i) There shall be a Supreme Administrative Council to select and be in charge of judges.
- (ii) Members of the said Supreme Administrative Council shall be:
 - (a) The Afe Negus, as Chairman;
 - (b) one judge of the Supreme Court;
 - (c) the Chairman of the Appeals Court;
 - (d) the Attorney-General; and
 - (e) a judge of a court of first instance and two other persons of the highest character and not in the judicial profession, all to be selected by the members mentioned above.
- (iii) The President of the Supreme Court, the President of the Appeals Court and the Attorney-General shall be permanent members of the Council. The duration of service of the non-permanent members and the manner of establishment of sub-committees in the Council shall be determined by law.

ARTICLE 122:

- (i) The Supreme Court shall have, in addition to the Afe Negus, Judges whose number shall be determined by law. The Afe Negus shall be nominated and presented to the National Assembly for confirmation after which he shall be appointed by the Emperor. The Afe Negus shall not be removed from his post unless he is incapacitated by illness or impeached and discharged by the National Assembly; he may not be transferred from his judicial post except by his own wish.

- (ii) The judges of the Supreme Court, the Appeals Court and the courts of first instance shall be selected by the Supreme Administrative Council for Judges. This shall not, however, affect the provisions contained in Chapter VIII about local administration.

- (iii) Judges shall not be dismissed, punished for disciplinary infringements or transferred unless by the decision of the Supreme Administrative Council for Judges or by a sub-committee thereof. They shall not be transferred from the judicial profession without their consent.

ARTICLE 123:

Judges shall be of exemplary high character and must have sufficient knowledge of and experience in the laws. The law shall determine the salary, duration of service, retirement benefits, retirement age, and any other matters that concern judges.

ARTICLE 124:

The Afe Negus shall prepare the rules of procedure and administrative regulations for the courts and execute his administrative duties accordingly. He shall prepare the annual budget and present it to the executive branch for inclusion in the Government budget. He shall also hire, transfer, promote, and generally control court employees.

ARTICLE 125:

Judges shall sit in public unless the evidence or the rulings themselves are considered by the judges to threaten public order or affect public morals, in which event they may sit in camera.

ARTICLE 126:

The conditions for the setting up and the powers and duties of martial courts shall be determined by law.

CHAPTER VI

The Economy and Finance

ARTICLE 127:

Ethiopian money shall be reckoned in Ethiopian dollars. It is in the power of the National Bank of Ethiopia, in accordance with the law, to coin, print and issue money. The expending of foreign currency reserves and the control of commercial banks and other financial institutions will be executed according to the provision of the law. The Governor of the National Bank shall be selected and appointed by the Council of Ministers.

ARTICLE 128:

- (i) No tax or duty shall be collected, imposed, increased, reduced or abolished, except by law. Nor shall any exemption from tax or duty be granted except by law. Government organizations or departments

may require, in accordance with the law, the necessary payments for any services they provide.

- (ii) The imposition of taxes and duties shall be such as will correct the great gap between low and high income earners.

ARTICLE 129:

Public revenues shall not be expended except as determined by fiscal law. The fiscal year shall be fixed by law. The Council of Ministers shall present to the National Assembly, through the Prime Minister, a draft law for the approval of the programmes, revenues and expenditures for the following fiscal year.

ARTICLE 130:

Each of the Chambers shall examine the projects and draft legislation of the budget and vote on expenditures item by item. The National Assembly shall, under no circumstances, approve expenditures exceeding the total sum set down in the draft legislation of the budget for expenditures. The allowance for unforeseen expenses shall under no circumstances exceed seven percent of the total ordinary and capital expenditures of the budget. The National Assembly shall submit the budget to the Council of Ministers at least one month before the beginning of the new fiscal year. The law shall determine the conditions for transferring ordinary expenditures to capital expenditure, and head expenditures or sub-head expenditures to other head expenditures or subhead expenditures. Fiscal law may provide for the expenditure of a limited amount of capital, especially for development purposes, for a period of up to three fiscal years.

ARTICLE 131:

The budget for the previous year shall continue in force in the event that the new draft budget, proposed in accordance with Article 130, is not proclaimed before the beginning of the new fiscal year.

ARTICLE 132:

If additional funds are urgently required in the course of any fiscal year, the Council of Ministers shall, through the Prime Minister, present a proposed supplementary budget to the National Assembly. The National Assembly shall make a final resolution on the proposal within one month of receiving it.

ARTICLE 133:

- (i) No loan, pledge, guarantee, or collateral therefore, may be contracted for by any governmental organization, government-chartered or board-run government organization, provincial administrative council or city council, or any share company 51 percent or more of which is government-owned. This Article shall not affect the loans given and payments made by banks for commercial transactions.
- (ii) The Government may prepare long-term and short-term Treasury bills in accordance with the law.

ARTICLE 134:

Within five months after the end of every fiscal year, the Council of Ministers shall present to the National Assembly a detailed report concerning the financial standing of the Government and the receipts from, and expenditures on, the programmes undertaken under the budget up to the last day of the said year. The report shall be immediately referred to the Auditor General, who shall, within four months, present his comments thereupon to the National Assembly. The National Assembly shall discuss, and resolve on, the comments of the Auditor General.

ARTICLE 135:

There shall be an Auditor General nominated by the Council of Ministers and be selected by a majority vote of the National Assembly. He shall be a person who is known to be of the highest character, as well as possessing the requisite knowledge and capacity. He shall be responsible only to the National Assembly. The length of this service and the kind and nature of his duties shall be determined by law.

CHAPTER VII

Property

ARTICLE 136:

- (i) The Government has the duty to find ways to enable every Ethiopian to be economically self-reliant.
- (ii) Every Ethiopian who supports himself by farming shall have the right to hold, privately or collectively, Government land and to use the same in accordance with the provision of the law.
- (iii) As all land is a free commodity and the common property of all Ethiopians, the Government shall establish by law, according to the environment, the maximum and minimum land size that may be held privately or collectively.
- (iv) Everyone has the right, within the limits of the law, to own property. The requirements for expropriation of such property deemed necessary for public use shall be established by law. However, no property shall be expropriated without the payment of a legally-determined just compensation.

ARTICLE 137:

- (i) All the land, sea, air-space, rivers, valleys, coastal area, harbours, forests, natural resources and minerals beneath the waters and in the sub-soil, wild animals, birds and sea-creatures are Government property to be used for the collective benefit of the Ethiopian people. Their ownership shall not be transferred to any individual or organization.
- (ii) The possessory rights in land held by the Government and not held,

privately or collectively, by any person or organization, land abandoned, or land the tax on which is unpaid and expropriated, may be transferred to an individual or organization for development. However, it shall remain Government property and ownership shall under no circumstances be transferred.

(iii) Since the natural resources referred to in Article 136, and in this Article, are a sacred trust for the present and succeeding generations of Ethiopia, the conservation, care and the manner of exploitation for the benefit of the whole population, in accordance with the law, is the duty of the Government.

ARTICLE 138:

(i) Since the Government has the duty to direct and expand all organizations providing essential basic services to the society, it shall determine by law the conditions for the further expansion and distribution, and where necessary, for the administration and ownership by the Government of organizations providing electric power, communication, transport, water, and dam services.

(iii) The Government shall, in due recognition of the industrial, agricultural, commercial and other products contributed by owners of private property, accord them the necessary aid and protection.

ARTICLE 139:

Since all traditional and historical objects and sites held by the Government, by private persons, or by religious or other organizations are a sacred trust of the Ethiopian people, the Government shall, in accordance with the provision of the law, make a record of these objects and sites and provide the necessary controls and protection.

CHAPTER VIII

Provinces and Cities

ARTICLE 140:

Provinces and cities shall have the authority to administer themselves. They shall also have, in accordance with the provisions of the legislation for local administration, administrative, judicial and legislative authority within their boundaries.

ARTICLE 141:

The legislation for local administration of provinces and cities shall assign the said provinces and cities tasks, including the following:

- (i) electing members of the National Assembly, and appointing judges for courts of first instance;
- (ii) administering economic and social development works;
- (iii) expanding the means of internal communication and transportation;

- (iv) providing health, educational and other public services;
- (v) insuring the internal security;
- (vi) establishing in their councils the rules and procedures of administration; and
- (vii) collecting taxes and any other revenues.

ARTICLE 142:

Provinces and cities shall receive from the Government additional funds that may be necessary for the execution of the works assigned them by law.

CHAPTER IX

The Ombudsman

ARTICLE 143:

The National Assembly shall appoint an Ombudsman to receive complaints, or examine on its own initiative, administrative malpractices and report these to the relevant authority. He shall be responsible only to the National Assembly and he shall be of the highest character and have appropriate qualifications.

ARTICLE 144:

The Ombudsman shall have the authority to set up his own office, to administer his staff in accordance with the laws relating to the civil service, and to collect information from any person or organization. He shall issue special reports on any important matter, and present an annual report to the Prime Minister and to the National Assembly.

ARTICLE 145:

The Ombudsman shall be independent in the performance of his work. The Ombudsman shall not be removed from his office unless he is impeached and removed from office by the National Assembly, or is relieved of his office by the National Assembly for incapacity due to failure of health. He shall not be transferred to another post except at his own wish.

ARTICLE 146:

The salary, duration of service, retirement benefits, and retirement age of the Ombudsman, and the organization of his office and his rights and duties shall be determined by law.

CHAPTER X

General Provisions

ARTICLE 147:

Members of the National Assembly and of the Council of Ministers, judges, provincial and city officials, the General Auditor, the Ombudsman and