

Long live Ethiopia!!

The English version

**The New Constitution of Federal
Democratic Republic of Ethiopia**

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**The New Constitution of
the Federal Democratic
Republic of Ethiopia
Adapted 1 September 2016 E. C.**

Hige-Ethiopia

IN THE NAME OF THE ALMIGHTY GOD

Preamble

- 1) We, the People of Ethiopia, the source of constitutional authority IN EXERCISE of our natural and inalienable right to establish a framework of government. This constitution shall secure our freedom for ourselves and posterity, the blessings of liberty, equality of opportunity and prosperity. We will continue in a spirit of friendship, and peace with all peoples of the world.
- 2) We, the people of Ethiopia committed IN SOLEMN declaration and affirmation of our commitment to; Freedom, Justice, Probity, and Accountability. The Principle that all powers of Government spring must come from the Sovereign Will of the People. The Principle of Universal Adult Suffrage; the claim of universal suffrage, The Rule of Law; The protection and preservation of Fundamental Human Rights and Freedoms,

Unity and Stability for our Nation; DO at this moment ADOPT, for our tranquility.

- 3) We, the Peoples of Ethiopia; Strongly committed, in full and free exercise of our rights founded on the rule of law and capable of ensuring everlasting peace, guaranteeing a democratic order, and advancing our economic and social development. We firmly convinced that the fulfillment of this objective requires full respect of individual and people's fundamental freedoms and rights, to live together by equality and without any sexual, religious or cultural discrimination. Also, we convinced that by continuing to live with our rich and proud cultural legacies in our country. We fully recognized that our common destiny could best be served by rectifying historically unjust relationships and by further promoting our shared interests. We Convinced that to live as one economic community as necessary to create sustainable and mutually supportive conditions for ensuring respect for our rights and freedoms and the collective promotion of our interests. We determined to consolidate, as an everlasting legacy, the peace and the prospect of a democratic order in which our struggles and sacrifices have brought this constitution for a referendum to the Ethiopian people.

- 4) Our new constitution purpose to keep us as an instrument that can bind us in a mutual commitment to fulfill the objectives and the principles set forth for the Federal Democratic Republic Government of Ethiopia.
- 5) We, the People of Ethiopia Unanimous Declaration of the thirteen (13) Provinces and Addis Ababa Administration. In the course of human events, it is necessary for one people to dissolve the political bands. People have connected them with another and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and Nature's God entitle them, a decent respect to the opinions of humanity requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal, that they endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. People must know how to secure these rights. Also, the Government can institute among Men and Women driving their rights. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient

causes; and accordingly, all experience hath shewn, that humanity is more disposed to suffer, while evils are sufferable than to the right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing to the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. Such has been the patient sufferance of this necessity which constrains them to alter their former Systems of Government to **ሕገ-ኢትዮጵያ** (HigE-Ethiopia) Adapted 1 September 2016 E. C.

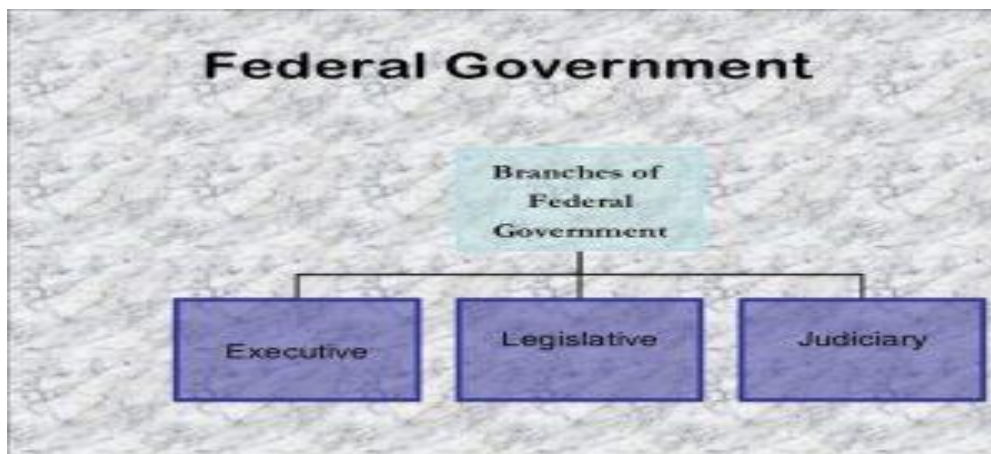
Federalism:

The Federalism system of the Ethiopian Government based on the equal distribution for all 13 States of Ethiopia and the administration of Addis Ababa. The government system in the world for any country can classify into two types of governments. Either it can be a federal government or can be a unitary government (Centralism). It is important to understand the differences between these two types of government due to different forms of relationships that exist between the center and the units or the states.

1) The federal government is a type of national government in which the government has powers to delegates the power to other elected members of the States. The Ethiopian constitution based on the federalism form of the constitutional model.

2) The unitary (Centralism) government is a kind of government system in which a single power, which is known as the central government, controls the whole government. We the people of Ethiopia, do not want to adopt our constitution resembling the form of the Unitary (Centralism) Government system model.

The Ethiopian Federal Government



The federal government is a type of national government in which the government has powers to delegates the power to other elected members of the States. There can be two levels of the federal government in a country either it is performing through common institutions or powers as prescribed by a constitution of the state. It is opposite to the unitary government. In the federation or federal government, provinces enjoy some rights as are available

to the independent states. However, international diplomacy, national security, foreign affairs and other kinds of international dealings solely made by the federal government. It can be in the form of a federal republic and a federal monarchy government. Currently, there are 27 federations in the world. Pakistan, India, Brazil, Switzerland, Sudan, etc. are examples of federal republic government while Australia, Belgium, Canada, etc., are examples of federal monarchy government. Mostly the federal government system is referred to as the United States government. This government based on republicanism and federalism. In the federal system, power jointly shared between the provinces and federal governments. In the federal government system, the powers never rest with one national government. However, there can be certain powers and authorities that remain totally with the federal government like policies on defense, budget, international diplomacy, etc. The hierarchy of power in the federal government system starts from the federal level and then cascades to the state and the local level. It is a new government system as compared to the unitary and confederal systems of government that were popular before the introduction of the federal government. The power of the federal always remains superior to state power. The federal institutions can interfere in the matters of province-level in case of violation of the federal laws or Constitution. In short, the federal government can say for a system of

government where there is an institutionalized division of authority between national (federal) and subnational units (province). **What is the Rule of law?** The rule of law is an ambiguous term that can mean different things in different contexts. In one context the term means rule according to law.

No individual can be ordered by the government to pay civil damages or suffer criminal punishment except in strict accordance with well established and clearly defined laws and procedures.

In a second context, the term means rule under law.

No branch of government is above the law, and no public official may act arbitrarily or unilaterally outside the law.

In a third context, the term means rule according to a higher law.

The government may enforce no written law unless it conforms with certain unwritten, universal principles of fairness, morality, and justice that transcend human legal systems.

Under the rule of law, no person may prosecute for an act that is not punishable by law.

When the government seeks to punish someone for an offense was not deemed criminal the time it was committed, the rule of law violated because the government exceeds its legal authority to punish.

The rule of law requires that the government impose liability only insofar as the law will allow.

Government exceeds its authority when a person is held to answer for an act that was legally permissible at the outset but was retroactively made illegal.

For similar reasons, the rule of law abridged when the government attempts to punish someone for violating a vague or poorly worded law. Defined laws confer too much discretion upon government officials who charged with the responsibility of prosecuting individuals for criminal wrongdoing.

The most prosecutorial decisions based on the personal discretion of a government official, the less they based on law.

The rule of law also requires the government to exercise its authority under

the law This requirement sometimes explained

with the phrase; "No one is above the law." Including the President.

CHAPTER ONE

GENERAL PROVISIONS

Adapted On 1 September 2016.

Article 1

Nomenclature of the State

This Constitution establishes as the Federal Democratic Republic of Ethiopia.

Accordingly, the Ethiopian state shall be known as the Federal Democratic Republic of Ethiopia. The Constitution of Ethiopia divides the federal government into three branches to make sure no individual or group will have too much power, and to **check and balance** the government power.

- A) Legislative—Makes laws (Congress—House of Representatives and Senate)
- B) B) Executive—Carries out laws (President, Vice President, Cabinet, most federal agencies)
- C) Judicial—Evaluates laws (Supreme Court and other courts)

The Ethiopian president has no veto power of legislation created by Congress. The Ethiopian Congress has the power to confirm or reject the President's nominees and can remove the President from office in exceptional circumstances.

Justices of the Supreme Court

Ethiopia has a 7 seven direct elected by the people of Ethiopia Supreme Court Justices. All 7 Justices of the Supreme Court of Ethiopia, must clear or free from the affiliation of any political groups or parties.

Legislative Branch

- 1) The legislative branch of Ethiopia can draft proposed laws that confirm or rejects Presidential nominations for heads of federal agencies.
- 2) The legislative branch of Ethiopia has the authority to declare war. This branch comprises Congress (the Senate and House of Representatives) and specialized agencies and offices that provide support services to Congress.
- 3) Ethiopian citizens have the right to vote for Senators and Representatives through free, confidential ballots.

Senate

There are three elected Senators per province and from Addis, Ababa administration totaling 42 Senators. A Senate term is six years and can run for re-election every six years.

House of Representatives

There are many elected Representatives, which divided among the 13 provinces and Addis Ababa administration in proportion to their total population.

A Representative serves a two-year term and can run for re-election every two years.

Article 2

Ethiopian Territorial Jurisdiction

- 1) The territorial jurisdiction of Ethiopia shall comprise the territory of the members of the province's external boundaries shall be as determined by international agreements according to its map that registered during the league of the nations.
- 2) The northeast of Ethiopian territory must base on the 2 February 1950 United Nations resolution 390 V. in New York general assembly.

- 3) According to the 2 February 1950 the United Nations resolution, 390 V states that if Eritrea decides to withdraw from Ethiopia, Eritrea **must cede** the port of Asseb to Ethiopia.
- 4) The northeast of Ethiopian territory is the **Red Sea** including a **port of Asseb**, and **Islands of Dahlak's** according to United Nations fifth general assembly decision on its resolution 390 V.

Article 3

The Ethiopian Flag

The Ethiopian flag shall consist of **green** at the top, **yellow** in the middle and **red** at the bottom, and shall have **no emblem at the center**. The three colors shall be set horizontally in equal dimension.



Article 4

Executive Branch

President

Executive Qualifications & Responsibilities

- 1) Ethiopian presidential election system based on **One Vote One Man** only.
The executive branch carries out and enforces laws. It comprises the President, Vice President, the Cabinet, executive departments, independent agencies, and other boards, commissions, and committees.
- 2) Ethiopian citizens have the right to vote for the President and Vice President through free, confidential ballots.
- 3) Candidates for the presidential race must come according to article 39 through the winning process of a) **Democratic Party**, b) **Hizbawi Party**, and c) **Federal Party** only. No ethnic name is allowed to use for the presidential race.
- 4) No gender discrimination is allowed for Ethiopian presidential candidacy.
- 5) The President must be at least 35 years old, and a natural-born of Ethiopia, or born abroad.

- 6) People directly can elect the President without the Electoral College. In this constitution, the Electoral College is not allowed. The President of Ethiopia can elect to a **four-year, and cannot serve more than two elected terms.**
- 7) The chief duty of the President is to ensure the laws of the nation faithfully executed.
- 8) This duty largely performed through appointments for thousands of Federal Government positions, including secretaries of cabinet-level agencies except federal Government judges. The President has no power to sign any veto (reject) laws passed by Congress. However, the president can make treaties with foreign governments (with Senate approval).
- 9) President has no authority to declare any war. Only Congress can declare war.

The roles of the executive branch

President

The President leads the country. He or she is the head of state, leader of the federal government. The President serves a four-years and can be elected no more than two terms.

Vice President

- 1) The Vice President supports the President. If the President is unable to serve, the Vice President becomes President.
- 2) The vice president serves as the presiding officer of the Senate.
- 3) The Vice President would become President if the office vacated.
- 4) A federal court can prosecute the president or vice president for any misdemeanor case. If they fail guilty, Congress can remove them by 2/3 (two-thirds) vote.
- 5) If the president and vice president die by accident, the speaker of the house can act as president of the nation.

The Cabinet

- 1) Cabinet members of Ethiopia serve as advisors to the President. They include the Vice President, heads of executive departments, and other high-ranking government officials. The President nominates cabinet members and must approve by a simple majority of the Senate vote.
- 2) The Executive Office of the President communicates the President's message and deals with the federal budget, security, and other high priorities.

- 3) Executive Departments of these are the main agencies of the federal government. The heads of these agencies are also members of the President's cabinet.
- 4) Executive Department Sub-Agencies Smaller sub-agencies support specialized work within their parent executive department agencies.
- 5) Independent Agencies, these agencies are not represented in the cabinet and are not part of the Executive Office of the President. They deal with government operations, the economy, and regulatory oversight.
- 6) Boards, Commissions, and Committees Congress or the President establish these smaller organizations to manage specific tasks and areas that don't fall under parent agencies.
- 7) Quasi-Official (liquid assets) of Ethiopia Agencies Although they're not officially part of the executive branch, these agencies are required by federal statute to release certain information about their programs and activities in the Federal Register, the daily journal of government activities.

Judicial Branch

- 1) The judicial branch of Ethiopia interprets the meaning of laws, applies laws to individual cases, and decides if laws violate the Constitution. It comprised of the Supreme Court and other federal courts.

Supreme Court

- 1) The Supreme Court of Ethiopia is the highest court in the country.
- 2) The Justices of the Supreme Court directly elected by the people of Ethiopia.
- 3) Seven members make up the Supreme Court a Chief Justice. There must be a minimum or quorum of four to decide a case. If there is an even number of Justices and a case results in a tie, the lower court's decision stands.
- 4) The Justices of the Supreme Court of Ethiopia serve for six years and can run for re-election every six years.

Federal Courts and Judicial Agencies

- 1) The Constitution gives Congress the authority to establish other federal courts to handle cases that involve federal laws including tax and bankruptcy, lawsuits involving federal and provincial governments or the Constitution, and more. Other federal judicial agencies and programs support the courts and research judicial policy.

Governor

Governors' Powers and Authority

Governors, all of whom are popularly elected, serve as the chief executive.

As province managers, governors are responsible for implementing province laws and overseeing the operation of the province executive branch. As provincial leaders, governors advance and pursue new and revised policies and programs using a variety of tools, among them executive orders, executive budgets, and legislative proposals and with **no** vetoes.

Governors carry out their management and leadership responsibilities and objectives with the support and assistance of department and agency heads, many of whom they are empowered to appoint. A majority of governors have the authority to appoint state court judges as well, in most cases from a list of names submitted by a nominations committee.

Although governors have many roles and responsibilities in common, the scope of gubernatorial power varies from province to province by province constitutions, legislation, and tradition, and governors often are ranked by political historians and other observers of province politics according to the number and extent of their powers. Ranking factors may include the following.

Although not necessarily a ranking factor, the power to issue executive orders and take emergency actions is a significant gubernatorial responsibility that varies from province to province.

Qualifications

- 1) Ethiopian governor race system also based on **One Vote One Man system** only.
- 2) Candidates for the governor race must come according to article 39 through the winning process of **a) Democratic Party, b) Hizbawi Party, and c) Federal Party** only. No ethnic name is allowed to use for the presidential race.
- 3) No gender discrimination is allowed for governor candidacy.
- 4) The governor must be at least 35 years old, and a natural-born of that province or resident of that province.
- 5) People directly can elect the governor without the Electoral College. The governor of the province can be eligible for a four-year, and cannot serve more than two elected terms.
- 6) The chief duty of the governor is to ensure the laws of the nation faithfully executed.

- 7) This duty of governors largely performed through appointments for thousands of Federal Government positions, including secretaries of cabinet-level agencies except federal and provincial judges.

Term Limits

Gubernatorial terms are **four years** in every state.

Vacancies/Succession

In the event of a vacancy in the office, the lieutenant governor is the designated official who succeeds the governor in all provinces and officials designated to succeed the governor include the secretary of province and leader of the province.

Impeachment

All provinces provide for the impeachment of governors. As in the case of the federal government, the impeachment process starts with the lower body of the legislature and the trial is conducted by the upper body in every province charged with the full impeachment process. In most cases, impeachment requires a majority of members, while conviction generally requires a two-thirds or other special majority.

In case a governor is impeached, the lieutenant governor serves as acting governor.

Legislative Role

- 1) *The Ethiopian Governors* play two broad roles in province legislatures.
- 2) **First**, they *may be empowered to call special legislative sessions*, provided in most cases that the purpose and agenda for the sessions set in advance.

Second, and more familiarly, *governors coordinate and work with provincial legislatures in Approval of Provinces Budgets and Appropriations*.
- 3) Governors develop and submit annual or biennial budgets for review and approval by the legislature. Governors must encourage their budget staff to play a strong role in establishing priorities for the use of provinces' resources.

Enactment of Legislation

- 1) Governors often use to outline their legislative platforms, and many governors prepare specific legislative proposals to introduce on their behalf. Also, provincial departments and agencies may pursue legislative initiatives with gubernatorial approval.
- 2) Executive branch officials often are called to testify on legislative proposals, and governors and other executive branch leaders will seek **to mobilize**

public opinion and interest groups for or opposition to specific legislative proposals.

- 3) Governors may use their role as party leaders to encourage support for legislative initiatives, and along with department heads and staff may seek to influence the progress of legislation through regular meetings with legislators and legislative officials.

Confirmation of Appointments

Many gubernatorial appointments require legislative confirmation.

Legislative Oversight

Governors interact with their legislatures to help ensure that their priorities, goals, and accomplishments accurately presented and positively received during oversight hearings and other legislative activities that address and evaluate executive branch implementation of legislatively mandated programs and services.

Appointment Power

- 1) Most governors have broad authority to nominate officials to serve in province executive branch positions many of whom will include in the governor's advisory committee, known as the "cabinet." Governors may be empowered as well to make appointments except for the provincial judgeships under the Ethiopian Law.

- 2) Frequently, these appointments are subject to confirmation by one or both houses of the province's legislature. While often session, the confirmation process on executive branch appointments can be used by legislatures to expand their influence on governors and their policies. Accordingly, many governors consult with key legislators before making formal nominations.

Boards and Commissions

- 1) The roles played by boards and commissions vary considerably by province and by the program. In some provinces appointed boards to have the primary responsibility for individual programs and agencies and are responsible for the selection of department and agency heads. This particularly true in the field of education, but boards still retain responsibility for a broad range of other programs in fields such as labor, transportation and health and human services.
- 2) Other boards play more limited regulatory or advisory roles. In most provinces boards oversee the licensing and regulation of numerous professions and business areas. In other provinces, they advise the governor on areas of importance such as the environment and economic development.

Executive Branch Positions Independently Selected

A large number of provinces provide for the independent selection of certain executive branch positions. Most noteworthy among these positions are lieutenant governor, secretary of the province, attorney general, and treasurer.

Cabinets

- 1)** Provincial cabinets of Ethiopia, which serve as advisory councils to the nation's governors, generally are made up of officials appointed by the governor to head province departments and agencies, and in some cases top-level staff in the governor's immediate office.
- 2)** In most provinces, the cabinet fulfills two functions in some provinces, governors have created sub-cabinets to bring together agencies to address issues such as the needs of children.
- 3)** 13 provinces and Addis Ababa administration shall all of the commonwealths have cabinets and sub-cabinets.
- 4)** Cabinets themselves may have their origin in law, tradition, and the governor's discretion.
- 5)** Cabinet membership may be a product of appointment to a specific office or be subject to selection by the governor.

- 6) Cabinet size and the frequency of cabinet meetings and formality and extent to which a governor uses his or her cabinet for advice and assistance varies among the provinces, commonwealths.

Executive Orders

- 1) The authority of governors based on the issue of executive orders found in the province constitutions.
- 2) Provinces as well as case law, or implied by the powers assigned to provincial chief executives.
- 3) Governors use executive orders certain of which are subject to legislative review in some provinces for a variety of purposes.
- 4) Trigger emergency powers during natural disasters, energy crises, and other situations requiring immediate attention; create an advisory, coordinating, study, or investigative committees or commissions; and address management and administrative issues such as regulatory reform, environmental impact, hiring freezes, discrimination, and intergovernmental coordination.

Emergency Powers

- 1) As chief executive, governors are responsible for ensuring their adequate province preparation for emergencies and disasters of all types and sizes.
- 2) Most emergencies and disasters handled at the local level, and few require a presidential disaster declaration or attract worldwide media attention.
- 3) Governors must be prepared for the day-to-day event, floods, power outages, industrial fires, and hazardous materials spill as for catastrophes on the scale of province focus on four stages of a disaster or emergency management.
- 4) These components afford a useful rubric for thinking about the cycle of disasters and emergencies and for organizing recommendations for province action. During an emergency, the governor also plays a key role in communicating with the public during an emergency, providing advice and instructions and maintaining calm and public order.
- 5) Provincial emergency management laws usually define how a governor may declare an end in a state of emergency. In some cases, the necessary response to a disaster is beyond the capacity of state and local governments. A province may petition the President to declare a major disaster. The declaration of a major disaster triggers a variety of federal programs depending on the scope of the disaster and the type of losses experienced.

Legislative Qualifications & Responsibilities

Legislature

- 1) Legislators of Ethiopia can propose and enact public policy, and set a budget and provide for the collection of taxes to support the province and local government.

State Senator

- 1) The Senator of Ethiopia has **one** member from each legislative district in the province.
- 2) Senators elected for four-year terms, and approximately one-half the membership of the Senate is up for election each even-numbered year.
- 3) The Senator's only exclusive duty is to confirm appointments made by the governor.
- 4) Provincial Representative in the House of Representatives has **two** from each legislative district in the province.
- 5) Representatives elected for two-year terms, so the total membership of the House is up for election each even-numbered year.

Article 5

Supreme Court

- 1) Federal Supreme Court located in Addis Ababa is the highest judiciary in the country.
- 2) State Supreme Court justices hear appeals and decide cases from Courts of Appeals and other lower courts.
- 3) **Seven** justices are elected statewide to serve **six-years**. **Seven** Justices are elected every **six** years.
- 4) Court of Appeals Judge Court of Appeals Judges hear appeals from Superior Courts.
- 5) Court of Appeals Judges serves **six-years**.
- 6) Superior Court Judge Superior Courts hear felony criminal cases, civil matters, divorces, juvenile cases, and appeals from lower-level courts.
- 7) County organizes superior Courts into districts.
- 8) Superior Court Judges can serve for six years only; however, they can run for reelection at their term ends.

Article 6

National Anthem of Ethiopia

The national anthem of Ethiopia, to be determined by law, shall reflect the ideals of the Constitution, the Commitment of the Peoples of Ethiopia to live together in a democratic order and of their common destiny.

Article 7

Languages

All Ethiopian languages shall enjoy equal province's recognition. However, the Amharic language shall be the working language of the Federal Government of Ethiopia.

Article 8

DUAL CITIZENSHIP

- 1) Any person of either sex shall be an Ethiopian national where both or either parent is Ethiopian.
- 2) A citizen of Ethiopia can hold the citizenship of any other country in addition to his/her citizenship of Ethiopia.

CHAPTER TWO

FUNDAMENTAL PRINCIPLES

OF THE CONSTITUTION

Article 9

The sovereignty of the people

1. All sovereign power resides in the Peoples of Ethiopia.
2. This Constitution (Hige-Ethiopia) is an expression of Ethiopian people's sovereignty equally for men and women.
3. Their sovereignty shall be expressed through their representatives elected by this Constitution and through their direct democratic participation.

Article 10

The supremacy of the Constitution

- 1) Our New Constitution (Hige-Ethiopia) is the Supreme Law of the Land.
- 2) Any law, customary practice or a decision of an organ of the province or a public official which contravenes this Constitution shall be of no effect.

- 3) All citizens, organs of the province, political organizations, other associations as well as their officials including the president must ensure observance of the Constitution and to obey it.
- 4) It is prohibited to assume province power in any manner other than that provided under the Constitution.
- 5) All international agreements ratified by Ethiopian Congress are an integral part of the law of the land.

Article 11

Human and Democratic Rights

- 1) Human rights and freedoms, emanating from the nature of humanity, are inviolable and inalienable.
- 2) Human and democratic rights of citizens and peoples shall be respected.

Article 12

Separation of State and Religion

1. Government and religion are separate.
2. There shall be no Government religion.

3. The Government shall not interfere in religious matters and religion shall not interfere in government affairs.

Article 13

Conduct and Accountability of Government

1. The conduct of affairs of government shall be **transparent**.
2. Any public official or an elected representative is accountable for any failure in official duties.
3. In the case of loss of confidence, the people may recall an elected representative.

CHAPTER THREE

FUNDAMENTAL RIGHTS AND FREEDOMS

Article 14

The scope of Application and Interpretation

1. All-Province legislative, executive and judicial organs at all levels shall have the responsibility and duty to respect and enforce the provisions of this Chapter.

2. The fundamental rights and freedoms specified in this Chapter shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and International instruments.

PART 1

HUMAN RIGHTS

Article 15

Rights to life

The Security of Person and Liberty Every person has the inviolable and inalienable right to life the security of person and liberty.

Article 16

Right to Life

Every person has the right to life. No person may deprive of his life except as a punishment for a serious criminal offense determined by law

Every person has the security right to protection against bodily harm.

Article 17

Right to Liberty

No one shall be deprived of his or her liberty except on such grounds and by such procedure as are established by law. No person may subject to arbitrary arrest, and no person may detain without a charge or conviction against him.

Article 18

The prohibition against Inhuman Treatment

- 1)** Everyone has the right to protection against 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.

Article 19

The right of Persons Arrested

- 1)** Persons arrested have the right to be informed promptly, in a language they understand, of the reasons for their arrest and any charge against them.
- 2)** Persons arrested have the right to remain silent. Upon arrest, they have the right to be informed promptly, in a language they understand, that any statement they make may use as evidence against them in court.
- 3)** Persons arrested have the right to be brought before a court within 48 hours of their arrest. Such time shall not include the time reasonably required for the journey from the place of arrest to the court. On appearing before a court, they have the right to be given a prompt and specific explanation of the reasons for their arrest due to the alleged crime committed.
- 4)** All persons have an inalienable right to petition the court to order their physical release where the arresting police officer or the law enforcer fails to bring them before a court within the prescribed time and to provide reasons for their arrest. Where the interest of justice requires, the court may order the arrested person to remain in custody or, when requested remand him for a time strictly required to carry out the necessary investigation. In determining the additional time necessary for the investigation, the court shall ensure that

the responsible law enforcement authorities carry out the investigation respecting the arrested person's right to a speedy trial.

- 5) Persons arrested shall not be compelled to make confessions or admissions which could use in evidence against them. Any evidence obtained under coercion shall not be admissible.
- 6) Persons arrested have the right to be released on bail. In exceptional circumstances prescribed by law, the court may deny bail or demand an adequate guarantee for the conditional release of the arrested person.

Article 20

Rights of Persons Accused

- 1) Accused persons have the right to a public trial by an ordinary court of law within a reasonable time after having been charged. The court may hear cases in a closed session only to (or "intending to") protecting the right to privacy of the parties concerned, public morals and national security.
- 2) Accused persons have the right to be informed with sufficient particulars of the charge brought against them and to be given the charge in writing.

- 3) During proceedings, accused persons have the right to be presumed innocent until proved guilty according to law and not to be compelled to testify against themselves.
- 4) Accused persons have the right to full access to any evidence presented against them, to examine witnesses testifying against them, to adduce or to have evidence produced in their defense, and to obtain the attendance of an examination of witnesses on their behalf before the court.
- 5) Accused persons have the right to be represented by legal counsel of their choice, and, if they do not have sufficient means to pay for it and miscarriage of justice would result, to be provided with legal representation at province expense.
- 6) All persons have the right to appeal to the competent court against an order or a judgment of the court which first heard the case.
- 7) They have the right to request the assistance of an interpreter at province expense where the court proceedings conducted in a language they do not understand.

Article 21

The Rights of Persons Held in Custody and Convicted Prisoners

- 1) All persons held in custody and persons imprisoned upon conviction and sentencing have the right to treatments respecting their human dignity.
- 2) All persons shall have the opportunity to communicate with, and to be visited by, their spouses or partners, close relatives, friends, religious councilors, medical doctors and their legal counsel.

Article 22

Non-retroactivity of Criminal Law

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

- 2) Notwithstanding the provisions of sub-Article 1 of this Article, a law promulgated after the commission of the offense shall apply if it is advantageous to the accused or convicted person.

Article 23

Prohibition of Double Jeopardy

No person shall be liable to be tried or punished again for an offense for which he has already been finally convicted or acquitted by the criminal law and procedure.

Article 24

Prohibition and Crime

- 1) Drank and drive are constitutionally crime and prohibited under the Ethiopian Law.
- 2) No smoke, No drink under 21 years old. It is constitutionally crime and prohibited under the Ethiopian Law.
- 3) Parents are not entitled to their children defaulted crime unless they involved in the same crime.

Article 25

Right to Honor and Reputation

- 1)** Everyone has the right to respect for his human dignity, reputation, and honor.
- 2)** Everyone has the right to the free development of his personality in a manner compatible with the rights of other citizens.
- 3)** Everyone has the right to recognition everywhere as a person.

Article 26

Right to Equality

All persons are equal before the law and entitle without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protection without discrimination on the grounds of social origin, color, sex, language, religion, political or another opinion, property, birth or another status.

Article 27

Right to Privacy

- 1) Everyone has the right to privacy. This right shall include the right not to be subjected to searches of his home, person or property, or the seizure of any property under his possession.
- 2) Everyone has the right to the inviolability of his notes and correspondence including postal letters, and communications made using the telephone, telecommunications, and electronic devices.
- 3) Public officials shall respect and protect these rights. No restrictions may be placed on the enjoyment of such rights except in compelling circumstances and by specific laws whose purposes shall be the safeguarding of national security or the public peace, the prevention of crimes or the protection of health, public morality or the rights and freedoms of others.

Article 28

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 community with others, and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.
- 2) Without prejudice to believers may establish institutions of religious education and administration to propagate and organize their religion.
- 3) No one shall be subject to coercion or other means which would restrict or prevent his freedom to hold a belief of his choice except, breaking our long-time culture because Ethiopia is a country of culture, respects Christianity and Muslim's religious beliefs equally.
- 4) Parents and legal guardians have the right to bring up their children ensuring their religious and moral education in conformity with their convictions.
- 5) 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, peace, health, education, public morality or the fundamental rights and freedoms of others, and to ensure the independence of the Province from religion.

Article 29

Crimes against Humanity

- 1)** Criminal liability of persons who commit crimes against humanity, so defined by international agreements ratified by Ethiopia and by other laws of Ethiopia, such as genocide, summary executions, forcible disappearances or torture.
- 2)** Ethiopia shall adhere to INTERNATIONAL RELATIONS in its dealings with other nations.
- 3)** The government of Ethiopia must promote and protect the interests of Ethiopians.
- 4)** The government of Ethiopia shall seek the establishment of justice and equitable international economic and social order.
- 5)** The government of Ethiopia shall promote respect for international law, treaty obligations and the settlement of international disputes by peaceful means and International law.

- 6)** The government of Ethiopia shall adhere to the principles enshrined in international organizations, international human rights treaties, the Charter of the United Nations, the Charter of the Organization of African Unity, the Commonwealth, the Treaty of the IGAD Countries, and any other international organization of which Ethiopia is a member.

PART 2

DEMOCRATIC RIGHTS

Article 30

The 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 of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any media of his choice.
- 3)** Freedom of the press and other mass media and freedom of artistic creativity is guaranteed. Freedom of the press shall specifically include the

following elements: a. The prohibition of any form of censorship is to access 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 operational independence and its capacity to entertain diverse opinions.
- 5) Any media financed by or under the control of the State shall be operated in a manner ensuring its capacity to entertain diversity in the expression of opinion.
- 6) These rights can be limited only by laws that are guided by the principle that freedom of expression and information cannot limit on account of the content or effect of the point of view expressed. Legal limitations can be laid down to protect the well-being of the youth and the honor and reputation of individuals. Any propaganda for war, as well as the public expression of opinion intended to injure human dignity, shall be prohibited by law.
- 7) Any citizen who violates any legal limitations on the exercise of these rights may be held liable under the law.

Article 31

The Right of Assembly, Demonstration, and Petition

- 1) Everyone had the right to assemble and to demonstrate together with others peaceably and unarmed, and to petition. Appropriate regulations may make in the interest of public convenience relating to the location of open-air meetings and the route of movement of demonstrators or, for the protection of democratic rights, public morality, and peace during such a meeting or demonstration.
- 2) This right does not exempt from liability under laws enacted to protect the well-being of the youth or the honor and reputation of individuals, and laws prohibiting any propaganda for war and any public expression of opinions intended to injure human dignity.

Article 32

Freedom of Association

- 1) Every person has the right to freedom of association for any cause or purpose.

- 2) Ethiopian organizations formed appropriately by-laws, legally or constitutionally can promote a freedom activity peacefully.

Article 33

Freedom of Movement

- 1) Any Ethiopian or foreign national lawfully in Ethiopia has, within the national territory, the right to liberty of movement and freedom to choose his residence, as well as the freedom to leave the country at any time he/she wishes.
- 2) Any Ethiopian national has the right to return to his country.
- 3) It eliminates migration and young Ethiopians suffrage; all opportunities doors are open to all Ethiopians to travel to any place at any time throughout the world without any bureaucratic process delay.
- 4) All Ethiopians can possess their travel document by themselves without their parents accompanying requirements at their neighboring offices, at any time to go abroad without any governmental permeation.

- 5) The government of Ethiopia must set an agreement for free entry/exit visas for all Ethiopians with all embassies who located in Ethiopia to stop the migration problem, or our young generation suffrage.

Article 34

Rights of Nationality

- 1) No Ethiopian national shall deprive of his or her Ethiopian nationality against his or her will. The marriage of an Ethiopian national of either sex to a foreign national shall not annul his or her Ethiopian nationality.
- 2) Every Ethiopian national has the right to the enjoyment of all rights, protection, and benefits derived from Ethiopian nationality as prescribed by law.
- 3) Any national has the right to change his Ethiopian nationality.
- 4) Ethiopian nationality may confer upon foreigners by a law enacted and procedures established consistent with international agreements.

Article 35

Marital, Personal and Family Rights

- 1)** Marriage shall be between men and women, without any discrimination as to race, or religion.
- 2)** Ethiopians have equal rights while entering into, during the marriage and at the time of divorce.
- 3)** Ethiopian constitution shall be enacted to ensure the protection of rights and interests of children at the time of divorce.
- 4)** Marriage shall be entered into only with the free and full consent of the intending spouses.
- 5)** The family is the natural and fundamental unit of society and is entitled to protection by society and the government.
- 6)** Under the Ethiopian constitution, marriage is the union of one man and one woman only.
- 7)** Under the Ethiopian constitution, marriage prohibited for under 18 years old, or no marriage permitted under 18 years old.

Article 36

Rights of Women

- 1) Women shall, in the enjoyment of rights and protections provided for by this Constitution, have an equal right with men.
- 2) Women have equal rights with men in marriage as prescribed by this Constitution.
- 3) The historical legacy of inequality and discrimination suffered by women in Ethiopia taken into account, women, to remedy this legacy, are entitled to affirmative measures. The purpose of such measures shall be to provide special attention to women to enable them to compete and participate by equality with men in political, social and economic life as well as in public and private institutions.
- 4) The province shall enforce the right of women to eliminate the influences of harmful customs. Laws, customs, and practices that oppress or cause bodily or mental harm to women are prohibited.
- 5) 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 well-being of the child and

family. (b) Maternity leave may, by the provisions of law, include prenatal leave with full pay.

- 6)** Women have the right to the full consultation in the formulation of national development policies, the designing, and execution of projects, and particularly in the case of projects affecting the interests of women.
- 7)** Women have the right to acquire, administer, control, use and transfer property. In particular, they have equal rights with men on use, transfer, administration, and control of the land. They shall also enjoy equal treatment in the inheritance of property.
- 8)** Women shall have a right to equality in employment, promotion, pay, and the transfer of pension entitlements.
- 9)** To prevent harm arising from pregnancy and childbirth and to safeguard their health, women have the right of access to family planning education, information, and capacity.
- 10)** Under the Ethiopian constitution, female genital mutilation is illegal, and it is a federal government crime.
- 11)** Under the Ethiopian constitution, any person mutilates his daughter will be punished by three years in prisons and 5,000 Birr fine.

Article 37

Rights of Children

- 1) Every child has the right to life, to a name and nationality, to know and be cared for by his or her parents or legal guardians, not to be subject to exploitative practices, neither to be required nor permitted to perform work which may be 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 reasonable for the care of children.
- 2) In all actions concerning children undertaken by public and private welfare institutions, courts of law, administrative authorities or legislative bodies, the primary consideration shall be in the best interest of the child.
- 3) Juvenile offenders admitted to corrective or rehabilitative institutions, and juveniles who become wards of the State or who placed in public or private orphanages shall be kept separately from adults.
- 4) Children born out of wedlock shall have the same rights as children born out of wedlock.

- 5) The Province shall accord special protection to orphans and shall encourage the establishment of institutions that ensure and promote their adoption and advance their welfare, and education.

Article 38

The right of Access to Justice

- 1) Everyone has the right to bring a justiciable matter to and to obtain a decision or judgment by, a court of law or any other competent body with judicial power.
- 2) The decision or judgment referred to under sub-Article 1 of this Article may also be sought by (a) Any association representing the Collective or individual interest of its members, or (b) Any group or person who is a member of, or represents a group with similar interests.

Article 39

The Right to Vote and to be elected

ORGANIZATION OF POLITICAL PARTIES

- 1) Under the Ethiopian new constitution, the right to form political parties is at this moment guaranteed only for the **three parties**. These are:
A) **Hizbawi Party**, B) **Democratic Party**, C) **Federal Party**.

- 2) Under Ethiopian constitution, is strictly prohibited as a crime, no political party shall be formed (a) on ethnic, gender, religious, regional, professional or other sectional divisions; or (b) which uses words, slogans or symbols which could arouse ethnic, gender, religious, regional, professional or other sectional divisions.
- 3) Every Ethiopian national, without any discrimination based on color, race, sex, language, religion, political or other opinion or another status, has the following rights: (a) To take part in the conduct of public affairs. Act directly through freely chosen representatives. (b) On the attainment of 18 years of age, to vote in accordance with law; (c) To vote and to be elected at periodic elections to any office at any level of government; elections shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.
- 4) The right of everyone to be a member of his own will in a political organization, labor union, a trade organization, or employers' or professional association shall be respected if he or she meets the special and general requirements stipulated by such organization.

Article 40

The Land of Ethiopia

Right to Property/Land ownership

- 1) Every Ethiopian citizen has the right to ownership of private property.

Unless prescribed otherwise by law on account of public interest, this right shall include the right to acquire, to use and, in a manner compatible with the rights of other citizens, to dispose of such property by sale or bequest or to transfer it otherwise.

- 2) "Private property", for the purpose of this Article, shall mean any tangible or intangible product which has value and is produced by the labor, creativity, enterprise or capital of an individual citizen, associations which enjoy juridical personality under the law, or in appropriate circumstances, by communities specifically empowered by 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 provinces and the peoples of Ethiopia. The land is a common property of the Peoples of Ethiopia.
- 4) Ethiopian peasants have the right to obtain land without payment and the protection against eviction from their possession.
- 5) Ethiopian pastoralists have the right to free land for grazing and cultivation as well as the right not to be displaced from their lands.
- 6) Without prejudice to the right of Ethiopian Peoples to the ownership of land, the government shall **not** ensure the right of private investors to the use of Ethiopian land by payment arrangements or by the lease.
- 7) Every Ethiopian shall have the full right to the immovable property he builds, and to the permanent improvements he brings about on the land by his labor or capital. This right shall include the right to alienate, to

bequeath, and, where the right of use expires, to remove his/her property, to sell his/her land, transfer his title, or claim compensation for it.

- 8)** All the rural Lands are belonging to the Ethiopian tenants only; that includes the tenants' cooperation's, and family farmers.
- 9)** All the Ethiopian farmers' labor must transform into the tractors, and the harvest is combining machines' power to produce enough foods for the Ethiopian consumers under the full sponsorship of the Ethiopian government; with equal distribution to all 13 provinces of Ethiopia.
- 10)** Under this constitution, all the current land investors' foreigners, including diaspora individuals must hand over their land, including all farming materials to the De Jure government of the Federal Democratic Republic of Ethiopia immediately; as soon as the De Facto government of TPLF regime become an end.
- 11)** The Ethiopian provinces shall take appropriate measures to promote the development of agriculture and industry.
- 12)** Foreign investment shall be encouraged within Ethiopia, subject to any law for the time being in force regulating investment in Ethiopia.
- 13)** The province shall afford equality of economic opportunity to all citizens; and, in particular, the province shall take all necessary steps to

ensure the full integration of women into the mainstream of the economic development of Ethiopia.

- 14)** The province shall guarantee the ownership of property and the right of inheritance. A) Right to own property b) Right to transfer property.
- 15)** The province shall recognize that ownership and possession of land carry a social obligation to serve the larger community and, in particular, the province shall recognize that the managers of public, stool, skin and family lands are fiduciaries charged with the obligation to discharge their functions for the benefit respectively of the people of Ethiopia.
- 16)** The province shall take appropriate measures needed to protect and safeguard the national environment for posterity; and shall seek co-operation with other provinces and bodies for purposes of protecting the wider international environment for humanity.
- 17)** The province Shall Protect the environment, safeguard the health, safety, and welfare of all persons in employment, and shall establish the basis for the full deployment of the creative potential of all Ethiopians.
- 18)** 11. The province shall encourage the participation of workers in the decision-making process at the workplace.

Article 41

Economic, Social and Cultural Rights

- 1)** Every Ethiopian has the right to engage freely in economic activity and to pursue a livelihood of his/her choice anywhere within the national territory.
- 2)** Every Ethiopian has the right to choose his or her means of livelihood, occupation, and profession.
- 3)** Every Ethiopian national has the right to equal access to publicly funded social services.
- 4)** The province must allocate ever-increasing resources to provide to the public health, education and other social services.
- 5)** The province shall, within available means, allocate resources to provide rehabilitation and assistance to the physically and mentally disabled, the aged, and to children who left without parents or guardians.
- 6)** The province shall pursue policies that aim to expand job opportunities for the unemployed and the poor and shall accordingly undertake programmers and public works projects.
- 7)** The province shall undertake all measures necessary to increase opportunities for citizens to find gainful employment.

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

Article 42

Rights of Labor

- 1) A) Factory and service workers, farmers, farm laborers, other rural workers, and government employees whose work compatibility allows for it and who are below a certain level of responsibility, have the right to form associations to improve their conditions of employment 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 (c) of this sub-Article have the right to express grievances, including the right to strike. (c) Law shall determine government employees who enjoy

the rights provided under paragraphs (a) and (b) of this sub - Article. (d)

Women workers have the right to equal pay for equal work.

- 2) Workers have the right to reasonable limitation of working hours, to rest, to leisure, to periodic leaves with pay, to remuneration for public holidays as well as a healthy and safe work environment.
- 3) Without prejudice to the rights recognized under sub - Article 1 of this Article, laws enacted for the implementation of such rights shall establish procedures for the formation of trade unions and the regulation of the collective bargaining process.

Article 43

The Right to Development

- 1) The Peoples of Ethiopia as a whole, in Ethiopia, in particular, have the right to improved living standards and sustainable development.
- 2) The people of Ethiopia have the right to participate in national development and, in particular, to be consulted concerning policies and projects affecting their community.

- 3) All international agreements and relations concluded, established or conducted by the province shall protect and ensure Ethiopia's right to sustainable development.
- 4) The basic aim of development activities 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 displaced or whose livelihoods have been adversely affected as a result of province programmers have the right to commensurate monetary or alternative means of compensation, including relocation with adequate province assistance.

CHAPTER FOUR

SOCIAL OBJECTIVES

Article 45

- 1) The province shall endeavor to secure and protect a social order founded on the ideals and principles of freedom, equality, justice, probity, and accountability.
- 2) This Constitution shall direct its policy towards ensuring to every citizen to have equality of rights, obligations, and opportunities before the law.

Article 46

States of the Federal Democratic Republic of Ethiopia

- 1) The Federal Democratic Republic shall comprise of 13 provinces and Addis Ababa administration.
- 2) 13 The provinces of Ethiopia shall not have limited by the settlement patterns, language, identity and consent of the peoples concerned.

Article 47

Member Provinces of the Federal Democratic Republic of Ethiopia

Member provinces of the Federal Democratic Republic of Ethiopia are the following:

provinces	their capital cities
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- | | | |
|-----|-------------------------------|-------------|
| 1) | The province of Arsi..... | Assela |
| 2) | The province of Bale..... | Goba |
| 3) | The province of Gamogofa... | Arbaminch |
| 4) | The province of Begemidr..... | Gondar |
| 5) | The province of Gomam..... | Debremarkos |
| 6) | The Province of Harerge..... | Harar |
| 7) | The province of Ilubabor..... | Metu |
| 8) | The Province of Keffa..... | Jimma |
| 9) | The Province of Shewa..... | Addis Ababa |
| 10) | The province of Sidamo | Hawassa |
| 11) | The province of Tigray... | Mekele |
| 12) | The province of Wolega... | Nekemt |
| 13) | The province of Wollo..... | Dessie |

Administrations equivalent to provinces

- 1)** Addis Ababa administration Addis Ababa
- 2)** Afar administration..... Asseb
- 3)** Gambela administration..... Gambela
- 4)** Ogaden administration..... JiJiga

All member provinces and administrations of the Federal Democratic Republic of Ethiopia shall have equal rights with equal distribution and powers.



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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.
- 3)** The Administration of Addis Ababa shall be responsible for the democratically elected Mayor and democratically elected city Councils' of Addis Ababa.
- 4)** Residents of Addis Ababa shall by the provisions of this Constitution, represented in the House of Peoples' Representatives and Senates.

CHAPTER FIVE

THE STRUCTURE AND DIVISION OF POWERS

Article 50

The Structure of the Organs of Ethiopian provinces

1) The Federal Democratic Republic of Ethiopia comprises the *Federal* and the *province* members.

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

These delegates are democratically elected either a) Hizbawi, Democratic, or *Federal* parties only.

3) The House of Peoples' Representatives is the highest authority of the Federal Government of Ethiopia. The House is responsible to the People. The province Council is the highest organ of province authority. It is responsible to the People of the province.

4) Province government shall establish at the province and other administrative levels that they find necessary. Adequate power shall be granted to the lowest units of government to enable the People to participate

directly in the administration of such units. Each province can pledge **3 Senators** and **one house representative** from each province district to Addis Ababa for four years' services.

- 5)** The province Council has the power of legislation on matters falling under provincial jurisdiction. Consistent with the provisions of this Constitution, the Council has the power to draft, adopt and amend the province constitution.
- 6)** The province administration constitutes the highest organ of executive power.
- 7)** Province judicial power is vested in its courts.
- 8)** This Constitution defines the Federal Government and provinces' powers. The provinces shall respect the powers of the Federal Government. The Federal Government shall likewise respect the powers of the provinces.

Article 51

Powers and Functions of the Federal Government

- 1)** It shall protect and defend the Constitution.
- 2)** It shall formulate and implement the country's policies, strategies, and plans with respect to overall economic, social and development matters.
- 3)** It shall establish and implement national standards and basic policy criteria for public health, education, science, and technology as well as for the protection and preservation of cultural and historical legacies.
- 4)** It shall formulate and execute the country's financial, monetary and foreign investment policies and strategies.
- 5)** It shall enact laws for the utilization and conservation of land and other natural resources, historical sites and objects.
- 6)** It shall establish and administer national defense and public security forces as well as a Federal Government police force.
- 7)** 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.

- 8)** It shall formulate and implement foreign policy; it shall negotiate and ratify international agreements.
- 9)** It shall be responsible for the development, administration, and regulation of air, rail, waterways and sea transport and major roads linking two or more provinces, as well as for postal and telecommunication services.
- 10)** It shall levy taxes and collect duties on revenue sources reserved to the Federal Government; it shall draw up, approve and administer the Central Government's budget.
- 11)** It shall determine and administer the utilization of the waters or rivers and lakes linking two or more provinces or crossing the boundaries of the national territorial jurisdiction.
- 12)** It shall regulate inter-province and foreign commerce.
- 13)** It shall administer and expand all centrally funded institutions that provide services to two or more provinces.
- 14)** It shall deploy, at the request of a provincial administration, Federal Government defense forces to arrest a deteriorating security situation within the requesting State when its authorities are unable to control it.

- 15)** It shall enact, to give practical effect to political rights provided for in this Constitution, all necessary laws governing political parties and elections.
- 16)** It has the power to declare and to lift the national state of emergency and province of emergencies limited to certain parts of the country.
- 17)** It shall determine matters relating to nationality.
- 18)** It shall determine and administer all matters relating to immigration, the granting of passports, entry into and exit from the country, refugees, and asylum.
- 19)** It shall patent inventions and protect copyrights.
- 20)** It shall establish uniform standards of measurement and calendar.
- 21)** It shall enact laws regulating the possession and bearing of arms.

Article 52

Powers and Functions of Provinces

- 1)** All powers not given expressly to the Federal Government alone, or concurrently to the Federal Government and the province reserved to the provinces.

2) Provinces shall have the following powers and functions: To establish a province administration that best advances self-government; a democratic order based on the rule of law; and to protect and defend the Federal Government Constitution. Also, to enact and execute the state constitution, and other laws, to formulate and execute economic, social and development policies, strategies and plans for the province. Additionally, to administer land and other natural resources by Federal laws. Also, to levy and collect taxes and duties on revenue sources reserved. The provinces can to draw up and administer the province budget, enact and enforce laws on the provincial civil service and their condition of work; in the implementation of this responsibility, it shall ensure that educational; training and experience requirements for any job, title or position approximate national standards, to establish and administer a provincial police force, and to maintain public order and peace within the province.

CHAPTER SIX

THE Federal GOVERNMENT HOUSES

Article 53

- 1) The Federal Government Houses there shall be two Federal Government Houses: The **House of Peoples' Representatives** and the House of the **Federal Government**.
- 2) The House of Peoples' Representatives shall convict in all cases especially,
 - a) treason, b) felony c) breach of the peace.
- 3) The federal government house of people's representatives be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Article 54

THE HOUSE OF PEOPLES' REPRESENTATIVES

- 1) The People shall elect members of the House of Peoples' Representatives for a term of four years by universal suffrage and by direct, free and fair elections held by secret ballot.
- 2) Members of the House shall be elected from candidates in each electoral district by a plurality of the votes cast. Law shall make provisions for special representation for Peoples.
- 3) Members of the House are representatives of the Ethiopian People as a whole. They governed by the Constitution, the will of the people; and c. Their Conscience. No member of the House may prosecute on account of any vote he casts or opinion he expresses in the House, nor shall any administrative action be taken against any member on such grounds.
- 4) No member of the House may be arrested or prosecuted without the permission of the House except in the case of flagrant delicto (conspicuously bad or abuse of power).
- 5) A member of the House may, by law, lose his mandate of a representation upon loss of confidence by the electorate.

- 6)** The House of Peoples' Representatives shall have the power of legislation in all matters assigned by this Constitution to Central Government jurisdiction.
- 7)** The House of Peoples' Representatives shall enact specific laws on the following matters: (a) Utilization of land and other natural resources, of rivers and lakes, (b) Inter-province commerce and foreign trade; (c) Air, rail, water, and sea transport, major roads linking two or more province, postal and telecommunication services; (d) Enforcement of the political rights established by the Constitution and electoral laws and procedures; (e) Nationality, immigration, passport, exit from and entry into the country, the rights of refugees and of asylum; (f) Uniform standards of measurement and calendar; (g) Patents and copyrights; (h) The possession and bearing of arms.
- 8)** The House of Peoples' Representatives shall enact civil laws that the House of the Federal Government deems necessary to establish and sustain one economic community.
- 9)** The House of Peoples' Representatives shall determine the organization of national defense, public security, and a national police force. If the conduct

of these forces infringes upon human rights and the nation's security, it shall carry out investigations and take necessary measures.

- 10)** In conformity with Constitution, it shall declare a state of emergency; The House of Peoples' Representatives shall consider and resolve on a decree of a state of emergency declared by the executive. 9. By a draft law submitted to it by the Council of Ministers, it shall proclaim a province of war.
- 11)** The House of Peoples' Representatives shall approve general policies and strategies of economic, social and development, and fiscal and monetary policy of the country. It shall enact laws on matters relating to the local currency, the administration of the National Bank, and foreign exchange.
- 12)** The House of Peoples' Representatives shall levy taxes and duties on revenue sources reserved to the Federal Government; it shall ratify the Federal Government budget.
- 13)** The House of Peoples' Representatives shall ratify international agreements concluded by the executive.
- 14)** The House of Peoples' Representatives shall approve the appointment of the Federal Government judges, members of the Council of

Ministers, commissioners, the Auditor General, and other officials whose appointment is required by law to be approved by it.

- 15)** The House of Peoples' Representatives shall establish a Human Rights Commission and determine by law its powers and functions.
- 16)** The House of Peoples' Representatives shall establish the institution of the Ombudsman (A government official appointed to investigate complaints made by individuals against abuse public officials), and select and appoint its members. It shall determine by law the powers and functions of the institution.
- 17)** The House of Peoples' Representatives shall, on its initiative, request a joint session of the House of the Federal government and the House of Peoples' Representatives to take appropriate measures when province authorities are unable to arrest violations of human rights within their jurisdiction. It shall, by the joint decision of the House, give directives to the concerned State authorities.
- 18)** The House of Peoples' Representatives has the power to call and to question **the President** and other **Federal Government officials** and to **investigate the Executive's** conduct and discharge of its responsibilities.

- 19)** The House of Peoples' Representatives shall, at the request of one-third of its members, discuss any matter about the powers of the executive. It has, in such cases, the power to take decisions or measures it deems necessary.
- 20)** The House of Peoples' Representatives shall elect the Speaker and Deputy Speaker of the House.
- 21)** Adoption of Laws deliberated upon and passed by the House shall submit to the Nation's President for signature. 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 55

Budget

- 1)** The province shall take all necessary action to ensure that the national economy is managed in such a manner as to maximize the rate of economic development and to secure the maximum welfare, freedom, and happiness of every person in Ethiopia and to provide adequate means of livelihood and suitable employment and public assistance to the needy.

- 2) The province shall, in particular, take all necessary steps to establish a sound and healthy economy, and a guarantee of fair and realistic remuneration for production and productivity to encourage continued production and higher productivity.
- 3) Affording ample opportunity for individual initiative and creativity in economic activities and fostering an enabling environment for a pronounced role of the private sector in the economy.
- 4) The right to establish a business, ensuring that individuals and the private sector bear their fair share of social and national responsibilities including responsibilities to contribute to the overall development of the country.
- 5) Constitute project to the balanced development of all regions and every part of each region of Ethiopia, and, in particular, improving the conditions of life in the rural areas, and generally, redressing any imbalance in development between the rural and the urban areas.

Article 56

Speaker of The House

- 1) The Speaker of the House exercises duties as a Member of Congress, as presiding officer of the House of Representatives, and

as leader of the majority political party in the House. These responsibilities include voting on legislation, administrative duties such as maintaining order within the House chamber, and other tasks such as appointing special committees.

- 2) The Speaker of the House is **PRESIDING OFFICER OF THE HOUSE OF REPRESENTATIVES.**
- 3) The Speaker of the House's duties as presiding officer of the House, including administering the oath of office to Members, calling the House to order, preserving order and decorum within the House chamber and galleries, recognizing members to speak on the House floor, and making rulings about House procedures.
- 4) The Speaker usually delegates some of these administrative duties to other members of the majority party, such as acting as Speaker *pro tempore* and leading House legislative sessions.
- 5) Also, the Speaker appoints members and chairpersons of regular committees, special or select committees, conference committees, and designates a majority of the Committee on Rules. The Speaker also determines which legislation assigned to each committee and which legislation reaches the House floor for a vote. Furthermore, the Speaker determines the House legislative agenda, in consultation

with party leaders, committee chairpersons, the president, and the Senate.

- 6) The Speaker presides over all joint sessions with the Senate because these official gatherings usually held in the House of Representatives.
- 7) The Speaker of the House **LEADER OF THE MAJORITY PARTY IN THE HOUSE OF REPRESENTATIVES**. It means the Speaker is held responsible for passing legislation supported by the majority party.
- 8) The Speaker usually has a less prominent role as party leader when the president belongs to the same party. In contrast, the Speaker's prominence and public role typically increase when he or she is from a different political party than the president.

Article 57

Meetings of the House, Duration of its Term

- 1) The presence of more than half of the members of the House constitutes a quorum.
- 2) The annual session of the House shall begin on Monday of the final week of the Ethiopian month of **Meskerem** and end on the 30th day of the

Ethiopian month of **Sene**. The House may adjourn for one month of recess during its annual session.

3) The House of Peoples' Representatives shall be elected for a term of **four** years.

4) The Speaker of the House may call a meeting of the House when it is in recess. The Speaker of the House is also obliged to call a meeting of the House at the request of more than one-half of the members.

5) Meetings of the House shall be public. The House may, however, hold a closed meeting at the request of the Executive or members of the House if such a request supported by a decision of more than one-half of the members of the House.

Article 58

Member of House

Prohibition of Simultaneous Membership in the Two Houses No one may be a member of the House of Peoples' Representatives and the House of the Federal Government simultaneously.

Article 59

Democratic Republic of Ethiopia

The President

- 1) There shall be a President of the Democratic Republic of Ethiopia who shall be the Head of State and Head of Government.
- 2) The President shall take precedence over all other persons in Ethiopia; and in descending order, the Vice-President, the Speaker of the house.
- 3) Without prejudice of this Constitution, and subject to the operation of the prerogative writs.
- 4) The President shall be liable to proceedings in any court for the performance of his functions, or for any act done or omitted to be done, or purported to be done, or purported to have been done or purporting to do in the performance of his functions, under this Constitution or any other law.
- 5) The President shall not, while in office as President, be personally liable to any civil or criminal proceedings in court.
- 6) The executive authority of Ethiopia shall vest in the President and shall be exercised by the provisions of this Constitution.

- 7) The executive authority of Ethiopia shall not extend to the execution and maintenance of this Constitution and all laws made under this Constitution.
- 8) The President shall not leave Ethiopia without prior notification in writing, signed by him and addressed to the Speaker of the house.

Article 60

Presidential Election and Oat

- 1) **President of Ethiopia shall be elect nationally every four years through the “one man one vote” rule.**

2) The Oath of Office:

I do solemnly swear that I will faithfully execute the Office of President of the Democratic Republic of Ethiopia, and will to the best of my ability, preserve, protect and defend the Constitution of the Democratic Republic of Ethiop

Article 61

Powers of the Democratic Republic of Ethiopia

President

1) Appoint Ambassadors and Officers; the President's appointments can

include public ministers and consuls, ambassadors to foreign countries, cabinet members, all officers whose appointments not otherwise provided for in the Constitution. Some of the presidentially-appoint positions also require the candidates to go through the Senate confirmation process.

2) Grant Commissions and Call Special Sessions of Congress; the President

also has the power to fill vacancies that may happen during a Senate recess. These commissions expire at the end of the next Senate session.

3) Grant Reprieves and Pardons; the President has the power to grant

reprieves and pardons to people for federal crimes. A reprieve temporarily postpones punishing a person for his or her crimes while a pardon forgives the crime and the penalty for the crime. Reprieves and pardons do not need the approval of Congress. Many presidents issue pardons as they exit the office.

4) Make Treaties; the Constitution grants the President the power to make treaties, or formal agreements, with other nations. These treaties might take place as the ending points for wars or conflicts. The President must receive consent from two-thirds of the Senate to make a treaty official and actionable.

5) Emergency Powers; the most common inherent powers are emergency powers, exercised only in times of great need. Some emergency powers are limited in scope. The president can declare a place devastated by a storm in a federal disaster area, making it eligible for federal aid. Other emergency powers are much faster in scope.

Article 62

Powers and Functions of the House of the Federal Government

- 1)** The House has the power to interpret the Constitution.
- 2)** It shall organize the Council of Constitutional Inquiry.

- 3) It shall promote the equality of the Peoples of Ethiopia enshrined in the Constitution and promoted and consolidated their unity based on their mutual consent.
- 4) It shall exercise the powers concurrently entrusted to it and the House of Peoples' Representatives.
- 5) It shall strive to find solutions to disputes or misunderstandings that may arise between States.
- 6) It shall determine the division of revenues derived from joint Federal Government and provincial tax sources and the subsidies that the Federal Government may provide to the province.
- 7) It shall determine civil matters which require the enactment of laws by the House of Peoples' Representatives.
- 8) It shall order Federal intervention if any State, in violation of this Constitution, endangers the constitutional order.
- 9) It shall establish permanent and ad hoc committees.
- 10) It shall elect the Speaker and the Deputy Speaker of the House, and it shall adopt rules of procedure and internal administration.

Article 63

Immunity of Members of the House of the Federal Government

- 1)** No member of the House of the Federal Government may prosecute on account of any vote he casts or opinion he expresses in the House, nor shall any administrative action be taken against any member on such grounds.
- 2)** No member of the House of the Federal Government may be arrested or prosecuted without the permission of the House.

Article 64

Decisions and Rules of Procedure

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

Article 65

Federal Government budget

1. Budget the House of the Federal Government shall submit its budget for approval to the House of Peoples' Representatives.

Article 66

Foreign relations of Ethiopia

The fundamental principles that guide Ethiopia's foreign policy are contained in Ethiopia's Constitution to provide the broad principles underpinning her foreign policy as follows:

- 1)** Promotion and protection of the interest of Ethiopia.
- 2)** The establishment of justice is equitable international, economic, political and social order.
- 3)** The promotion of respect for international law is a treaty of obligations.
- 4)** The promotion of the settlement of the international dispute is through peaceful means.

- 5)** Adherence to the principles enshrined in the Charter and aims or ideals of the United Nations, the African Union, and IGAD.
- 6)** Promote policies of foreign relations based on the protection of national interests and respect for the sovereignty of the country.
- 7)** Promote mutual respect for national sovereignty and equality of states and non-interference in the internal affairs of other states.
- 8)** Ensure the foreign relation policies of the country are based on mutual interests and equality of provinces as well as that international agreement promote the interests of Ethiopia.
- 9)** Observe international agreements that ensure respect for Ethiopia's sovereignty and are not contrary to the interests of its Peoples.
- 10)** Forge and promote ever-growing economic union and fraternal relations of Peoples with Ethiopia's neighbors and other African countries.
- 11)** Seek and support peaceful solutions to international disputes.

Article 67

Principles for National Defense Separation from the President's Power.

- 1) Under this Ethiopian constitution ((ሕገ ኢትዮጵያ), the Ethiopian president power and the military is separated.
- 2) The Minister of Ethiopian Defense shall be a civilian.
- 3) This Ethiopian Constitution (ሕገ ኢትዮጵያ) separated all responsibilities of federal and provincial of Ethiopian military services, placing their responsibilities firmly under the Ethiopian congress's civilian hands, separating from federal or provincial President's power.
- 4) The composition of the national armed forces shall reflect the equitable representation of the Peoples of Ethiopia. Pledge the security services forces for all 13 provinces and Addis Ababa administration equally.
- 5) The armed forces shall protect the sovereignty of the country and carry out any responsibilities as may be assigned to them under any provincial emergency declared by the Ethiopian Constitution (ሕገ ኢትዮጵያ). The armed forces shall at all times obey and respect the Ethiopian Constitution (ሕገ ኢትዮጵያ).

- 6) The armed forces shall carry out their functions free of any partisanship to any political organization(s) or affiliation.
- 7) According to the Ethiopian constitution (ሕገ ኢትዮጵያ) unlawful possession or carrying of firearms is punishable with imprisonment.
- 8) Using or attempting to use arms when committing a scheduled offense because of people's identity, tribe, or clan discrimination is punishable with death; and this kind of criminal case to prosecute against someone, can pursue without any time limitation.

Article 68

Political principles for Provinces-Federal Relations

- 1) The Ethiopian Constitution governs the relationship and authority of the province and the federal government. Federal action should be limited to situations in which constitutional authority for action is clear and certain; unless the national interest is at risk, federal action should not preempt additional province action.
- 2) The federal government is delegated certain enumerated powers while all other powers not otherwise prohibited by the Constitution reserved to the province. However, it is vital that the National Governors Association works to preserve and promote a balanced relationship between the province.
- 3) Federal action should be limited to problems that are truly national in scope. Preservation of province securities regulation, and the management of province personnel programs.

- 4) Congress should not interfere with provincial revenue systems. The independent ability of provinces to develop their revenue systems is a basic tenet of self-government and our federalist system. The federal government should not enact any legislation or adopt any regulation that would preempt, either directly or indirectly, sources of state revenues, province tax bases, or provincial taxation methods.
- 5) The judicial branch should respect province authority. Avoiding federal preemption of state laws and policies also extends to the judicial branch.
- 6) Provinces should be actively involved in a cooperative effort to develop policy and administrative procedures. The federal government should respect the authority of provinces to determine the allocation of administrative and financial responsibilities within provinces by province constitutions and statutes. Federal legislation should not encroach on this authority.
- 7) Provinces should be given the flexibility to transfer a limited amount of funds from one grant program to another or to administer related grants in a coordinated manner. Federal funds should provide maximum state flexibility without specific set-asides.
- 8) Federal reporting requirements should minimize. The federal government should not dictate the province or local government organization.

CHAPTER SEVEN

CHAPTER THE EXECUTIVE

Article 69

Economic Objectives

- 1) The government shall have the duty to formulate policies that ensure that all Ethiopians can benefit from the country's legacy of intellectual and material resources.
- 2) The government must ensure that all Ethiopians get equal opportunity to improve their economic condition and to promote equitable distribution of wealth among them.
- 3) The government shall take measures to avert any natural and human-made disasters, and, in the event of disasters, to provide timely assistance to the victims.
- 4) The government shall provide special assistance to the People least advantaged in economic and social development.
- 5) The government must hold, on behalf of the People, land and other natural resources and to deploy them for their common benefit and development.
- 6) The government shall at all times promote the participation of the People in the formulation of national development policies and

programmers; it shall also have the duty to support the initiatives of the People in their development endeavors.

- 7) The government shall ensure the participation of women inequality with men in all economic and social development endeavors.
- 8) The government shall endeavor to protect and promote the health, welfare and living standards of the working population of the country.

Article 70

Social Objectives

- 1) To the extent of the country's resources permit, policies shall aim to provide all Ethiopians with access to public health and education, clean water, housing, food, and social security.
- 2) Education shall provide in a manner that is free from any religious influence, political partisanship or cultural prejudices.

Article 71

Cultural Objectives

- 1) The government shall have the duty to support, by equality, the growth, and enrichment of cultures and traditions that are compatible with fundamental rights, human dignity, democratic norms and ideals, and the provisions Constitution.

- 2) The government and all Ethiopian citizens shall have the duty to protect the country's natural endowment, historical sites, and objects. The government shall have the duty, to the extent of its resources permit, to support the development of the arts, science, and technology.

Article 72

Environmental Objectives

- 1) The government shall endeavor to ensure that all Ethiopians live in a clean and 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 implementations of environmental policies and projects that affect them directly.
4. Government and citizens shall have the duty to protect the environment.

Article 73

Declaration of State Emergency

- 1) The Council of Ministers of the Federal Government shall have the power to decree a State emergency, should an external invasion, a breakdown of

law and order which endangers the Constitutional order and which cannot be controlled by the regular law enforcement agencies and personnel, a natural disaster, or an epidemic occur.

- 2) Provincial executives can decree a Province-Wide state of State emergency should a natural disaster, or an epidemic occur. Particulars shall be determined in province Constitutions as promulgated in conformity with this Constitution.
- 3) A state of emergency declared by sub-Article 1(a) of this Article: (a) declared when the House of Peoples' Representatives is in session; the decree shall be submitted to the House within forty-eight hours of its declaration. The decree, if not approved by a two-thirds majority vote of members of the House of Peoples' Representatives, shall be repealed forthwith. (b) Subject to the required vote of approval set out in (a) of this sub Article, the decree declaring a state of emergency when the House of Peoples' Representatives is not in session shall be submitted to it within fifteen days of its adoption.
- 4) A state of emergency decreed by the Council of Ministers, if approved by the House of Peoples' Representatives, can remain in effect up to six months. The House of Peoples' Representatives may, by a two-thirds majority vote, allow the state of the emergency proclamation to be renewed every four months successively.
- 5) When a state of emergency is declared, the Council of Ministers shall, by regulations it issues, have all necessary power to protect the country's peace and sovereignty and to maintain public security, law, and order.

Article 74

Financial Expenditures

- 1)** The Federal Government and the provinces shall respectively bear all financial expenditures necessary to carry out all responsibilities and functions assigned to them by law. Unless otherwise agreed upon, the financial expenditures required for the carrying out of any delegated function by a province shall bear by the delegating party.

- 2)** The Federal Government may grant to state emergency, rehabilitation and development assistance, and loans, due care taken that such assistance and loans do not hinder the proportionate development of provinces. The Audit general of the Federal Government shall have the power to audit and inspect the proportionate development of provinces.

Article 75

Federal Revenue

- 1.** Revenue, the Federal Government, and the provinces shall share revenue taking the federal arrangement into account.

Article 76

The Federal Government Power of Taxation

- 1)** The Federal Government shall levy and collect customs duties, taxes and other charges on imports and exports.
- 2)** It shall levy and collect income tax on employees of the Federal Government and international organizations.
- 3)** It shall levy and collect income, profit, sales and excise taxes on enterprises owned by the Federal Government.
- 4)** It shall tax the income and winnings of national lotteries and other games of chance.
- 5)** It shall levy and collect taxes on the income of air, rail and sea transport services.

- 6) It shall levy and collect taxes on income of houses and properties owned by the Federal Government; it shall fix rents.
- 7) It shall determine and collect fees relating to licenses issued and services rendered by organs of the Federal Government.
- 8) It shall levy and collect taxes on monopolies.
- 9) It shall levy and collect Federal Government stamp duties.

Article 77

State Power of Taxation

- 1) Provinces shall levy and collect income taxes on employees of the provinces and private enterprises.
- 2) Provinces shall determine and collect fees for land rights.
- 3) Provinces shall levy and collect taxes on the incomes of private farmers and farmers incorporated in cooperative associations.
- 4) Provinces shall levy and collect profit and sales taxes on individual traders carrying out business within their territory.
- 5) Provinces shall levy and collect taxes on income from transport services rendered on waters within their territory.

- 6) They shall levy and collect taxes on income derived from private houses and other properties within the province. They shall collect rent on houses and other properties they own.
- 7) Provinces shall levy and collect profit, sales, excise and personal income taxes on income of enterprises owned by the provinces.
- 8) Provinces shall levy and collect taxes on income derived from mining operations, and royalties and land rentals on such operations.
- 9) They shall determine and collect fees relating to licenses issued and services rendered by province organs.
- 10) They shall fix and collect a royalty for the use of forest resources.

Article 78

Concurrent Power of Taxation

- 1) The Federal Government and the provinces shall jointly levy and collect profit, sales, excise and personal income taxes on enterprises they jointly establish.
- 2) They shall jointly levy and collect taxes on the profits of companies and dividends due to shareholders.

- 3) They shall jointly levy and collect taxes on incomes derived from large-scale mining and all petroleum and gas operations, and royalties on such operations.

Article 79

Undesignated Powers of Taxation

1. Undesignated Powers of Taxation the House of the Federation and the House of Peoples' Representatives shall, in a joint session, determine by a two-thirds majority vote on the exercise of powers of taxation which have not specifically provided for in the Constitution.

Article 80

Directives on Taxation

- 1) In exercising their taxing powers, provinces and the Federal Government shall ensure that any tax is related to the source of revenue taxed and that it determined following proper considerations.
- 2) They shall ensure that the tax does not adversely affect their relationship and that the rate and amount of taxes shall be commensurate with services the taxes help deliver.

- 3) Neither Provinces nor the Federal Government shall levy and collect taxes on each other's property unless it is a profit-making enterprise.

Article 81

The Auditor-General

- 1) As an independent office, the office of the Auditor-General has seven board members under this constitution. The office of the Auditor -General is a watchdog office for the people of Ethiopia, to protect how (their) Public Funds used.
- 2) **In this constitution, the Auditor General ensures checks and balances in the exercise of public power, the accounts of the Auditor-General will themselves audited by an accountant in private practice.**
- 3) In other words, the Auditor-General is entrusted by the people to examine the accounts of every public body that is exercising power on behalf of the people of Ethiopia
- 4) The Auditor-General shall appoint by the House of Peoples' Representatives.

- 5) The Auditor-General shall audit and inspect the accounts of ministries, courts, and other agencies of the Federal Government to ensure that expenditures properly made for activities carried out during the fiscal year and by the approved allocations, and submit his reports thereon to the House of Peoples' Representatives.
- 6) The Auditor-General shall draw up and submit for approval to the House of Peoples' Representatives his office's annual budget.

Article 82

Election Board and Election Fraud

- 1) There shall be established a National Election Board independent of any influence, to conduct in an impartial manner free and fair election in Federal Government and provinces constituencies.
- 2) Members of the Board shall appoint by the House of Peoples' Representatives.
- 3) Under the Ethiopian constitution, the election fraud takes place for 15 years in prison including the president.

- 4) There are several reasons why election crime prosecutions may present an easier means of obtaining convictions than do other forms of public corruption.
- 5) Election crimes usually occur largely in public; election crimes often involve many players. For example, successful voter bribery schemes require numerous voters; ballot box stuffing requires controlling all the election officials in a polling location; illegal political contributions generally involve numerous conduits to disguise the transaction, election crimes tend to leave paper trails, either in state voting documentation or public reports filed by federal campaigns.

6) TYPES OF ELECTION CRIMES:

Election Fraud Election fraud usually involves corruption of one of three processes: the obtaining and marking of ballots, the counting, and the certification of election results, or the registration of voters.

- 7) Election fraud is generally not common when one party or one faction of a party dominates the political landscape. Rather, the conditions most conducive to election fraud are close factional competition within an electoral jurisdiction for an elected position that matters. Thus, in a

jurisdiction when one party is dominant, election fraud may nevertheless occur during the primary season, as various party factions vie for power.

- 8)** Most election fraud aims at ensuring that “friendly” candidates occupy important elected positions. It occurs most often when the financial stakes involved in who controls public offices are great – as is often the case when patronage positions are a major source of employment, or when illicit activities are conducted that require protection from official scrutiny. As noted, election crimes will typically coincide with other types of corruption.

Article 83

Population Census Commission

- 1)** Under this constitution, a National Census shall conduct only a) Men, b) Women, c) children (boys or girls).
- 2)** Under this constitution (**ሕገ-ኢትዮጵያ**), a National Census prohibited to include race, tribe, and color among the Ethiopian people. For example, Amhara, Oromo, Tigre, etc. Constitutionally prohibited.
- 3)** There shall establish a National Census Commission that shall conduct a population census periodically.

- 4) The House of Peoples' Representatives shall appoint members of the National Census Commission upon the recommendation of the President.
- 5) The Commission shall have a Secretary-General and necessary professional and support staff.
- 6) The annual budget of the Commission shall submit for approval to the House of Peoples' Representatives.
- 7) A national population's census shall conduct every ten years. The House of the Federal Government shall determine the boundaries of constituencies by the census results and a proposal submitted to the House by the National Election Board.
- 8) The Commission shall be accountable to the House of Peoples' Representatives. It shall submit to the House periodic reports on the conduct of its programs and activities.

Article 84

Initiation of Amendments

1. Initiation of Amendments Any proposal for a constitutional amendment, if supported by majority vote in the House of Peoples' Representatives.

2. Initiation of Amendments by a majority vote in the House of the Federal Government or when one-third of the Provincial Councils of the member Provinces.
3. Initiation of Amendment by a majority vote in each Council has supported it, shall be submitted for discussion and decision to the general public and to those whom the amendment of the Constitution concerns.

Article 85

Amendment of the Constitution

- 1) All rights and freedoms to this Constitution can be amended only in the following manner: (a) When all Provincial Councils, by a majority vote, approve the proposed amendment; (b) When the House of Peoples' Representatives, by a majority vote, approves the proposed amendment; and by a majority vote, approves the proposed amendment.
- 2) All provisions of this Constitution other than those can be amended only in the following manner: (a) When the House of Peoples' Representatives and the House in a joint session, approve a proposed amendment by a majority vote; and (b) When of the Councils of the member provinces of the Central Government approve the proposed amendment by majority votes.

Article 86

Cessation

- 1) Under the Federal Democratic Republic of Ethiopia constitution, all Provinces including administrations have equal distribution.
- 2) Under the Federal Democratic Republic of Ethiopia constitution, demanding for **Cessation is prohibited, and it is a Federal constitutional crime.**
- 3) Under this constitution (**ሕገ-ኢትዮጵያ**), Ethiopia is a universal land for all Ethiopians, and every Ethiopians have the right to leave anywhere, or any place when he/she likes to live in the country.

Article 87

Election of mayor and city councils

Under the Federal Democratic Republic of Ethiopia constitution, **all cities and municipalities** in Ethiopia shall elect their **Mayors** only by **direct public vote.**

Article 88

The Federal Democratic Republic of Ethiopia National Constitutional Court

The Constitutional Court of the Democratic Republic of Ethiopia has a formal authority to decide demarcation of conflicts between courts, between courts and the administration, and between the federal government and the provincial governments. It hears election complaints, holds elected officials accountable for their conduct in office, and adjudicates (make a formal decision) on liability claims, or the partners accept for any risks against our country and its bureaucracy. The Ethiopian Constitutional Court has a formal authority to make a judgment on the disputed matter, or on competing claims as follows:

- 1) between courts and the bureaucracy
- 2) between federal courts and provincial courts
- 3) between other courts and the Constitutional Court
- 4) between provincial governments and the federal government.

The Ethiopian Constitutional Court Judges shall be led by one chairman and fourteen Judges, who shall be elected from 13 provinces, and additionally from Addis Ababa City for single eight-year terms.

However, all Judges have an unlimited term to run for re-election every eight years. Also, they must possess the following qualifications:

- 1) A natural-born citizen of Ethiopia; residing in or abroad of Ethiopia.
- 2) At least thirty-five years of age;
- 3) Proven capacity for public administration;
- 4) Must not have been candidates for any elective position preceding their appointment, and free from the governmental body.

In addition, the chairman and a majority of the Ethiopian Constitutional Court Judges must be members of the lawyers who reside inside or abroad of Ethiopia, who have been engaged in the practice of law for at least five years.

Article 89

The Ethiopian Constitutional Commissions

The Ethiopian CONSTITUTIONAL COMMISSIONS; aside from the three branches of government, stated in chapter one in this constitution, established with four independent, fiscally-autonomous commissions:

- 1) The Ethiopian Constitutional Civil Service Commission (ECCSC)

- 2) The Ethiopian Constitutional Commission on Elections (ECCOE)
- 3) The Ethiopian Constitutional Commission on Audit (ECCOA).
- 4) The Ethiopian Commission on Human Rights (ECHR).

Ethiopian constitutional CIVIL SERVICE COMMISSION (ECCSC)

The Constitution entrusts the administration of the civil service, inclusive of all the branches, subdivisions, instrumentalities and agencies of the government, and government-owned or -controlled corporations, to the Ethiopian Constitutional Civil Service Commission (ECCSC).

The ECCSC acts as the central personnel agency of the government. It is mandated to adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the bureaucracy. It is also tasked to strengthen the merit and rewards system within government agencies, integrate human resources development programs for all levels and ranks, and institutionalize a climate conducive to transparency and accountability. The Career Service Eligibility examinations for prospective government officers and employees are being administered by the ECCSC. The ECCSC shall be led by one chairman and fourteen commissioners, who shall be elected from 13 provinces, and additionally from Addis Ababa City for single eight-year terms. However, all commissioners have an unlimited term to run for re-election every eight years. Also, they must possess the following qualifications:

- 5) a natural-born citizen of Ethiopia; residing in or abroad of Ethiopia.
- 6) at least thirty-five years of age;
- 7) proven capacity for public administration;
- 8) must not have been candidates for any elective position preceding their appointment, and free from the governmental body.

In addition, the chairman and a majority of the commissioners must be members of the lawyers who reside inside or abroad of Ethiopia, who have been engaged in the practice of law for at least five years.

Ethiopian Constitutional COMMISSION ON ELECTIONS (ECCOE)

The Ethiopian Constitutional Commissions on Elections (ECCOE) is the independent government body of Ethiopia, who is responsible for the conduct of regular and special elections in the country. Similar to other constitutional commissions, the ECCOE is an independent and fiscally-autonomous body free from political interference or influence from the three branches of government, which makes possible the conduct of free, fair, and honest elections. According to the constitution, the ECCOE shall exercise and perform the following powers and functions:

- 1) Enforce and administer all laws and regulations relative to the conduct of an election, plebiscite (direct vote), initiative, referendum, and recall.
- 2) Exercise exclusive original jurisdiction over contests relating to the elections, returns and qualifications of elective regional, provincial and city officials, and appellate jurisdiction over contests involving elective municipal, and decided by trial courts.
- 3) Decide all questions affecting elections, including determination of the number and location of polling places, the appointment of election officials and inspectors, and registration of voters.
- 4) Deputize law enforcement agencies and instrumentalities of the government, including the Armed Forces of Ethiopia, to ensure peaceful, orderly and credible elections.

- 5) Register political parties, organizations or coalitions, and accredit citizens' arms or watchdogs.
- 6) File petitions in court for inclusion or exclusion of voters, and investigate and prosecute cases of violations of election laws, including election frauds, offenses, and malpractices.
- 7) Recommend to Congress measures to minimize election spending, limit places for propaganda materials, and prevent and penalize all forms of election frauds, offenses, and nuisance candidates.
- 8) Submit to the President and Congress a comprehensive report on the conduct of each election, plebiscite, initiative, referendum, or recall.

The ECCOE shall be composed of a chairman and fourteen commissioners, who shall be elected from the thirteen provinces and Addis Ababa City for single eight-year terms. However, all commissioners have an unlimited term to run for re-election every eight years. They must satisfy the following qualifications:

1. a natural-born citizen of Ethiopia; residing in or abroad of Ethiopia.
2. at least thirty-five years of age;
3. the holder of a college degree;
4. has not been a candidate for any elective position in the immediately preceding elections, free from the governmental body.

In addition, the chairman and a majority of the commissioners must be members of the lawyers who residing inside or abroad of Ethiopia who have been engaged in the practice of law for at least five years.

Ethiopian Constitutional COMMISSION ON AUDIT

Envisioned as an anti-graft (political corruption) and corruption body, the Ethiopian Constitutional Commission on Audit (ECCOA) was established in this constitution to audit, examine, and settle all accounts pertaining to the revenue, funds, expenditures, and property owned or held in trust by government agencies, including other constitutional commissions, government-owned or -controlled corporations, autonomous state colleges and universities, and non-governmental entities receiving subsidy or equity from or through the government.

The ECCOA's other powers and functions, as provided in this constitution, include:

- 1) Promulgate (make widely known), or promote accounting and auditing rules and regulations, including those for the prevention and disallowance of irregular, unnecessary, excessive, extravagant or unconscionable (not honest), expenditures, or uses of government funds and properties.
- 2) Submit annual reports to the President and Congress on the financial condition and operation of the government.
- 3) Recommend measures to improve the efficiency and effectiveness of government operations.
- 4) Keep the general accounts of government, and preserve the vouchers and supporting papers pertaining thereto.
- 5) Decide any case brought before it within 60 days.

The ECCOA shall be comprised of a chairman and fourteen commissioners, who shall be elected from the thirteen provinces and Addis Ababa City for single eight-year terms. However, all commissioners have an unlimited term to run for re-

election every eight years. The officials mentioned must possess the following criteria:

1. A natural-born citizen of Ethiopia; and residing in or abroad of Ethiopia.
2. At least thirty-five years of age;
3. A certified public accountant, with not less than five years of auditing experience, or a member of the Ethiopian auditing association member, and who has been engaged in the practice of law for at least five years.
4. Has not been a candidate for any elective position in the preceding elections, or free from any governmental body.

In addition, the constitution not stipulates (demand agreement) that shall the chairman and commissioners of the ECCOA belong to the same profession out of this job.

Ethiopian COMMISSION ON HUMAN RIGHTS

ECOHR is established as an independent Commission on Human Rights.

The ECOHR has the following powers and function:

- 1) Investigate all forms of human rights violations involving civil and political rights.
- 2) Provide appropriate legal measures for the protection of human rights of all persons within the Ethiopians, as well as Ethiopians residing in or abroad of Ethiopia.

- 3) Provide for preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection.
- 4) Exercise visitorial powers (directed by Congress) of over jails, prisons, or detention facilities.
- 5) Establish a program of research, education, and information to enhance respect for the primacy of human rights.
- 6) Recommend to Congress effective measures to promote human rights, and to provide for compensation to victims of violations of human rights, or their families.
- 7) Monitor the government's compliance with international treaty obligations on human rights.
- 8) Grant immunity from prosecution to any person whose testimony or possession of evidence is necessary or convenient to determine the truth in any matter it investigates;

The ECOHR is composed of a chairman and fourteen commissioners, who shall be elected from thirteen provinces and Addis Ababa City for single eight-year terms. However, all commissioners have an unlimited term to run for re-election every eight years. The qualifications for the chairman and commissioners of ECOHR are as follows:

- 1) A natural-born citizen of Ethiopia; and residing in or abroad of Ethiopia.
- 2) At least thirty-five years of age
- 3) Has not been a candidate for any elective position preceding their appointment, or free from any government body.

In addition, the constitution states that a majority of the ECOHR officials must be members of the lawyers who residing inside or abroad of Ethiopia who have been engaged in the practice of law for at least five years.

Article 90

Legal Authority of this Constitution

- 1)** Both versions, Amharic & English of this constitution shall have legal authority after ratified by the majority of Ethiopian people.
- 2)** The Amharic & English versions of this Constitution shall have final legal authority after the majority of Ethiopia people made a Referendum for this New Constitution (ሕገ-ኢትዮጵያ).
- 3)** The new constitution (ሕገ-ኢትዮጵያ) will become a Supreme Law of land, after a Constitutional Referendum held in Ethiopia.
- 4)** Future generations can amend the Ethiopian constitution if the majority of Ethiopian people so requires it.

Almighty God helps us. God bless Ethiopia.

Original Draft by M. D