

THE CONSTITUTION OF THE PEOPLE'S DEMOCRATIC REPUBLIC OF ETHIOPIA*

PREAMBLE

We, the working people of Ethiopia, based on a centuries-old glorious history, are engaged in a great revolutionary struggle to extricate ourselves from our current state of backwardness, and to transform Ethiopia into a socialist society with a high level of development where justice, equality and social prosperity prevail.

Ethiopia, the home of a brilliant ancient civilization, has been an independent state which has existed in continuity for many thousands of years.

The Ethiopian state has existed as a multinational state. Its nationalities and diverse communities have forged a unity through cultural intercourse, migrations, commerce and similar interactions in times of peace as well as in times of war. Therefore, Ethiopia's long history of independence has been the history of the united existence and common struggle of her nationalities.

On account of Ethiopia's strategic location at the cross-roads linking the continents of Africa, Asia, and Europe, the fertility of her soil and the great rivers that originate inside her territory, foreigners have made various attempts to invade and divide her up. In particular, since the emergence of capitalism in Western Europe in the sixteenth century, colonialists repeatedly tried to bring Ethiopia under their control. However, the Ethiopian people have heroically and victoriously repulsed the repeated aggressive attempts of invaders and colonialists to occupy their motherland. Even when capitalism evolved into the monopoly stage and imperialists set out to divide the world among themselves. Especially, the great victory scored at Adwa in 1896 over a colonial army that was modern by contemporary standards, has earned Ethiopia a special place of honor and a glorious history in the annals of the world anti-imperialist struggle. By achieving victory over the forces of fascist aggression through the struggle and sacrifices of her patriots during the five year period she, once again, proved that no power could prevent her from holding aloft the banner of her historic independence.

The Ethiopian people, by repulsing the aggressive attempts of their enemies and by scoring successive victories, have proved their indomitability and their zeal for freedom thereby ensuring the inviolability of their country.

On the other hand, the working people of Ethiopia, having passed through different socio-economic systems in the course of their long history, have, in the process, experienced bitter class oppression and exploitation. In particular, it is well known that the relationship prevalent in the feudal system

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had subjected the peasants to the abhorrent yoke of oppression. Moreover, the people were victimized in the clashes frequently waged among the feudal lords, through various means robbed of the fruits of their labor and alternately subjected to hunger, disease and mass death.

The contradictions within the system having intensified with the emergence of capitalism and the people having reached a stage where they could no longer bear the burden of oppression, the feudal system was overthrown through the great sacrifices made by the progressive sections of society. Thus, our popular revolution, which erupted in 1974 has paved the way for the current sovereignty of the people.

In the absence of organized vanguard leadership during the outbreak of the revolution, the Provisional Military Administrative Council, which was constituted from that segment of the armed forces, which formed an integral part of the working people, began to coordinate and lead the struggle. Subsequently, it laid the foundation for a new popular order by abolishing the monarchy and successively taking various revolutionary measures. Rural land, urban land and extra houses, and major enterprises of production, distribution and services, became the property of the people. Favorable conditions for the equality of nationalities, of the sexes and of religions have been created. The working people, organized in various sectors, have won the right to decide on the affairs of their country.

It is not without difficulty that we, the working people of Ethiopia, have been able to earnestly embark on the struggle to construct the new society in which justice, equality and prosperity reign. The primary task was to surmount the trying obstacles set in our path by our class enemies. Much as we have been struggling for our independence and unity in the past, so also today we have reached the present favorable period for rapid social progress by struggling for the attainment of our objectives under the banner of "Revolutionary Motherland or Death!".

Our primary concern at present being development, the overall objective is to lay the material and technical basis necessary for the construction of socialism by completing the National Democratic Revolution. However, since anti-revolutionary and anti-socialist imperialist and reactionary forces would not refrain from attempting to obstruct our genuine march on the path of progress, withstanding their efforts constitutes another front of our struggle.

Having achieved the leadership of the Workers' Party of Ethiopia, which is the fruit of our bitter struggle, we the working people of Ethiopia are now in a reliable situation for attaining our objective by developing our political culture. Accordingly, while upholding the trust of our forefathers, we are extensively engaged in the historic task of building the new social order. The completion of the setting-up of the new political system is a prerequisite for our efforts to yield fruit, thereby enabling us to attain our objective.

Therefore, we, the working people of Ethiopia, have by our referendum of 1 February 1987 approved this Constitution, which is the supreme law of the land and the basis for establishing and administering the People's Democratic Republic of Ethiopia, and in which:

- our sovereignty is expressed,
- the unity of our country and the equality of nationalities, based on our right to self-determination, is ensured,

- basic freedoms and rights are guaranteed and duties respected,
- a solid foundation for the construction of socialism is laid, and
- we are enabled to make our due contribution to world peace, justice, democracy and social progress.

PART ONE

The Social Order

CHAPTER ONE

The Political System

Article 1

1. The People's Democratic Republic of Ethiopia is a state of the working people founded on the alliance of workers and peasants and the participation of the intelligentsia, the revolutionary army, artisans and other democratic sections of society.

2. The People's Democratic Republic of Ethiopia is a sovereign state whose territory comprising the land, air space and territorial waters, including the islands, is indivisible and inviolable.

3. The People's Democratic Republic of Ethiopia shall, while accomplishing the national democratic revolution, lay the foundation for the construction of socialism.

Article 2

1. The People's Democratic Republic of Ethiopia is a unitary state in which all nationalities live in equality.

2. The People's Democratic Republic of Ethiopia shall ensure the equality of nationalities, combat chauvinism and narrow nationalism, and strengthen the unity of the working people of all nationalities.

3. The People's Democratic Republic of Ethiopia shall ensure the common advancement of the nationalities, by progressively eliminating the disparity in their economic development, paying particular attention to those in lower stages of development.

4. The People's Democratic Republic of Ethiopia shall ensure the realization of regional autonomy.

5. The People's Democratic Republic of Ethiopia shall ensure the equality, development and respectability of the languages of the nationalities.

Article 3

1. In the People's Democratic Republic of Ethiopia power belongs to the working people.

2. The working people exercise their power through the National Shengo and local shengos which they establish by election. The authority of other organs of state shall derive from these organs of state power.

3. The working people exercise their power also through referendum.

Article 4

1. In the People's Democratic Republic of Ethiopia the organization and functioning of the organs of state is based on the principle of democratic centralism.

2. All organs of state power, from the lowest to the highest, shall be established by election. The organs of state power shall exercise centralism and local initiative. Decisions of higher organs shall be executed by lower organs. Lower organs are accountable to higher organs.

Article 5

Organs of state, mass organizations, other associations, officials thereof and every individual shall observe socialist legality.

Article 6

1. The Workers' Party of Ethiopia, which is guided by Marxism-Leninism, is a vanguard party dedicated to serving the working people and protecting their interests.

2. The Workers' Party of Ethiopia charts the direction for the development of the country and is the guiding force of the state and the entire society.

3. All Party organs shall observe the Constitution of the People's Democratic Republic of Ethiopia.

Article 7

Mass organizations are forums for the participation of the people in the country's political, economic, social and cultural life. They shall participate in the formulation and implementation of state policy.

Article 8

The objective of the development of the Ethiopian political system is to accelerate the process of laying the foundation for the construction of the socialist system by enhancing the participation of the working people in state

and key social activities, by improving the organization and functioning of state organs, by consolidating the working people's control, by promoting the role of mass organizations and by strengthening the legal basis of the activities of the state and society.

CHAPTER TWO The Economic System

Article 9

1. The state shall advance the material and cultural development of the working people which is the primary objective of economic construction.
2. The state shall extricate the country from economic backwardness by progressively broadening and strengthening socialist relations of production and by accelerating the development of the productive forces through the application of science and technology.
3. The state shall build a highly interdependent and integrated national economy, it shall strengthen the economic relationship between rural and urban areas as well as between the periphery and the center.

Article 10

1. The state shall ensure that the ecological balance is maintained and, by ensuring the conservation and development of natural resources, particularly land, water, forest, and wildlife, it shall guarantee their utilization for the benefit of the working people.
2. The state shall ensure that human settlement patterns correspond to the distribution of natural resources in order to create favorable conditions for development.
3. The state shall encourage the scattered rural population to form consolidated communities in order to free rural life from backwardness and to enable the people to attain a better social life.

Article 11

The state shall guide the economic and social activities of the country through a central plan.

Article 12

In the People's Democratic Republic of Ethiopia the forms of ownership of the means of production are socialist, that is, state and cooperative ownership, private ownership and other forms of ownership as determined by law.

Article 13

1. State ownership is public ownership.
2. The state shall, through the ownership of key production, distribution and service enterprises, play the leading role in the economy. Natural resources, in particular land, minerals, water and forest, are state property. The development and utilization of natural resources shall be determined by law.

Article 14

The state shall provide the necessary support and encouragement for the expansion of the role of cooperative ownership.

Article 15

Private ownership shall, guided by state policy, carry out activities beneficial to the national economy. The right to transfer private ownership in accordance with the law is guaranteed.

Article 16

Personal property is protected by law. The right to transfer personal property in accordance with the law is guaranteed.

Article 17

The state may, where public interest so requires, purchase, requisition by making appropriate payment, or nationalize upon payment of compensation, any property in accordance with the law.

Article 18

1. Labor is an honorable source of wealth and well-being of society. The social standing of any person shall be determined by his work.
2. The state shall progressively ensure the realization of the principle "from each according to his ability, to each according to his work".
3. The state shall see to it that society's dedication to work, know-how and creativity are enhanced.

CHAPTER THREE Social and Cultural Policy

Article 19

1. The state shall ensure the expansion of education and other means for enriching knowledge in order to develop a new culture and lay the foundation for socialism by enhancing citizens' intellectual and physical development as well as their capability for work.

2. The state and society shall provide the necessary support to enable citizens to participate in physical training and sports.

Article 20

1. The state and society shall, through the provision of various social services and other forms of assistance, care for the family, as it is the basis of society.

2. The state and society shall pay special attention to the upbringing of children in order that they may grow up as citizens imbued with a scientific outlook, morally, intellectually and physically strong, with love for the country and committed to socialism.

Article 21

The state and society shall progressively expand health, pension, insurance and other forms of social security services in order to improve the well-being of the people.

Article 22

The state and society shall provide special care for those disabled in the course of defending the sovereignty and territorial integrity of Ethiopia and safeguarding the revolution, as well as for the families of martyrs.

Article 23

The state and society shall ensure that historical and cultural heritage is preserved, that harmful practices are eradicated, that the working people are imbued with socialist morality and that proletarian culture progressively prevails.

CHAPTER FOUR**Defense of the Country, Protection of the People and the Revolution***Article 24*

1. The People's Democratic Republic of Ethiopia shall defend its sovereignty and territorial integrity and safeguard the revolution.

2. The defense of the country and the revolution is the historic responsibility of the entire working people.

Article 25

1. The People's Democratic Republic of Ethiopia shall maintain a strong defense force.

2. The defense force of the People's Democratic Republic of Ethiopia is an army of the working people that stands and struggles for the unity of the country, the supremacy of the working people and for peace and socialism.

Article 26

1. The People's Democratic Republic of Ethiopia shall strengthen the country's defense capability.

2. The People's Democratic Republic of Ethiopia shall promote the working people's spirit of patriotism and revolutionary valor, and when necessary, mobilize the entire working people for the defense of the country and the protection of the people and the revolution.

3. The People's Democratic Republic of Ethiopia shall foster the spirit of socialist patriotism of the youth and implement the national military service.

4. The People's Democratic Republic of Ethiopia shall organize civil defense to withstand natural and man-made calamities.

CHAPTER FIVE**Foreign Policy***Article 27*

The foreign policy of the People's Democratic Republic of Ethiopia is based on the principles of proletarian internationalism, peaceful coexistence and non-alignment.

Article 28

1. The People's Democratic Republic of Ethiopia, while safeguarding the

interests of the country, shall promote relations and cooperation with all states on the basis of equality and mutual benefit. It shall respect the right of states to live under the social and economic system of their choice.

2. The People's Democratic Republic of Ethiopia shall promote all-round relations and cooperation with socialist states, and strengthen its relations with the international working class movement, revolutionary democratic forces, national liberation movements and other democratic and peace-loving forces.

3. The People's Democratic Republic of Ethiopia shall staunchly struggle against imperialism, colonialism, neo-colonialism, racism and other forms of oppression and exploitation.

Article 29

The People's Democratic Republic of Ethiopia shall strive for cooperation among peoples, mutual development and the strengthening of good-neighborly relations with adjoining states on the basis of respect for the inviolability of national sovereignty and territorial integrity of states, non-interference in their internal affairs, peaceful resolution of conflicts and, in general, the principles of non-alignment.

Article 30

The People's Democratic Republic of Ethiopia shall actively participate in international and regional organizations that stand for peace and for the well-being and progress of mankind.

PART TWO

Citizenship, Freedoms, Rights and Duties

CHAPTER SIX

Citizenship

Article 31

1. Any person with both or one parent of Ethiopian citizenship is an Ethiopian.

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

3. The conditions and procedures for the acquisition of Ethiopian citizenship by citizens of other countries and stateless persons shall be determined by law.

Article 32

1. The state shall protect the rights and interests of Ethiopians abroad.
2. No Ethiopian may be extradited.

Article 33

The People's Democratic Republic of Ethiopia shall grant asylum to foreigners persecuted for their struggle in national liberation and anti-racist movements and for the cause of peace and democracy.

Article 34

1. Citizens of other countries and stateless persons within the territory of the People's Democratic Republic of Ethiopia shall have freedoms, rights and duties determined by law.
2. The state may not extradite a citizen of another country or a stateless person except as stipulated by international agreement.

CHAPTER SEVEN**Fundamental Freedoms, Rights and Duties of Citizens***Article 35*

1. Ethiopians are equal before the law, irrespective of nationality, sex, religion, occupation, social or other status.
2. Equality among Ethiopians shall be ensured through equal participation in political, economic, social and cultural affairs.

Article 36

1. In the People's Democratic Republic of Ethiopia women and men have equal rights.
2. The state shall provide women with special support, particularly in education, training and employment so that they may participate in political, economic, social and cultural affairs on an equal basis with men.
3. The state shall ensure that appropriate measures are progressively taken for women to be provided with health services, suitable working conditions and adequate rest periods during pregnancy and maternity.

Article 37

1. Marriage is based on the consent of a man and a woman who have at-

tained majority. Spouses have equal rights in their family relations. Marriage shall be protected by the state.

2. Children, whether born in or out of wedlock, have equal rights.

Article 38

1. Ethiopians have the right to work.

2. The state shall, based on the development of the national economy, progressively ensure that employment opportunities are created and working conditions improved.

Article 39

1. The right of the working people to rest is guaranteed.

2. The state shall determine working hours and rest periods and ensure that social services beneficial for the leisure of the working people are progressively expanded.

Article 40

1. Ethiopians have the right to free education.

2. The state shall progressively ensure compulsory education for school-age children and expand schools and vocational institutions of various types and levels.

Article 41

1. Ethiopians have the freedom to conduct research and engage in creative activities in science, technology and the arts.

2. The state shall encourage the research and creative activities of citizens, and provide special support for research and creative activities that contribute to the improvement of the living standard of the working people and the acceleration of socialist construction.

Article 42

1. Ethiopians have the right to health care.

2. The state shall provide health services by progressively expanding health institutions.

Article 43

1. Ethiopians are guaranteed inviolability of the person.

2. Ethiopians are guaranteed inviolability of the home. No one may enter the home of another against his will, except as prescribed by law.

Article 44

1. No person may be arrested except *in flagrante delicto*, or by the order of the procurator, or by a court decision, or as may be prescribed by law.
2. Any arrested person shall be produced in court within 48 hours; however, this period shall not include the time required to reach the nearest court.

Article 45

1. No person accused of violating criminal law shall be considered guilty unless it is so determined by a court.
2. The criminal law does not apply retroactively unless it favors the accused.
3. Any accused person has the right to defend himself or appoint a defense counsel. Where a person is charged with a serious offense and his inability to appoint a defense counsel is established, the state shall appoint one for him free of charge, as determined by law.
4. Everyone has the duty to give legal testimony except against himself or as may be prescribed by law; however, no violence or pressure may be applied to compel a person to testify. Any testimony obtained by violence or pressure shall be null and void.

Article 46

1. Ethiopians are guaranteed freedom of conscience and religion.
2. The exercise of freedom of religion may not be in a manner contrary to the interest of the state and the revolution, public morality or the freedom of other citizens.
3. State and religion are separate. The legal status of religious institutions shall be determined by law.

Article 47

1. Ethiopians are guaranteed freedom of speech, press, assembly, peaceful demonstration and association.
2. The state shall provide the necessary material and moral support for the exercise of these freedoms.

Article 48

1. Ethiopians are guaranteed freedom of movement.
2. Every Ethiopian has the freedom to change his place of residence within the territory of the People's Democratic Republic of Ethiopia.

Article 49

Ethiopians are guaranteed secrecy of correspondence.

Article 50

1. Ethiopians have the right to elect and be elected.
2. Every Ethiopian, except the insane and those deprived by law of the right to elect and be elected has, irrespective of nationality, sex, religion, occupation, social or other status, the right to elect members of the organs of state power on attaining the age of eighteen and to be elected to the same on attaining the age of twenty-one. Particulars shall be determined by law.

Article 51

1. Ethiopians have the right to submit proposals as well as criticisms supported by evidence concerning the functioning of state and mass organizations.
2. The officials and institutions concerned must examine and respond to the proposals and criticisms submitted and take appropriate action. Taking retaliatory measures against a citizen who submits proposals or criticisms shall be punishable by law.

Article 52

Ethiopians have the right to submit complaints against state organs and mass organizations or officials thereof. Such complaints must be examined and responded to.

Article 53

1. Safeguarding the security of the Motherland, the revolution and the gains of the working people is a great honor, supreme duty and obligation of every Ethiopian.
2. Treason against the Motherland is the gravest crime committed against the people, entailing severe punishment.
3. National military service is the right and duty of every Ethiopian. Its implementation shall be determined by law.

Article 54

Ethiopians have the duty to work by respecting their responsibilities and work discipline, caring for property and raising productivity in their respective fields of endeavor, recognizing that labor is socially useful and is the basis of human life and that he who works benefits therefrom.

Article 55

1. Ethiopians have the duty to safeguard and care for socialist property.
2. Ethiopians have the duty to participate in state and social endeavors to safeguard, care for, collect and utilize historical memorabilia and cultural heritage.
3. Ethiopians have the duty to protect and conserve nature and natural resources, especially to develop forests and to protect and care for soil and water resources.

Article 56

Ethiopians have the duty to assist in the effort of ensuring the equality of the sexes and occupations, of strengthening the ties and mutual respect among the working people of the various nationalities, and of enhancing the ethic of collective effort in the building of a socialist system.

Article 57

Every Ethiopian has the duty to observe the Constitution and laws of the People's Democratic Republic of Ethiopia, and to uphold the honor and dignity of Ethiopian citizenship.

Article 58

The exercise of freedoms and rights and the discharge of duties by citizens shall be determined by law. The exercise of freedoms and rights by citizens may be limited by law only in order to protect the interests of the state and society as well as the freedoms and rights of other individuals.

PART THREE**Structure and Functioning of the State****CHAPTER EIGHT****The Form of the State***Article 59*

The People's Democratic Republic of Ethiopia is a unitary state comprising administrative and autonomous regions.

Article 60

1. Administrative regions are units of administration hierarchically established from the highest to the lowest level.
2. The boundary, level of hierarchy and accountability of administrative regions shall be determined by law.

Article 61

1. Autonomous regions shall have as many units of administration as necessary.
2. The boundary, level of hierarchy and accountability of autonomous regions shall be determined by law.

CHAPTER NINE
The National Shengo

Article 62

The National Shengo is the supreme organ of state power in the People's Democratic Republic of Ethiopia.

Article 63

The National Shengo of the People's Democratic Republic of Ethiopia has the power to decide on any national issue. Without limiting the generality of the foregoing, the National Shengo shall have the following powers and duties:

- 1a) Enact, amend and supervise the observance of the Constitution and Proclamations;
 - b) Determine the domestic and foreign policy;
 - c) Determine the defense and security policy;
 - d) Determine the state of peace and war;
 - e) Adopt the long-term and short-term social and economic plans;
 - f) Adopt the annual budget;
 - g) Determine the monetary and fiscal policy of the People's Democratic Republic of Ethiopia.
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- 2a) Establish administrative and autonomous regions and determine their boundary level of hierarchy, and accountability;
 - b) Enact proclamations by which they are administered;
 - c) Determine their sources of revenue.

3. Establish
 - a) The Council of State;
 - b) The Council of Ministers, ministries, state committees, commissions and authorities;
 - c) The Supreme Court;
 - d) The Office of the Procurator General;
 - e) The National Workers' Control Committee; and
 - f) The Office of the Auditor Generalof the People's Democratic Republic of Ethiopia.

4. Elect
 - a) The President;
 - b) The Vice President;
 - c) The Vice Presidents of the Council of State, the Secretary and members thereof;
 - d) Upon presentation in accordance with Article 86 sub-article 1(b), the Prime Minister, Deputy Prime Ministers and other members of the Council of Ministers;
 - e) Upon presentation in accordance with Article 86 sub-article 1(d), the President, Vice Presidents and Judges of the Supreme Court, the Procurator General, the Chairman of the National Workers' Control Committee, and the Auditor Generalof the People's Democratic Republic of Ethiopia.

5. Cause referenda to be conducted on major national issues when it deems it necessary.

6. Ascertain the validity of the election of its members.

Article 64

Candidates to the National Shengo shall be nominated by organs of the Workers' Party of Ethiopia, mass organizations, military units and other bodies so entitled by law.

Article 65

1. The election of members of the National Shengo shall be universal, equal, direct and by secret ballot.
2. The election of members of the National Shengo shall be based on the size of population.
3. The representation of nationalities in the National Shengo shall be ensured in the electoral process.

Article 66

The electorate has the right to recall a member of the National Shengo in whom it has lost confidence.

Article 67

The National Shengo shall hold one regular session per year. Extraordinary sessions may be called by decision of the Council of State, or by that of the President of the Republic, or when one third of the members so request.

Article 68

1. The term of the National Shengo shall be five years.
2. General elections for a new Shengo shall be held two months prior to the expiry of the term of the Shengo. Upon the expiry of the term of the outgoing Shengo, the incumbent Council of State shall convene the new Shengo.
3. As soon as the new Shengo is convened, its first task shall be to elect the members of the organs of state stipulated in Article 63 sub-article 4 of this Constitution.
4. The incumbent Council of State and President shall remain in office until the newly elected Shengo convenes and elects a Council of State and President of the Republic.

Article 69

In the event of war or other emergency the National Shengo may prolong its term until such time as the emergency is terminated.

Article 70

The National Shengo shall establish standing and *ad hoc* commissions necessary for its activities.

Article 71

The Council of State, the President of the Republic, commissions of the National Shengo, members of the National Shengo, the Council of Ministers, the Supreme Court, the Procurator General, shengos of higher administrative and autonomous regions, and mass organizations through their national organs have the right to initiate legislation.

Article 72

1. Two-thirds of the members of the National Shengo shall constitute a quorum.
2. Any bill or decision of the Shengo shall be deemed adopted when passed by a simple majority of the members present. This is without prejudice to Article 119 of this Constitution.

Article 73

The National Shengo shall hold its sessions in public unless it decides to meet *in camera*.

Article 74

Members of the National Shengo are plenipotentiary representatives of the working people.

Article 75

1. No people's deputy shall be arrested or prosecuted without the permission of the National Shengo or, between sessions, without that of the Council of State, except when caught *in flagrante delicto* for a serious offense.

2. No people's deputy may be questioned or prosecuted for opinions expressed at sessions of the Shengo and its organs.

Article 76

1. People's deputies shall follow up on the implementation of laws passed and decisions made by state organs.

2. People's deputies have the right to address questions to state organs, mass organizations and other institutions, and these are obliged to provide appropriate replies.

Article 77

People's deputies shall keep their regular job. Conditions that must be fulfilled to enable them to perform their duties as deputies shall be determined by law.

Article 78

1. Each people's deputy has the responsibility of explaining to his electorate the laws enacted and decisions adopted by the National Shengo, to receive their views and to provide appropriate replies to questions addressed to him.

2. Each people's deputy shall submit periodic reports on his activities to his electorate.

Article 79

A people's deputy shall make the following pledge before assuming his duties:

I solemnly pledge to dedicate myself to the freedom and unity of the People's Democratic Republic of Ethiopia, to be faithful to socialism, to give precedence to the will and interests of the working people, and to strive for the implementation of this Constitution and other laws.

Article 80

Articles of this Constitution relating to the working procedures of the National Shengo, as well as the nomination, election, accountability, privileges, duties and recall of people's deputies shall apply *mutatis mutandis* to shengos established and deputies elected at all levels.

CHAPTER TEN The Council of State

Article 81

1. The Council of State, established in accordance with Article 63 sub-article 3(a) of this Constitution, is an organ of state power functioning as a standing body of the National Shengo.

2. The Council of State shall have a President, Vice Presidents, a Secretary and members.

3. The President of the People's Democratic Republic of Ethiopia is the President of the Council of State.

4. The Vice President of the People's Democratic Republic of Ethiopia is Vice President of the Council of State.

Article 82

The Council of State shall have the following powers and duties:

- 1a) Ensure the implementation of the Constitution and other laws;
 - b) Interpret the Constitution and other laws;
 - c) Revoke regulations and directives issued by state organs accountable to the National Shengo, whenever these are contrary to laws enacted by the National Shengo, the Council of State and the President of the Republic;
 - d) Ratify and denounce international treaties;
 - e) Grant amnesty;
 - f) Grant citizenship;
 - g) Grant political asylum;
 - h) Award medals, orders and prizes.
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- 2a) Announce the date of election for the National Shengo and regional shengos;
 - b) Call regular and extraordinary sessions of the National Shengo;
 - c) Coordinate the work of the standing and *ad hoc* commissions of the National Shengo;

- d) Establish the Defense Council;
- e) Oversee the discharge of responsibilities by the Council of Ministers, the Supreme Court, the Procurator General, the National Workers' Control Committee and the Auditor General;
- f) Perform other duties assigned to it by the National Shengo;
- g) Submit reports on its activities to the National Shengo.

3. The Council of State may issue Decrees where legislation is required to implement the powers and duties entrusted to it in sub-articles 1 and 2 of this Article.

Article 83

1. Without prejudice to Article 119 of this Constitution, the Council of State may, between sessions of the National Shengo, issue Special Decrees when necessary.

2. When compelling circumstances arise between sessions of the National Shengo, the Council of State may proclaim a state of emergency, war, martial law, mobilization or peace.

3. Special Decrees issued in accordance with sub-articles 1 and 2 of this Article must be submitted to and approved by the National Shengo at its next session.

CHAPTER ELEVEN The President of the Republic

Article 84

1. The President of the People's Democratic Republic of Ethiopia shall be elected by the National Shengo in accordance with Article 63 sub-article 4(a) of this Constitution, and shall be accountable to the National Shengo.

2. The term of the President of the People's Democratic Republic of Ethiopia shall be the same as that of the National Shengo.

Article 85

The President of the People's Democratic Republic of Ethiopia:

1. Is the Head of State;
2. Represents the Republic at home and abroad;
3. Is the Commander-in-Chief of the Armed Forces.

Article 86

The President of the People's Democratic Republic of Ethiopia shall, in ac-

cordance with this Constitution and other laws, exercise the following powers and duties:

1a) Ensure the implementation of the domestic and foreign policy of the country;

b) Present to the National Shengo for election, the Prime Minister, and through him, Deputy Prime Ministers and other members of the Council of Ministers;

c) Ensure that the Council of Ministers discharges its responsibilities, and preside over the Council as necessary;

d) Present to the National Shengo for election, the President, Vice Presidents and Judges of the Supreme Court, the Procurator General, the Chairman of the National Workers' Control Committee and the Auditor General;

e) Ensure that the Supreme Court, the Office of the Procurator General, the National Workers' Control Committee and the Office of the Auditor General discharge their responsibilities.

2a) Conclude international treaties;

b) Establish diplomatic missions and appoint diplomatic representatives;

c) Receive letters of credence and recall foreign diplomatic representatives.

3a) Appoint members of the Defense Council and preside over its meetings;

b) Confer high state civil and military ranks;

c) Announce the appointment of high state officials;

d) Grant pardon.

4. The President of the Republic may issue Presidential Decrees where legislation is required to implement the powers and duties entrusted to him in this Article.

5a) Promulgate in the *Negarit Gazetta* laws enacted by the National Shengo, the Council of State and the President of the Republic;

b) Perform other duties assigned to him by the National Shengo;

c) Submit reports on his activities to the National Shengo.

Article 87

1. When compelling circumstances arise between sessions of the National Shengo, the President of the People's Democratic Republic of Ethiopia shall:

a) Appoint and dismiss the Prime Minister and upon presentation by him, Deputy Prime Ministers and other members of the Council;

b) Appoint and dismiss the President, Vice Presidents and Justices of the Supreme Court, the Procurator General, the Chairman of the National Workers' Control Committee and the Auditor General.

2. Measures taken in accordance with sub-article 1 of this Article shall be issued as special Presidential Decrees subject to submission to and approval by the National Shengo at its next session.

Article 88

The President of the People's Democratic Republic of Ethiopia, prior to assuming his duties, shall make the following pledge before the National Shengo:

Upon assuming this historic responsibility before this Shengo and the Ethiopian people, I pledge to resolutely defend the sovereignty, freedom and unity of Ethiopia; to faithfully and indefatigably strive for the construction of socialism, for the promoting of the well-being, will and interests of the working people, and for the realization of the equality of nationalities, to honor this Constitution and other laws of the country; and to work always with dedication for the honor, progress and prosperity of Ethiopia.

CHAPTER TWELVE
The Council of Ministers

Article 89

1. The Council of Ministers, that is, the Government, is the highest executive and administrative organ of the People's Democratic Republic of Ethiopia.

2. The Council of Ministers is composed of the Prime Minister, Deputy Prime Ministers, Ministers and other members as determined by law.

Article 90

1. Members of the Council of Ministers shall be elected by the National Shengo in accordance with Article 63 sub-article 4(d), and Article 86 sub-article 1(b), of this Constitution.

2. The term of the Council of Ministers shall be the same as that of the National Shengo. The incumbent Council of Ministers shall remain in office until a new Council of Ministers is elected.

3. The Council of Ministers is accountable to the National Shengo. Between sessions of the Shengo, it shall be accountable to the Council of State and to the President of the Republic.

Article 91

The Council of Ministers shall have a Standing Committee consisting of the Prime Minister, Deputy Prime Ministers and other members as determined by law.

Article 92

The Council of Ministers shall have the following powers and duties:

1. Ensure the implementation of laws enacted and decisions made by the National Shengo, the Council of State and the President of the Republic, and issue regulations and directives;
2. Direct and coordinate the activities of ministries, state committees, commissions and other state administrative organs directly accountable to it;
3. Supervise the work of the executive committees of the shengos of administrative and autonomous regions;
4. Revoke decisions of organs indicated in sub-articles 2 and 3 of this Article when found contrary to law, and give directives for their rectification as necessary;
5. Prepare social and economic plans, submit these to the National Shengo and ensure their implementation when approved;
6. Prepare the annual budget, submit it to the National Shengo and ensure its implementation when approved;
7. Ensure the implementation of the monetary and fiscal policy;
8. Submit proposals regarding the foreign relations of the Republic to the National Shengo, the Council of State and the President of the Republic, and ensure their implementation when approved;
9. Organize and direct state arbitration;
10. Take necessary legal measures to safeguard and ensure the interests of the country, the well-being of the people and the rights of citizens;
11. Ensure respect for law and order;
12. Perform other duties assigned to it by the National Shengo, the Council of State and the President of the Republic;
13. Submit periodic reports on its activities to the National Shengo and, between sessions, to the Council of State and to the President of the Republic.

Article 93

The Prime Minister shall have the following powers and duties:

1. Preside over the Council of Ministers, and direct and coordinate its activities;
2. Represent the Council of Ministers;
3. Ensure the implementation of regulations and decisions issued by the Council of Ministers;
4. Present to the President of the Republic for election, in accordance with Article 86 sub-article 1(b), Deputy Prime Ministers and other members of the Council of Ministers;
5. Perform other duties assigned to him by the Council of State and the President of the Republic.

Article 94

Members of the Council of Ministers have collective responsibility for measures taken collectively and individual responsibility for measures taken individually.

CHAPTER THIRTEEN**Organs of Power and Administration of Administrative and Autonomous Regions***Article 95*

The highest organ of state power of an administrative or autonomous region is the shengo of the region.

Article 96

1. The term of regional shengos shall be determined by law.
2. The time shengos hold their sessions shall be determined by law.

Article 97

A shengo of an administrative or autonomous region shall have the following powers and duties:

1. Ensure the implementation of laws, decisions and directives of the state;
2. Issue directives to lower shengos, coordinate and supervise their work;
3. Determine social and economic plans and the budget of the region and implement them when approved by the National Shengo;
4. Issue directives regarding activities within its jurisdiction;
5. Elect Judges of the regional court;
6. Elect the Chairman of the Workers' Control Committee of the region;
7. Elect an Executive Committee from among its members, and supervise its work;
8. Establish standing and *ad hoc* commissions;
9. Submit reports regarding activities of the region to the next higher shengo.

Article 98

The Executive Committee of the shengo of an administrative or autonomous region shall:

1. Take all necessary measures to ensure the implementation of laws, decisions and directives of higher organs;
2. Follow up the activities undertaken by higher state organs in the region;
3. Direct, coordinate and supervise the work of executive committees of lower shengos.
4. Direct, coordinate and supervise the work of administrative, economic, social and cultural organizations within the jurisdiction of the region;
5. Prepare the social and economic plans and the budget of the region, and implement them when approved;
6. Perform other duties assigned to it by organs;
7. Submit periodic reports to the shengo of the region and to the higher executive organ.

Article 99

Without prejudice to Article 97 of this Constitution, the special powers and duties that the shengos of autonomous regions may assume, shall be determined by the National Shengo.

CHAPTER FOURTEEN
The Judiciary

Article 100

1. In the People's Democratic Republic of Ethiopia judicial authority shall be vested only in one Supreme Court, courts of administrative and autonomous regions, and other courts established by law.

2. Courts of the People's Democratic Republic of Ethiopia shall safeguard the legally guaranteed rights, interests and freedoms of the state, mass organizations, other associations and individuals.

Article 101

1. Justices of the Supreme Court shall be elected by the National Shengo, and Justices of regional courts shall be elected by their respective regional shengos.

2. The term of Justices and judges shall be the same as that of the shengo that elected them.

3. A shengo may recall Justices and judges elected by it.

4. The nomination, election and administration of judges shall be determined by law.

Article 102

1. In the People's Democratic Republic of Ethiopia the highest judicial court organ is the Supreme Court.

2. The Supreme Court is vested with the authority to supervise the judicial functions of all courts in the country.

Article 103

People's assessors, elected from among the people, shall adjudicate in courts. Particulars shall be determined by law.

Article 104

Judges and people's assessors shall exercise their judicial function in com-

plete independence; they shall be guided by no other authority than that of the law.

Article 105

Courts shall provide interpretation services to any party who does not understand the language in which they conduct their judicial proceeding.

Article 106

All cases shall be heard in public except where *in camera* hearing may be justified for reasons specified by law.

Article 107

Courts shall submit periodic reports on their activities to the shengos that elected them.

CHAPTER FIFTEEN The Procuracy

Article 108

1. The Procuracy shall ensure the observance and uniform application of the law by all organs of state, mass organizations, other associations, officials thereof and by individuals.

2. The Procuracy shall be headed by the Procurator General.

Article 109

1. The Procurator General shall be elected by the National Shengo, and shall be accountable to it. Between sessions of the Shengo, he shall be accountable to the Council of State and the President of the Republic.

2. The term of the Procurator General shall be the same as that of the National Shengo.

Article 110

Procurators at all levels shall be appointed by the Procurator General, and they shall be accountable to him.

Article 111

In the discharge of their duties, procurators shall be subordinate to the Procurator General, and not to local state organs.

Article 112

The organization, functioning and administration of the Procuracy shall be determined by law.

PART FOUR
General Provisions

CHAPTER SIXTEEN

Flag, Emblem, National Anthem, Language and Capital City

Article 113

The flag of the People's Democratic Republic of Ethiopia is of rectangular shape with the colors: green above, yellow in the middle and red below. Particulars shall be determined by law.

Article 114

The emblem of the People's Democratic Republic of Ethiopia shall be determined by law.

Article 115

The People's Democratic Republic of Ethiopia shall have a national anthem. Particulars shall be determined by law.

Article 116

Without prejudice to Article 2 sub-article 5, of this Constitution, in the People's Democratic Republic of Ethiopia the working language of the state shall be Amharic.

Article 117

The capital city of the People's Democratic Republic of Ethiopia is Addis Ababa.

CHAPTER SEVENTEEN**Legal Force and Amendment of the Constitution***Article 118*

The Constitution of the People's Democratic Republic of Ethiopia is the supreme law of the country. Any law or decision contrary to this Constitution shall have no effect.

Article 119

The Constitution of the People's Democratic Republic of Ethiopia may be amended only by a three-fourths majority decision of the members of the National Shengo.