

PROCLAMATION NO. 17/1994
A PROCLAMATION TO PRONOUNCE THE
COMING INTO EFFECT OF THE REVISED
CONSTITUTION OF THE SOMALI REGIONAL
STATE

WHEREAS, the Somali state council have, ratified
The Revised Constitution of The Somali Regional State,
on the 9th day of Mazia, 1994; it is hereby proclaimed as
follows:

1. Short Title

This Proclamation may be cited as the ' ' the Revised
Constitution of Somali Regional State, Proclamation No.
17/1994".

2. Coming into Effect of the Constitution

The Revised Constitution of Somali Regional State has
come into full force and effect as of this Day of Mazia,
1994.

3. Effective Date

This Proclamation shall enter into force as of this day of Mazia, 1994.

Done at Jigjiga, on Mazia, 1994.

ABDIRASJID DULANE RAFLE
PRESIDENT OF THE SOMALI REGIONAL
STATE

Preamble

We the Somali people, cognizant of the fact that, we have paid enormous sacrifices with other nations, nationalities, and peoples of the country to up root the oppressive system, which was imposed upon us and violated our human and democratic rights, tied up with inappropriate political, economic, and social policies and exposed us to backwardness and poverty and thereby treated us as second class citizen, and forced us to lead a grief-stricken life, we opposed and convinced that this must decisively be rectified,

Following the collapse of the backward and oppressive system by the long and prideful struggle launched by all the nations, nationalities, and peoples of Ethiopia, we realized the importance of the country's constitution with a necessity to build a federal democratic republic system, where the democratic and human rights of individuals and the right to self-determination up to secession of nations, nationalities, and peoples are observed and rule of law prevailed

Strongly believing to achieve rapid economic development, lasting peace and security and developed democracy, the necessity to have our own constitution based on the constitution of the Federal Democratic Republic of Ethiopia, and which takes into account the objective realities of our State, and enable the people of the State to implement a constitutionally guaranteed right without any compromise,

On the basis of what are mentioned above and remembering that the existing Constitution which was adopted on Hamle 10, 1987 through our representatives in the State Council that are elected by the direct and democratic election, thoroughly understanding that the existing constitution needs critical revision to bring about a system that is transparent, that manifests accountability to the electorate and efficient state structure as well as that takes into consideration the livelihood of the pastoralists,

Have, therefore, after thorough discussion and detailed deliberation on the revised constitution drafted by an organ assigned for this purpose, approved on Mazia by

Majority vote on the First Ordinary Session of the Council held in Jigjiga town.

CHAPTER ONE

GENERAL PROVISIONS

Article 1

Nomenclature of the State

This constitution proclaims a democratic structure. Accordingly, the State shall be called “**The Somali Regional State**”.

Article 2

Boundaries of the Somali State

1. The Somali State is the uninterrupted territory inhabited by Somali Nation and other peoples who made a choice to live in the State the borders of which are:-
 - To the North—Djibouti, the State of Afar, and Somalia

- To the South—Kenya
 - To the East—Somalia
 - To the West—the State of Oromia
2. Without prejudice to the provision of sub-Article 1 of this Article, if it is necessary the borders can be changed in accordance with Article 48 of the Federal Constitution.

Article 3

The State Flag

The State flag shall have green at top, white in the middle, red at the bottom with triangular light blue on the left side having five tips white star at the middle of the triangular part.

Article 4

The State Emblem

The Emblem of Regional State consists of industrials and agricultural symbols on two sides, on the center a calabash and a spoon made of a wood on the calabash and

star on top within the calabash It's a black headed ramp and lower side shows the words D.D.S .

Article 5

The State Anthem

The Somali Regional State's anthem shall reflect the constitutional objectives; the history, culture and language of the people; the commitment of the people of the state to live together with the rest of Ethiopian people in a democratic order; and the prosperity of the people of the state. Particulars shall be determined by law.

Article 6

Working Language of the State

Somali language shall be the working language of the state.

Article 7

Capital city of the State

The capital city of the State shall be Jigjig.

Article 8

Expression of Gender

Provisions of this constitution set out in the masculine gender shall also apply to the feminine gender.

Chapter Two

The Fundamental Principles of the Constitution

Article 9

Authoritative Power of the People

1. The highest power of the State is vested in the Somali People.
2. The Supremacy of the people's power shall be manifested through their elected representatives and through their direct democratic participation.

Article 10

Supremacy of the Constitution

Without prejudice to the supremacy of the constitution of the Federal Democratic Republic of Ethiopia:

1. This constitution shall be the supreme law of the state. Any law, customary practice or decision of any governmental organ or official, which is inconsistent with this constitution, shall be of no effect.
2. Any resident of this state, governmental organs, political organization and other associations along with their officials shall have the duty to ensure the observance of this constitution and to obey it.
3. It is prohibited to assume state power in any manner other than that provided in this constitution

Article 11

Human and Democratic Rights

1. Human rights and freedoms, emanating from the nature of mankind, are inviolable and inalienable.

2. Human and democratic rights of individuals and peoples shall be respected.

Article 12

Separation of State and Religion

1. State and religion are separate
2. There shall be no state religion
3. The state shall not interfere in religious matters and religion shall not interfere in state matters.

Article 13

Conduct and Accountability of the Government

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

Chapter Three
Fundamental Rights and Freedoms

Article 14

Scope of Application and Interpretation

1. All legislative, executive, and judicial organs of the state at any level shall have the responsibility and duty to respect and enforce the provisions of this chapter.
2. The fundamental right and freedoms specified in this chapter shall be interpreted in a manner conforming to the principles of International Covenants of Human Rights, the Universal Declaration of Human Right, and international instruments adopted by Ethiopia

PART ONE

Human Rights

Article 15

The Right to life, the security of person and liberty every person, as a human being has the inviolable and

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

Article 16

The Right to Life

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

Article 17

Right of the Security of Person

Everyone has the right to protection against bodily harm.

Article 18

Right to Liberty

1. No one shall be deprived of his liberty except in accordance with the procedure established by law.
2. No person shall be subjected to arbitrary arrest, and be detained without a charge or conviction against him.

Article 19

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 purposes and in whatever manner, is prohibited.
3. No one shall be required to perform forced or compulsory labor.
4. For the purpose of sub-Article 3 of this Article, the phrase "forced or compulsory labour" shall not include:
 - (a) Any work to be done in the normal course of imprisonment/ detention for lawful order or during the conditional release from such detention;
 - (b) Any service exacted in lieu of military service in case of conscientious objectors;
 - (c) Any service exacted in case of emergency or calamity threatened the life or well-being of the community;

- (d) Any economic and social development activity voluntarily performed by a community with in its locality.

Article 20

Rights of Persons Arrested

1. Persons arrested have the right to be informed promptly, in a language they understand, of the charges made against them and of the reasons for their arrest.
2. Persons arrested have the right to remain silent. Up on arrest, they have the right to be informed promptly, in a language they understand, that any statement they make way be used 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 the court, they have the right to be

given 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 to provide reasons for their arrest. But 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 investigation, the court shall ensure that the responsible law enforcement authorities carryout the investigation respecting the arrested persons' right to a speedy trial.
5. Persons arrested shall not be compelled to make confessions or admissions which could be used 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 adequate guarantee for the conditional release of the arrested person.

Article 21

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, however, hear cases in a closed session only with a view to protecting the privacy of the parties concerned, public morals and national security.
2. They 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 the proceeding they have the right to be presumed innocent until proved guilty and not to be compelled to testify against them.
4. They 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 own defense, and to

obtain the attendance of and examination of witnesses on their behalf before the court.

5. They 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 the state expense.
6. They 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 for the assistance of an interpreter at state expense where the court proceedings are conducted in a language they do not understand.

Article 22

The Rights of Persons Held in Custody and Convicted Persons

1. Persons held in custody and persons imprisoned upon conviction and sentencing have the right to be treated with respect to their human dignity.

2. They shall have the opportunity to communicate with, and to be visited by, their spouses or close relatives, friends, religious councilor's medical doctors and their legal counsel.

Article 23

Non-retroactivity of Criminal Law

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence at the time when it was committed. In addition no heavier penalty shall be imposed on any person than the one that was applicable at the time when the criminal offence was committed.
2. Notwithstanding the provisions of sub-Article 1 of this Article, a law promulgated subsequent to the commission of the offense shall apply if it is advantageous to the accused or convicted person.

Article 24

Prohibition of Double Jeopardy

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

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 human being.

Article 26

Right to Equality

All persons are equal before the law and are entitled without any discrimination to the equal protection of the

law. In this respect the law shall guarantee to all people's equal and effective protection, without discrimination on grounds of race, nation, nationality, color, sex, language, religion, political or social origin, wealth, birth or other 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 personal possession.
2. Everyone has the right to the inviolability of his notes and correspondence including postal letters, and communications made by means of 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 in accordance with specific laws whose purposes shall be the safeguarding of national security or public peace, the prevention of criminals or the

protection of health public morality or the rights and freedom 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 the provisions of sub-Article 2 of Article 90, believers may establish institution, of religious education and administration in order 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.

4. Parents and legal guardians have the right to bring up their children ensuring their religious and moral education in conformity with their own convictions.
5. Freedom to express or manifest ones religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public
6. Safety, peace, health, education, public morality or the fundamental rights and freedoms of others, and to ensure the independence of the state from religion.

Article 29

Crimes against Humanity

Criminal liability of persons who commit crimes against humanity, so defined by international agreements ratified by Ethiopia and by other national laws, such as genocide, summary ejections, forcible disappearances or torture shall not be barred statute of limitation. Such offences may not be commuted by amnesty or pardon of the legislature or any other state organ.

PART TWO

Democratic Rights

Article 30

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 in 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) Prohibition of any form of censorship
 - (b) Access to information of public interest.

4. For the purpose 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. Mass media financed by or under the control of the state shall operate in a manner ensuring its capacity to entertain diversity in the expression of opinion.
6. These rights can be limited only through laws which are guided by the principle that freedom of expression and information can not be limited on account of the content or effect of the point of view expressed. Legal limitations can be laid down in order 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 has the right to assembly and to demonstrate together with others peaceably and unarmed, and to petition. Appropriate regulations may be made 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

Every person has the right to freedom of association for any cause or purpose. Organizations formed, in violation of appropriate laws or to illegally subvert the constitutional order, or which promote such activities are prohibited.

Article 33

Freedom of Movement

Without prejudice to Article 32 of the Federal constitution, any resident of the state or any person lawfully in the state has the right to liberty of movement and freedom to establish his residence, right to work, right to own and possess property as well as to leave the state at any time he wishes to.

Article 34

Marital, Personal and Family Rights

1. Men and women without any distinction as to race, nation, nationality or religion, who have attained a marriageable age as defined by law, have the right

to marry and found a family. They have equal right while entering into, during marriage and at the time of divorce. Laws shall be enacted to ensure the protection of rights and interests of children at the time of divorce.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. Family is the natural and fundamental unit of society and is entitled to protection by society and the state.
4. In accordance with provisions to be specified by law, a law giving recognition to marriage concluded under systems of religious or customary laws may be enacted.
5. This constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute. Particulars shall be determined by law.

Article 35

Rights of Women

1. Women shall in the enjoyment of rights and protections provided for by this constitution, have 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, in order to remedy this legacy, are entitled to affirmative actions. The purpose of such actions shall be to provide special attention to women so as to enable them compete and participate on the basis of equality with men in political, social, and economic life as well as in public and private institutions.
4. The state 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. (a) Women have the right to maternity leave with full pay. The duration of maternity leave shall be determined by law taking into account the nature of the work, the health of the mother and the well-being of the child and family.
(b) Maternity leave may, in accordance with the provisions of law, include prenatal leave with full pay.
6. Women have the right to 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 with respect to use, transfer, administration and control of land. They shall also enjoy equal treatment in the inheritance.
8. Women employed in government or private institutions shall have a right to equality in

employment, promotion, pay and the transfer of pension entitlement.

9. To prevent harm arising from pregnancy and childbirth and in order to safeguard their health, women have the right of access to family planning education, information and capacity.

Article 36

Rights of Children

1. Every child shall have the following rights:
 - a. To life;
 - b. To a name and nationality;
 - c. To know and be cared for by his or her parents or legal Guardians;
 - d. Not to be subject to exploitation 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 inhuman treatment in schools and other institutions responsible 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 the best interests of the child.
- 3. Juvenile offenders admitted to corrective or rehabilitative institutions and juveniles who become wards of the state or who are 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 of wedlock.
- 5. The State shall accord special protection to organs and shall encourage the establishment of institutions which ensure and promote their adoption and advance their welfare and education.

Article 37

Right of Access to Justice

1. Everyone has the right to bring a justifiable 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 represented the collection or individual interest of its members; or
 - (b) Any group or person who in a member of, or represents a group with similar interests.

Article 38

The Right to Elect and to be elected

1. Any people of the state, without any discrimination based on color, race, nation, nationality, sex, language, religion, political or other opinion or status has the following rights:

- (a) To take part in the administration of public affairs directly or through freely chosen representatives;
 - (b) On the attainment of 18 years of age, to elect in accordance with law;
 - (c) To elect and be elected at periodic elections to any office at all governmental level, election shall be held by universal suffrage and secret ballot in order to ensure the free expression of the will of the electorate;
2. The right of every person to be a member of his own will, in a political organization, labor union, trade organization, or employees or professional association shall be respected if he/she meets the special and general requirements stipulated by such organization.
3. Elections to positions of responsibility within any of the organization referred to under sub-Article 2 of this Article shall be conducted in a free and democratic manner.

4. The provisions of sub-Articles 2 and 3 of this Article shall apply to civic organizations to the extent they significantly affect the public interest.

Article 39

National Rights of the Somali Nation

In accordance with the Ethiopian Federal Democratic Republic constitution, the Somali nation has unconditional right to self- determination, including the right to succession. Accordingly the Somali people:

1. Preserve its identity and have it respected, promote and preserve its antiquities and history, and use, develop and express its own language and culture;
2. Administer its own affairs within its own defined territory; and effectively, impartially, justly and freely participate in the activities of the Federal Government;
3. The right to self-administration establishes its own governmental organization pertinent to its

geographical settlement and gets fair representation in the Federal administration.

4. The right of self-determination, including succession can be exercised;
 - a) When a demand for secession has been approved by a two-third of majority vote of the state council;
 - b) When the Federal Government has organized a referendum which shall take place within three years from the time when it received the state councils; decision for secession;
 - c) When the demand for secession is supported by a vote of majority during the referendum;
 - d) When the Federal Government transferred power to the state council that demanded secession;
 - e) When the division of assets is effected in accordance with the law.
5. For the purpose of this constitution, "Somali nation" shall mean a group of people who have a large measure of common culture of similar custom, speak Somali language, and believe in having a

common or related existence, having psychological unity and who predominantly inhabit a contiguous territory.

Article 40

The Right to Property

1. Everyone has the right to ownership of private property. This right, unless prescribed otherwise by law on account of public interest include the right to acquire, use and in a manner compatible with the rights of other citizens, to dispose it 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 State and the people. Land is the common property of the state's people and shall not be subject to sale or to other means of exchange.
4. Pastoralists of the state have the right to free land for grazing and cultivation without payment as well as the right not to be displaced from their own lands. Particulars on implementation shall be specified by law.
5. Peasants of the State have the right to obtain land without payment and the protection against eviction from their possession. Particulars shall be determined by law.
6. Without prejudice to the right of the people to ownership of land, the state shall ensure the rights of private investors to the use of land on the basis of payment arrangements established by law. Particulars shall be determined by law.

7. Everyone 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 use expires, to remove his property, transfer his title, or claim compensation for it. Particulars on implementation shall be determined by law.
8. Without prejudice to the right to private property, the state may expropriate private property for public purposes subject to payment in advance of compensation commensurate to the value of the property.

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 choice anywhere within the state territory.
2. All residents of the State have the height to choose their means of livelihood, occupation and profession.

3. All residents of the State have the right to equal access to government funded social services.
4. The State has an obligation to allocate ever-increasing resources to provide the people, particularly the pastoralists, with public health, education and other local services.
5. The State shall facilitate the provision of credit services, and for the purpose of livestock resources development, the construction of roads, markets and other infrastructure to the pastor lists and peasants of the State.
6. The State shall allocate, to the extent the state economy permit, resources to provide rehabilitate and assistance to the physically and mentally disabled, the aged, and to children who are left without parents or guardians.
7. The State shall pursue policies that aim at creating job opportunities for the unemployed and indigents, and shall undertake programs and projects that create job opportunities.

8. The State shall take the necessary measures to widen opportunities for the residents to find gainful employment.
9. Pastoralists and peasants of the State have the right to receive fair prices for their products that would lead them to the improved conditions of life and enabled them to obtain an equitable share of the national wealth commensurate with their contribution. The State shall be guided by these objectives and by the pastoralist's oriented approach whenever it formulates economic and social development policies.
10. The State has the responsibility to protect and preserve cultural and historical antiquities and to contribute to the promotion of arts and sports.

Article 42

Rights of Workers

1. (a) F a c t o r y and service workers, peasant f a r m laborers, other rural workers and government

employees below a certain level of responsibility and whose working conditions so permit have the right to form associations so as to improve Their employment and economic well-being. This right includes the right to form trade union and other associations, And to bargain with employers or other organizations that affect their interest.

- a) The categories of workers mentioned in paragraph (a) of this sub- Article have the right to express grievances, include the right to strike
 - b) Government employees who can enjoy the rights provided under paragraph (a) and (b) of this sub- Article shall be determined by law.
 - c) Women workers have the right to equal pay to equal work.
2. Workers have the right to reasonable limitation of working hours to rest, to periodic leaves with pay to remuneration for public holidays as well as to a healthy and safe working 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 for the regulations of the collective bargaining process.

Article 43

Right to Development

1. The residents of the State have the right to protect and improve their environment, to improved living standards and to sustainable development.
2. The residents of the State have the right to participate in the States development activities, particularly, the right to be consulted on the policies and projects affecting the community in which they are members.
3. The main objectives of the development activities of the State shall be to enhance the capacity development of the State's residents and to meet their basic needs.

Article 44

Environmental Rights

1. The residents of the State have the right to clean and healthy environment.
2. All persons who have been displaced or whose livelihoods have been adversely affected as a result of undertakings of the state's programs shall have the right to claim an adequate State assistance including resettlement and proportionate sum of money or other compensatory means.

CHAPTER FOUR

Structure and Division of Powers of the State

Article 45

Administrative Hierarchies of the State

The state is organized in Kebeles, Woredas or Municipalities and State Councils. However, the State Council may, if it finds necessary, organize other administrative hierarchies and determines their powers and duties by the law.

Article 46

Structures of the Organs of the State

1. The state Council is the legislative body of the state.
It is the highest authority of the State and is accountable to the people whom it represents.
2. The State Cabinet Council is the highest executive organ in the state and is accountable to the State Council.
3. The State's judicial power shall exclusively be vested in the courts of the State.

Article 47

Powers and Functions of the State

1. All powers and functions, except those the Constitution of Ethiopian Federal Democratic Republic expressly gives to the Federal Government or

2. concurrently given to the Federal and States Governments, shall be vested in the State. Consistent with sub-Article 1 of this Article, the State shall:

- a) Formulate and execute the State policy, strategy and plan with respect to Economic and social development;
- b) Issue and implement the State's Constitution and other laws;
- c) Administer land and other natural resources in accordance with the law issued by the Federal Government;
- d) Establish a State administration that best advances self-rule, build a democratic order prevailing the supremacy of the laws, protect and defend the Federal and this constitution;
- e) Based upon the national standards of educational, training, and experience qualification, enact and implement law concerning the administration and conditions of work of the State's civil servants;

- f) Establish and administer the State's police force, maintain peace and security of the State;
- g) Without prejudice to Article 28 of the Constitution of the Federal Democratic Republic of Ethiopia, give amnesty or pardon based on law;
- h) Levy taxes and collect duties on revenue sources granted to the State, and prepare, approve and administer the state budget;
- i) Levy and collect income taxes on civil servants and employees of organizations;
- j) Determine and collect payment from the use of land;
- k) Levy and collect agricultural income tax;
- l) Levy and collect taxes on income of houses and other properties owned by private person, fix and collect rents on the income of houses and properties owned by the State;
- m) Levy and collect income profit, sales and excise taxes on enterprises owned by the State;

n) Jointly with the Federal Government:

- i. Share, in accordance with the law, profit tax, personal income tax, sales and excise taxes on enterprises they jointly establishes,
 - ii. Share, in accordance with the law, taxes on profits and dividends of shareholders,
 - iii. Share, in accordance with the law, taxes on incomes derived from large-scale mining and all petroleum and gas operations, and royalties on such operations.
- o) Determine and collect payments on licenses and services given by the state administrative organs;
- p) Fix and collect royalties for use of forest resources;
- q) Declare state-wide state of emergency whenever any natural disaster or an epidemic occurs.

CHAPTER FIVE

The State Council

Article 48

Members of the State Council

1. Members of the State Council shall be elected for a term of five years on the basis of universal suffrage and by free, direct, fair and secret ballot.
2. Members of the state council shall be elected among candidates in an electoral district who win by a plurality of votes cast.
3. Members of the State Council are representatives of all the peoples of the State and they are accountable to:
 - a) The Constitution,
 - b) The people and
 - c) Their own conscience only.
4. No member of the Council may be prosecuted on account of any vote he casts, or opinion he expresses in the Council, nor shall any administrative action be taken against any member on such ground.
5. No member of the council may be arrested or prosecuted without the permission of the Council except in the case of commission of grave *flagrante delicto* offense.

6. Any member of the Council may, in accordance with law, lose his mandate of representative upon loss of confidence by the electorate.

Article 49

Powers and Functions of State Council

1. According to this constitution, the State Council is the legislative body of the State.’
2. Without prejudice to the Constitution of the Federal Democratic Republic of Ethiopia, the highest political power regarding the internal affairs of the State is vested in the State Council.
3. Consistent with the provision of sub- Article 1 and 2 of this Article, the State Council shall have the following powers and functions:
 - a) Based on this constitution enact various laws that are not inconsistent with the Federal Constitutions and other laws;
 - b) Establishes administrative hierarchies or self-administering areas by taking in to account the

population size, area and Socio-economic activities within the state;

- c) Without prejudice to the powers of the Federal Government, it shall approves agreements concluded with other regional states;
- d) Elects the Speaker and Deputy Speaker that leads the Council, establishes standing and *ad hoc* committees as it deems necessary to accomplish its work;
- e) Nominates chief executive from among its members; and up on recommendation of the chief executive, it shall approve the appointment of the members of the cabinet council;
- f) Establishes auditing and inspection organ;
- g) Establishes security and police force to maintain the State's peace and security;
- h) Approves socio-economic policies, strategies, and plans of the State;
- i) Issues laws relating to the sources of revenue of the state; approves state's budget;

- j) Determines the formula of allocation of the state budget;
- k) Establishes and organizes institutions necessary for the promotion of social services and economic development;
- l) Upon recommendation of the chief executives, appoints the President and Vice president of the State Supreme Court and the Auditor General;
- m) Levies tax, and collect duties on the revenue sources given to the state,
- n) Issues laws regarding the state's civil servants and their working conditions;
- o) Issues regulations that enable the implementation of the federal constitution, proclamations, and other laws in the state.
- p) Calls and questions the Chief executive and other officials of the state organs; investigate the performance of the state's Cabinet Council.

Article 50

Appointment and Term of Office of the Speaker and Deputy Speaker of the Council

1. The State Council shall have its own Speaker and Deputy Speaker.
2. The Speaker and Deputy Speaker shall be elected in accordance with sub- Article 3(d) of Article 49 of this constitution from members of the council upon recommendation by a political party or political parties that has/have the majority of seats in the Council; and shall be accountable to the State Council.
3. The term of office of the Speaker shall be the term of office of the State Council.

Article 51

Powers and Functions of the Speaker

The State Council's Speaker shall have the following powers and function

1. Call and preside ordinary and extra ordinary sessions of the State Council.
2. Represent the State Council for its dealings with third party; undertake the Council's affairs on its behalf.
3. Organize the office of State Council and direct all administrative affairs of the Council.
4. Enforce disciplinary measures the Council takes up on its members.
5. Perform other duties that may be entrusted to him by the Council.

Article 52

Powers and Functions of the Deputy Speaker

The Deputy Speaker is accountable to the Speaker and the Council and he shall:

1. Perform duties that shall be specifically entrusted to him by the Speaker.
2. Act on behalf of the speaker in his absence or at when he is unable to perform his duties

Article 53

Office of the State Council

1. The State Council shall have its own office.
2. The powers and function of the office shall be determined by law

Article 54

Sessions of the State Council and Terms of Office

1. The State Council shall have ordinary sessions at least twice in a year.
2. The terms of office of members of the State Council shall be five years. New election shall be conducted one month prior to the expiry of the Council's term of office. The new Council shall assume office within one month after the expiry of the term of the previous State Council's terms of office.
3. The speaker may call an extra-ordinary session, when the State Council does not hold an ordinary session. If more than one-third of members of the

council request, the Speaker shall have to call an extra ordinal session.

4. Sessions of the Council shall be held public. The Council may, however, hold a closed session at the request of the members or the Cabinet Council and where the request is supported by more than half of the State's Council members.

Article 55

Decisions and Rules of Procedures

1. The presence of two - thirds of the members of the State Council shall constitute a quorum.
2. Every decision of the State's Council shall be passed by the majority vote of the members present.
3. The council shall enact detailed rules and procedures regarding its activities and legislative process.

Article 56

Establishment of the Elders' and Clan Leaders' Council

The State Council shall, in accordance with this constitution, establishes elders' and clan leaders' Council. Particulars shall be determined by law.

CHAPTER SIX

Article 57

Powers of the Executive

1. The highest executive power of the state is vested in the Chief Executive and the Cabinet Council
2. The Chief Executive and the Cabinet Council are accountable to the State Council
3. In the exercise of State functions, members of the Cabinet Council are collectively responsible for the decisions they make and measures they undertake as a body.

Article 58

Members of the State Cabinet Council

1. The Cabinet Council is an organ composed of the Chief Executive, Deputy Chief Executive, Heads of

Executive Bureaus, and others as may be determined by law.

2. The Chairman of the Cabinet Council shall be the Chief Executive
3. The State Cabinet Council is accountable to the Chief Executive and the State Council
4. The State Cabinet Council is accountable to the State Council for the decision it makes.

Article 59

Powers and Functions of the Cabinet Council

Without prejudice to the provision of the Federal Constitution, the Cabinet Council shall have the following powers and functions:

1. Insure the implementation of laws enacted and decisions made by the Regional Council and Federal Government
2. Determine the organs of the Executive and other institutions, and, upon approval by the State Council, implement, Supervise and direct them

3. Draw up the State budget, submit it to the State Council and, upon approval by the State Council, implement it
4. Without prejudice to the provision of Art 49 (3) (b) of this Constitution, Study the levels of administrative structure in the State and submit to the State Council and, upon approval, implement it
5. Formulate economic and social development policies and strategies of the State, submit draft law to the State Council, and upon approval , implement them.
6. Insure the observance of law and order in the State.
7. Issue regulations pursuant to the power vested in it by the State Council.
8. Suspend members of the Cabinet Council
9. Perform other duties entrusted to it by the State Council and the Chief Executive.

Article 60

Appointment and Term of Office of the Chief Executive

1. The Chief Executive shall be appointed by the State Council up on the recommendation of the political party or political parties that has or have the majority number of seats.
2. Unless otherwise provided in this constitution, the term of office of the Chief Executive shall be for the duration of the term of office of the State Council.

Article 61

Powers and Functions of the Chief Executive

1. The Chief Executive shall be the Head of the Executive and the Chairman of the Cabinet Council.
2. The Chief Executive shall be accountable to the State Council
3. Consistent with the provision of Sub-Article 1 of this Article, the Chief Executive :

- a) Leads, coordinates and represents the Cabinet Council.
- b) Supervises the implementation of policies, regulations, directives and decisions made by the Cabinet Council.
- c) Submits nominees for the post of the President and Vice president of the State Supreme Court, the Auditor General, members of the Cabinet Council to the State Council for the purpose of approval.
- d) Consistent with the provision of sub- Article (3) (c) of this Article, assigns, provisionally when the State Council is not session, members of the Cabinet Council other than the Deputy Chief Executive until the next session of the State Council.
- e) Other than those referred to under Sub-Article 3 (c) of this Article, Selects nominees for the post of Heads of the State's high economic, social, and administrative institutions

and submits them to the State Council for the purpose of approval.

- f) Exercises overall supervision and guidance over the functions of the security services and the police forces of the State in the enforcement of law and order.
- g) Directs and controls the lower administrative hierarchies of the State.
- h) Submits to the State Council periodic report about the state situation, activities undertaken by the Cabinet Council, and future plans.
- i) Grants pardon in accordance with the law.
- j) Respects and ensures the observance of the State Constitution.
- k) Discharges other functions entrusted to him by the State Council

Article 62

Powers and Function of the Deputy Chief Executive

1. The Deputy Chief Executive shall be appointed, up on the recommendation of the Chief Executive, by the State Council and shall have the following powers and function:
 - a) Perform the duties specifically entrusted to him by the Chief Executive and the State Cabinet Council.
 - b) Act on behalf of the Chief Executive in his absence.
2. The Deputy Chief Executive shall be accountable to the Chief Executive and the State Cabinet Council

Article 63

Office of the Chief Executive

1. The Chief Executive shall have his own office in order to discharge duties entrusted to him by this Constitution

2. The Office of the Chief Executive shall also serve as the office of the State Cabinet Council.
3. The Office shall be lead by the Secretary assigned by the Chief Executive.
4. The Secretary shall be accountable to the Chief Executive and shall: -
 - a) Equip the office with manpower and material
 - b) Serve properly as a custodian of the documents of the administration.
 - c) Insure the proper handling of the minutes of the Cabinet Council.
 - d) Perform other duties assigned to him by the Chief Executive.

Article 64

Establishment of Economic, Social, and Administrative Institutions

Bureaus, Commissions, other offices that perform, coordinate and lead the economic, social, and administrative activities of the State may be established whenever necessary. Particulars shall be determined by law.

CHAPTER SEVEN
STRUCTURE & POWER OF COURTS

Article 65

Establishment of an Independent Judiciary

1. An independent judiciary of the state is hereby established by this Constitution.
2. Special or ad hoc courts that take judicial power away from the regular court or an institution legally empowered to exercise judicial function and which do not follow legally prescribed procedure shall not be established.

Article 66

Customary & Religious Adjudication

1. Pursuant to Article 34 (5) of this constitution, customary and religious courts can be established or be given recognition.

2. Customary or religious courts that had recognition and functioned prior to the adoption of this constitution shall be recognized and organized based on this constitution.

Article 67

Judicial power

1. Judicial power in the state shall exclusively be vested in courts
2. Courts of any level shall be free from any interference, of any governmental body, government official or from any other influence.
3. Judges shall exercise their judicial function in full independence. Except law, they shall not be directed by anything else.
4. No Judge shall be removed from his duties without his consent before reaching the legally determined retirement age except under the following conditions:
 - a) When the Judicial Administration Council decides, in accordance with the law of judicial

discipline, to remove him for the violation of disciplinary rules or on the ground of gross incompetence or inefficiency; or,

- b) When the Judicial Administration Council decides that he can no longer discharge his duty owing to illness, and
 - c) When the decision of the Judicial Administration Council is approved by more than half of the vote of the State Council.
5. In accordance with the provision of Sub- Article 4 of this Article if the Judicial Administration Council believes that a judge has violated disciplinary rule that removes him from his judicial duties, he shall be suspended until the matter is decided by the State Council.
6. The retirement age of any judge may not be extended beyond the legally determined retirement age.

Article 68

Structure and Jurisdiction of Courts

1. The State judicial organ shall be organized as the Supreme Court, Zonal High court, and Woreda court.
2. The State Supreme Court :
 - a) Shall have the highest and final judicial power over state matters.
 - b) Shall Exercise the jurisdiction of Federal High Court on Federal matters.
 - c) Shall have the power of cassation over any court final decision on state matters that contains fundamental error of law. Particulars shall be determined by law.
3. The State High Court shall, in addition to state jurisdiction, exercise the jurisdiction of the Federal First Instance Court.
4. Decision rendered by the State High court exercising the jurisdiction of the Federal First Instance Court shall be appealable to the State Supreme Court.

5. Decision rendered by the State Supreme Court exercising the jurisdiction of the Federal High Court shall be appealable to the Federal Supreme Court.
6. Woreda Court shall be the judicial organ with the lowest and first instance judicial power in the State.
7. The State Supreme Court shall draw up and Submit, for the purpose of approval, to the State Council the budget for the administration of the state judiciary and, up on approval, shall administer the budget.
8. The State Supreme and High Courts exercising the jurisdiction of federal courts by delegation shall be furnished with compensatory budget from the Federal Government.

Art 69

Appointment of Judges

1. The President and Vice president of the State Supreme Court shall, upon the recommendations of the Chief Executive, be appointed by the State Council.

2. The State Supreme Court, Zonal High Court, and Woreda Court judges shall, up on the recommendation of the State Judicial Administration Council, be appointed by the State Council.
3. The State Judicial Administration Council shall, before submitting the nominees of the State Supreme Court and Zonal High Court judges to the State Council, have the responsibility to request the suggestion of the Federal Judicial Administration Council and forward the suggestion provided to it to the State Council along with its own recommendation. If the Federal Judicial Administration Council does not provide the requested suggestion within three months, the State Council shall approve the appointment of the nominee judges.

Article 70

Establishment of State Judicial Administration Council

1. The State Judicial Administration Council that shall be represented by the majority of judges shall be established.
2. The president of the State Supreme Court shall be the Chairman of the Council.
3. The composition of the members, and the power and function of the Council shall be determined by law.

Article 71

Interpretation of the Constitution

1. Constitutional dispute shall be decided by the Commission of the Constitutional Interpretation that shall be constituted by one member from each Woreda Council.

2. The Commission shall consider and decide on the recommendation submitted to it by the State Council of Constitutional Inquiry with in sixty (60) days.
3. The term of office of the Commission shall be five years.
4. The commission shall select Chairman and Secretary from its members. It shall obtain financial and secretarial services, necessary to discharge its duties, from the State Council.

Article 72

Council of Constitutional Inquiry

1. The State's Council of Constitutional Inquiry is hereby established by this constitution.
2. The State's Council of Constitutional Inquiry shall have eleven members. The members are the following:
 - a) The President of State the Supreme Court -----
---Chairman

- b) The Vice President of the State Supreme Court-
---Deputy Chairman.
- c) Six legal experts appointed by the State Council, upon the recommendation of Chief Executive, who have proven professional competence and high moral standing -----members.
- d) Three representatives recruited by the State Council up on the recommendation of the Speaker -----members.

Article 73

Power and Function of the Council of Constitutional Inquiry

1. The Council of Constitutional Inquiry shall have the power to investigate contested constitutional disputes. Should the Council, upon investigation carried out, find it necessary to interpret the Constitution, it shall submit its recommendation to the Commission of Constitutional Interpretation.

2. Where laws, regulations, and directives made by the state organs are contested as being unconstitutional in any circumstances and such dispute is submitted to it by the court or any interested party, the Council shall investigate the matter and submit its finding to the Commission for a final decision.
3. When an issue of constitutional interpretation arises in courts, the Council shall:
 - a) Remand the matter to the concerned court immediately if it finds that there is no need of interpreting the constitution. However, any interested party dissatisfied with the decision of the Council may file his grievance in writing to the Commission.
 - b) Submit its recommendation to the Commission if it believes that there is an issue of constitutional interpretation. The decision of the Commission shall be final.

Chapter Eight

Structure and Power of the Woreda

Article 74

Structure

Woreda shall have the following organs:

1. Woreda Council
2. Woreda Cabinet Council
3. Woreda Court established by this Constitution

Article 75

Woreda Council

1. The Woreda Council is an organ organized under state council.
2. The Woreda Council:-
 - a) Shall be constituted by representatives elected from the kebeles organized under it .
 - b) Shall have the Speaker and Deputy Speaker nominated, upon the recommendation of the

political party or political parties that has or have the majority seats in the Council.

- c) May organize, whenever necessary, permanent and temporary committees.

Article 76

Election and Accountability of Members of Woreda Council

1. Members of the Woreda Council shall directly be elected by the people residing in the kebeles within the Woreda.
2. They shall be accountable to the people that elect them.

Article 77

Power and Function of Woreda Council

1. The Woreda Council shall have the highest authority of the Woreda

2. Without prejudice to sub-article 1 of this Article, the Council shall have the following powers and functions.
- a) Deliberate upon and approve draft economic development, social services, and administrative plans and programs.
 - b) Follow up timely undertakings of the basic livestock and grazing resources development activities in the woreda and ensure that due attention is given to the development, protection and preservation of natural resource.
 - c) Create conducive condition for the purpose of initiating and mobilizing the people for development activities in a comprehension manner. In particular, devise the means by which the pastoralists achieve a sustained livelihood and be the beneficiary of water and grazing services in their nearby.
 - d) Participate, directly or indirectly, the people in the process of formulation, implementation and

evaluation of plans with a view to ensuring the sovereignty of the people.

- e) Elect the Speaker and Deputy Speaker from among its members. Nominates the Chairman.
- f) Approve the appointment of Deputy Chairman and other officials upon the recommendation of the Chairman.
- g) Issue, its own internal rules of procedure that determines its work.
- h) Insure the collection of land use tax, agricultural activities income tax and other fees that are determined by law.
- i) Utilize, properly sources of income, other than the budget allocated by State to the woreda; deliberate upon and approve its budget; prioritize the needs of the Woreda and allocate, accordingly, the budget provided to it by the State Council; follow up and supervise the utilization of the budget.

- j) Appoint, in consultation with the concerned State organs, other officials outside the administration of the Woreda .
- k) Issue directive that guarantees peace and security in the Woreda.

Article 78

Speaker of the Woreda Council

1. The Speaker shall be accountable to the Woreda Council and shall be responsible for calling, on timely basis, and presiding over the meeting of the Council.
2. The provisions that apply to the Speaker of State Council shall apply, with necessary adjustments, to other specific powers and functions of the Speaker of Woreda Council.

Article 79

Deputy Speaker of the Woreda Council

1. The Deputy Speaker shall carry out duties specifically entrusted to him by the Speaker.
2. He acts on behalf of the Speaker in his absence.
3. He shall be accountable to the Speaker and the Woreda Council.

Article 80

Session and Term of Office of Woreda Council

1. The Woreda Council shall hold session every three month.
2. The presence of more than two thirds of the members at the session shall constitute a quorum. Decision shall be passed by the majority vote.
3. The term of office of the Woreda Council shall be five years. New election shall be conducted one month prior to the expiry of the terms of office of the existing Council. The new Council shall assume

office within one month after the expiry of the term of office of the prior Council.

4. Session of the Woreda Council shall be held in public. The Speaker may call for an extraordinary session when the Council does not hold regular session. If more than half members of the Council requests, the Speaker shall have an obligation to call for an extraordinary session.

Article 81

Office of Woreda Council

The Woreda council may have its own office

Article 82

Woreda Cabinet Council

1. The Woreda Cabinet Council is an organ that comprises of the Chairman of Woreda, Deputy Chairman of Woreda, and Heads of main executive sector offices set up in the Woreda.

2. The Woreda Cabinet Council is the Executive organ of the Woreda and is accountable to the Chairman of the Woreda & Woreda Council.

Article 83

Power & Function of the Woreda Cabinet Council

1. The Woreda Cabinet Council shall have following powers and functions:
 - a) Implements the policies, laws, directives and plans and programs of the State and Federal government in the Woreda.
 - b) Coordinate, follow up, and direct the activities of the executive organs in Woreda.
 - c) Draw up draft annual budget of the Woreda; submit it to the Woreda council, and, upon approval, implement it.
 - d) Collect, in accordance with the law, rural land use tax, taxes on income from agricultural activities and other revenues. Study other

mechanisms of generating additional revenues and submit to the Woreda Council for the purpose of decision.

- e) Maintain peace & Security of the Woreda; direct and coordinate security and police organs.
- f) Mobilize the people for development activities in a comprehensive manner; promote rural development, protect, develop, and preserve natural resource:
- g) Prepare and submit social, economic, and administrative plans to the Woreda Council and, upon approval, implement them.
- h) Undertake, on timely basis, the basic livestock and grazing resources development, and general agriculture activities; by paying due attention, undertake the development, protection, and preservation of natural resources.
- i) Follow up closely that any antiquities in the Woreda get proper protection and care.

- j) Discharge other duties that are assigned to it by the Woreda
- 2. The members of woreda cabinet council are responsible for the actions they make & decision they pass in their governmental authority.

Article 84

Nomination and Term of Office of Woreda Chairman

- 1. The Woreda Chairman shall be a nominated, upon the recommendation of the political party or political party that has/have the majority seats of the Woreda Council, by the Woreda Council.
- 2. Unless otherwise provided, the term of office of the Woreda Chairman shall be for the duration of the term of office of the Woreda Council.

Article 85

Power & Function the Woreda Chairman

1. The Woreda Chairman shall be accountable to the Woreda Council and the State Chief Executive and shall be the leader of the Woreda Administrative activities.
2. without prejudice to the provision of Sub-Art 1 of this Article, the Chairman:
 - a) Shall represent, call, and direct the Woreda Cabinet Council.
 - b) Shall ensure the implementation of the State & Federal, Policies, laws, directives and programs within the woreda.
 - c) Shall coordinate, direct, and control the activities of the members of the Woreda Cabinet Council, various institutions, and kebeles organized within the woreda.
 - d) Shall follow up and control timely formulation & Implementation of social services and plans of the Woreda.

- e) Shall submit for approval the nomination, among others, of Deputy Chairman and other members of the Woreda Cabinet Council.
- f) Shall lead and supervise the security and police forces that are set up to main the peace & security of the Woreda.
- g) Shall discharge other duties that are entrusted to him by the Woreda Council and the State Chief Executive.

Article 86

Nomination, Power and Function of the Woreda Deputy Chairman

The Woreda Deputy Chairman shall be appointed, upon the recommendation of the Woreda Chairman, by the Woreda Council and shall have the following powers and functions:

1. To discharge the functions specifically entrusted to him by the Woreda Chairman and Woreda Cabinet Council.
2. To act on behalf of the Chairman in his absence or when he is unable to carry out his duties.
3. The Woreda Deputy Chairman shall be accountable to the Woreda Chairman and the Woreda Cabinet Council.

Article 87

Office of the Woreda Cabinet Council

1. The Woreda Cabinet Council office shall be lead by the head of office assigned by the Chairman.
2. Powers and functions specified for the office of the State Chief Executive in this constitution shall be applicable, with necessarily adjustment, to the office of the Woreda Cabinet Council

Article 88

Establishment of the Municipal Council

1. The towns in the state shall have Municipal Council based on their development standard.
2. The power and function of Municipal Councils and their relationship with other state organs shall be determined by law.

Chapter Nine

Structure and Power of Kebele

Article 89

Structure and Power

1. Permanent and mobile Kebeles shall be organized. In Pastoral area, mobile Kebele shall be organized on the basis of study carried out, taking into account the livelihood of the community. Particulars shall be determined by law.
2. The Kebele Administration is the lowest administrative hierarchy of the state and shall be

accountable, according to this Constitution, to the town or Woreda administration in which it is embraced, depending on the circumstance. Particulars shall be determined by law.

3. Kebele shall have the following organs:
 - a) The Kebele Council
 - b) The Kebele Cabinet Council
 - c) The Social Court.

Article 90

The Kebele Council

1. The Kebele Council shall be an organ vested with the highest authority of the Kebele resident.
2. The members of the Kebele Council shall directly be elected by the Kebele resident.
3. The members of the Council shall be accountable to the electorate.

4. The Council shall be accountable, depending on circumstance, to the Municipal Council or the Woreda Council in which it is embraced.

Article 91

Power and Function of the Kebele Council

The Kebele council shall have the following powers and functions:

1. Ensure the implementation of plans and directives issued by the Woreda Council.
2. Nominate the Speaker, Deputy Speaker, the Chairman and Deputy Chairman of the Kebele Council from among the members of the Council. Organize the Kebele Cabinet Council.
3. Appoint, upon the recommendation of the Kebele Chairman, the Deputy Chairman and the Judges of Social Court.
4. Ensure the maintenance of law and order in the Kebele.

5. Supervise the development & Preservation of natural resource activities.

Article 92

Speaker & Deputy Speaker of the Kebele Council

The kebele Council shall be lead by the Speaker and Deputy Speaker elected from among the members of the Kebele Council. Particulars shall be determined by law.

Article 93

The Organization of the Kebele Cabinet Council

1. The Kebele Cabinet Council shall be the subordinate executive body and shall comprise of the Chairman, Deputy Chairman of the Kebele and other members as may be designated by law.
2. The Kebele Cabinet Council shall be accountable, depending on the circumstance, to the Kebele Council and the Woreda Cabinet Council or Municipal Council.

Article 94

Power and Function of the Kebele Cabinet Council

The Kebele Cabinet Council shall have the following powers and functions:

- a) Draw up development plans and programs, submit them to the Kebele Council and, upon approval, implement them.
- b) Make the Undertaking of the activities of protection, preservation and development of natural resource; mobilize and coordinate the people for development activities.
- c) Promote rural development; undertake the activities of protection, Preservation and development of natural resource.
- d) Submit report to the Kebele Council on timely basis.
- e) Discharge other duties specifically entrusted to it by the Kebele Council.

Article 95

Nomination and Term of Office of the Kebele Chairman

1. The Chairman of the Kebele shall be elected from among the members of the Kebele Council.
2. Unless decided otherwise, the term of office of the Kebele Chairman shall be the duration for the term of office of the Kebele Council.

Article 96

Powers and Functions of the Kebele Chairman

1. The Kebele Chairman shall be accountable, depending on the circumstance, to the Kebele Council and the Municipal Council or Woreda Council, in which the Kebele is embraced and shall be the representative, head of the administrative activities and the Chairman of the Kebele Cabinet Council.

2. Without prejudice of the provision of Sub-Article 1 of this Article, the Kebele Chairman shall have the following powers and functions.

- a) Chair and direct the meeting of the Kebele Cabinet Council.
- b) Follow up and supervise and implementation of the policies, laws, regulations, directives, and plans issued by the higher administrative organs.
- c) Submit, for approval, to the Kebele Council, the nomination, among others, of the Deputy Chairman of the Kebele and other members of the Kebele Cabinet Council.
- d) Submit lists of candidate judges for Social Court to the Kebele Council for appointment.

Article 97

Power and Function of the Kebele Deputy Chairman

The Kebele Deputy Chairman shall be appointed, up on the recommendation of the Kebele Chairman, by the Kebele Council and shall:

1. Discharge duties entrusted to him by the Kebele Chairman and the Kebele Cabinet Council.
3. Act on behalf of the Kebele Chairman in his absence or when he is unable to carry out his duties.
4. The Kebele Deputy Chairman shall be accountable to the Kebele Chairman and the Kebele Cabinet Council.

Article 98

The Kebele Social Court.

1. The kebele Social Court shall be the kebele's judicial organ and hereby established by this constitution. Particulars shall be determined by law.
2. Judges of the Kebele Social Court shall be appointed in accordance with Article 91(3) of this constitution.
3. The term of office of the judges of Social Court shall be for the duration of the term of office of the Kebele Council. Particulars shall be determined by law.

Chapter Ten

State Policy Objectives

Article 99

Objectives

1. Any government organ shall be guided by the objectives mentioned in this Chapter in implementing the Federal and State Constitutions and other laws and policies.
2. In this Chapter "Government" means the Somali Regional Government

Article 100

Political Objectives

1. Guided by democratic principles, the Government shall be bound to create conducive environment for the self-rule of the Somali Region's people at all levels.
2. The Government shall be bound to strengthen equality and fraternity with other regions.

Article 101

Economic Objectives

1. The Government shall have the responsibility to devise mechanism which ensures that all the residents of state benefit from the state's legacy of intellectual & material sources.
2. Since the economy of the state relies mainly on livestock production, in formulating policies and programs, the State shall have the responsibility to create favorable condition to improve and achieve a sustained livelihood of pastoralists, and make them benefit from infrastructure services.
3. The Government shall have the duty to create conducive environment based on which all the residents and clans in the state have equal opportunity for development and fair distribution of wealth.'
4. The Government shall endeavor to link the state's economy with the nation-wide economy in collaboration with the Federal Government.

5. The Government shall encourage investors to engage in the State development and shall also provide them with the necessary assistance.
6. The Government shall have the responsibility to hold, on behalf of the people, land and natural resources in order to deploy them for common benefit and development of the people.
7. The Government shall promote the participation of people at all levels in the formulation of the state development policies and programs. It shall also have the duty to support the development initiatives of the people.
8. The Government shall devise a means to ensure rapid development by combining the intellect, labour and money of the people. It shall make the people play a major role in the economic activities of the State. The people shall, therefore, participate not only in the formulation of plans and policies but also in their execution and evaluation.

9. The Government shall have the responsibility to arrange condition for the equal participation of women, with their men counterparts, in development and social activities.
10. The Government shall endeavor to protect and promote the health welfare, and living standards of the working population.
11. The Government shall endeavor to bring up the State's socio-economic development from the existing low level

Article 102

Social Objectives

1. To the extent the country and the State resources permit, the State shall provide the residents and clans with the access to education, health, clean water, housing, and food and social security services in an integrated manner.

2. Education shall be provided in a manner that is free from religious and political attitudes and cultural influences.
3. The Government shall take measures to avert natural and manmade disasters and in the event of their occurrence, shall provide the victims with timely assistance.

Article 103

Cultural Objectives

1. The Government shall have the duty to support the growth and enrichment of cultures and traditions that are not incompatible with fundamental rights and human dignity, and democracy and the Constitution.
2. The Government shall have the duty to undertake institutional initiative with a view to protecting and promoting the state's natural resources, culture, language, and historical antiquities of the people.

3. To the extent the State resources permit, the Government shall have the duty to expand art, science and technology.
4. The State shall have unreserved duty to take care for the young generation and equip them with an overall ethics and make them free from addiction to drugs and others so that they are physically and mentally strong enough to carry responsibility, and be patriotic and grow with fitness and self-confidence.

Article 104

Environmental Objectives

1. The Government shall endeavor to ensure that all the residents of the State live in clean and healthy environment.
2. Any economic measure shall not damage the safety of the environment.

3. People have the right to express their view in the formulation and implementation of policy and program related to the environment.
4. The Government and the people of the State shall have the duty to protect their environment. In particular, the Government shall have the duty to take appropriate measure to prevent and minimize desertification

Chapter Eleven

Miscellaneous Provisions

Article 105

Declaration of the State of Emergency

1. The State Cabinet Council shall have the power to issue the declaration of State of Emergency should any natural disaster or epidemic that threatens the health of the people occur and when the State Council is not in session.
2. Within fifteen days from the date of issuance and implementation of the Declaration of the State of

Emergency by the Executive Council, the Speaker shall call for an extraordinary session of the State Council for the purpose of approval of the declaration issued.

3. The Declaration of State of Emergency issued by the State Cabinet Council shall remain effective up to six months only, if approved by the State Council. However, the State Council may, by a two thirds vote, allow for the renewal of the State of Emergency every four month.
4. The measures taken and provisions incorporated in the Declaration of State of Emergency issued by the State Cabinet Council and approved by the State Council may not in any respect suspend or limit the rights provided for in Articles 15, 16, 18(1), 21(1), 25, 27(1), and 39 of this constitution.

Article 106

State of Emergency Inquiry Board

1. The State Council shall, while approving the Declaration of State of Emergency, establish the

State of Emergency Inquiry Board, which comprises of seven members to be selected and assigned by the State Council from among its members and legal experts. The Board shall be established the time when the decree issued on the State of Emergency is to be approved by State Council.

2. The State of Emergency Inquiry Board shall have the following powers and functions:
 - a) To make public within one month the names of persons arrested on account of the state of emergency together with the reasons for their arrest.
 - b) To inspect that measures taken during the state of emergency are not inhumane.
 - c) To recommend the prosecution of persons who committed inhumane acts under the state of emergency measures.
 - d) To recommend to the State Chief Executive or the State Cabinet Council corrective measure if it finds that any measure of the State of Emergency Decree is inhumane.

- e) To submit its view to the State Council if the request for the extension of the duration of the state of energy is submitted to the State Council.

Article 107

The State Auditor General

1. The Auditor General of the State Shall be appointed by the State Council upon the recommendation of the State Chief Executive.
2. The State Auditor General shall audit and inspect the accounts of the State bureaus and other offices to ensure that the budgets are properly utilized for the activities for which they are allocated in the fiscal year and shall submit his reports thereon to the State Council.
3. The State Auditor General shall draw up its annual budget and submit it directly to the State Council for approval.
4. The State Auditor General Shall be accountable to the State Council.]

5. Particulars on the powers and functions of the State Auditor General shall be determined by law.

Article 108

Initiation of Amendment of the Constitution

Any initiation for the amendment of the Constitution if supported by: -

1. One thirds vote of the members of the State Council;
or,
2. majority vote of the members of the State Cabinet Council; or,
3. One thirds of the Woreda Councils found in the State, shall be submitted for discussion and decision to the general public and to those whom the amendment of the constitution concern.

Article 109

Amendment of the Constitution

1. The provisions of Chapter Two and Chapter Three of this Constitution may not be amended except in

accordance with the provision of Article 105 of the Federal Constitution.

2. Other than the ones specified in sub-article 1 of this Article, the provisions of this Constitution can be amended in the following manner only When the members of the State Council approve the proposed amendment by a two-thirds vote.

Article 110

Version with Final Legal Authority

The Somali language version of this constitution shall have the final legal authority.