PROCLAMATION NO.250/2001
COUNCIL OF CONSTITUTIONAL INQUIRY PROCLAMATION

WHEREAS, the Council of Constitutional Inquiry has been established by the Federal Constitution to give professional support to the House of the Federation which has been given the power to interpret the Federal Constitution;

WHEREAS, it has been deemed necessary to organize and strengthen the Council of Constitutional Inquiry so as to further consolidate the task of interpreting the constitution and to render professional services of due efficiency and effectiveness to the House of the Federation;

WHEREAS, it has been deemed necessary to specify the term of office and define the rights and responsibilities of members of the Council of Constitutional Inquiry;

NOW, THEREFORE, in accordance with Article 55/1 of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

Part One
General

1. Short Title
This Proclamation may be cited as the ‘‘Council of Constitutional Inquiry Proclamation No.250/2001.’’

2. Definitions
In this Proclamation, unless the context otherwise requires:

1) ‘‘Constitution’’ shall mean the Constitution of the Federal Democratic Republic of Ethiopia;
2) "House of the Federation" shall mean the House of the Federation established in accordance with Article 53 of the Constitution.
3) "Council of Inquiry" shall mean the Council of Constitutional Inquiry of the Federal Government;
4) "State" shall mean states formed in accordance with Article 47/1 of the Constitution of the Federal Democratic Republic of Ethiopia and, for the purposes of this proclamation, includes the Addis Ababa and the Dire Dawa city administrations;
5) "Law" shall mean the Proclamations and Regulations issued by the Federal Government or the states as well as international agreements which Ethiopia has endorsed and accepted;
6) "State Organ" shall mean the Federal and State legislative bodies, Executives' Judiciary or a body given a judicial power;
7) "Court" shall mean the Federal or State Courts at any level.

3. Organization of the Council of Inquiry

The Council of Inquiry shall have a chairperson, deputy chairperson, members, head of the Secretariat, and employees necessary to execute its duties and responsibilities.

4. Members of the Council of Inquiry

The Council of Inquiry shall have the following eleven members:
1) the president of the Federal Supreme Court... chairperson.
2) the vice-president of the Federal supreme court...deputy chairperson.
3) Six legal experts appointed by the president of the Republic on recommendation by the House of Peoples' Representatives, who shall have proven professional competence and high moral standing... members.
4) Three persons designated by the House of the Federation from among its members ...... members.

5. Establishment

1) Secretariat of the Council of Inquiry (hereinafter referred to as "the secretariat") is hereby established as an autonomous organ having its own juridical personality.
2) The Secretariat shall be accountable to the Council and to the Chairperson of the Council.

6. Powers and Duties of the Council of Inquiry

The Council of Inquiry shall have the following powers and duties:
1) investigate constitutional disputes and should the council, upon consideration of the matter, find it necessary to interpret the constitution, it shall submit its recommendations thereon to the House of the Federation.
2) Where any Federal or State law is contested as being unconstitutional and such a dispute is submitted to it by any court or interested party, the council shall consider the matter and submit it to the House of the Federation for a final decision.
3) When issues of constitutional interpretation arise in the courts, the Council shall:
   a) remand the case to the concerned court if it finds that there is no need for constitutional interpretation;
   b) submit its recommendations to the House of the Federation for a final decision if it believes that there is a need for constitutional interpretation.

7. Term of Office of the Members

1) The term of office of the members designated by the House of the Federation shall be consistent with that of the House of the Federation.
Powers and Duties of the Council of Inquiry

1) The Council of Inquiry shall hold regular quarterly meetings. 2) The Council may call extra-ordinary meetings when it deems it necessary. 14.

Anymember of the Council of Inquiry shall: 1) attend any meeting of the Council of Inquiry unless prevented by reasons beyond his control; 2) inform the chairperson, in advance where he has a reason beyond his control, and unable to attend a meeting; 3) take part in and be active participant in meetings of the Council of Inquiry and committees and make his best efforts for the successfulness of the Council; 4) abide by rules and regulations of the Council of Inquiry. 13.

Meetings of the Council of Inquiry
1) The Council of Inquiry shall hold regular quarterly meetings. 2) The Council may call extra-ordinary meetings when it deems it necessary. 14.

Powers and Duties of the Secretariat
The Secretariat shall have the following powers and duties: 1) render secretarial service to the Council of Inquiry; 2) arrange for halls required for sessions of the Council of Inquiry and meetings of its various committees;
14. Organization of the Secretariat

The secretariat shall have:
1) A Head appointed by the house of the Federation, on recommendation of the Council of Inquiry; and
2) the necessary staff.
3) The Head office of the Council of Inquiry shall be in Addis Ababa.

15. Powers and Duties of Head of the Secretariat

The Head of the Secretariat shall:
1) direct and administer the activities of the secretariat;
2) prepare the budget and work programme of the Council of Inquiry, and implement same upon approval;
3) exercise the powers and duties of the secretariat specified in Article 14 of this proclamation;
4) represent the secretariat in its dealings with third parties;
5) employ and administer personnel of the secretariat in accordance with the Federal Civil Service law;
6) prepare and submit to the Chair person of the Council of Inquiry reports on the activities and financial accounts of the secretariat;
7) perform such other functions as are assigned to him by the Council of Inquiry and the Chair person.

16. Interpretation of the Constitution

Part Two

17. Principle

1) The Council of Inquiry shall have the power to investigate constitutional issues.
2) Where any law or decision given by any government official which is alleged to be contradictory to the constitution is submitted to it, the Council shall investigate the matter and submit its recommendations thereon to the House of the Federation for a final decision.
3) If the Council, after investigating the case submitted to it, finds that there is no need for constitutional interpretation, it may reject the case and inform of its decision thereof to the concerned party.

18. Appealing to the House of the Federation

1) Any party who is dissatisfied with the decision of the Council, given pursuant to Article 17(3) of this proclamation, may Appeal to the House of the Federation.
2) An appeal under sub-Article (1) of this Article, shall be submitted within 60 days from receipt of the decision of the Council.

19. Submitting Recommendations

1) Where the Council, upon consideration of the matter, find it necessary to interpret the constitution, it shall submit its recommendations thereon, together with testimonies and documents relating thereto, to the House of the Federation.
2) The Council shall submit its recommendations and documents related to the matter, to the House of the Federation, within a month time from the day it has approved its recommendations.

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4) represent the secretariat in its dealings with third parties;
5) employ and administer personnel of the secretariat in accordance with the Federal Civil Service law;
6) prepare and submit to the Chair person of the Council of Inquiry reports on the activities and financial accounts of the secretariat;
7) perform such other functions as are assigned to him by the Council of Inquiry and the Chair person.

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20. **Principles Applicable for Constitutional Interpretation**

1) The Council of Inquiry may develop and implement principles of constitutional interpretation which it believes to be helpful to investigate and decide on constitutional matters submitted to it.

2) Where the constitutional matters, submitted to the Council of Inquiry, are relating to the fundamental rights and freedoms enshrined in the constitution, such matters shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Conventions on Human Rights and International Instruments adopted by Ethiopia.

21. **Constitutional Interpretation Inquired by the Courts**

1) When issues of constitutional interpretation arise cases handled by courts, such issues may be submitted to the Council of Inquiry, by the court or the interested party.

2) The court handling the case shall submit it to the Council of Inquiry only if it believes that there is a need for constitutional interpretation in deciding the case.

3) It is only the legal issue necessary for constitutional interpretation that the court forwards to the Council of Inquiry.

4) The court shall keep the case before it pending until it receives response of the Council of Inquiry with respect to the legal issue of the case forwarded to it.

22. **Constitutional Interpretation Enquired by Disputants in Court.**

1) Any party having a case before a court may, where he believes that there is a need for constitutional interpretation in deciding the case, submit his case to the Council of Inquiry.

2) Notwithstanding with the generality of sub-Article (1) of this Article, the concerned party shall, before submitting the case to the Council of Inquiry, present his request to the court that has handled the case.

3) Where the court rejects the case, the party concerned shall submit his case to the Council of Inquiry within 90 days from receipt of the decision of the court.

4) It is only the legal issue necessary for constitutional interpretation that the party concerned shall submit to the council.

5) The Council of Inquiry may order the court to keep the case before it, pending, until it decides on the enquiry for constitutional interpretation of the case.

23. **Inquiring for constitutional interpretation of cases outside of the courts.**

1) Any person who alleges that his fundamental rights and freedoms have been violated by the final decision of any government institution or official may present his case to the Council of Inquiry for constitutional interpretation.

2) Any appeal, under sub-Article (1) of this Article, may be made to the council only if the case has been exhausted by the government institution having the power with due hierarchy to consider it.

3) Final decision, under sub-Articles (1) and (2) of this Article, shall mean an adjudication that has been exhausted and against which no appeal lies on the same path—way.
24. **Query**

Questions of inconsistency of laws with the constitution or issues relating to interpretations of the constitution to be submitted to the Council of Inquiry shall be in an elaborative writing.

25. **Rejoinder**

If a case submitted by one of the disputants, to the Council of Inquiry, bears a relationship with a case simultaneously being handled by a court of law, the other disputant may be allowed, as may be appropriate, to submit his version or evidence pertaining to the case at issue.

26. **Explanatory Body**

Where the constitutionality of a law is found to be controversial, a governmental body which has the power to consult the federal or state governments, as the case may be, shall have the obligation to explain.

27. **Gathering Professional Opinions**

The Council of Inquiry may, before it gives constitutional interpretations, call upon pertinent institutions or professionals, to appear before it and give opinions.

28. **Deliberations**

1) The Council of Inquiry shall deliberate on cases submitted to it as per the order in which they are presented.

2) Notwithstanding with Sub-Article (1) of this Article, the Council of Inquiry may deliberate on cases which it believes are of top priority.

29. **Working Conditions of the Council of Inquiry**

The Council of Inquiry may handle issues at its disposal in a manner publicly transparent, in accordance with Article 12 (1) of the Constitution.

30. **Meetings and Rules of Procedure**

1) The Council of Inquiry shall have a quorum if two-thirds of the members are in attendance.

2) The ruling of the Council may be given by a unanimous vote. A decision shall not be given unless a quorum is present.

3) If no objections are raised on the ruling of the Council of Inquiry, it may be regarded as a unanimous vote.

4) If the Council of Inquiry can not decide on a case with a unanimous vote, the opinion of the majority vote of the members attending the meeting shall be considered for a ruling. Opinions of the minority vote or proposals for compromise shall be appended to the decision of the Council Inquiry.

5) If equal number of votes are taken on both sides, the side the chair person votes for shall prevail.

31. **Contents of a Ruling**

The text of the ruling of the Council of Inquiry shall consist of details of the constitutional issue, justification as to why it held the view that constitutional interpretation was necessary or not and the ruling it has finally made.

32. **Speedy Ruling**

The Council shall make a speedy decision on matters referred to it.

33. **Service Charges**

1) Any constitutional query submitted to the Council of Inquiry shall be exempt from a service charge.
2. Notwithstanding the Provisions of sub-Article 11 of this Article, the applicant may be required to effect a payment in accordance with the regulations by which the Council of Inquiry is guided.

Part Three

34. Budget

1) The budget of the Council of Inquiry shall be drawn from the following sources:
   (a) Government budgetary allocations
   (b) Donations and aid
   (c) any other lawful source

2) The budget stated under Sub-Article 11 of this Article shall be deposited in the bank account of the Council of Inquiry and shall be used only for the operations thereof.

3) The Council of Inquiry shall keep accurate records of its financial allocations.

4) The books of accounts and financial records of the Secretariat shall be audited by the Auditor General annually.

35. Duty to Cooperate

Any Government body or official is duty bound to execute the orders given by the Council of Inquiry on matters within its jurisdiction.

36. Effective Date

This Proclamation shall enter into force as of the 6th day of July, 2001.

Done at Addis Ababa, this 6th day of July, 2001.

NEGASO GIDADA (DR.)

PRESIDENT OF THE FEDERAL
DEMOCRATIC
REPUBLIC OF ETHIOPIA