

PROCLAMATION NO. 46\1993

**POLITICAL PARTIES
REGISTRATION PROCLAMATION**

Whereas the Transitional Period Charter of Ethiopia has guaranteed under Article 1 the unrestricted right of every Ethiopian to participate in any political activity and to organize political parties without infringing upon the rights of others;

Whereas it is necessary to prescribe the procedure for the registration of political parties in the exercise of this guarantee with a view to consolidating the transition to full democracy;

Now, therefore, in accordance with Article 9 (d) of the Transitional Period Charter, it is hereby proclaimed as follows:

PART ONE

GENERAL

1. Short Title

This Proclamation may be cited as the "Political Parties Registration Proclamation No. 46/1993."

2. Definitions

In this Proclamation, unless the context requires otherwise:

1. "Charter" means the Transitional Period Charter of Ethiopia Promulgated in Negarit Gazeta 50th year No. 1 issued on 22nd July 1991;
2. "country-wide" means that Which extends to all the territory and peoples of Ethiopia;
3. "nation/nationality" means a people who live in the same geographical area and who have a common language and a common psychological make-up of identity;
4. "commercial and industrial activity" includes any production, service rendering or distribution activity carried on for profit.
5. "Registration Office" means the Commission vested with the power to register political parties in accordance with this Proclamation;
6. "region" means a national/regional self-government established pursuant to the National/Regional Self-Government Establishment Proclamation No. 7/1992;
7. "residence" means the place where a person normally resides as provided for in the Civil Code of 1960.

PART TWO

LEGAL PERSONALITY OF POLITICAL PARTIES

3. Definition of Political Party

A Political Party is a social group formed in accordance with this Proclamation by specified persons within the society having a programme of its own reflecting its political belief and objective and which participates in country-wide or regional political activities for the purposes of achieving political power through the democratic process.

4. Formation of Political Party

1. Ethiopians above the age of 18 years may join together as founders and form a political party upon drawing up internal regulations and issuing a political programme.
2. A political party can attain country-wide personality where:

1993 Law on Registration of Political Parties (Proclamation 46/1993)

(Note: This Law was amended by Proclamation 82/1994)

- a) it has at least 1,500 founding members;
- b) the number of founding members who are residents of one region does not exceed forty per cent (40%);
- c) the rest of the founding members are residents of at least four of the regions within Ethiopia;
- d) the number of members registered as founders in each region as laid down in sub-article 2 (c) of this Article constitutes at least fifteen per cent (15%) of the total founding members.

3. A political party shall have regional personality where:

- a) it has at least 750 founding members;
- b) more than forty per cent (40%) of the founding members are residents of one region;

4. The legal status of political groups which do not qualify for registration as country-wide or regional parties as provided for under sub-article 2 and 3 of Article 4 shall be determined by law to be issued in future.

5. *Political Parties Barred from Registration*

In consideration of the need to protect the rights of others as provided for under Article 1 (b) of the Charter, political groups which pursue any of the following objectives shall not be registered:

1. groups whose objective is to foment conflict and war by preaching hatred and animosity among nations, nationalities and peoples on the basis of differences in race, religion and the like, in contravention of international agreements to which Ethiopia is a party by accession or signature;
2. groups organized to advance their political objectives by force of arms;
3. groups whose objective is to take over political power by overthrowing the Government of Ethiopia by armed force;
4. any political group of which foreign nationals are members;
5. any political group which is formed for the purpose of pursuing unlawful activities.

6. *Organizations which May Not be Registered as Political Parties*

The following may not be registered as political parties under this Proclamation:

1. associations or organizations formed for the purpose of carrying on commercial and industrial activities under the Commercial Code, the Civil Code or other relevant laws;
2. associations formed for non-profit making or for welfare purposes;
3. trade unions and professional associations;
4. mutual help organizations;
5. religious organizations;
6. Social formations such as idir, equb, and the like.

7. *Basic Documents of Political Parties*

Every political party must have its own by-laws and a political programme.

8. *Memorandum of Association of Political Parties*

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(Note: This Law was amended by Proclamation 82/1994)

1. Individuals who desire to establish a political party by rallying around a common political objective must have a memorandum of association in which they declare the establishment of the type of political party they want to organize.
2. A memorandum of association shall contain the following particulars:
 - a) the objectives of the party;
 - b) the emblem of the party;
 - c) the name (designation) of the party;
 - d) the source of income of the party;
 - e) the day and year of establishment of the party;
 - f) the addresses of the domestic head quarters and branch offices of the party;
 - g) the procedures of issuing the by-laws of the party.
3. The memorandum of association of a political party shall be signed by the founding members.

9. *By-Laws of Political Parties*

1. Every political party must have its own by-laws. Such by-laws shall contain the following particulars:
 - a) details of the rights and duties of members;
 - b) details of the various organs of the party and a description of their respective functions;
 - c) the manner of participation of members in the activities of the party;
 - d) the procedures of convening meetings and passing decisions.
2. Any by-laws of a political party shall not have the effect of abridging the rights of a member guaranteed to him or releasing him from duties imposed upon him as a citizen
3. By-laws of every political party shall be drawn consistently with the provisions of Part Three of this Proclamation.

10. *Programmes of Political Parties*

Every political party must have a programme in which the political aims it pursues as its objectives are reflected. Such programme shall be a directive of action which:

- a) describes in detail the objectives for which it is formed; and
- b) specifies the tactics it adopts for achieving its objectives.

11. *Publicity of Documents and Operations*

The memorandum of association, the by-laws and programme of every political party shall have no character of secrecy to be kept hidden from the public, to this end, the documents shall remain open to the public as of the day of their submission to the office of registration.

12. *Designation and Emblem of Political Parties*

1. The designation of any political party shall be an exclusive designation under which the party is known and shall not be similar to or create confusion with the designation of another political party or commercial or industrial organization or other social entity or individual.
2. The emblem and flag of the party shall not:
 - a) be similar with the emblems and flag of other political parties;
 - b) create hatred and conflict among nations, nationalities, races, religions;

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(Note: This Law was amended by Proclamation 82/1994)

- c) convey messages of war and other unlawful activities;
- d) be similar with the flag or emblem of Ethiopia or with those of the various international organizations or the symbols of religions organizations;
- e) affect public morality or decency.

13. *Establishment of Branch Offices*

Every political party has the full right to open anywhere within the country branch offices for the purpose of operating is political activities;

PART THREE

BASIC PROVISIONS OF BY-LAWS OF POLITICAL PARTIES

14. *Independence of a Political Party in Respect of its own Affairs*

- 1. Every political party shall determine at its own discretion in its by-laws the procedures of adopting and amending its political programme and by-laws as well as holding meetings.
- 2. Every political party may have leading organs of the political party to direct decide on and implement its political activities. Such matters shall be determined in the by-laws.

15. *Particulars of By-Laws of Political Parties*

By-Laws issued by political parties shall be consistent with the provisions of this Part.

16. *Membership*

The membership of a political party shall consist of founders and members joining the party after formation.

17. *Non-Transferability of Membership*

- 1. Membership of a political party is a condition which is personal and non-transferable.
- 2. Membership of a political party may not be transferred to the heirs of the member.
- 3. By-laws of a political party may not prescribe rules which are inconsistent with the provisions of this article.

18. *Right of Participation*

A members of a political party shall have the right to participate in the meeting of the party and to freely forward his views and comments.

19. *Membership Dues*

A member of a political party may pay to the party periodically membership dues in accordance with the by-laws or decisions of the party.

20. *Withdrawing Membership*

A member of a political party may at any time withdraw his membership of a political party.

21. *Dismissal from Membership*

- 1. A member of political party may be dismissed from membership in accordance with the by-laws of the party.

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(Note: This Law was amended by Proclamation 82/1994)

2. Any member of a political party who is dismissed from membership in violation of the by-laws of the party may appeal against such decision to the Central High Court within three months from the day on which he is notified of his dismissal.

PART FOUR

REGISTRATION OF POLITICAL PARTIES

22. *Registration Required*

A political party can operate as a political party only upon registration by the Office of Registration and receipt of a certificate of legal personality in accordance with this Proclamation.

23. *Application of Registration*

1. Requests for registration may be made to the Office of Registration by submitting an application signed by a member of the leadership of the political party.
2. Application for registration shall be accompanied by five copies each of the memorandum of association, the by-laws and the political programme signed by all the founding members.
3. A political party applying for registration shall pay Birr one hundred (Birr 100) registration fee. Birr thirty (Birr 30) shall be payable in respect of amendments of basic documents made from time to time.

24. *Responsibilities of the Office of Registration*

The Office of Registration shall, upon examination of the application and documents enclosed there with and upon ascertaining that the documents are complete as required under this Proclamation, process the formalities of registration and issue to the applicant a certificate of legal personality within one month from the day it received the application.

25. *Refusal to Register*

1. Where the Office of Registration fails to carry out the duties entrusted to it under Article 24 or denies the request for registration, the applicant political party may petition to the Central High Court and enforce its rights under this Proclamation.
2. For the purpose of asserting rights before the court, a political party which has applied for registration shall be deemed to have legal personality and the official elected in accordance with the by-laws of the party shall be deemed to be the lawful representative of the party.

26. *Notification of the Status of Founding Members*

Every country-wide or regional political party shall report every three months to the Office of Registration any increase or decrease in the number of its founding members.

PART FIVE

**SOURCE OF INCOME AND PROPERTY
AFFAIRS OF POLITICAL PARTIES**

27. A political party which attains legal personality in accordance with Article 24 of this Proclamation may enter into contract with third parties in its own name, sue and be sued, own and possess, sale, exchange or otherwise transfer property and carry on any lawful activity in pursuance of its objective, and shall discharge its duties.
 2. Notwithstanding the provisions of sub-article 1 of this Article, a political party which has attained legal personality may not directly or indirectly engage in commercial and industrial activity.
 3. Without prejudice to sub-article 2 of this Article, a political party may, upon the approval of the Government or the national/regional self-government, collect money from the proceeds of such events as bazaars and the like organized on non-permanent basis to enhance its financial position.

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(Note: This Law was amended by Proclamation 82/1994)

28. *Source of Finance of Political Party*

The source of finance of a political party shall be:

1. membership dues collected from members;
2. subsidy and grants from the Government;
3. donations from others.

29. *Prohibited Donations*

Acceptance by a political party of donations or grants from:

1. foreign nationals;
2. foreign governments or foreign political parties;
3. welfare organizations; and
4. religious organizations; and
5. prisoners of laws

is hereby strictly forbidden.

30. *Exemption From Income Tax*

1. A political party shall not be liable to pay any kind of income tax on income collected from its members and supporters.
2. A political party shall collect and transfer to the Government income tax payable in accordance with the law in respect of the salaries of persons under its employment.

31. *Unauthorized Acquisition of Property by a Political Party*

Where a political party is found to have accepted money, goods, or any property in the form of donation, gratuity, inheritance or proceeds from commercial and industrial activity or in any other manner otherwise than is laid down in this Proclamation, the assets so received shall be confiscated upon the decision of the court.

PART SIX

THE POLITICAL PARTIES REGISTRATION COMMISSION

32. *The Office of Registration*

1. The registration of political parties provided for in this Proclamation shall be conducted by the Political Parties Registration Commission.
2. The Political Parties Registration Commission is hereby established as an office having its own legal personality.

33. *Management of the Commission*

1. The Commission shall have seven (7) members to be designated by the Council of Representatives.
2. The organ of the Commission referred to in sub-article 1 of this Article shall organize the Secretariat of the Commission to carry out the day-to-day activities of the Commission, establish the procedure of registration and assign the head of the Secretariat.
3. The budget required to carry out the activities of the Commission shall be determined by the Council of Representatives.
4. The Commission shall submit activity reports from time to time to the Council of Representatives.

34. *Operation of the Commission*

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(Note: This Law was amended by Proclamation 82/1994)

1. The Organ of the Commission shall work in sessions since the Commission is responsible for the registration of political parties under this Proclamation.
2. It shall issue its own rules of procedure.

PART SEVEN

ACCOUNTS AND AUDITING

35. Books of Account

1. Every political party shall establish accounting procedures relating to its revenues and expenditures.
2. The Procedures of accounts of revenues and expenditures of every political party shall be in accordance with generally accepted practices of accounting.
3. Every member of a political party may inspect at any time the books of account of a political party of which he is a member without causing hindrance to its activities.
4. Every political party shall have the responsibility of proving to the Government that its expenditures are applied to advance its political objectives.

36. Annual Financial Reports

Every political party shall prepare and officially issue annual financial reports. Such annual financial reports shall be audited and accepted by auditors pursuant to the orders of the Office of Registration.

37. Time-Limit For Keeping Records and Documents

Every political party shall have the responsibility to keep in good condition books of account, certificates of donation, evidences of ownership and all such other documents which pertain to matters provided for in this Proclamation, provided, however, that books of account and documents over ten years old may be discarded for lack of space and manpower.

PART EIGHT

DISSOLUTION AND SUSPENSION OF POLITICAL PARTIES

38. Dissolution of Political Parties

1. The dissolution of a political party shall be in accordance with its by-laws.
2. Where a country-wide or regional political party, after attaining legal personality, fails to take part in two country-wide or regional elections, as the case may be, its regulation shall be cancelled and shall lose legal personality.
3. The regulation of a political party may be cancelled upon decision of the Central High Court for committing a serious crime.
4. The Central High Court may, where it finds a political party against which criminal proceedings have been instituted, guilty of an offence, it may warn the party, order the suspension of its political activities for a definite period or, having regard to the gravity of the offence, order the cancellation of its registration as a political party.

39. Decisions of Dissolution

1. upon decisions to dissolve a political party in accordance with Article 38 of this Proclamation, the assets of the party shall be applied to cover its debts.
2. The Assets of a party which does not have any debts or assets in excess of debts shall be distributed to members in equal proportions.

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(Note: This Law was amended by Proclamation 82/1994)

3. Where a political party is cancelled by the decision of the court in accordance with sub-article 4 of Article 38, its assets shall be transferred to the Government pursuant to the decision of the court.

40. Takeover by a Political Party

1. Any political party may, upon decision by its organs, change its name and programme and register as a new party.
2. In such cases, the new party which takes over may upon the decision of members, inherit the assets of the party which is dissolve.

41. Transitional Provision

A political organization established prior to this Proclamation shall fulfill the requirements prescribed herein and register in accordance with this Proclamation within three months from the day the Political Parties Registration Commission established hereunder officially commences operations.

42. Effective Date

This Proclamation shall come into force on the date of its publication in the Negarit Gazeta.

Done at Addis Ababa this 15th day of April 1993

MELES ZENAWI
PRESIDENT OF THE TRANSITIONAL GOVERNMENT OF ETHIOPIA