

PROCLAMATION NO. 88/1997

A PROCLAMATION ON LOSS OF MANDATE OF MEMBERS OF THE HOUSE OF PEOPLES' REPRESENTATIVES

WHEREAS, it is provided under sub-Article (7) of Article 54 of the Constitution that a member of the House of Peoples' Representatives may, in accordance with the law, lose his mandate of representation upon loss of confidence by the electorate;

WHEREAS, it is necessary to legislate on the implementation of said provision which embodies a fundamental democratic principle;

NOW, THEREFORE, in accordance with Article 55 (1) of the Constitution, it is hereby proclaimed as follows:

PART ONE
General

1. Short Title

This Proclamation may be cited as the "Loss of Mandate of Members of the House of Peoples' Representatives Proclamation No. 88/1997".

2. Definitions

In this Proclamation:

- 1) "Deputy" means a member of the House of Peoples' Representatives elected, under an election conducted by the National Electoral Board, as a representative of a constituency and issued with a certificate to that effect by the Board;
- 2) "constituency" means a Woreda or a combination of Woredas made up of 100,000 inhabitants and includes a designation so made for separate representation purposes, as specified in the electoral law;
- 3) "elector" means a national who is eighteen years of age and having resided within the constituency for two years or more, as the law provides, for;
- 4) "woreda" means an administrative area demarcated pursuant to the decision of a Regional Council.

PART TWO
Rights and Obligations

3. Fundamental Rights

- 1) Every national has the right to elect a Deputy to the House of Peoples' Representatives, in accordance with the law.
- 2) Every national may, together with other electors, periodically scrutinize, evaluate and judge his/her Deputy.
- 3) Every national has the right to withdraw or maintain support for his/her Deputy.
- 4) Every Deputy has the right to openly and publicly resound the acclaim he/she receives from the electorate as well as to, similarly, refute or counter reprimands, adverse evaluations or criticisms made against him/her.

4. Mode of Assessment of Electoral Confidence

A Deputy shall be deemed to have no confidence of the electorate, where:

- 1) in accordance with regulations to be issued by the Electoral Board, more than fifteen thousand electors of his/her constituency forward, to the Electoral Board, a demand that he/she step down;

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- 2) upon initiation by ten thousand electors of his/her constituency and in accordance with regulations to be issued by the Electoral Board, the Woreda Council passes a decision, by a majority vote, to the effect that he/she be recalled;
- 3) in the case of a Deputy from a constituency designated for separate representation, it is confirmed, in accordance with regulations to be issued by the Electoral Board, that he/she has lost it;
- 4) the House of Peoples' Representatives decides, by a two-thirds majority vote, that he/she has failed to competently represent his/her electorate, in view of the misconduct he/she has manifested.

5. *Standards of Good Conduct*

- 1) A Deputy has to be of a clean and clear standing in every respect, in conscience of having to be governed by his conscience as well, pursuant to Article 54(4)(c) of the Constitution.
- 2) A Deputy shall have the responsibility to be honest and open in his deliberations of public affairs.
- 3) Creation of false evidence, forwarding of unsubstantiated matters to the floor and untruthfulness shall be taken as major manifestations of misconduct on the part of a Deputy.

6. *Measures to be Taken Against Misconduct*

- 1) The case of a Deputy alleged for misconduct shall be investigated by a committee to be formed by the House.
- 2) The House shall deliberate upon the recommendations of the committee of inquiry and pass its decision on the case.
- 3) The House may, where it finds it appropriate, take the following measures against a Deputy found to be faulty of misconduct:
 - (a) give him/her a warning reprimand to be made known to the public;
 - (b) suspend him/her from membership of the House for a specified duration;
 - (c) cancel his/her membership to the House, upon decision by a two-thirds majority vote, where he/she persists in his/her misconduct subsequent to undergoing penalty as under (a) and (b) of this Sub-Article.
- (4) The disciplinary measures listed in succession under sub-Article (3) of this Article may be applied in disregard thereof, where the gravity of the fault so justifies.

7. *Effect of Dismissal from the House*

- 1) Where a Deputy loses his/her seat as under Article 4 and 6 of this Proclamation, the identity card of an elect issued to him/her by the Electoral Board shall cease to be valid.
 - 2) Notwithstanding, the provisions of sub-Article (1) of this Article, such an ex-Deputy may stand for candidate in a by-election held, in the respective constituency, to fill the vacancy thereof.
 - 3) A by-election under sub-Article (2) of this Article shall be held within a period of not more than three months from the date a Deputy had so lost his/her seat in the House.
8. Effective Date

This Proclamation shall enter into force as of the 7th day of July, 1997.

Done at Addis Ababa, this 7th day of July, 1997.

NEGASO GIDADA (DR.)
PRESIDENT OF THE FEDERAL DEMOCRATIC
REPUBLIC OF ETHIOPIA