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United Arab Emirates's Constitution of 1971 with Amendments through 2004

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- Source of constitutional authority
- Mention of God or other deities
- Motives for writing constitution

Preamble

We, the Rulers of the Emirates of Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qaiwain, Ras al Khaimah and Fujairah;

Whereas it is our desire and the desire of the people of our Emirates to establish a Union between these Emirates, to promote a better life, more enduring stability and a higher international status for the Emirates and their people;

Desiring to create closer links between the Arab Emirates in the form of an independent, sovereign, federal state, capable of protecting its existence and the existence of its members, in cooperation with the sister Arab states and with all other friendly states which are members of the United Nations Organisation and members of the family of nations in general, on a basis of mutual respect and reciprocal interests and advantage;

Desiring also to lay the foundations of Union Law in the coming years on a sound basis, corresponding with the realities and the capacities of the Emirates at the present time, enabling the Union, so far as possible, freely to achieve its goals, sustaining the identity of its members where this is not inconsistent with those goals and preparing the people of the Union at the same time for a noble and free constitutional life, progressing by steps towards a comprehensive, representative, democratic regime in an Islamic and Arab society free from fear and anxiety;

And whereas the realisation of the foregoing was our greatest desire, towards which we have bent our strongest resolution, being desirous of advancing our country and our people to the position which befits them and which will restore to them their appropriate place among civilised states and nations;

For all these reasons and in order that the preparation of the permanent constitution for the Union may be completed, we proclaim before the Supreme and Omnipotent Creator, and before all people our agreement to this provisional Constitution, to which our signatures were appended, which shall be implemented during the transitional period indicated in it;

May Allah, our best Protector and Defender, grant us success.

CHAPTER ONE

THE UNION, ITS FUNDAMENTAL CONSTITUENTS AND AIMS

- Accession of territory
- Mention of colonies
- Size of first chamber

Article 1

The United Arab Emirates is an independent, sovereign, federal state (and is referred to hereafter in this Constitution as The Union).

It shall consist of the following Emirates:€

Abu Dhabi€Dubai€Sharjah€Ajman€Umm al Qaiwain€Ras al Khaimah€Fujairah

Any other independent Arab country may join the Union, provided that the Supreme Council agrees unanimously to this.

And upon acceptance of joining new member to the federation, the Federation Supreme Council shall set the number of seats to be allocated to such member in the Federal National Council in addition to the number provided for in Article 68 of this Constitution.

Article 2

The Union shall exercise sovereignty in matters assigned to it in accordance with this Constitution over all territory and territorial waters lying within the international boundaries of the member Emirates.

Article 3

The member Emirates shall exercise sovereignty over their own territories and territorial waters in all matters not within the jurisdiction of the Union as assigned in this Constitution.

Article 4

The Union may not surrender its sovereignty or cede any part of its territories or waters.

Article 5

The Union shall have a Flag, an Emblem and a National Anthem. The Flag and the Emblem shall be prescribed by the Law. Each Emirate shall retain its own flag for use within its territories.

Article 6

The Union shall be part of the Great Arab Nation, to which it is bound by the ties of religion, language, history and common destiny. The people of the Union shall be a single people, and shall be part of the Arab Nation.

Article 7

Islam shall be the official religion of the Union. The Islamic Shari'ah shall be a principal source or legislation in the Union. The official language of the Union shall be Arabic.

Article 8

The citizens of the Union shall have a single nationality which shall be prescribed by law. When abroad, they shall enjoy the protection of the Union Government in accordance with accepted international principles.

No citizen of the Union may be deprived of his nationality nor may his nationality be withdrawn except in exceptional circumstances which shall be defined by law.

Article 9

1. The Capital of the Union shall be established in an area allotted to the Union by the Emirates of Abu Dhabi and Dubai on the borders between them and it shall be given the name ,Al Karamaf.

- National anthem
- National flag

- Mention of regional group(s)

- Official or national languages
- Official religion
- Status of religious law

- Requirements for birthright citizenship
- Mention of customary international law

2. There shall be allocated in the Union budget for the first year the amount necessary to cover the expenses of technical studies and planning for the construction of the Capital, but construction work shall begin as soon as possible and shall be completed in not more than seven years from the date of entry into force of this Constitution.

3. Until the construction of the Union Capital is complete, Abu Dhabi shall be the provisional headquarters of the Union.

Article 10

The aims of the Union shall be the maintenance of its independence and sovereignty, the safeguarding of its security and stability, defence against any aggression upon its existence or the existence of its member states, the protection of the rights and freedoms of the people of the Union, the achievement of close co-operation between the Emirates for their common benefit in realising these aims and in promoting their prosperity and progress in all fields, the provision of a better life for all citizens together with respect by each Emirate for the independence and sovereignty of the other Emirates in their internal affairs within the limits of this Constitution.

Article 11

1. The Emirates of the Union shall form an economic and customs union and Union Laws shall regulate the progressive stages appropriate to the achievement of this Union.

2. Freedom of transfer of capital and of movement of all goods between the Emirates of the Union is guaranteed and may not be restricted except by a Union Law.

3. All taxes, fees, duties and tolls imposed on the movement of goods from one member Emirate to the others shall be abolished.

Article 12

The foreign policy of the Union shall be directed towards support for Arab and Islamic causes and interests and towards the consolidation of the ties of friendship and co-operation with all nations and peoples on the basis of the principles of the Charter of the United Nations and ideal international standards.

CHAPTER TWO

THE FUNDAMENTAL SOCIAL AND ECONOMIC BASES OF THE UNION

Article 13

The Union and the member Emirates shall co-operate, within the limits of their jurisdiction and abilities, in executing the provisions of this Chapter.

Article 14

Equality, social justice, the provision of safety and security and equality of opportunity for all citizens shall be the bases of the community. Mutual co-operation and respect shall be a firm bond between them.

Article 15

The family shall be the basis of society. Its support shall be religion, ethics and patriotism. The law shall guarantee its existence and shall safeguard it and protect it from corruption.

Article 16

Society shall be responsible for protecting childhood and motherhood and shall protect minors and others unable to look after themselves for any reason, such as illness or incapacity or old age or forced unemployment. It shall be responsible for assisting them and enabling them to help themselves for their own benefit and that of society.

Such matters shall be regulated by Public Assistance and Social Security legislation.

Article 17

Education shall be a primary means of social development. It shall be compulsory in its primary stage and free at all stages within the Union. The law shall prescribe the necessary plans for the propagation and spread of education at various levels and for the eradication of illiteracy.

Article 18

Special schools may be established by individuals and organisations in accordance with the provisions of the law, provided that such schools shall be subject to the supervision of the competent public authorities and subject to their direction.

Article 19

Medical protection and means of preventive treatment and treatment for diseases and epidemics shall be guaranteed by society for all citizens. Society shall promote the spread of hospitals, clinics and facilities for both general and special treatment.

Article 20

Society shall esteem work as a fundamental basis of its development. It shall strive to ensure that work is available for citizens and to ensure that they are prepared for it. It shall take such steps as are necessary to ensure this by providing legislation to protect the rights of the employees and to protect the interests of the employers, bearing in mind developing international labour legislation.

Article 21

Private property shall be protected. Conditions relating thereto shall be prescribed by law. No person shall be deprived of his personal property except in circumstances dictated by the public interest in accordance with the provisions of the law, and on payment of fair compensation.

- State support for the elderly
- State support for the unemployed
- State support for the disabled
- State support for children

- Compulsory education
- Free education

- Mention of international law
- Right to work/state duty to provide work

- Protection from expropriation
- Right to own property

Article 22

Public property shall be inviolable. The protection of public property shall be a duty upon every citizen. The Law shall prescribe the circumstances in which a citizen shall be punished for failure to fulfill this obligation.

- Protection of environment
- Ownership of natural resources

Article 23

The natural resources and wealth in each Emirate shall be considered the public property of that Emirate. Society shall be responsible for the protection and proper exploitation of such natural resources and wealth for the benefit of the national economy.

Article 24

The basis of the national economy shall be social justice. The support of the national economy shall be sincere co-operation between public and private activity. The aim of the national economy shall be the achievement of economic expansion, increased production, the raising of standards of living and the achievement of prosperity for citizens within the limits of the Law.

The Union shall encourage co-operation and saving.

CHAPTER THREE

FREEDOMS, RIGHTS AND PUBLIC DUTIES

Article 25

All persons shall be equal before the law. No discrimination shall be practised between citizens of the Union by reason of race, nationality, religious belief or social position.

- General guarantee of equality
- Equality regardless of social status
- Equality regardless of nationality
- Equality regardless of race
- Equality regardless of religion

Article 26

Personal freedom shall be guaranteed to all citizens. No person may be arrested, searched, detained or imprisoned except in accordance with the provisions of the law.

No man shall be subjected to torture or other indignity.

Article 27

Crimes and punishments shall be prescribed by the law. No punishment shall be imposed for any act of commission or act of omission which was completed before the issue of the law which provided for such punishment.

- Prohibition of torture
- Principle of 'no punishment without law'

- Punishment from ex post facto laws prohibited
- Principle of 'no punishment without law'

- Right to counsel
- Prohibition of cruel or degrading treatment
- Right to fair trial
- Presumption of innocence in trials

Article 28

Punishment shall be individual. An accused shall be deemed innocent until he has been convicted by means of a legal and just trial. The accused shall have the right to appoint the person who shall conduct his defence during the trial. The law shall prescribe the circumstances in which the presence of a counsel for the defence shall be obligatory.

Physical and mental abuse of an accused person shall be prohibited.

- Freedom of movement

Article 29

Freedom of movement and freedom of residence shall be guaranteed to citizens within the limits of the law.

- Freedom of expression
- Freedom of opinion/thought/conscience

Article 30

Freedom to hold opinions and express them orally, in writing or by other means of expression shall be guaranteed within the limits of the law.

Article 31

Freedom of communication by means of the posts, telegraph or other means of communication and their secrecy shall be guaranteed in accordance with the law.

- Freedom of religion

Article 32

The freedom to hold religious ceremonies in accordance with established custom shall be safeguarded, provided such ceremonies are consistent with public order and with public morals.

- Freedom of assembly

Article 33

The freedom of assembly and the freedom to hold meetings shall be guaranteed within the limits of the law.

- Right to choose one's occupation
- Prohibition of slavery

Article 34

Every citizen shall be free to choose his occupation, trade or profession within the limits of the law, due consideration being given to any regulations prescribed for any such professions and trades.

No person may be subjected to forced labour except in exceptional circumstances provided for by the law and in return for compensation.

No man may be enslaved.

Article 35

Public service shall be open to all citizens on a basis of equality of circumstances between them, in accordance with the provisions of the law.

Public service shall be a national service entrusted to those undertaking it. The public servant shall aim, in the execution of his duties, at the public interest alone.

Article 36

Homes shall be inviolable. They may not be entered without permission from their inhabitants except in accordance with the provisions of the law, and in circumstances laid down therein.

Article 37

Citizens may not be deported or banished from the Union.

Article 38

The extradition of citizens and of political refugees shall be prohibited.

Article 39

The general confiscation of possessions shall be prohibited. Confiscation of an individual's possessions as a punishment may be executed only on the basis of a legal ruling, and in circumstances provided for in the law.

Article 40

Foreigners shall enjoy, within the Union, the rights and freedoms stipulated in international charters which are in force, or in treaties and agreements to which the Union is party. They shall be subject to the equivalent obligations.

Article 41

Every person shall have the right to submit complaints to the competent authorities, including the judicial authorities, concerning the abuse or infringement of the rights and freedoms stipulated in this Chapter.

Article 42

The payment of taxes and public imposts determined by law shall be an obligation upon every citizen.

Article 43

The defence of the Union shall be a sacred duty obligatory upon every citizen. The discharge of military service shall be an honour for citizens and shall be regulated by law.

Article 44

It shall be the duty of all inhabitants of the Union to respect the Constitution and the laws and regulations issued by the public authorities in execution thereof, to protect public order and to respect public morality.

• Right to privacy

• Extradition procedure

• Mention of international law
• Treaty ratification process

• Right of petition

• Duty to pay taxes

• Duty to serve in the military

• Duty to obey the constitution

CHAPTER FOUR

THE UNION AUTHORITIES

Article 45

The Union authorities shall consist of:€

1. The Supreme Council of the Union
2. The President of the Union and his Deputy
3. The Council of Ministers of the Union
4. The Union National Council
5. The Union Judiciary.

SECTION 1: THE SUPREME COUNCIL OF THE UNION

Article 46

The Supreme Council of the Union shall be the supreme authority in the Union. It shall consist of the Rulers of all the Emirates making up the Union, or of those who act for the Rulers in their Emirates in the event of their absence or if they have been excused from attending.

Each Emirate shall have a single vote in the deliberations of the Council.

Article 47

The Supreme Council of the Union shall be responsible for the following matters:€

1. The formulation of general policy in all matters within the Union's competence according to this Constitution, and the consideration of all matters with which it is concerned, to achieve the aims of the Union and the common interests of the member Emirates.
2. The ratification of the various Union laws before their promulgation, including the Laws of the Annual General Budget and the Final Account.
3. The ratification of decrees connected with matters which by virtue of the provisions of this Constitution are subject to the ratification or agreement of the Supreme Council. Such ratification shall take place before the promulgation of these decrees by the President of the Union.
4. The ratification of treaties and international agreements. Such ratification shall be accomplished by decree.
5. Agreement to the appointment of the Chairman of the Council of Ministers of the Union, acceptance of his resignation and his dismissal from office, following a proposal from the President of the Union.
6. Agreement to the appointment of the President and Judges of the Supreme Union Court, acceptance of their resignations and their dismissal in the circumstances stipulated by this Constitution. These acts shall be accomplished by decrees.
7. Supreme Control over the affairs of the Union generally.
8. Any other matters stipulated in this Constitution or in the Union laws.

Article 48

1. The Supreme Council shall lay down its internal regulations, including its rules for the conduct of business, and the procedure for voting on its decisions. The deliberations of the Council shall be secret.
2. The Supreme Council shall establish a general Secretariat which shall consist of a suitable number of officials to assist it in the execution of its duties.

Article 49

Decisions of the Supreme Council on substantive matters shall be taken by a majority of five of its members provided this majority includes the votes of the Emirates of Abu Dhabi and Dubai. The minority shall be bound by the view of the said majority.

Decisions of the Council on procedural matters shall be taken by majority vote. Such matters shall be defined in the internal regulations of the Council.

Article 50

Sessions of the Supreme Council shall be held in the Union capital. Sessions may be held in any other place agreed upon beforehand.

SECTION 2: THE PRESIDENT OF THE UNION AND HIS DEPUTY

Article 51

The Supreme Council of the Union shall elect from among its members a President of the Union and a Deputy to the President of the Union. The Deputy President of the Union shall exercise all the powers of the President in the event of his absence for any reason.

Article 52

The term of office of the President and his Deputy shall be five Gregorian years. They shall be capable of re-election to the same office. Each of them shall, on assuming the burdens of office, take the following oath before the Supreme Council:

, I swear by Almighty God that I will be faithful to the United Arab Emirates, that I will respect its Constitution and its laws, that I will protect the interests of the people of the Union, that I will discharge my duties faithfully and loyally and that I will safeguard the independence of the Union and its territorial integrity.

Article 53

In the event that the office of the President or his Deputy becomes vacant because of death or resignation, or because either one of them ceases to be Ruler in his Emirate for any reason, the Supreme Council shall be called into session within one month of that date to elect a successor to the vacant office for the period stipulated in Article 52 of this Constitution. In the event that the two offices of President of the Supreme Council and his Deputy are vacated simultaneously, the Council shall be called into session immediately by any one of its members or by the Chairman of the Council of Ministers of the Union, to elect a new President and Deputy President to

- Deputy executive
- Head of state selection procedure

- Mention of God or other deities
- Head of state term length
- Oaths to abide by constitution

- Head of state replacement procedure

fill the two vacant offices.

Article 54

The President of the Union shall have the following responsibilities:

1. He shall be Chairman of the Supreme Council and direct its debates.
2. He shall call the Supreme Council into session, and shall close its sessions according to the rules of procedure upon which the Council shall decide in its internal regulations.
3. He shall call the Supreme Council and the Council of Ministers into joint session whenever necessity demands.
4. He shall sign the Union laws, decrees and decisions which the Supreme Council has ratified and shall promulgate them.
5. He shall appoint the Chairman of the Council of Ministers, receive his resignation and dismiss him from office with the agreement of the Supreme Council. He shall also appoint the Deputy Chairman of the Council of Ministers and the Ministers and shall receive their resignations and dismiss them from office following a proposal from the Chairman of the Council of Ministers of the Union.
6. He shall appoint the diplomatic representative of the Union to foreign states and other senior Union officials both civil and military (with the exception of the President and Judges of the Supreme Union Court) and shall receive their resignations and dismiss them with the agreement of the Council of Ministers of the Union. Such appointments, receipt of resignations and dismissals shall be accomplished by decrees and in accordance with Union laws.
7. He shall sign the documents accrediting diplomatic representatives of the Union to foreign states and organisations and shall accept the accreditation of diplomatic and consular representatives of foreign states to the Union and receive their letters of accreditation. He shall similarly sign letters of appointment and exequators of representatives.
8. He shall supervise the implementation of Union laws, decrees and decisions through the Council of Ministers of the Union and the competent Ministers.
9. He shall represent the Union internally, vis-a-vis other states and in all international relations.
10. He shall exercise the right of pardon and commutation of sentences and confirm capital sentences according to the provisions of this Constitution and Union laws.
11. He shall bestow decorations and medals of honour, both civil and military, in accordance with the laws relating to such decorations and medals.
12. Any other responsibilities vested in him by the Supreme Council or vested in him by the provisions of this Constitution or Union laws.

SECTION 3: THE COUNCIL OF MINISTERS OF THE UNION

Article 55

The Council of Ministers of the Union shall consist of the Chairman of the Council of Ministers, his Deputy and a number of Ministers, provided that the total number of members of the Council shall not exceed fourteen.

• Deputy executive

• Mention of cabinet/ministers
• Deputy executive

- Restrictions on eligibility for cabinet
- Restrictions on eligibility for head of government

Article 56

Ministers shall be chosen from among citizens of the Union known for their competence and experience.

- Oaths to abide by constitution

Article 57

The Chairman of the Council of Ministers, his Deputy and the Ministers shall, before taking up the burden of office, take the following oath before the President of the Union:€

,I swear by Almighty God that I will be loyal to the United Arab Emirates, that I will respect its Constitution and laws, that I will discharge my duties faithfully, that I will fully protect the interests of the people of the Union and that I will safeguard completely the existence of the Union and its territorial integrity.f

Article 58

The law shall define the jurisdiction of the Ministries and the competence of each Minister. The first Council of Ministers of the Union shall be composed of the following:€

1. External Affairs
2. Interior
3. Defence
4. Finance, Economy, Industry
5. Justice
6. Education
7. Public Health
8. Public Works & Agriculture
9. Communications, Posts, Telegraphs and Telephones
10. Labour and Social Affairs
11. Information
12. Planning

- Name/structure of executive(s)

Article 59

The Prime Minister shall be responsible for chairing meetings of the Council. He shall call it into session, shall direct its debates, shall supervise the activities of Ministers, and shall co-ordinate the distribution of work between the various Ministries and in all executive organs of the Union.

The Deputy Prime Minister shall exercise all the powers of the Prime Minister in the event that he is absent for any reason.

- Powers of cabinet

Article 60

The Council of Ministers, in its capacity as the executive organ of the Union, and under the supreme control of the President of the Union and the Supreme Council, shall be responsible for dealing with all internal and external matters within the competence of the Union according to this Constitution and Union laws.

The Council of Ministers shall, in particular, carry out the following responsibilities:€

1. The following up of the implementation of the general policy of the Union Government internally and externally.

2. The proposal of draft Union laws and submission of them to the Union National Council before they are submitted to the President of the Union for presentation to the Supreme Council for ratification.
3. The preparation of the draft annual general budget for the Union, and the final account.
4. The preparation of miscellaneous draft decrees and decisions.
5. The laying down of regulations necessary for the implementation of Union laws, not including amendments, suspension or deferment of implementation thereof. The preparation of regulations relating to the control and administration of departments and public boards, within the limits of the provisions of this Constitution and Union laws. The Council of Ministers or a special provision of the law may require the competent Union Minister or any other administrative authority to publish any such regulations.
6. Supervising the implementation of Union laws, decrees, decisions and regulations through all relevant agencies in the Union or in the Emirates.
7. Supervising the implementation of judgements rendered by Union Law Courts and of international treaties and agreements concluded by the Union.
8. The appointment and dismissal of Union employees in accordance with the provisions of the law, in the case of those whose appointment and dismissal does not require the issue of a decree.
9. Supervising the conduct of departments and public authorities of the Union and supervising the conduct and discipline of Union employees generally.
10. Any other jurisdiction vested in it by law or by the Supreme Council within the limits of this Constitution.

Article 61

The deliberations of the Council of Ministers shall be secret. Its decisions shall be taken by majority vote of members. In the event that voting is evenly divided the side on which the Chairman has voted shall prevail.

The minority shall be bound by the majority decision.

Article 62

Neither the Chairman of the Council of Ministers nor his Deputy nor any Union Minister may, during their terms of office, pursue any professional, commercial or financial occupation or enter into any commercial transactions with the Government of the Union or the Governments of the Emirates, nor may they combine with their office or membership of the Council the administration of any financial or commercial company.

Similarly, they may not combine with their office more than one official post in any of the Emirates and shall abandon all other remaining local official posts, if any.

Article 63

The members of the Council of Ministers shall aim in their conduct at the interests of the Union, the promotion of public welfare and a total rejection of personal benefits. Members of the Council of Ministers must not seek profit from their official positions in any way whatsoever for themselves or for any person closely related to them.

Article 64

The Chairman of the Council of Ministers and the Ministers shall be collectively responsible before the President of the Union and the Supreme Council of the Union for the execution of the general policy of the Union internally and externally. Each of them shall be personally responsible to the President of the Union and the Supreme Council for the activities of his Ministry or post.

The resignation of the Chairman of the Council of Ministers, his dismissal from office, his death, or the vacating of his office for any reason whatsoever shall result in the resignation of the whole Cabinet. The President of the Union may require Ministers to remain in office temporarily, to carry out immediate administration, until such time as a new Cabinet is formed.

• Mention of international organizations

Article 65

At the beginning of every financial year the Council of Ministers shall submit to the President of the Union for presentation to the Supreme Council, a detailed statement on the projects carried out internally, and on the Union's relations with other states and international organisations together with the recommendations of the Cabinet on the best and most practical means of strengthening the foundations of the Union, consolidating its safety and security, achieving its aims and implementing progress in all fields.

Article 66

The Council of Ministers shall lay down its own internal regulations including its rules of procedure.

The Council of Ministers shall establish a general Secretariat composed of an appropriate number of employees to assist it in the conduct of its business.

Article 67

The law shall prescribe the salaries of the Chairman of the Council of Ministers, his Deputy and the remaining Ministers.

SECTION 4: THE UNION NATIONAL COUNCIL

Sub-Section 1: General Provisions

Article 68

The Union National Council shall be composed of forty members and seats shall be distributed to member Emirates as follows:€

- Abu Dhabi - 8 seats
- Dubai - 8 seats
- Sharjah - 6 seats
- Ras al Khaimah - 6 seats
- Ajman - 4 seats
- Umm al Qaiwain - 4 seats
- Fujairah - 4 seats

• Structure of the legislative chamber(s)
• Size of first chamber

• Selection procedure for first chamber

Article 69

Each Emirate shall be left to determine the method of selection of the citizens who shall represent it on the Union National Council.

• Minimum age of members of first chamber
• Restrictions on eligibility for members of first chamber

Article 70

It shall be pre-requisite that a member of the Union National Council shall be:€

1. A citizen of one of the Emirates of the Union, and permanently resident in the Emirate he represents in the Council.
2. Not less than twenty-one Gregorian years old at the time of his selection.
3. Legally competent, of good conduct, respectable, and not previously convicted of a dishonourable offence unless this has been taken into consideration in accordance with the law.
4. Fully literate.

• Outside professions of legislators

Article 71

Membership of the Union National Council may not be combined with the holding of any public office in the Union, including Ministerial positions.

• Term length for first chamber

Article 72

The term of membership in the Council shall be two Gregorian years commencing from the date of its first meeting. After this period the Council shall be completely renewed for the period remaining until the end of the transitional period indicated in Article 144 of this Constitution.

Any member who has completed his term may be re-elected.

• Oaths to abide by constitution

Article 73

Before a member of the Union National Council commences his duties in the Council or its Committees, he shall swear the following oath before the Council in open session:€

,I swear by Almighty God that I will be faithful to the United Arab Emirates, that I will respect the Constitution and the laws of the Union and that I will carry out my duties in the Council and its Committees faithfully and sincerely.f

• Replacement procedure for individual legislators

Article 74

If any member of the Council vacates his seat for any reason before the completion of his term of membership, a replacement shall be selected within two months of the date on which the vacancy is announced by the Council, unless the vacancy occurs during the three months preceding the end of the term of the Council.

The new member shall complete the term of membership of his predecessor.

Article 75

Sessions of the Council shall be held in the Union capital. Exceptionally, sessions may be held in any other place within the Union on the basis of a decision taken by a majority vote of all members and with the agreement of the Council of Ministers.

• Removal of individual legislators

Article 76

The Council shall render judgement on the legal validity of members' representation, and on stripping them of membership if they do not fulfil its conditions of membership, by a majority vote of all members taken on the basis of a proposal put by five members. The Council shall be competent to accept resignations from membership, such resignations being considered final from the date of the Council's acceptance thereof.

Article 77

A member of the Union Council shall represent the whole people of the Union and not merely the Emirate which he represents in the Council.

Sub-Section 2: Organisation of work in the Council

• Length of legislative sessions

Article 78

The Council shall hold an annual ordinary session lasting not less than six months, commencing in the third week of November each year. It may be called into extraordinary session whenever the need arises. The Council may not consider at an extraordinary session any matters other than those for which it was called into session. The above notwithstanding, the President of the Union shall summon the Union National Council to convene its first ordinary session within a period not exceeding sixty days from the entry into force of this Constitution. This session shall end at the time appointed by the Supreme Council by decree.

Article 79

The Council shall be summoned into session, and its session shall be terminated, by decree issued by the President of the Union with the agreement of the Council of Ministers of the Union. Any meeting held by the Council without a formal summons, and any meeting held in any place except the place legally prescribed for its meetings in accordance with this Constitution, shall be considered invalid and shall have no effect.

Article 80

The President of the Union shall open the ordinary annual session of the Council, and shall deliver to it a speech containing a description of the state of the nation, the more important events and important matters which arose during the year, the details of the Union Government's programme of projects and reforms for the coming session.

The President of the Union may delegate the task of opening the session or delivering the speech to the Vice-President or the Chairman of the Council of Ministers.

The Union National Council shall select a committee from among its membership to prepare a draft reply to the Opening Speech, including the Council's observations and wishes, and shall submit the reply after approval by the Council to the President of the Union for submission to the Supreme Council.

Article 81

Members of the Council shall not be censured for any opinions or views expressed in the course of carrying out their duties within the Council or its Committees.

• Immunity of legislators

Article 82

No penal proceedings may be instituted against any member while the Council is in session, except in cases of ,*flagrante delicto*, without the permission of the Council. The Council must be informed if such proceedings are instituted while it is not in session.

• Compensation of legislators

Article 83

The Chairman of the Council and its other members shall be entitled, from the date of taking the oath before the Council, to a salary which shall be determined by law, and to travelling expenses from their place of residence to the place in which the Council is meeting.

• Leader of first chamber

Article 84

The Council shall have a Bureau consisting of a Chairman, a First and Second Vice-Chairman, and two supervisors. The Council shall select them from among its members.

The term of office of the Chairman and the two Vice-Chairmen shall end when the term of the Council ends or when it is dissolved in accordance with the provisions of the second paragraph of Article 88.

The term of office of the supervisors shall end with the choice of new supervisors at the opening of the next ordinary annual session. If any post in the Bureau becomes vacant the Council shall select a person to fill it for the period which remains.

Article 85

The Council shall have a Secretary-General who shall be assisted by a number of employees who shall be directly subordinate to the Council. The internal regulations of the Council shall prescribe their conditions of service and powers.

The Council shall be responsible for drawing up its internal regulations. They shall be issued in a decree promulgated by the President of the Union with the agreement of the Council of Ministers. The internal regulations shall define the powers of the Chairman of the Council, the Vice-Chairmen and Supervisors, and shall define generally all matters pertaining to the Council, its committees, its members, its secretariat, its employees, its rules of procedure and voting procedures in the Council and in the committees, and other matters within the limits of the provisions of this Constitution.

• Public or private sessions

Article 86

Sessions of the Council shall be open. Sessions may be held in secret at the request of a representative of the Government, the Chairman of the Council or three members of the Council.

- Quorum for legislative sessions

Article 87

Deliberations of the Council shall be invalid unless at least a majority of its members are present. Decisions shall be made by an absolute majority of the votes of members present, except in cases where a special majority has been prescribed. If votes are equally divided, the side which the Chairman of the session supports shall prevail.

- Dismissal of the legislature

Article 88

Meetings of the Council may be postponed by a decree promulgated by the President of the Union with the agreement of the Council of Ministers of the Union for a period not exceeding one month, provided that such postponement may not be repeated in one session except with the agreement of the Council and on one occasion only. The period of postponement shall not be deemed part of the term of the ordinary session.

The Union National Council may also be dissolved by a decree promulgated by the President of the Union with the agreement of the Supreme Council of the Union, provided that the decree of dissolution includes a summons to the new Council to come into session within sixty days of the date of the decree of dissolution. The Council may not be dissolved again for the same reasons.

Sub-Section 3: Powers of the Council

- Approval of general legislation

Article 89

Insofar as this does not conflict with the provisions of Article 110, draft Union laws, including draft financial laws, shall be submitted to the Union National Council before their submission to the President of the Union for presentation to the Supreme Council for ratification. The Union National Council shall debate these drafts and may agree to them, amend them or reject them.

Article 90

The Council shall examine during its ordinary session the draft Annual General Budget law of the Union and the draft Final Account law, in accordance with the provisions in Chapter Eight of this Constitution.

- Mention of international law
- Mention of international organizations
- Treaty ratification process

Article 91

The Government shall be responsible for informing the Union National Council of international treaties and agreements concluded with other states and the various international organisations, together with appropriate explanations.

Article 92

The Union National Council shall debate any general subject pertaining to the affairs of the Union unless the Council of Ministers informs the Union National Council that debate of any subject is contrary to the highest interests of the Union. The Prime Minister or the competent Minister shall attend the debates. The Union National Council may express its recommendations and may define the subjects for debate. If the Council of Ministers does not approve of these recommendations, it shall notify the Union National Council of its reasons.

- Legislative oversight of the executive

Article 93

The Government of the Union shall be represented at sessions of the Union National Council by the Chairman of the Council of Ministers or his deputy or one member of the Union Cabinet at least. The Prime Minister or his deputy or the competent Minister shall answer questions put to them by any member of the Council requesting explanation of any matters within its jurisdiction, in accordance with the procedures prescribed in the internal regulations of the Council.

SECTION 5: THE JUDICIARY IN THE UNION AND THE EMIRATES

- Judicial independence

Article 94

Justice is the basis of authority. Judges shall be independent and shall be subordinate to no authority but the law and their own consciences in the performance of their duties.

- Structure of the courts

Article 95

The Union shall have a Supreme Court of the Union and Union Courts of the First Instance as explained hereinafter.

- Supreme court selection procedure
- Mandatory retirement age for judges

Article 96

The Supreme Court of the Union shall consist of a President and a number of Judges, not exceeding five in all, who shall be appointed by decree, issued by the President of the Union after approval by the Supreme Council. The law shall prescribe the number of the departments in the Court, their organisation and their procedures, conditions of service and retirement for its members and the preconditions and qualifications required of them.

- Removal of supreme and ordinary court judges

Article 97

The President and the Judges of the Supreme Court shall not be dismissed while they administer justice. Their administration thereof shall not be terminated except for one of the following reasons:€

1. Death
2. Resignation
3. Completion of term of contract for individuals on contract or completion of term of secondment
4. Reaching retirement age
5. Permanent incapacity to carry the burdens of their duties by reasons of ill health
6. Disciplinary discharge on the basis of the reasons and proceedings stipulated in the law
7. Appointment to other offices, with their agreement

• Oaths to abide by constitution

Article 98

The President and the Judges of the Supreme Court of the Union shall, immediately before taking up their duties, swear an oath before the President of the Union, and in the presence of the Union Minister of Justice, that they will render judgement justly and without fear or favour and that they will be faithful to the Constitution and laws of the Union.

• Constitutionality of legislation

Article 99

The Supreme Court of the Union shall be competent to render judgement in the following matters:€

1. Miscellaneous disputes between member Emirates in the Union, or between any one Emirate or more and the Government of the Union, whenever such disputes are remitted to the Court on the basis of a request from any one of the interested parties.
2. Examination of the constitutional legality of Union laws, if they are challenged by one or more of the Emirates on the grounds of violating the Constitution of the Union. Examination of the constitutional legality of legislation promulgated by one of the Emirates, if it is challenged by one of the Union authorities on the grounds of violation of the Constitution of the Union or of Union laws.
3. Examination of the constitutional legality of laws, legislation and regulations generally, if such a request is remitted to it by any State Court during a case under consideration before it. The Court aforesaid shall be bound to accept the ruling of the Supreme Court of the Union in this case.
4. Interpretation of the provisions of the Constitution, when so requested by any authority of the Union or by the Government of any Emirate. Any such interpretation shall be considered binding on all.
5. Interrogation of Ministers and senior officials of the Union appointed by decree concerning their actions in the conduct of their official duties on the basis of a request by the Supreme Council and in accordance with the relevant law.
6. Crimes directly affecting the interests of the Union, such as crimes relating to internal or external security, forgery of the official records or seals of any of the Union authorities, and counterfeiting of currency.
7. Conflict of jurisdiction between the Union judicial authorities and the local judicial authorities in the Emirates.
8. Conflict of jurisdiction between the judicial authority in one Emirate and the judicial authority in another Emirate, and the classification of the principles relating thereto in a Union law.
9. Any other jurisdiction stipulated in this Constitution, or which may be assigned by a Union law.

Article 100

The Supreme Court of the Union shall convene in the capital of the Union. It may, exceptionally, convene when necessary in the capital of any one of the Emirates.

• Constitutionality of legislation

Article 101

The judgements of the Supreme Court of the Union shall be final and binding upon all.

If the Court, in rendering judgement on the constitutional legality of laws, legislation and regulations, rules that Union legislation is inconsistent with the Constitution of the Union, or that local legislation or regulations under consideration contain provisions which are inconsistent with the Constitution of the Union or with a Union law, the authority concerned in the Union or in the Emirate as applicable shall be obliged to take the necessary steps to remove or rectify the constitutional inconsistency.

Article 102

The Union shall have one or more Union Courts of the First Instance which shall sit in the permanent capital of the Union or in the capitals of some of the Emirates, in order to exercise the judicial powers within the sphere of their jurisdiction in the following cases:€

1. Civil, commercial and administrative disputes between the Union and individuals whether the Union is plaintiff or defendant.
2. Crimes committed within the boundaries of the permanent capital of the Union, excepting such matters as are reserved for the Supreme Court of the Union under Article 99 of this Constitution.
3. Personal status actions, civil actions, commercial actions and other actions between individuals which arise in the permanent capital of the Union.

Article 103

The law shall regulate all matters connected with the Union Courts of the First Instance in respect of their organisation, formation, departments, local jurisdiction, procedures to be followed before them, the oaths to be sworn by their judges, conditions of service for their judges and the means of appealing against their judgements.

The law may stipulate that appeals against the judgements of these courts shall be heard before one of the departments of the Supreme Court of the Union, in the circumstances and manner prescribed therein.

Article 104

The local judicial authorities in each Emirate shall have jurisdiction in all judicial matters not assigned to the Union judicature in accordance with this Constitution.

Article 105

All or part of the jurisdiction assigned to the local judicial authorities in accordance with the preceding Article may be transferred by a Union law issued at the request of the Emirate concerned, to the Union Courts of the First Instance.

Circumstances in which appeals against judgements by the local judicial authorities in penal, civil, commercial and other cases may be made before the Union courts shall be defined by a Union law, provided that the judgement of the Union courts in such appeals shall be final.

Article 106

The Union shall have a Public Prosecutor who shall be appointed by Union decree issued with the agreement of the Council of Ministers and who shall be assisted by a number of members of the Public Prosecutor's office.

• Structure of the courts

• Right to appeal judicial decisions
• Structure of the courts
• Restrictions on eligibility for ordinary court judges
• Ordinary court selection procedure
• Ordinary court term limits

• Right to appeal judicial decisions

• Attorney general

The law shall prescribe matters relating to the members of the Union Public Prosecutor's Office with respect to their method of appointment, grades, promotion, retirement and the qualifications required of them.

The Union Law of Criminal Procedure and Courts shall prescribe the jurisdiction of this organisation and its procedures and the powers of its assistants over the police and the public security services.

Article 107

The President of the Union may grant pardon from the execution of any sentence passed by the Union judicature before it is carried out or while it is being served or may reduce such sentence, on the basis of the recommendation of the Union Minister of Justice, after obtaining the approval of a committee formed under the chairmanship of the Minister and consisting of six members selected by the Union Council of Ministers for a term of three years which may be renewed. The members of the committee shall be chosen from citizens of good judgement and suitable qualifications.

Membership of the committee shall be unpaid. Its deliberations shall be secret. Its decisions shall be issued by majority vote.

Article 108

No sentence of death imposed finally by a Union judicial authority shall be carried out until the President of the Union has approved the sentence. He may substitute a lesser sentence in accordance with the procedure stipulated in the preceding Article.

Article 109

There shall be no general amnesty for crimes generally or for specified crimes except by law.

The promulgation of an amnesty law shall result in such crimes being deemed never to have been committed, and in the remission of sentences imposed therefor in full or to the extent of that part remaining to be served.

CHAPTER FIVE

UNION LEGISLATION AND DECREES AND THE AUTHORITIES HAVING JURISDICTION THEREIN

SECTION 1: UNION LAWS

Article 110

1. Union laws shall be promulgated in accordance with the provisions of this Article and other appropriate provisions of the Constitution.

• Initiation of general legislation

2. A draft law shall become law after the adoption of the following procedure:€
 - a. The Council of Ministers shall prepare a draft law and submit it to the Union National Council.
 - b. The Council of Ministers shall submit the draft law to the President of the Union for his agreement and presentation to the Supreme Council for their ratification.
 - c. The President of the Union shall sign the law after ratification by the Supreme Council and shall promulgate it.
3. „
 - a. If the Union National Council inserts any amendment in the draft law and this amendment is not acceptable to the President of the Union or the Supreme Council, or if the Union National Council rejects the draft, the President of the Union or the Supreme Council shall refer it back to the Union National Council. If the Union National Council inserts any amendment on that occasion which is not acceptable to the President of the Union or the Supreme Council, or if the Union National Council deems fit to reject the draft, the President of the Union may promulgate the law after ratification by the Supreme Council.
 - b. The term ,the draft lawf in this section shall mean the draft which is submitted to the President of the Union by the Council of Ministers including the amendments, if any, made to it by the Union National Council.
4. Notwithstanding the foregoing, if the situation demands the promulgation of Union laws when the Union National Council is not sitting, the Council of Ministers of the Union may issue them through the Supreme Council and the President of the Union, provided that the Union National Council are advised of them at their next meeting.

Article 111

Laws shall be published in the Official Gazette of the Union within a maximum of two weeks from the date of their signature and promulgation by the President of the Union after the Supreme Council has ratified them. Such laws shall become effective one month after the date of their publication in the said Gazette, unless the law stipulates another date.

Article 112

The provisions of the laws shall apply only to what occurs after the date on which they become effective, and they shall be deemed to have no effect on what occurred before that date. The law may, however, stipulate the contrary in matters other than criminal matters, if necessity so requires.

SECTION 2: DECREE LAWS

Article 113

If, between meetings of the Supreme Council, the speedy promulgation of Union laws, which cannot be delayed, is required, the President of the Union and the Council of Ministers may together promulgate the necessary laws in the form of decrees which shall have the force of law, provided they are not inconsistent with the Constitution.

Such decree laws must be submitted to the Supreme Council within a week at the maximum for assent or rejection. In the case of assent the force of law shall be confirmed and the Union National Council shall be informed accordingly at its next meeting.

In the event that the Supreme Council does not assent, such decree laws shall cease to have force of law, except that it may be decided to sanction their effectiveness during the earlier period, or to sanction adjustment of their effects.

SECTION 3: ORDINARY DECREES

Article 114

No decree may be issued unless the Council of Ministers has assented to it and the President of the Union or the Supreme Council, according to their powers, has ratified it. Decrees shall be published in the Official Gazette after signature by the President of the Union.

Article 115

The Supreme Council may authorise the President of the Union and the Council of Ministers collectively to promulgate, when the Supreme Council is not in session, such decrees as necessity dictates and whose ratification is within the power of the Supreme Council.

Provided that such authority shall not include authority to conclude international agreements and treaties, to impose or rescind martial law, to declare a state of defensive war or to appoint the President or Judges of the Supreme Union Court.

CHAPTER SIX

THE EMIRATES

Article 116

The Emirates shall exercise all powers not assigned to the Union by this Constitution. The Emirates shall all participate in the setting up of the Union and shall benefit from its existence, its services and its protection.

Article 117

The exercise of authority in each Emirate shall aim in particular at the maintenance of law and order within its territories, the expansion of public utilities of value to its inhabitants and the raising of social and economic standards.

Article 118

The member Emirates of the Union shall all work for a systematic arrangement of legislation in various fields with the intention of unifying such legislation as much as possible.

Two or more Emirates may, after obtaining the approval of the Supreme Council, establish a political or administrative unit, or unify all or part of their public utilities or establish a single administration or joint administration to run any such utility.

Article 119

Union law shall provide for matters pertaining to the execution of judgements, requests for legal assistance, publicising legal documents and the surrender of fugitives, as between member Emirates of the Union, taking into consideration the greatest ease of execution.

CHAPTER SEVEN

THE DISTRIBUTION OF LEGISLATIVE, EXECUTIVE AND INTERNATIONAL JURISDICTION BETWEEN THE UNION AND THE EMIRATES

Article 120

The Union shall have exclusive legislative and executive jurisdiction in the following matters:

1. Foreign affairs
2. Defence and the United Armed Forces
3. Protection of the Union's security against internal or external threat
4. Matters pertaining to security, order and jurisdiction in the permanent capital of the Union
5. Matters relating to Union officials and Union Judges
6. Union finances and Union taxes, duties and fees
7. Union public loans
8. Postal, telegraph, telephone and wireless services
9. The construction, maintenance and improvement of Union roads which the Supreme Council has determined to be trunk roads. The organisation of traffic on such roads.
10. Air Traffic Control and the issue of licences to aircraft and pilots
11. Education
12. Public health and health services
13. Currency notes and coins
14. Weights, measures and standards
15. Electricity services
16. Union nationality, passports, residence and immigration
17. Union property and all matters relating thereto
18. Census matters and statistics relevant to Union purposes
19. Union Information

• Subsidiary unit government
• Mention of telecommunications

- Protection of environment
- Extradition procedure
- Provisions for intellectual property
- Subsidiary unit government

Article 121

Without prejudice to the provision of the previous article, the Federation shall solely be in charge of enacting laws on the following matters:

Work relation and social securities, real estate ownership and expropriation for public interest; handover of criminals; banking; insurance of all kinds; protection of fauna & flora; major legislations related to Penal Code, Civil & Commercial Transactions Code, Companies Law, Code of Procedures before the civil and penal courts; protection of moral, technical and industrial property rights; copyrights, printings and publication rights; import of weapons and ammunitions unless the same was for the use of the Armed Forces or Security Forces of any Emirate - other aviation affairs which are not within the Federation executive competencies; determination of territorial waters and organization of navigation overseas; organization and method of establishing financial free zones and scope of excluding the same from the implementation of the Federal Legislations provisions.

- Subsidiary unit government

Article 122

The Emirates shall have jurisdiction in all matters not assigned to the exclusive jurisdiction of the Union in accordance with the provisions of the two preceding Articles.

Article 123

As an exception to paragraph 1 of Article 120 concerning the exclusive jurisdiction of the Union in matters of foreign policy and international relations, the member Emirates of the Union may conclude limited agreements of a local and administrative nature with the neighbouring state or regions, provided that such agreements are not inconsistent with the interests of the Union or with Union laws and provided that the Supreme Council of the Union is informed in advance. If the Council objects to the ratification of such agreements it shall be obligatory to suspend the matter until the Supreme Court of the Union has ruled on the objections as quickly as possible.

The Emirates may retain their membership in the OPEC organisation and the Organisation of Arab Petroleum Exporting Countries and may join them.

- Mention of international law

Article 124

Before the conclusion of any treaty or international agreement which may affect the special position of any one of the Emirates, the competent Union authorities shall consult that Emirate in advance. In the event of disputes they shall submit the matter to the Supreme Court of the Union for a ruling.

- Mention of international law

Article 125

The Governments of the Emirates shall undertake to take the appropriate steps to implement the laws promulgated by the Union and the treaties and international agreements concluded by the Union, including the promulgation of the local laws, regulations, decisions, and decrees necessary for such implementation.

The Union authorities shall supervise the implementation by the Governments of the Emirates of the Union laws, decisions, treaties, agreements and legal judgements. The competent administrative and judicial authorities in the Emirates shall give the Union authorities all possible help in this matter.

CHAPTER EIGHT

THE FINANCIAL AFFAIRS OF THE UNION

Article 126

The general revenues of the Union shall consist of the following income:

1. Taxes, fees and duties imposed under Union law in matters within the legislative and executive jurisdiction of the Union.
2. Fees and rates received by the Union in return for services provided.
3. Contributions made by member Emirates of the Union in the Annual Budget of the Union in accordance with the succeeding Article.
4. Union income from its private property.

Article 127

The member Emirates of the Union shall contribute a specified proportion of their annual revenues to cover the annual general budget expenditure of the Union, in the manner and on the scale to be prescribed in the Budget Law.

Article 128

The law shall prescribe the method of preparing the general budget of the Union and the final accounts. The law shall also define the beginning of the financial year.

Article 129

The draft annual budget of the Union, comprising estimates of revenues and expenditure, shall be submitted to the Union National Council at least two months before the beginning of the financial year, for debate and the submission of comments thereon, before the draft budget is submitted to the Supreme Council of the Union, together with those comments, for assent.

Article 130

The annual general budget shall be promulgated by a law.

In all cases where the budget law has not been promulgated before the beginning of the financial year, monthly appropriations may be made by Union decree on the basis of one twelfth of the appropriations for the previous financial year. Revenues shall be collected and expenditure disbursed in accordance with the laws in force at the end of the preceding financial year.

Article 131

All expenditure not provided for in the budget, all expenditure in excess of the budget estimates and all transfers of sums from one chapter to another of the Budget must be covered by a law.

Notwithstanding the foregoing, in cases of extreme urgency, such expenditure or transfer may be arranged by decree law in accordance with the provisions of Article 113 of this Constitution.

Article 132

The Union shall allocate in its annual budget a sum from its revenue to be expended on building and construction projects, internal security and social matters according to the urgent needs of some of the Emirates.

The execution of these projects and the disbursement of monies thereon from the sums appropriated therefor, shall be accomplished by means of and under the supervision of the competent Union agency with the agreement of the authorities of the Emirate concerned.

The Union may establish a special institution for this purpose.

Article 133

No Union tax may be imposed, varied or abolished except by means of a law. No person may be exempted from liability to pay such taxes except as prescribed by the law.

Union taxes, duties and fees may not be levied on any person except within the limits of the law and in accordance with its provisions.

Article 134

No public loan may be contracted except by a Union law. No commitment involving the payment of sums from the Union Exchequer in a future year or years may be contracted except by means of a Union law.

Article 135

The final accounts of the financial administration of the Union for the completed financial year shall be submitted to the Union National Council, within the four months following the end of the said year, for the submission of comments thereon, before their submission to the Supreme Council for approval, in the light of the Auditor-General's Report.

Article 136

An independent Union department headed by an Auditor-General who shall be appointed by decree, shall be established to audit the accounts of the Union and its organs and agencies, and to audit any other accounts assigned to the said department for that purpose in accordance with the law.

The law shall organise this department and shall define its jurisdiction and the competence of those working therein, and the safeguards to be given to it, its head and the employees working in it in order that they may carry out their duties in the most efficient manner.

CHAPTER NINE

THE ARMED FORCES AND THE SECURITY FORCES

Article 137

Every attack upon any member Emirate of the Union shall be considered an attack upon all the Emirates and upon the existence of the Union itself, which all Union and local forces will cooperate to repel by all means possible.

Article 138

The Union shall have armed land, sea and air forces with unified training and command. The Commander in Chief of these forces and the Chief of the General Staff shall be appointed and dismissed by means of a Union decree.

The Union may have a Union Security Force.

The Union Council of Ministers shall be responsible directly to the President of the Union and the Supreme Council of the Union for the affairs of all forces.

Article 139

The law shall organise military service, general or selective conscription, the rights and duties of individual members of the Armed Forces, their disciplinary procedures, and similarly the special provisions of the Union Security Forces.

Article 140

The declaration of a state of defensive war shall be made by means of a Union decree issued by the President of the Union after its approval by the Supreme Council. Offensive war shall be prohibited in accordance with the provisions of international charters.

Article 141

A Supreme Defence Council shall be established under the chairmanship of the President of the Union. Among its members shall be the Vice-President of the Union, the Chairman of the Council of Ministers of the Union, the Ministers of External Affairs, Defence, Finance and the Interior, the Commander in Chief, the Chief of the General Staff. It shall advise and offer views on all matters pertaining to defence, the maintenance of the peace and security of the Union, the setting up of the armed forces, their equipment and development, and the determination of their camps and posts.

The Council may summon to attend its meetings any military advisers or experts or other persons it wishes, but they shall have no voice in its deliberations.

All matters pertaining to this Council shall be regulated by means of a law.

• Designation of commander in chief

• Mention of international law
• Power to declare/approve war

Article 142

The member states shall have the right to establish local security forces ready and able to join the defensive machinery of the Union, if need arises, to defend the Union against any external aggression.

Article 143

Any Emirate shall have the right to request the assistance of the Armed Forces or the Security Forces of the Union in order to maintain law and order within its territories whenever it is exposed to danger. Such a request shall be submitted immediately to the Supreme Council of the Union for decision.

The Supreme Council of the Union may call upon the aid of the local armed forces belonging to any Emirate for this purpose provided the Emirate requesting assistance and the Emirate to whom the forces belong agree.

The President of the Union and the Council of Ministers of the Union collectively, may, if the Supreme Council is not in session, take any immediate steps which cannot be delayed, which are considered necessary and may call the Supreme Council into immediate session.

CHAPTER TEN

FINAL AND TRANSITIONAL PROVISIONS

Article 144

1. Bearing in mind the provisions of the following paragraphs, the provisions of this Constitution shall apply for a transitional period of five Gregorian years beginning from the date of its entry into force in accordance with the provisions of Article 152.

2. „

- a. If the Supreme Council considers that the supreme interests of the Union require the amendment of this Constitution it shall submit a draft constitutional amendment to the Union National Council.
- b. The procedure for approving the constitutional amendment shall be the same as the procedure for approving the law.
- c. The approval of the Union National Council for a draft constitutional amendment shall require the agreement of two-thirds of the votes of members present.
- d. The President of the Union shall sign the constitutional amendment in the name of the Supreme Council and as its representative and shall promulgate the amendment.

3. During the transitional period the Supreme Council shall adopt the necessary measures to prepare a draft permanent constitution to take the place of this constitution. It shall submit the draft permanent constitution to the Union National Council for debate before promulgating it.

• Constitution amendment procedure

4. The Supreme Council shall call the Union National Council into extraordinary session at a time not more than six months before the end of the period of validity of this constitution. The permanent constitution shall be presented at this session. It shall be promulgated according to the procedure laid down in paragraph 2 of this Article.

Article 145

Under no circumstances may any of the provisions of this constitution be suspended, except through a declaration of martial law and within the limits prescribed by the law providing for such martial law.

Notwithstanding the foregoing, sessions of the Union National Council may not be suspended during that period nor may the immunity of its members be violated.

Article 146

Martial law shall be declared by a decree promulgated with the assent of the Supreme Council on the basis of a proposal made by the President of the Union with the agreement of the Council of Ministers of the Union in case of necessity which shall be defined by law. Any such decree shall be transmitted to the Union National Council at its next meeting.

Martial law shall be similarly lifted by decree with the assent of the Supreme Council when the need for which it was imposed no longer exists.

Article 147

The implementation of this Constitution notwithstanding, treaties or agreements concluded by member Emirates with states or international organisations shall remain in force until such time as these treaties or agreements are amended or abrogated by agreement between the parties concerned.

Article 148

All matters established by laws, regulations, decrees, instructions and decisions in force in the various member Emirates of the Union, and in accordance with the prevailing situation in them at the time when this constitution becomes effective, shall continue provided they are not amended or cancelled in accordance with the stipulations of this Constitution.

Similarly, the measures and organisations existing in the member Emirates shall continue to be effective until the promulgation of laws amending them in accordance with the provisions of the constitution.

Article 149

As an exception to the provisions of Article 121 of this constitution the Emirates may promulgate legislation necessary for the regulation of the matters set out in the said Article without violation of the provisions of Article 151 of this constitution.

Article 150

The Union authorities shall strive to issue the laws referred to in this constitution as quickly as possible so as to replace the existing legislation and regulations, particularly anything which is not consistent with the provisions of the constitution.

Article 151

The provisions of this constitution shall prevail over the constitutions of the member Emirates of the Union, and the Union laws which are issued in accordance with the provisions of this constitution shall have precedence over the legislation, regulations and decisions issued by the authorities of the Emirates.

In the case of conflict, that part of the inferior legislation which is inconsistent with the superior legislation shall be rendered null and void to the extent that removes the inconsistency. In case of dispute, the matter shall be referred to the Supreme Court of the Union for its ruling.

Article 152

This Constitution shall take effect from the date stipulated in a declaration to be issued by the Rulers signatories to this Constitution.

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