CURRENT ISSUE

PUBLIC SERVANTS' RIGHT TO ORGANIZE

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Introduction

Article 47 of the Revised Constitution of 1955 provides, "Every Ethiopian subject, in accordance with the law, may live engaging in any occupation; he has the right to form any sort of occupational association and to be a member of any association."[1] The question of the extent to which the law restricts government employees' right to form or join labour-union-like associations has been in the news recently.

The Central Personnel Agency and Public Service Order of 1961, as amended, and the Legal Notice issued thereunder,[2] provide that all persons employed by the government or by independent public authorities are "public servants"[3] except that the Public Service Commissioners, with the approval of the Council of Ministers, are empowered to exclude certain employees from the coverage of this term.[4] However, for discussion of the above issue, it is useful to consider separately the two categories into which the Civil Code and the Labour Relations Proclamation divide government employees. These categories are: (1) those government employees who are employed in the ordinary administration of the government, and (2) those who are employed by an "industrial, commercial or other profit-making enterprise administered by the Government or its administrative or technical departments."[5]

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1. The version of Article 47 given in text is a new translation of the Amharic version. The English version says, "Every Ethiopian subject has the right to engage in any occupation and, to that end, to form or join associations, in accordance with the law." The more accurate version of the Amharic is used in the text, because Article 125 of the Revised Constitution says, "The official language of the Empire is Amharic." Gratitude is due to Ato Fasil Nahum, Assistant Lecturer in the Faculty of Law, for pointing out this disparity and providing the new translation.

2. Order No. 23, *Neg. Gaz.*, year 21, no. 3, as amended by the Central Personnel Agency and Public Service (Amendment) Order, 1962, Order No. 28, *Neg. Gaz.*, year 22, no. 6 (Order No. 23 as amended by Order No. 28 hereinafter cited as "Order"), and Public Service Regulations No. 1, 1962, Leg. Not. No. 269, *Neg. Gaz.*, year 22, no. 6 (hereinafter cited as "Legal Notice").

3. Although they are defined as public servants, uniformed members of the armed services, police and judges are excluded from the coverage of the Order and Legal Notice. Order, cited above at note 2, Art. 3; Legal Notice, cited above at note 2, Art. 3.

4. *Ibid.*

5. Labour Relations Proclamation, 1963, Art. 2(f) (iv), Proc. No. 210, *Neg. Gaz.*, year 23, no. 3 (hereinafter cited as "Proclamation"). The language of the Civil Code differs slightly. It provides that "unless otherwise provided in special laws," the code shall apply to "contracts of employment concluded by industrial or commercial undertakings administered by the State or its administrative or technical departments". Art. 2513(2). The present comment does not deal with the interesting question of whether the slight variation in language between Code and Proclamation makes a difference in substance, nor with the precise meaning of either phrase

Employees of Government-Run, Profit-Making Enterprises

The Labour Relations Proclamation explicitly grants non-managerial employees in the latter category the right to form labour unions which have the right to engage in collective bargaining. [6] It has been argued, however, that the scope of these provisions should be restricted to employees of enterprises explicitly excluded from the coverage of the Order and Legal Notice by the Public Service Commissioners.[7] Two reasons have been or may be advanced for this position. First, it may be suggested that the drafters of the Proclamation intended the definition of "employees" covered by the Proclamation to have only this narrow scope, or that it should be so construed in order to avoid an overlapping of jurisdiction between the Central Personnel Agency and the Ministry of National Community Development and Social Affairs. The problem with this argument is that the language used contains no hint of such a restriction. The resemblance between the language of the Proclamation and that of the Civil Code, which was drafted independently and before the Central Personnel Agency came into existence, suggests that the drafters of the Proclamation were thinking of the Civil Code rather than of the Central Personnel Agency and Public Service Order. There is no suggestion in either the Proclamation or the Order that the Public Service Commissioners should have the power to determine which employees are entitled to the rights granted by the Proclamation. On the contrary, the Commissioners' jurisdiction is to decide which employees of the government come within the coverage of the Order and Legal Notice. If overlapping jurisdiction is a problem, the Commissioners can solve it simply by excluding all non-managerial employees of government-run, profit-making enterprises from the coverage of the Order and Legal Notice.

A second argument is that the Order and Legal Notice issued under it must prevail over any conflicting provisions of the Proclamation because the Order derives its authority from Article 27 of the Revised Constitution (often called the Order Power Article), which provides:

> The Emperor determines the organisation, powers and duties of all Ministries, executive departments and the administrations of the Government and appoints, promotes, transfers, suspends and dismisses the officials of the same.

Persons who deny the applicability of the Proclamation to public servants of any sort argue that this Article entrusts regulation of public servants and their employment-related activities solely to the Emperor, thus removing them from the possibility of regulation by proclamation.[8]

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6. Cited above at note 5, Arts. 2 (f), 20 (a), 23.
7. See Yilma Hailu, *Employees Protected by and Subject to the Labour Relations Proclamation of* 1963 (1968, unpublished, Archives, Faculty of Law, Haile Sellassie I University), pp. 23-26.
8. The Preamble to the Order also cites Article 66 of the Revised Constitution, which provides: "The appointment, promotion, transfer, suspension, retirement, dismissal and discipline of all other [except for Ministers and Vice Ministers] Government officials and employees shall be governed by regulations made by the Council of Ministers and approved and proclaimed by the Emperor."
Although this Article might also seem to be relevant, especially because it is cited in the Preamble, the Order itself, unlike many other Orders, does not state that the Council of Ministers had any part in its preparation. While Article 1 of the Legal Notice states that it was promulgated with the approval of the Council of Ministers, the Legal Notice does

The application of this argument to the present problem is fallacious. The Emperor and the Council of Ministers participate in the process of enacting proclamations. No Proclamation can become law unless and until it is approved by the Emperor. The Labour Relations Proclamation was first promulgated as a decree by the Emperor himself[9] and later, after minor Parliamentary amendments, again approved by the Emperor and promulgated as a proclamation. The provisions specifically allowing employees of government-run, profit-making enterprises to form labour unions appear in both the Decree and the Proclamation. Thus, the Emperor twice approved these provisions. Because he promulgated the Labour Relations Proclamation more recently than he promulgated the Order and the Public Service Commissioners promulgated the Legal Notice,[10] he must have decided that the provisions of the Proclamation should apply to certain public servants and prevail over any conflicting provisions of the Order and Legal Notice issued thereunder. Even if the Emperor has exclusive power to regulate public servants' right of association, the more-recently-enacted evidence of his intent (i.e., the Proclamation) should prevail over earlier legislation.[11]

Even if one were to reach the unlikely conclusion that the Order and Legal Notice should prevail over the Proclamation in the event of conflict, he would not find any conflict on the present issue. As is demonstrated below, neither the

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not appear to have been approved and was not proclaimed by the Emperor. A somewhat strained argument may be made that the citation of Article 66 in the Preamble to the Orders shows that the Council "made" the provisions of the Order or that the participation of the Emperor and the Council of Ministers in the combined legislation of Order and Legal Notice is sufficient to satisfy Article 66. Even if one of these arguments is successful, the reasons adduced in the text for rejecting the relevance of Article 27 to the present problem apply equally to Article 66.

9. Decree No. 49, 1962, *Neg. Gaz.*, year 21, no. 18.

10. The chronological order of promulgation was: Order, Decree, amending Order, Legal Notice, Proclamation. See dates and issues of *Negarit Gazeta* cited in notes 2, 5 and 9 above.

11. This conclusion follows from the universal rule of statutory construction *leges posteriores priores contrarias abrogant*, which prescribes that, where two provisions of law conflict, the later one prevails over the former. See H. Bekaert, *Introduction à l'étude du droit* (1964) pp. 246-247; S. Edgar, *Craies on Statute Law* (6th ed. 1963) pp. 363-381; *Halsbury's Laws of England* (3rd ed. 1958), vol. 36, Statutes, secs. 709-713; M. Planiol and G. Ripert, *Treatise on the Civil Law* (12th ed., 1939) (translation, Louisiana State L. Inst., 1959), vol. 1, pt. 1, nos. 223, 228; Krzeczunowicz, "Statutory Interpretation in Ethiopia", *J. Eth. L.*, vol. 1 (1964), pp. 321-323; Alemante Gebre Sellassie *The Effect of the Penal Code on the Prisons Proclamation of* 1944 *and the Resulting State of the Law* (1968, unpublished, Archives, Faculty of Law, Haile Sellassie I University), pp. 10-18. Another rule of statutory construction supports the above conclusion in the present circumstances. This rule, *generalia specialibus non derogant*, says that, if two statutory provisions conflict, the more specific prevails over the more general. See Edgar, Halsbury, Planiol and Krzeczunowicz, cited above. Because the provision of the Proclamation deal specifically with certain types of public servants and their right to form and join labour unions, whereas the provisions of the Order and Legal Notice deal with public servants generally and do not refer specifically to labour unions, the provisions of the Proclamation prevail over those of the Order and Legal Notice. A final argument to support this conclusion is that Article 27 of the Revised Constitution deals only with the internal organization of the government, and the relation of the various parts of the government to one another. See Aberra Jembere, *The Prerogative of the Emperor to Determine Powers of Administrative Agencies* (appearing in this issue of the *Journal of Ethiopian Law*, at page 521), pp. 527-528. It is doubtful that this Article gives the Emperor, acting alone, the power to regulate the exercise of constitutionally guaranteed civil rights (such as the right of association), even by public servants. The present comment does not deal with the knotty question of the extent to which the Emperor or even Parliament may constitutionally restrict the right of association granted by Article 47.

Order nor the Legal Notice prohibits in any way the formation of labour unions by public servants.

Thus, the laws of Ethiopia, in particular the Labour Relations Proclamation, clearly provide for the formation of labour unions by the non-managerial employees of government-run, profit-making enterprises. No law provides otherwise; even if the Central Personnel Agency and Public Service Order and the Legal Notice issued thereunder did so provide, they would be deemed to be superseded by the Proclamation, which was approved and promulgated more recently by the Emperor.

Public Servants Generally

Other government employees are not covered by the provisions of the Labour Relations Proclamation. As R.C. Means has pointed out in an earlier issue of this *Journal*, the effect of this exclusion is that they cannot form a "union" as that term is defined in the Labour Relations Proclamation,[12] "their employer, the government, is under no legal duty to bargain with them, and the Labour Relations Board has no jurisdiction over their disputes with the government."[13]

The exclusion of most public servants from the coverage of the Labour Relations Proclamation does not, however, by itself prohibit them from forming union-like associations. There is no indication that the Proclamation was intended to be the only law regulating all types of associations for furthering the interests of workers. Rather, the Proclamation deals with those associations, called "unions", which have the legal rights to strike and to require employers to bargain collectively with them. Because, as shown above, most associations of public servants do not have these rights, it would have been awkward to include them within the coverage of the Proclamation. Thus, the drafters of the Proclamation may well have concluded that associations of ordinary public servants should be covered by other legislation, and interested persons must search other laws to find the implementation and regulation of ordinary public servants' right of association.

The following survey of the relevant legislation shows that no law clearly prohibits the formation of union-like associations by public servants. Although some provisions of the previously mentioned Legal Notice might at first glance be understood to allow public servants' superiors to deny them the right to participate in such an organization, a closer analysis of those provisions indicates the contrary to be the intent of the legislator.

As will be shown, this interpretation of the Legal Notice is bolstered not only by consideration of the special protection given to occupational associations by Revised Constitution Article 47 but also by another element described in Article 122 of the Constitution as "supreme law of the Empire," an International Labour Organization Convention which Ethiopia subsequently ratified.

Aside from the Constitution, the only provisions of Ethiopia's domestic laws directly relevant to this question are found in the Legal Notice issued under the Central Personnel Agency and Public Service Order; in Title III, Chapter 2 of the

12. "Employees Who May Not Strike," *J. Eth. L.*, vol. 4 (1967), p. 168. As Means says, his conclusion follows from the fact that ordinary public servants are not "employees" within the definition given in the Proclamation.

13. *Id.*, p. 174 (footnotes omitted).

Civil Code; and in the Associations Registration Regulations issued in 1966 under the Code.[14] Article 81 of the Legal Notice provides, in relevant part, as follows:

> (2) No Public Servant shall undertake any outside activity which would in any way tend to impair his usefulness as representative of the Public Service or which might, in any way, conflict with his duties or be inconsistent with the position as a Public Servant.
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> (3) No Public Servant shall take up or accept part in professional activities of any kind with or without remuneration besides the performance of his official duties without prior written permission of the Head of the Ministry, Chartered Government Agency or other Public Authority. Nothing shall prevent a Public Servant from being a member of professional associations.

The Civil Code and regulations issued thereunder provide for the formation of associations, including "trade unions" not covered by special laws, by registration with the Office of Associations in the Ministry of Interior.[15] Such associations are entitled to be registered unless contrary to law or morality.[16] It is inconceivable that an association could be immoral without tending to impair a public servant's usefulness or conflicting with his duties or being inconsistent with his position as a public servant. Therefore, the question may be solved in terms of Article 81 (2) and (3) of the Order, the only provisions of law which such an association might be argued to violate.

Any analysis of these provisions must take into account their two aspects: on the one hand, they prohibit certain activities; on the other hand, Subarticle (3) emphatically guarantees that "*nothing* shall prevent a Public Servant from being a member of professional associations." (Emphasis added.) For clarity of analysis, it is best to start with the second aspect.

Two initial questions arise with respect to the last sentence of Subarticle (3). First, does it mean only that public servants can be ordinary members of professional associations, but that their superiors may deny them permisison to play a more active role, for instance as officers of associations? Second, what are "professional associations"? In answering these questions, it is important to keep in mind

14. Leg. Not. No. 321, *Neg. Gaz.*, year 26, no. 1.

15. Civ. C., Arts. 406, 409, 413, 468, 469; Associations Registration Regulations, 1966, cited above at note 14, Arts. 4-9.

16. The Code itself says nothing about the possibility of denying registration, so long as all the formalities are complied with. It does, however, provide that an association may be dissolved by the Office of Associations in the Ministry of Interior if its object or activities are contrary to law or morality. Civ. C., Art. 462. As the drafters of the regulations wisely concluded, this provision must allow the Office to refuse registration to an association with such prohibited purposes. It would be fruitless to require the Office to register an association and then to dissolve it immediately. Therefore, the regulations provide that an association will not be registered if its objectives are contrary to law or morality. Associations Registration Regulations, 1966, cited above at note 14, Art. 8 (1) (b). These regulations also allow the Office of Associations to deny registration on the ground that "the purposes of the intended association are against national unity or interest." *Id.*, Art. 9 (1) (c). If this vague provision adds anything to Article 8 (1) (b), it goes beyond the provisions of the Civil Code and is *ultra vires* the regulatory power granted to the Minister of Interior by Article 479 of the Code. See Essayas Haile Mariam, *Legality of Laws Dealing with Associations in Ethiopia* (1968, unpublished, Archives, Faculty of Law, Haile Sellassie I University), pp. 81-83.

the breadth of the guarantee contained in Article 47 of the Revised Constitution, assuring to "*every* Ethiopian subject" the right "to *form any sort of* occupational association and to be a member of *any* association." (Emphasis added.) It seems likely that the emphatic last sentence of Subarticle (3) was inserted to make clear that public servants' rights under Article 47 were not to be abrogated. Even if this was not in the mind of the legislator, his regulation should not be interpreted to restrict or deny such a clearly stated constitutional guarantee, unless such an interpretation is inevitable and clearly intended. Since the regulation can reasonably be interpreted consistently with Article 47, as is shown below, it is unnecessary here to consider the further question whether or not such a restriction or denial by a legal notice promulgated under an Article 27 order would violate the Constitution.

The first question above should not be answered by requiring public servants to subordinate their desire to be founders or officers of associations to the discretion of their superiors. Not only does Article 47 explicitly guarantee the right to "form" associations, but also, because of the present state of development of the Empire and the predominant role of the government, there are a number of professions, for instance journalism, almost all of whose members are public servants. To place officership of associations of such employees at the whim of certain government officials by requiring their permission before a public servant could become an officer would effectively frustrate the formation of such associations, or at least would greatly limit them. Furthermore, membership without eligibility to become an officer is not full membership. Thus, the narrow interpretation would frustrate the purpose of the last sentence of Subarticle (3) by effectively preventing public servants from becoming full members of those associations. Such an interpretation would be unreasonable. Therefore, the last sentence of Subarticle (3) must authorize public servants to be officers as well as ordinary members of "professional associations."[17]

The question of the meaning of "professional associations" can be further broken down into two parts. First, does it mean only associations of persons generally regarded as belonging to one of the "learned professions"? Second, what kinds of activities can such "associations" undertake? In particular, can they undertake activities for the purpose of gaining higher wages and better working conditions for their members? The answer to the first question must be negative: "professional associations" must be taken to include occupational associations of persons other than those who are members of "learned professions." From the time of Emperor Menelik's Proclamation of 17th Ter 1900,[18] adjuring the people not to insult these who engage in manual labour and providing punishment for such insults, the Ethiopian government has been dedicated to the proposition that no occupation is superior to another. This principle is enshrined in Article 38 of the Revised Constitution of 1955: "There shall be no discrimination amongst Ethiopian

17. The first sentence of Subarticle (3) may be taken to require written permission of the designated superiors of the public servant even for activities which are guaranteed by the second sentence. Because such a requirement would necessitate useless paperwork and incursion on the time of the busy men designated, however, the first sentence should be interpreted to require written permission only for activities which do not fall within the guarantee of the second sentence.

18. J. Paul & C. Clapham, *Ethiopian Constitutional Development: A Sourcebook*, Vol. I (1967), p. 309.

subjects with respect to the enjoyment of all civil rights." Article 47 makes the right of association in connection with employment a civil right. To allow lawyers or journalists to form associations and to deny this right to electricians or messengers would contravene Article 38 as well as the term "every Ethiopian subject" which introduces Article 47. Therefore, the word "professional" in Article 81(3) of the Legal Notice must not be interpreted to limit the associations authorized thereby to associations of members of any particular occupations.

What, then, are the types of associations which that sentence contemplates? They must be associations of people with common interests related to thei employment.[19] The purpose of such associations the world over are to discuss matters of mutual interest, to promote higher standards in their fields, and to advance the interests of their members in relation to their employment. Such associations in all countries commonly engage in seeking by legal means to improve the labour conditions of their members. Considering this fact as well as the breadth of the constitutional protection of "any sort of occupational association," it would be extraordinary if the term "professional associations" was used in this Legal Notice to mean some more limited form of association. The more limited interpretation could be justified only if other provisions of law required it. As has been pointed out, the only relevant provisions of domestic law are Subarticles (2) and (3) of Article 81, which are quoted above. Since any employee has an interest in improving his own labour conditions, his membership or even officership in an organization dedicated to that end would create no conflict other than whatever conflict is already implicit in the employer-employee relationship. So long as he did not engage in association activities, as opposed to official duties, during his regular working hours, he would not violate Article 81 or any other article of the Legal Notice. The only activities of such an association which might cause a violation of other provisions of the Legal Notice are strikes and other concerted refusals to work. Such activities are separately and explicitly prohibited by Article 83.[20] So long as the association was willing to recognize the limitation on its activities contained in Article 83, there is no reason under the law why public servants should not be allowed to form and join an association which would have, among its other purposes, the goal of attempting to improve the labour conditions of its members.

It may be objected that this interpretation renders useless the first sentence of Article 81 (3), which prohibits public servants from engaging in "professional activities" without permission of the head of their ministry or agency. This objection would not be valid, for the interpretation advanced merely excludes activities connected with professional *associations* from the general term "professional activities" in the first sentence on the ground that the second sentence shows that the first sentence was not intended to apply to association-related activity. The first sentence still prohibits public servants from engaging in other professional activities—for instance, it prohibits lawyer public servants from taking cases for private clients—without permission of their superiors.

19. The restriction to associations of people with common interests related to their employment would seem to be required by the Legal Notice's term "professional association," as interpreted above at note 19, and by the Constitution's term "occupational association."

20. See generally Means, cited above at note 12. As Means points out, even this provision was probably repealed by the Proclamation insofar as it purports to apply to employees of government-run, profit-making enterprises. *Id.*, p. 169. A public servant who strikes "in breach of his professional or statutory obligations" may also be penally liable. Pen. C., Art. 413.

Another objection which may be posed is the argument that a union-like association without the right to strike is useless, and therefore the Order and Legal Notice should not be construed to authorize such associations. However, such an association could perform a number of useful functions for its members and for the government. For instance, by uniting a significant number of persons for the the purpose of presenting a petition to the Emperor under Article 63 of the Revised Constitution, it could render such a petition more persuasive. Moreover, by furnishing a vehicle for the pooling of information held by a number of public servants, it could discover inequities in the working conditions of its various members and concentrate attention on specific instances of unsatisfactory working conditions. By bringing this information to the attention of supervisors and the Central Personnel Agency, the association could contribute to the efficiency of the public service.

This interpretation of the law today is supported—indeed required—by the International Labour Organization Convention No. 87, the Convention Concerning Freedom of Association and Protection of the Right to Organize.[21] Ethiopia's ratification of this Convention was registered with the ILO on June 4, 1963.[22] Thus, Ethiopia is a party to the Convention, and, pursuant to Article 122 of the Revised Constitution of Ethiopia, the Convention is part of the "supreme law of the Empire." Any legislation inconsistent with it is "null and void." Even if the Legal Notice or other laws could previously have been interpreted to have prohibited public servants from forming or being members of labour-union-like organizations, those laws would necessarily be modified by the subsequent adoption of new provisions of supreme law. This conclusion follows *a fortiori* from the discussion of the Labour Relations Proclamation, above. Thus, if Convention No. 87 requires that public servants be allowed to form and join union-like associations, then other laws should not be interpreted to prohibit such organizations. If they previously had that meaning, they would be impliedly amended by the subsequent ratification of the Convention; otherwise they would be null and void.

The Convention provides that "workers ..., without distinction whatsoever, shall have the right to establish and ... to join organizations of their own choosing without previous authorization."[23] The term "organization" is defined to include "any organization of workers ... for furthering and defending their interests ...."[24] Further, the Convention provides that such organizations shall have the right to formulate their own programmes without interference from public authorities.[25] Article 8 of the Convention says, "In exercising the rights provided for in this Convention workers and employers and their respective organizations, like other persons or organized collectivities, shall respect the law of the land," but it further provides, "The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention."

There is no doubt that the term "workers" includes those whose work is public service as government employees. In fact, the explanatory report which was pre-

21. International Labour Organization, *Conventions and Recommendations* (1966), pp. 663-667.
22. International Labour Office, Official Bulletin, vol. 46 (1963), pp. 481, 487. See generally Emmanuel Negassa, *The Impact of International Labour Standards on Ethiopian Labour Legislation* (1969, unpublished, Archives, Faculty of Law, Haile Sellassie I University).
23. Art. 2.
24. Art. 10.
25. Art. 3.

pared by the competent committee of the International Labour Conference and which accompanied the Convention when it was submitted for adoption by the Conference explicitly stresses the fact that the Convention guarantees freedom of association to public servants equally with other workers.[26]

Thus, Convention No. 87 of the International Labour Organization, as part of the "supreme law" of Ethiopia, guarantees to Ethiopian public servants (except for members of the police and armed forces, who are excepted from the Convention's guarantees by Article 9 thereof) as well as to other Ethiopian workers, full rights to form organizations "for furthering and defending their interests" by legal means. Persons to whom this right is denied have the right not only to petition the Emperor under Article 63 of the Revised Constitution or to bring suit in court under Articles 62 and 110, but also to complain to the ILO[27] through a workers' association. If it determines that a member state is failing to observe a Convention which the state has ratified, the ILO has the power to attempt to secure compliance.[28]

Conclusion

A study of the ordinary laws of Ethiopia, both independently and in the light of the provisions of "supreme law" contained in the Revised Consiitution and ILO Convention No. 87, reveals that public servants have the right to form union-type associations. For public servants employed by government-run, profit-making enterprises, this right and the means for its fulfillment are clearly given by the Labour Relations Proclamation. Such employees have the right to have the Minister of National Community Development and Social Affairs register any unions they may form in compliance with the provisions of the Proclamation. Other public servants are not prohibited from forming union-type associations. In fact, ILO Convention No. 87 gives all workers except members of the police and armed forces the right to form such organizations. These workers may take advantage of that right by registration of their associations with the Ministry of Interior in accordance with the provisions of the Civil Code. However, unlike the employees of profit-making enterprises, the ordinary public servants have no legal right to compel their employer (the government) to bargain collectively with their organization. They must rely on the goodwill of responsible members of the government or on the power of enlightened public opinion to bring about serious consideration of the positions taken by their organizations.

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26. International Labour Office, *The International Labour Code* (1951), vol. 1, p. 681 note 3. The subsequent Right to Organize and Collective Bargaining Convention, 1949, Convention No. 98, explicitly excepts public servants from its guarantees, which include the right of collective bargaining Art. 6, *id.*, p. 697.
Nevertheless, the explanatory report of the competent committee which considered Convention No. 98 makes clear that the members of the committee, as well as the Legal Adviser of the International Labour Office, considered Convention No. 87 as applying to public servants. *Id.*, pp. 697-701 note 23. See also Syoum Gebregziabher, *The Development of Some Institutions Concerned with Labour Relations in Ethiopia* (1969, mimeographed, Department of Public Administration, Haile Sellassie I University), pp. 102-103 (quoting speech of Ato Fisseha Tsion Tekie, secretary general of the Confederation of Ethiopian Labour Unions, at the Tripartite National Industrial Relations Conference held at Africa Hall, August 23-27, 1966).

27. International Labour Organization, *Constitution* (1955 ed.). Art. 24. Ethiopia joined the ILO. thus becoming party to its Constitution, in 1923, when she joined the League of Nations, Emmanuel Negassa, cited above at note 22, pp. 8-10.

28. ILO *Constitution*, Arts. 25-34.