

THE CONSTITUTIONAL ACT ON THE STATE INDEPENDENCE OF THE REPUBLIC OF AZERBAIJAN

The National Council of Azerbaijan adopted the Declaration of Independence on May 28, 1918 thus restoring the many centuries of the state system of the Azerbaijani people.

The Republic of Azerbaijan which had a full state power on its territory carried out the independent foreign and internal policy. The institutions peculiar of an independent state that are the parliament, government, army and financial system were established and acted in the Republic of Azerbaijan. The Republic of Azerbaijan was recognized by a number of foreign countries and established the diplomatic relations with them. Yet Russia brought its troops to Azerbaijan violating the international legal norms on April 27-28 of 1920 without declaring the war, occupied the territory of the Republic of Azerbaijan, overthrew the legally elected state bodies and put an end to the independence of the Azerbaijani people gained at the expense of great sacrifice.

After that Azerbaijan was again subdued to Russia like in 1806-1828.

The contract on the establishment of the USSR of December 30, 1922 had to confirm the Union. Later, in fact, the policy of colonialism was carried out against the Republic of Azerbaijan within 70 years. The reserves of Azerbaijan were utilized fully; its national wealth was stolen. The Azerbaijani people were subject to the mass punishment and humiliations and its national dignity was oppressed. Despite all that the Azerbaijani people continued to struggle for their state independence.

The declaration of the Supreme Council of the Republic of Azerbaijan "On the restoration of the state independence of the Republic of Azerbaijan" of August 30, 1991 was also the result of the struggle.

The Supreme Council of the Republic of Azerbaijan on the basis of the Declaration of Independence of the National Council of Azerbaijan of May 28, 1918, the democratic principles of the Republic of Azerbaijan and the inheritance of traditions and adhering to the declaration of the Supreme Council of the Republic of Azerbaijan of August 30, 1991 "On the restoration of the state independence of the Republic of Azerbaijan" approved the present Constitutional Act and established the state system, the political and economic structure of the independent Republic of Azerbaijan.

1. GENERAL PRINCIPLES

Article 1. To regard the intervention of the Russia's 11th Red Army to Azerbaijan on April 27-28 of 1920, the occupation of the territory of the Republic, the overthrow of the Democratic Republic of Azerbaijan as the component of the international law the occupation of the independence Azerbaijan by Russia.

Article 2. The Republic of Azerbaijan is the heir of the Republic of Azerbaijan that existed from May 28, 1928 till April 28 of 1920.

Article 3. The section of the contract on the establishment of the USSR of December 30, 1922, devoted to Azerbaijan is not effective since signing of the said document

The issues appearing in the establishment of the multilateral relations between the sovereign countries once constituting the USSR must be settled by means of the contracts and agreements.

Article 4. The Constitution of the Republic of Azerbaijan of 1978 which does not contradicts to the present Constitutional Act remains in effect.

All the acts that had been effective before the restoration of the state independence of the Republic of Azerbaijan, do not contradict to the sovereignty and territorial integrity of the Republic of Azerbaijan and aiming at the change of the national state structure retain their effectiveness in the Republic of Azerbaijan.

The laws of the USSR will remain unchanged until the acceptance of the due laws of the Republic of Azerbaijan; the list of such laws will be defined by the parliament of the Republic of Azerbaijan.

Article 5. Any action against the independence of the Republic of Azerbaijan is the interference to the internal affairs of the sovereign state and these actions will be responded in accordance with the international legal standards.

Article 6. The part of the state debt of the USSR that was formed as the result of the economic activity of the republic and related to the USSR property that transferred to the Republic of Azerbaijan may be considered the debt of the Republic of Azerbaijan.

Article 7. The whole movable and immovable property on the territory of the Republic of Azerbaijan is the state property of the country. The exception is the part of the USSR movable property that may pass to other establishments of the USSR by the due contracts and in accordance with the international law.

Property of the USSR formed at the expense of the national incomes, natural and other reserves of Azerbaijan though out of the bounds of the Republic of Azerbaijan yet during the Azerbaijan's existence within the USSR.

2. THE AZERBAIJANI PEOPLE

Article 8. The Azerbaijani people include the citizens of the Republic of Azerbaijan living on its territory or out of its bounds and those adhering to its laws; that does not contradict to the norms defined by the international law.

Article 9. The Azerbaijani people have a right to choose the form of government, to define the relations with other people, to develop their political, economic and cultural traditions in accordance with the universal values.

Article 10. The Azerbaijani people are the source of the government in the sovereign Republic of Azerbaijan. A part of the Azerbaijani people or any person can not adopt the regulation of the country.

The direct state regulation of the Azerbaijani people is carried out through the representatives elected by the direct referendum or the general, equal and direct secret voting.

Article 11. The Azerbaijani people ensures the supremacy of the law and the democratic structure of the Republic of Azerbaijan as the means of the expression of will.

3. THE AZERBAIJANI STATE

Article 12. The Azerbaijani people create the independent, secular, democratic and Unitarian state, the sovereign government of the state are restricted by the laws in the inner affairs and by the principles subsequent from the treaties and contracts agreed by the Azerbaijani people in their foreign policy.

The sovereignty of the republic of Azerbaijan is applied to the entire territory of the country.

The Republic of Azerbaijan does not pass the sovereign rights it applied on its territory to any other state or unions of states.

Article 13. The State power of the republic of Azerbaijan is based on the separation of powers.

The legislative power is vested in the parliament of the republic of the Republic of Azerbaijan.

The high executive power of is carried out to the President of the Republic of Azerbaijan.

The judicial power is carried out by the independent courts and high instances-by the Constitutional Court of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan, the High Arbitrage Court of the Republic of Azerbaijan.

Article 14. The territory of the Republic of Azerbaijan is integral and can not be divided into parts. The Republic of Azerbaijan does not transfer its territory to anyone and the borders of the country can be determined by the resolution of the Parliament of the Republic of Azerbaijan on the basis of the national referendum and the agreement of the Azerbaijani people.

The lands of the Republic of Azerbaijan can not be sold to any other states or any legal enterprises of other countries.

Article 15. The constitution of the Republic of Azerbaijan and the laws of the Republic of Azerbaijan are effective on the territory of the Republic of Azerbaijan.

The legislative power is restricted by the Constitution of the Republic of Azerbaijan, the executive and legislative powers by the Constitution of the Republic of Azerbaijan and its laws and acts.

The Constitution of the republic of Azerbaijan is adopted among the entire population of the Republic by the general national voting (referendum).

Article 16. In accordance with the generally accepted international legal standards the Republic of Azerbaijan builds the relations with other states in accordance with the following principles: the sovereign equality of the states, the peaceful settlement of the issues and conflicts of territorial integrity of the state, noninterference with the internal affairs of the countries, respect for the human rights and principal liberties, the adherence to the peoples' equality and the right to determine their own fate, the cooperation of the states, and international duties.

Article 17. The Republic of Azerbaijan must do the following:

1. protect the unity of the Azerbaijani people, to create the legal rules through defining the rights and liberties subsequent from the law in accordance with the interests of a person, a family, social units and other collectives and through ensuring the respect for that.
2. improve all the types of social activity and coordinate them, ensure the interests of all the citizens of the country not contradicting to the law and create equal conditions for the independent development of every person.
3. assist the citizens of the Republic of Azerbaijan in the purchase of the residential places in the state or public housing fund and in the construction of personal flats on the said areas.
4. work for the improvement of the state of the indigents and ensure the social protection of the people.
5. ensure the protection of the citizens of the republic of Azerbaijan from the attempts posing the threat to their life, health personal freedom and security.
6. to control the health protection of the Azerbaijani people, assist in the environmental protection, and protect the families, mothers and children that are the basis of the country.

Article 18. The single citizenship of the republic of Azerbaijan has been defined in the country.

The Republic of Azerbaijan has certain duties before the citizens of the country and the citizens of the Republic of Azerbaijan also have definite responsibilities before the state.

Nobody can be deprived of his citizenship or change of citizenship. The citizens of the Republic of Azerbaijan out of its bounds are protected by the law.

Article 19. All the citizens of the Republic of Azerbaijan are equal before the law. The Republic of Azerbaijan ensures the application of all the rights and liberties stipulated by the General Declaration of Human Rights, the Final act of the Helsinki conference and other legal generally accepted documents of all the citizens regardless of their nation, religion, race or sex.

The rights or the liberties of the citizens of the Republic of Azerbaijan can not be restricted except for the special cases stipulated by the law.

4. ECONOMIC RELATIONS

Article 20. All the natural reserves belong to the Republic of Azerbaijan without harm to the rights on property and interests of any person or organizations.

Article 21. All the profits of the Republic of Azerbaijan form the single reserves regardless of a source and are used for the purposes stipulated by the law through fulfillment of the requirements and duties subsequent from the law.

Article 22. The property may be state, private and collective.

The private and collective property is permitted and ensured by the law; the latter defines the methods of its operation and sales as well as its activity.

The special and collective property may not be privatized forcedly. The property may be privatized in favor of the Republic of Azerbaijan on provision of the repayment for the damage of the private and collective property only in cases stipulated by the law.

The full confiscation of the immovable and movable property is not permitted.

Article 23. Any economic activity is based on the market relations and freedom of entrepreneurship in the Republic of Azerbaijan.

Article 24. The Republic of Azerbaijan improves the cooperation and creates the necessary conditions for the due development of different cooperative organizations and other associations in accordance with the legislation.

Article 25. The Republic of Azerbaijan secures all forms of labor. The workers have a rights for the wage enough for their free and worthy living in accordance with the quality and volumes of their work.

The forced labor is prohibited except for the cases stipulated by the law.

Every disabled citizen of the country has a right for the assistance and aide of the state.

The workers are free in establishing the trade unions.

The workers spend the vocations in frames of the laws regulating the right for vocations.

V. POLITICAL RELATIONS

Article 26. Every citizen of the Republic of Azerbaijan coming of age has the right to vote.

The voting is private, equal, free and secret.

The right to vote may be restricted only for disabled people or on the basis of the court's resolution coming into effect.

Article 27. All the citizens of the Republic of Azerbaijan have a right to establish political parties and other social associations to help define the policy of the Republic of Azerbaijan in a democratic way.

Article 28. In accordance with the principles of political pluralism the political parties participate in the formation and expression of public opinion and are the major units of the political activity. Their establishment and activity are free within the framework of the Constitution and laws of the Republic of Azerbaijan.

Article 29. The defense of the Republic of Azerbaijan is the duty of the citizens of the republic of Azerbaijan.

The military service is mandatory in the limits and terms stipulated by the Law.

Article 30. All the citizens of the Republic of Azerbaijan must contribute to the state expenses in accordance with their incomes.

The tax system is based on the principle of progress.

Article 31. All the citizens of the Republic of Azerbaijan must be devoted to the country and adhere to its Constitution and Laws.

6. RESULTING PRINCIPLES

Article 32. The present Constitutional act is the basis for the development of a new Constitution of the Republic of Azerbaijan.