Compendium of Key Environmental Laws of Ethiopia

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FOREWORD

Today, environmental concerns have become so challenging in the world in general and in Ethiopia in particular. Issues such as climate change, desertification, soil degradation and erosion, animal migration, environmental disasters and displacement, depletion of natural resources, deforestation, [ail, water] pollution and the ozone problem are some of the environmental concerns we are facing currently. While these issues will test us to the limit in the years to come, they will prove to be even more challenging on the coming generation. This certainly defies the Constitutional principle of sustainable development boldly enshrined under Article 43 of the FDRE Constitution.

Traditionally, environmental protection has been considered to be “in the public interest” and external to private life. Governments, therefore, have assumed principal responsibility in the protection of the environment. However, the roles of sectors have been changing, with the private sector becoming an active actor in environmental protection. Governments and businesses alike are now realizing that we have come to a point where environmental protection is not the sole responsibility of the government. Indeed, the involvement of companies in environmental protection throughout the world has increased in recent years.

Moha Soft Drinks Industry S.C. has, since its establishment in 1996, engaged in numerous activities with a view to discharging its social and environmental responsibilities. Examples include the waste water treatment plant in all of our factories etc.

As can be seen from this Compendium, the Ethiopian Government has been doing a commendable job in enacting laws on different issues of environmental concern and this Compendium brings together the key environmental laws of Ethiopia. Needless to state, laws have massive role to play in environmental protection and conservation of natural resources. However, the mere enactment of laws cannot bring the desired change, as the effective implementation of laws is very important. As the logical step in enhancing the implementation of the enacted laws is improving the familiarity of the public with the laws, I strongly believe that this Compendium is a very important tool in bringing the public a step closer to the environmental laws in force. Moreover, it makes me and all the staff in Moha Soft Drinks Industry S.C. even happier that, with our help, the Compendium is available for free, which serves the very purpose of the work: raising awareness and contributing in the protection of the environment.

Finally, I would like to congratulate Abdulkader M. Yusuf and Mahlet Fitiwi for a job well done. I would also like to take this opportunity to urge others in the private sector to be more active in assisting such researches.

Ato Getachew Birbo

Moha Soft Drinks Industry S.C.

CEO
INTRODUCTION

Although the legislative history of Ethiopia demonstrates that laws relating to the environment go as far back as a century, the past two decades saw the proliferation of environmental laws in the country. During this period, numerous laws have been enacted and many international agreements have been ratified. This is especially true since the FDRE Constitution entered into force and the Negarit Gazeta was established in 1995.

The FDRE Constitution guarantees everyone’s right to a clean and healthy environment. As is known, environmental issues are best handled with the participation of all. This is affirmed by the FDRE Constitution which states that ‘governments and citizens have the duty to protect the environment’. It is imperative that citizens, government officials, scholars and practitioners, the private sector, civil society and international organizations alike understand the laws in force and have a grasp of their rights and duties arising out of these laws. Nevertheless, the laws on environment in Ethiopia are scattered, negatively impacting the public’s ability to access and understand them.

This Compendium is, hence, prepared with a view to closing up this gap. It offers a one-stop-shop for the key laws dealing with the environment in Ethiopia. It incorporates not only the proclamations enacted by the House of Peoples’ Representatives, but also some of the implementing regulations issued by the Council of Ministers by July 2016. The laws included and their arrangement was made by making thorough reference to similar works and prominent materials on environmental law. It should be noted that the Compendium contains the laws published in the Federal Negarit Gazeta, although most of these laws are applicable in the States referred to under Article 47 of the FDRE Constitution.

For the purposes of simplicity and easy navigation, a table of contents of the provisions of each proclamation and regulation has been prepared. A brief description of each law is also included, which is believed to provide the user with an overview of what the law is about. With a view to avoiding any typing or similar errors, each law in the Compendium has been proofread with its corresponding publication in the Negarit Gazeta. Hence, maximum effort has been exerted to reproduce the laws as they appear in the Negarit Gazeta.

The research for this Compendium was carried out with the financial support of Moha Soft Drinks Industry S.C.; as such, the unrivalled understanding and support of the CEO, Ato Getachew Birbo, is much appreciated. Many thanks are in order for Ato Eshet Gebre, former...
Director of the Legislative and Oversight Professional Support Directorate, Secretariat of the House of Peoples’ Representatives, for his all-round support and encouragement. Ato Simeneh Kiros (Asst. Professor of Law) has always been there to offer his valuable advice throughout the years. Heartfelt appreciation is also in order for Ato Noh Balcha for designing the cover page and other sections, as well as Ato Mikias Yitbarek for designing the webpage and the logo. Finally, gratitude is extended to W/rt Hileena Eshetu, Ato Girmachew Admassie, Ato Seifu Gebremariam and Ato Bemnet Mohammed.

The Compendium, hence, brings together the key multilateral environmental agreements in Ethiopia, and as such attempts to contribute to environmental protection and natural resource conservation endeavors in the country. That the Compendium is useful for, inter alia, government officials, judges, prosecutors, practitioners, scholars, researchers, students, international organizations, the private sector and civil society organizations.

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2017
1. CONSTITUTION OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

PROCLAMATION NO. 1/1995

A PROCLAMATION TO PRONOUNCE THE COMING INTO EFFECT OF THE CONSTITUTION OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

WHEREAS, the Nations, Nationalities and Peoples of Ethiopia have, through their elected Representatives, ratified the Constitution of the Federal Democratic Republic of Ethiopia, on the 8th day of December, 1994; it is hereby proclaimed as follows:

1. **Short Title**
   This Proclamation may be cited as the “Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995”.

2. **Coming into Effect of the Constitution**

3. **Effective Date**
   This Proclamation shall enter into force as of the 21st day of August, 1995.

Done at Addis Ababa, this 21st day of August, 1995.

NEGASO GIDADA (DR.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

 […]
CHAPTER ONE
GENERAL PROVISIONS

Article 1
Nomenclature of the State

This Constitution establishes a Federal and Democratic State structure. Accordingly, the Ethiopian State shall be known as The Federal Democratic Republic of Ethiopia.

[...] 

Article 7
Gender Reference

Provisions of this Constitution set out in the masculine gender shall also apply to the feminine gender.

[...] 

CHAPTER TWO
FUNDAMENTAL PRINCIPLES OF THE CONSTITUTION

[...] 

Article 9
Supremacy of the Constitution

1. The Constitution is the supreme law of the land. Any law, customary practice or a decision of an organ of state or a public official which contravenes this Constitution shall be of no effect.

2. All citizens, organs of state, political organizations, other associations as well as their officials have the duty to ensure observance of the Constitution and to obey it.

3. It is prohibited to assume state power in any manner other than that provided under the Constitution.

4. All international agreements ratified by Ethiopia are an integral part of the law of the land.

Article 10
Human and Democratic Rights

1. Human rights and freedoms, emanating from the nature of mankind, are inviolable and inalienable.

2. Human and democratic rights of citizens and peoples shall be respected.

[...]
CHAPTER THREE
FUNDAMENTAL RIGHTS AND FREEDOMS

Article 13
Scope of Application and Interpretation

1. All Federal and State legislative, executive and judicial organs at all levels shall have the responsibility and duty to respect and enforce the provisions of this Chapter.

2. The fundamental rights and freedoms specified in this Chapter shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and international instruments adopted by Ethiopia.

PART ONE
HUMAN RIGHTS

Article 14
Rights to life, the Security of Person and Liberty

Every person has the inviolable and inalienable right to life, the security of person and liberty.

Article 15
Right to Life

Every person has the right to life. No person may be deprived of his life except as a punishment for a serious criminal offence determined by law.

[...]

Article 19
Right of Persons Arrested

1. Persons arrested have the right to be informed promptly, in a language they understand, of the reasons for their arrest and of any charge against them.

2. Persons arrested have the right to remain silent. Upon arrest, they have the right to be informed promptly, in a language they understand, that any statement they make may be used as evidence against them in court.

3. Persons arrested have the right to be brought before a court within 48 hours of their arrest. Such time shall not include the time reasonably required for the journey from the place of arrest to the court. On appearing before a court, they have the right to be given prompt and specific explanation of the reasons for their arrest due to the alleged crime committed.

4. All persons have an inalienable right to petition the court to order their physical release where the arresting police officer or the law enforcer fails to bring them before a court
within the prescribed time and to provide reasons for their arrest. Where the interest of justice requires, the court may order the arrested person to remain in custody or, when requested, remand him for a time strictly required to carry out the necessary investigation. In determining the additional time necessary for investigation, the court shall ensure that the responsible law enforcement authorities carry out the investigation respecting the arrested person’s right to a speedy trial.

5. Persons arrested shall not be compelled to make confessions or admissions which could be used in evidence against them. Any evidence obtained under coercion shall not be admissible.

6. Persons arrested have the right to be released on bail. In exceptional circumstances prescribed by law, the court may deny bail or demand adequate guarantee for the conditional release of the arrested person.

Article 20

Rights of Persons Accused

1. Accused persons have the right to a public trial by an ordinary court of law within a reasonable time after having been charged. The court may hear cases in a closed session only with a view to protecting the right to privacy of the parties concerned, public morals and national security.

2. Accused persons have the right to be informed with sufficient particulars of the charge brought against them and to be given the charge in writing.

3. During proceedings accused persons have the right to be presumed innocent until proved guilty according to law and not to be compelled to testify against themselves.

4. Accused persons have the right to full access to any evidence presented against them, to examine witnesses testifying against them, to adduce or to have evidence produced in their own defence, and to obtain the attendance of and examination of witnesses on their behalf before the court.

5. Accused persons have the right to be represented by legal counsel of their choice, and, if they do not have sufficient means to pay for it and miscarriage of justice would result, to be provided with legal representation at state expense.

6. All persons have the right of appeal to the competent court against an order or a judgement of the court which first heard the case.

7. They have the right to request for the assistance of an interpreter at state expense where the court proceedings are conducted in a language they do not understand.

Article 21

The Rights of Persons Held in Custody and Convicted Prisoners

1. All persons held in custody and persons imprisoned upon conviction and sentencing have the right to treatments respecting their human dignity.
2. All persons shall have the opportunity to communicate with, and to be visited by, their spouses or partners, close relatives, friends, religious councillors, medical doctors and their legal counsel.

*Article 22*

*Non-retroactivity of Criminal Law*

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence at the time when it was committed. Nor shall a heavier penalty be imposed on any person than the one that was applicable at the time when the criminal offence was committed.

2. Notwithstanding the provisions of sub-Article 1 of this Article, a law promulgated subsequent to the commission of the offence shall apply if it is advantageous to the accused or convicted person.

*Article 23*

*Prohibition of Double Jeopardy*

No person shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the criminal law and procedure.

[…]

*Article 25*

*Right to Equality*

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protection without discrimination on grounds of race, nation, nationality, or other social origin, colour, sex, language, religion, political or other opinion, property, birth or other status.

[…]

PART TWO

DEMOCRATIC RIGHTS

[…]

*Article 37*

*Right of Access to Justice*

1. Everyone has the right to bring a justiciable matter to, and to obtain a decision or judgement by, a court of law or any other competent body with judicial power.

2. The decision or judgement referred to under sub-Article 1 of this Article may also be sought by:
(a) Any association representing the Collective or individual interest of its members; or
(b) Any group or person who is a member of, or represents a group with similar interests.

[...]  

Article 40  
The Right to Property

1. Every Ethiopian citizen has the right to the ownership of private property. Unless prescribed otherwise by law on account of public interest, this right shall include the right to acquire, to use and, in a manner compatible with the rights of other citizens, to dispose of such property by sale or bequest or to transfer it otherwise. 

2. “Private property”, for the purpose of this Article, shall mean any tangible or intangible product which has value and is produced by the labour, creativity, enterprise or capital of an individual citizen, associations which enjoy juridical personality under the law, or in appropriate circumstances, by communities specifically empowered by law to own property in common.

3. The right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the State and in the peoples of Ethiopia. Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or to other means of exchange.

4. Ethiopian peasants have right to obtain land without payment and the protection against eviction from their possession. The implementation of this provision shall be specified by law.

5. Ethiopian pastoralists have the right to free land for grazing and cultivation as well as the right not to be displaced from their own lands. The implementation shall be specified by law.

6. Without prejudice to the right of Ethiopian Nations, Nationalities, and Peoples to the ownership of land, government shall ensure the right of private investors to the use of land on the basis of payment arrangements established by law. Particulars shall be determined by law.

7. Every Ethiopian shall have the full right to the immovable property he builds and to the permanent improvements he brings about on the land by his labour or capital. This right shall include the right to alienate, to bequeath, and, where the right of use expires, to remove his property, transfer his title, or claim compensation for it. Particulars shall be determined by law.

8. Without prejudice to the right to private property, the government may expropriate private property for public purposes subject to payment in advance of compensation commensurate to the value of the property.
Article 41
Economic, Social and Cultural Rights

1. Every Ethiopian has the right to engage freely in economic activity and to pursue a livelihood of his choice anywhere within the national territory.

2. Every Ethiopian has the right to choose his or her means of livelihood, occupation and profession.

3. Every Ethiopian national has the right to equal access to publicly funded social services.

4. The State has the obligation to allocate ever increasing resources to provide to the public health, education and other social services.

[...] 

8. Ethiopian farmers and pastoralists have the right to receive fair prices for their products, that would lead to improvement in their conditions of life and to enable them to obtain an equitable share of the national wealth commensurate with their contribution. This objective shall guide the State in the formulation of economic, social and development policies.

9. The State has the responsibility to protect and preserve historical and cultural legacies, and to contribute to the promotion of the arts and sports.

[...] 

Article 43
The Right to Development

1. The Peoples of Ethiopia as a whole, and each Nation, Nationality and People in Ethiopia in particular have the right to improved living standards and to sustainable development.

2. Nationals have the right to participate in national development and, in particular, to be consulted with respect to policies and projects affecting their community.

3. All international agreements and relations concluded, established or conducted by the State shall protect and ensure Ethiopia’s right to sustainable development.

4. The basic aim of development activities shall be to enhance the capacity of citizens for development and to meet their basic needs.

Article 44
Environmental Rights

1. All persons have the right to a clean and healthy environment.

2. All persons who have been displaced or whose livelihoods have been adversely affected as a result of State programmes have the right to commensurate monetary or alternative means of compensation, including relocation with adequate State assistance.
CHAPTER FOUR
STATE STRUCTURE

Article 45

Form of Government

The Federal Democratic Republic of Ethiopia shall have a parliamentarian form of government.

[...]
6. No member of the House may be arrested or prosecuted without the permission of the House except in the case of flagrante delicto.

7. A member of the House may, in accordance with law, lose his mandate of representation upon loss of confidence by the electorate.

Article 55

Powers and Functions of the House of Peoples’ Representatives

1. The House of Peoples’ Representatives shall have the power of legislation in all matters assigned by this Constitution to Federal jurisdiction.

2. Consistent with the provision of sub-Article 1 of this Article, the House of Peoples’ Representatives shall enact specific laws on the following matters:
   
   (a) Utilization of land and other natural resources, of rivers and lakes crossing the boundaries of the national territorial jurisdiction or linking two or more States;
   
   (b) Inter-State commerce and foreign trade;
   
   (c) Air, rail, water and sea transport, major roads linking two or more States, postal and telecommunication services;
   
   (d) Enforcement of the political rights established by the Constitution and electoral laws and procedures;
   
   (e) Nationality, immigration, passport, exit from and entry into the country, the rights of refugees and of asylum;
   
   (f) Uniform standards of measurement and calendar;
   
   (g) Patents and copyrights;
   
   (h) The possession and bearing of arms.

3. It shall enact a labour code.

4. It shall enact a commercial code.

5. It shall enact a penal code. The States may, however, enact penal laws on matters that are not specifically covered by Federal penal legislation.

6. It shall enact civil laws which the House of the Federation deems necessary to establish and sustain one economic community.

7. It shall determine the organization of national defence, public security, and a national police force. If the conduct of these forces infringes upon human rights and the nation’s security, it shall carry out investigations and take necessary measures.

8. In conformity with Article 93 of the Constitution it shall declare a state of emergency; it shall consider and resolve on a decree of a state of emergency declared by the executive.

9. On the basis of a draft law submitted to it by the Council of Ministers it shall proclaim a state of war.
10. It shall approve general policies and strategies of economic, social and development, and fiscal and monetary policy of the country. It shall enact laws on matters relating to the local currency, the administration of the National Bank, and foreign exchange.

11. It shall levy taxes and duties on revenue sources reserved to the Federal Government, it shall ratify the Federal budget.

12. It shall ratify international agreements concluded by the Executive.

13. It shall approve the appointment of Federal judges, members of the Council of Ministers, commissioners, the Auditor General, and of other officials whose appointment is required by law to be approved by it.


15. It shall establish the institution of the Ombudsman, and select and appoint its members. It shall determine by law the powers and functions of the institution.

16. It shall, on its own initiative, request a joint session of the House of the Federation and of the House of Peoples’ Representatives to take appropriate measures when State authorities are unable to arrest violations of human rights within their jurisdiction. It shall, on the basis of the joint decision of the House, give directives to the concerned State authorities.

17. It has the power to call and to question the Prime Minister and other Federal officials and to investigate the Executive’s conduct and discharge of its responsibilities.

18. It shall, at the request of one-third of its members, discuss any matter pertaining to the powers of the executive. It has, in such cases, the power to take decisions or measures it deems necessary.

19. It shall elect the Speaker and Deputy Speaker of the House. It shall establish standing and ad hoc committees as it deems necessary to accomplish its work.

[...]

Article 57
Adoption of Laws

Laws deliberated upon and passed by the House shall be submitted to the Nation’s President for signature. The President shall sign a law submitted to him within fifteen days. If the President does not sign the law within fifteen days it shall take effect without his signature.

Article 58
Meetings of the House, Duration of its Term

1. The presence of more than half of the members of the House constitutes a quorum.

2. The annual session of the House shall begin on Monday of the final week of the Ethiopian month of Meskerem and end on the 30th day of the Ethiopian month of Sene. The House may adjourn for one month of recess during its annual session.
3. The House of Peoples’ Representatives shall be elected for a term of five years. Elections for a new House shall be concluded one month prior to the expiry of the House’s term.

4. The Speaker of the House may call a meeting of the House when it is in recess. The Speaker of the House is also obliged to call a meeting of the House at the request of more than one-half of the members.

5. Meetings of the House shall be public. The House may, however, hold a closed meeting at the request of the Executive or members of the House if such a request is supported by a decision of more than one-half of the members of the House.

**Article 59**

*Decisions and Rules of Procedure of the House*

1. Unless otherwise provided in the Constitution, all decisions of the House shall be by a majority vote of the members present and voting.

2. The House shall adopt rules and procedures regarding the organization of its work and of its legislative process.

[...]

CHAPTER SEVEN

THE PRESIDENT OF THE REPUBLIC

*Article 69*

*The President*

The President of the Federal Democratic Republic of Ethiopia is the Head of the State.

[...]

*Article 71*

*Powers and Functions of the President*

1. He shall open the joint session of the House of Peoples’ Representatives and the House of the Federation at the commencement of their annual sessions.

2. He shall proclaim in the Negarit Gazeta laws and international agreements approved by the House of Peoples Representatives in accordance with the Constitution.

[...]

7. He shall, in accordance with conditions and procedures established by law, grant pardon.

CHAPTER EIGHT

THE EXECUTIVE

*Article 72*

*The Powers of the Executive*

1. The highest executive powers of the Federal Government are vested in the Prime Minister and in the Council of Ministers.
2. The Prime Minister and the Council of Ministers are responsible to the House of Peoples’ Representatives. In the exercise of State functions, members of the Council of Ministers are collectively responsible for all decisions they make as a body.

3. Unless otherwise provided in this Constitution the term of office of the Prime Minister is for the duration of the mandate of the House of Peoples' Representatives.

[…]

Article 76

The Council of Ministers

1. The Council of Ministers comprises the Prime Minister, the Deputy Prime Minister, Ministers and other members as may be determined by law.

2. The Council of Ministers is responsible to the Prime Minister.

3. In all its decisions, the Council of Ministers is responsible to the House of Peoples’ Representatives.

Article 77

Powers and Functions of the Council of Ministers

1. The Council of Ministers ensures the implementation of laws and decisions adopted by the House of Peoples’ Representatives.

2. It shall decide on the organizational structure of ministries and other organs of government responsible to it; it shall coordinate their activities and provide leadership.

3. It shall draw up the annual Federal budget and, when approved by the House of Peoples’ Representatives, it shall implement it.

4. It shall ensure the proper execution of financial and monetary policies of the country; it shall administer the National Bank, decide on the printing of money and minting of coins, borrow money from domestic and external sources, and regulate foreign exchange matters.

5. It shall protect patents and copyrights.

6. It shall formulate and implement economic, social and development policies and strategies.

7. It shall provide uniform standards of measurement and calendar.

8. It shall formulate the country’s foreign policy and exercise overall supervision over its implementation.

9. It shall ensure the observance of law and order.

10. It has the power to declare a state of emergency; in doing so, it shall, within the time limit prescribed by the Constitution, submit the proclamation declaring a state of emergency for approval by the House of Peoples’ Representatives.
11. It shall submit draft laws to the House of Peoples’ Representatives on any matter falling within its competence, including draft laws on a declaration of war.

12. It shall carry out other responsibilities that may be entrusted to it by the House of Peoples’ Representatives and the Prime Minister.

13. It shall enact regulations pursuant to powers vested in it by the House of Peoples’ Representatives.

CHAPTER NINE
STRUCTURE AND POWERS OF THE COURTS

Article 78

Independence of the Judiciary

1. An independent judiciary is established by this Constitution.

2. Supreme Federal judicial authority is vested in the Federal Supreme Court. The House of Peoples’ Representatives may, by two-thirds majority vote, establish nationwide, or in some parts of the country only, the Federal High Court and First-Instance Courts it deems necessary. Unless decided in this manner, the jurisdictions of the Federal High Court and of the First-Instance Courts are hereby delegated to the State courts.


4. Special or ad hoc courts which take judicial powers away from the regular courts or institutions legally empowered to exercise judicial functions and which do not follow legally prescribed procedures shall not be established.

5. Pursuant to sub-Article 5 of Article 34 the House of Peoples’ Representatives and State Councils can establish or give official recognition to religious and customary courts. Religious and customary courts that had state recognition and functioned prior to the adoption of the Constitution shall be organized on the basis of recognition accorded to them by this Constitution.

Article 79

Judicial Powers

1. Judicial powers, both at Federal and State levels, are vested in the courts.

2. Courts of any level shall be free from any interference of influence of any governmental body, government official or from any other source.

3. Judges shall exercise their functions in full independence and shall be directed solely by the law.

[...]

Article 80

Concurrent Jurisdiction of Courts
1. The Federal Supreme Court shall have the highest and final judicial power over Federal matters.

2. State Supreme Courts shall have the highest and final judicial power over State matters. They shall also exercise the jurisdiction of the Federal High Court.

3. Notwithstanding the Provisions of sub-Articles 1 and 2 of this Article;
   (a) The Federal Supreme Court has a power of cassation over any final court decision containing a basic error of law. Particulars shall be determined by law.
   (b) The State Supreme Court has power of cassation over any final court decision on State matters which contains a basic error of law. Particulars shall be determined by law.

4. State High Courts shall, in addition to State jurisdiction, exercise the jurisdiction of the Federal First-Instance Court.

5. Decisions rendered by a State High Court exercising the jurisdiction of the Federal First-Instance Court are appealable to the State Supreme Court.

6. Decisions rendered by a State Supreme Court on Federal matters are appealable to the Federal Supreme Court.

   […]

Article 83

Interpretation of the Constitution

1. All constitutional disputes shall be decided by the House of the Federation.

2. The House of the Federation shall, within thirty days of receipt, decide a constitutional dispute submitted to it by the Council of Constitutional Inquiry.

Article 84

Powers and Functions of the Council of Constitutional Inquiry

1. The Council of Constitutional Inquiry shall have powers to investigate constitutional disputes. Should the Council, upon consideration of the matter, find it necessary to interpret the Constitution, it shall submit its recommendations thereon to the House of the Federation.

2. Where any Federal or State law is contested as being unconstitutional and such a dispute is submitted to it by any court or interested party, the Council shall consider the matter and submit it to the House of the Federation for a final decision.

3. When issues of constitutional interpretation arise in the courts, the Council shall:
   (a) Remand the case to the concerned court if it finds there is no need for constitutional interpretation; the interested party, if dissatisfied with the decision of the Council, may appeal to the House of the Federation.
   (b) Submit its recommendations to the House of the Federation for a final decision if it believes there is a need for constitutional interpretation.
4. The Council shall draft its rules of procedure and submit them to the House of the Federation; and implement them upon approval.

CHAPTER TEN
NATIONAL POLICY PRINCIPLES AND OBJECTIVES

Article 85
Objectives

1. Any organ of Government shall, in the implementation of the Constitution, other laws and public policies, be guided by the principles and objectives specified under this Chapter.

2. The term “Government” in this Chapter shall mean a Federal or State government as the case may be.

Article 86
Principles for External Relations

1. To promote policies of foreign relations based on the protection of national interests and respect for the sovereignty of the country.

[…]  

3. To ensure that the foreign relation policies of the country are based on mutual interests and equality of states as well as that international agreements promote the interests of Ethiopia.

4. To observe international agreements which ensure respect for Ethiopia’s sovereignty and are not contrary to the interests of its Peoples.

[…]  

Article 91
Cultural Objectives

1. Government shall have the duty to support, on the basis of equality, the growth and enrichment of cultures and traditions that are compatible with fundamental rights, human dignity, democratic norms and ideals, and the provisions of the Constitution.

2. Government and all Ethiopian citizens shall have the duty to protect the country’s natural endowment, historical sites and objects.

3. Government shall have the duty, to the extent its resources permit, to support the development of the arts, science and technology.

Article 92
Environmental Objectives
1. Government shall endeavour to ensure that all Ethiopians live in a clean and healthy environment.

2. The design and implementation of programmes and projects of development shall not damage or destroy the environment.

3. People have the right to full consultation and to the expression of views in the planning and implementation of environmental policies and projects that affect them directly.

4. Government and citizens shall have the duty to protect the environment.

[...]

*Article 104*

*Initiation of Amendments*

Any proposal for constitutional amendment, if supported by a two-thirds majority vote in the House of Peoples’ Representatives, or by a two-thirds majority vote in the House of the Federation or when one-third of the State Councils of the member States of the Federation, by a majority vote in each Council have supported it, shall be submitted for discussion and decision to the general public and to those whom the amendment of the Constitution concerns.

*Article 105*

*Amendment of the Constitution*

1. All rights and freedoms specified in Chapter Three of this Constitution, this very Article, and Article 104 can be amended only in the following manner:

   (a) When all State Councils, by a majority vote, approve the proposed amendment;
   
   (b) When the House of Peoples’ Representatives, by a two-thirds majority vote, approves the proposed amendment; and

   (c) When the House of the Federation, by a two-thirds majority vote, approves the proposed amendment.

2. All provisions of this Constitution other than those specified in sub-Article I of this Article can be amended only in the following manner:

   (a) When the House of Peoples’ Representatives and the House of the Federation, in a joint session, approve a proposed amendment by a two-thirds majority vote; and

   (b) When two-thirds of the Councils of the member States of the Federation approve the proposed amendment by majority votes.

*Article 106*

*The Version with Final Legal Authority*

The Amharic version of this Constitution shall have final legal authority.
2. ESTABLISHMENT OF THE FEDERAL NEGARIT GAZETA

2.1. PROCLAMATION NO. 3/1995

A PROCLAMATION TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL NEGARIT GAZETA

CONTENTS

1. Short Title
2. Establishment of the Federal Negarit Gazeta
3. Repeal
4. Effective Date

BRIEF DESCRIPTION

This Law repeals the Establishment of the Negarit Gazeta Proclamation No. 1/1942 and establishes the Federal Negarit Gazeta.

Federal Negarit Gazeta Establishment Proclamation No. 3/1995

WHEREAS, it has become necessary to establish the Federal Negarit Gazeta;
NOW, THEREFORE, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

1. Short Title
This Proclamation may be cited as the “Federal Negarit Gazeta Establishment Proclamation No.3/1995.”

2. Establishment of the Federal Negarit Gazeta
1. The Federal Negarit Gazeta, a Federal Law Gazette published under the Umbrella of the House of Peoples’ Representatives, is hereby established.
3. All Federal or Regional legislative, executive and judicial organs as well as any natural or juridical person shall take judicial notice of Laws published in the Federal Negarit Gazeta.
4. The Federal Negarit Gazeta shall be published in both the Amharic and English Languages; in case of discrepancy between the two versions the Amharic shall prevail.

3. Repeal
The Establishment of the Negarit Gazeta Proclamation No. 1/1942 is hereby repealed.

4. Effective Date
This Proclamation shall enter into force as of the 22nd day of August, 1995.
Done at Addis Ababa, this 22nd day of August, 1995.

NEGASSO GIDADA (DR)
PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
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Access to Genetic Resources and Community Knowledge and Community Rights Proclamation No. 482/2006

WHEREAS, the immense biodiversity wealth Ethiopia is endowed with must be conserved and sustainably utilized for the benefit and development of its peoples;

WHEREAS, it is necessary to recognize the historical contribution Ethiopian communities made to the conservation, development and sustainable utilization of biodiversity resources;

WHEREAS, Ethiopia is a party to the Convention on Biological Diversity and Convention requires the enactment of access legislation;

WHEREAS, Ethiopia has agreed to the African Model Law on Community, Farmers’ and Plant Breeders’ Right and Access to Biological Resources;

WHEREAS, it is necessary to protect and encourage the customary use of genetic resources by Ethiopian communities which are relevant to the conservation and sustainable use of the biodiversity resources of the country;

WHEREAS, it is necessary to recognize and protect the knowledge of Ethiopian communities generated and accumulated with respect to the conservation and utilization of genetic resources and promote the wider application of such knowledge with the approval of and sharing benefits by such communities;

WHEREAS, it is necessary to involve communities in the making of decisions concerning the use of genetic resources and community knowledge and sharing of benefits derived from the utilization thereof;

WHEREAS, in order to realize these objectives, it is necessary to determine by law the access to genetic resources and community knowledge, and to provide for the rights of communities over genetic resources and community knowledge;

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

PART ONE

GENERAL PROVISIONS

1. Short Title

This Proclamation may be cited as “Access to Genetic Resources and Community Knowledge, and Community Rights Proclamation No. 482/2006.”
2. **Definitions**

In this Proclamation, unless the context requires otherwise:

1/ “access” means the collection, acquisition, transfer or use of genetic resources and/or community knowledge;

2/ “biological resource” includes genetic resources, organisms or parts thereof, populations or any other biotic component of ecosystem with actual or potential value for humanity;

3/ “derivative” means product extracted or developed from biological resource this may include products such as plant varieties, oils, resins, gums, chemicals and proteins;

4/ “ex situ” means a condition in which genetic resource is found outside of its natural habitat;

5/ “exploration” means an activity to find out the existence or the status of a given genetic resources;

6/ “genetic resource” means any genetic material of biological resource containing genetic information having actual or potential value for humanity and including derivatives;

7/ “in situ” means a condition in which genetic resource is found in its natural habitat or ecosystem;

8/ “Institute” means the Institute of Biodiversity Conservation established by Proclamation No. 120/1998 (as amended);

9/ “local community” means a human population living in a distinct geographical area in Ethiopia as a custodian of a given genetic resource or creator of a given community knowledge;

10/ “person” means a natural or juridical person;

11/ “prior informed consent” means the consent given by the Institute and the concerned local community based on an access application containing a complete and accurate access information to a person seeking access to a specified genetic resource or community knowledge;

12/ “relevant institution” means a state organ responsible for administering or having special technical expertise on a specific sector of genetic resources or community knowledge;

13/ “state” means, the Government of the Federal Democratic Republic of Ethiopia or its Regional State, as applicable;

14/ “community knowledge” means knowledge, practices, innovations or technologies created or developed over generations by local communities on the conservation and use of genetic resources;
“Biodiversity” means the variability among living organisms from all sources of ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

3. **Objectives**

The objective of this Proclamation is to ensure that the country and its communities obtain fair and equitable share from the benefits arising out of the use of genetic resources so as to promote the conservation and sustainable utilization of the country’s biodiversity resources.

4. **Scope of Application**

1/ This Proclamation shall apply on access to genetic resources found in in-situ or ex-situ conditions and community knowledge.

2/ Notwithstanding the provision of Sub-Article (1) of this Article, this Proclamation shall not apply to:

   a/ the customary use and exchange of genetic resources and community knowledge by and among Ethiopian local communities; and

   b/ the sale or produce of biological resources for direct consumption, that do not involve the use of the genetic resource thereof.

5. **Ownership**

1/ The ownership of genetic resources shall be vested in the state and the Ethiopian people.

2/ The ownership of community knowledge shall be vested in the concerned local community.

**PART TWO**

**PROTECTION OF COMMUNITY RIGHTS**

6. **Principle**

Local communities shall have the following rights over their genetic resources and community knowledge:

1/ the right to regulate the access to their community knowledge;

2/ an inalienable right to use their genetic resources and community knowledge;

3/ the right to share from the benefit arising out of the utilization of their genetic resources and community knowledge.

7. **Right to regulate access**

1/ The right of local communities to regulate access to their community knowledge shall include the following:

   a/ the right to give prior informed consent for access to their community knowledge;
when exercising the right to give prior informed consent, the right to refuse consent when they believe that the intended access will be detrimental to the integrity of their cultural or natural heritages;

c/ the right to withdraw or place restriction on the prior informed consent they have given for access to their community knowledge where they find out that such consent is likely to be detrimental to their socio-economic life or their natural or cultural heritages;

d/ the right to demand the restriction or withdrawal of the prior informed consent given by the Institute for access to their genetic resources where they found out that is likely to be detrimental to their socio-economic life or their natural or cultural heritages.

2/ The conditions and the procedure in accordance to which local communities shall give prior informed consent for access to their community knowledge shall be specified by a regulation.

8. Use Right

1/ Local communities shall have an inalienable right to use or exchange among themselves their genetic resources or community knowledge in the course of sustaining their livelihood systems in accordance with their customary practices or norms.

2/ No legal restriction shall be placed on the traditional system of local communities on the use and exchange of genetic resources and community knowledge;

9. Right to share benefit

1/ Local communities shall have the right to share from the benefit arising out of the utilization of their community knowledge;

2/ Local communities shall have the right to obtain 50% of the benefit shared by the state in the form of money from the benefits derived out of the utilization of their genetic resources in accordance with Article 18 (1) of this Proclamation;

3/ The money obtained pursuant to Sub-Article (1) and (2) of this Article shall be put to the common advantage of the concerned local communities;

4/ The procedure in accordance to which such monetary shall be used for the common advantage of local communities shall be specified by regulation to be issued under this Proclamation.

10. Protection of Community Rights

1/ The rights of local communities over their genetic resources and community knowledge shall be protected as they are enshrined in the customary practices and norms of the concerned communities.

2/ An item of community knowledge shall be identified, interpreted and ascertained in accordance with the customary practices and norma of the concerned local community.
3/ The non-registration of any community knowledge shall not render it unprotected by community rights.

4/ The publication or oral description of a given genetic resource or a community knowledge, or the presence of the genetic resources in gene bank or any other conservation center or that it is in use shall not affect its protection as community rights.

PART THREE
CONDITION OF ACCESS

11. Requirement of Permit

1/ Without prejudice to the provisions of Sub-Article 2 (a) of Article 4 of this Proclamation, no person shall access genetic resources or community knowledge unless in possession of written access permit granted by the Institute based on prior informed consent.

2/ Unless otherwise explicitly expressed, the granting of permit to access genetic resources shall not be construed to constitute permit to access the community knowledge associated therewith and vice versa.

3/ Without prejudice to the provisions of Sub-Article 2 (b) of Article 4 of this Proclamation, no person shall export genetic resources out of Ethiopia unless in possession of export permit granted by the Institute to this effect.

4/ Notwithstanding the provisions of Sub-Article (1) of this Article organs of the state which are empowered by law to conserve genetic resources may not be required to obtain access permit from the Institute to collect genetic resource or community knowledge in the discharge of their duties; provided however, that they may not transfer the genetic resources or community knowledge to third persons or export same out of Ethiopia unless they are given explicit permit by the Institute, while collecting genetic resources and community knowledge, employees of such institutions must carry with them a letter to this effect.

12. Basic Pre-Conditions of Access

1/ Access to genetic resources shall be subject to the prior informed consent of the Institute.

2/ Access to community knowledge shall be subject to the prior informed consent of the concerned local community.

3/ The state and the concerned local community shall obtain fair and equitable share from benefits arising out of the utilization of genetic resources and community knowledge accessed.

4/ An access applicant who is a foreigner shall present a letter from the competent authority of his national state or that of his domicile assuring that it shall uphold and enforce the access obligations the applicant.
5/ In cases of access by foreigners, the collection of genetic resources and community knowledge shall be accompanied by the personnel of the Institute or the personnel of the relevant institution to be designated by the Institute.

6/ The research based on the genetic resources accessed shall be carried out in Ethiopia and with the participation of Ethiopian nationals designated by the Institute, unless where it is impossible.

7/ Where the research on the genetic resources accessed is permitted to be carried out abroad, the institution sponsoring and/or hosting the research shall give a letter of assurance that they shall observe the access obligations attached thereto.

13. Conditions for Denial of Access

The Institute may deny access to genetic resources; where:

1/ The access requested is in relation to the genetic resource of an endangered species;

2/ The access may have adverse effects upon human health or the cultural values of the local community;

3/ The access may cause undesirable impact on the environment;

4/ The access may cause danger of loss of ecosystem;

5/ The access is intended to use genetic resources for purposes contrary to the national laws of Ethiopia or the international treaties to which Ethiopia is a party;

6/ The applicant has violated hitherto access conditions or access agreements.

14. Issuance of Access Permit

1/ A person who wants to obtain permit to access genetic resources or community knowledge shall present an application in writing to the Institute. The conditions and procedure in accordance with which access applications shall be presented examined and prior informed consent shall be given shall be specified by regulations.

2/ Upon giving of prior informed consent, the Institute shall, based on the provisions of this proclamation, negotiate and conclude genetic resources access agreement.

3/ Where the access application involves access to community knowledge, the Institute shall negotiate and conclude the access agreement based on the prior informed consent of the concerned local community to that effect.

4/ The Institute shall not grant permit for exporting genetic resources out of Ethiopia unless the condition provided under Article 12 (6) of this Proclamation is met.

15. Special Access Permit

1/ The Institute may, without the need to strictly follow the access procedure provided for in this Proclamation, grant specific access permit to Ethiopia national public research and higher learning institutions and intergovernmental institutions based in the country, so that they have facilitated access to genetic resources and community knowledge for purpose of development and academic research activities they
undertake within the country. When the Institute grants specific access permits to such institutions, it shall determine, as appropriate, the obligations they shall have while having access under such permit.

2/ An access to genetic resources under a multilateral system of access to which Ethiopia is a party shall be made in accordance with the conditions and procedure specified thereof. The condition and procedure in accordance with which access to genetic resources under multilateral systems shall be implemented shall be determined by regulations.

16. Contents of Access Agreement

An access agreement shall specify, among other things, the following issues:

1/ the identity of the parties to the agreement;
2/ the type and quantitative description of the genetic resource permitted to be accessed;
3/ the description of the community knowledge permitted to be accessed or associated with the genetic resource to be accessed;
4/ the locality where the genetic resource or community knowledge is to be collected or the person providing same;
5/ the institution with which the sample of the genetic resource and the description of community knowledge accessed shall be deposited;
6/ the intended use the genetic resource or the community knowledge;
7/ the relationship of the access agreement with existing or future access agreements on the same genetic resource or community knowledge;
8/ the relevant institution designated by the Institute to participate in the collection of and/or the research based on the genetic resource to be accessed and be in charge of monitoring the implementation of the access agreement;
9/ the benefit the state shall get from the access to genetic resources;
10/ where the agreement involves access to community knowledge, the benefit the concerned local community shall obtain from the use thereof;
11/ the duration of the access agreement;
12/ dispute settlement mechanisms; and
13/ the obligations the access permit holder shall have under this Proclamation.

17. Obligations of Access Permit Holder

A person who shall be given an access permit shall have the following obligations:

1/ deposit the copy of the access permit granted to him with the relevant regional institution in the district where the genetic resource is to be collected and show the access permit up on request;
2/ not deplete population of farmers planting stock or wild species or to remove significant genetic variation from local gene pool during collection;

3/ where the genetic resource is to be collected from protected areas, to observe the rules and regulations of the administration of the protected area;

4/ deposit the sample of the genetic resources collected and the collection data, and the description of community knowledge accessed with the Institute or the relevant institution the Institute may designate;

5/ observe the type and quantitative limits of the genetic resource permitted to access;

6/ upon request, to supply to the Institute a sample from the genetic resource and copy of the description of the community knowledge accessed;

7/ submit to the Institute regular status reports of the research; and where genetic resource is collected repeatedly, follow up the environmental and socio-economic impact of the access and submit a report thereon;

8/ inform the Institute in writing of all the findings of the research and development based on the genetic resource and community knowledge accessed;

9/ not transfer the genetic resource and community knowledge accessed to any other third party or use same for any purpose other than that originally intended, without first notifying to and obtaining written authorization from the Institute;

10/ return any unused genetic material at the end of the planned research or upon termination of the access agreement;

11/ not transfer to third parties the access permit or the rights and obligations there under without obtaining the consent of the Institute to that effect;

12/ where he seeks to acquire intellectual property right over the genetic resources accessed or parts thereof, negotiate new agreement with the Institute based on the relevant laws of Ethiopia;

13/ not apply for a patent or any other intellectual property protection over the community knowledge accessed without first obtaining explicit written consent from the Institute;

14/ recognize the locality where the genetic resource or community knowledge accessed from as origin in the application for commercial property protection of the product developed there from;

15/ share the benefit that may be obtained from the utilization of the genetic resource or community knowledge accessed to the state and the concerned local communities;

16/ respect the laws of the country, particularly those relating to sanitary control, biosafety and protection of the environment;

17/ respect the cultural practices, traditional values and customs of local communities;

18/ observe the terms and conditions of the access agreement.
18. Benefit Sharing

1/ The kind and the amount of the benefit to be shared by the state and local communities from access to genetic resources or community knowledge shall be determined case by case in each specific access agreements to be signed.

2/ The remaining portion of the monetary benefit from access to genetic resources, after deducting the share of the local community as determined pursuant to Article 9 (1) of this Proclamation, shall be allocated for conservation of biodiversity and the promotion of community knowledge. The conditions how the money shall be put to such use shall be determined by regulation.

3/ The sharing of non-monetary benefits from access to genetic resources among the state and the concerned local community shall be specified in each specific access agreement taking into account the kinds of benefits agreed to share with the access permit holder.

19. Types of Benefit

The benefit to be shared from an access to genetic resources and community knowledge may include the following modes:

1/ License fee;
2/ upfront payment;
3/ milestone payment;
4/ royalty;
5/ research funding;
6/ joint ownership of intellectual property;
7/ employment opportunity;
8/ participation of Ethiopian nationals from the Institute or the relevant institutions in the research based on the genetic resources or community knowledge accessed;
9/ priority to supply the raw material of genetic resource required for producing products there form;
10/ access to products and technologies developed from the use of genetic resource or community knowledge accessed;
11/ training, both at institutional and local communities levels, to enhance local skills in genetic resources conservation, evaluation, development, propagation and use;
12/ provision of equipment, infrastructure and technology support; and
13/ any other benefit as appropriate.

PART FOUR
FOLLOW UP AND COMPLIANCE MEASURE

20. Follow-up

1/ The Institute shall follow-up the execution of access agreements through the following mechanisms:
a) inspection; 
b) periodic progress and status report by access permit holders and the relevant institutions designated to accompany the collection, participate in the research and monitor the implementation of access agreement; 
c) a report by any other person or individual; and 
d) any other mechanism deemed appropriate 

2/ The access permit holder and the relevant institutions designated to take part in the collection of and the research based on genetic resources and to monitor the implementation of access agreements shall give periodic reports to the Institute on the collection conducted, the progress of the research and the findings therefrom.

3/ The Institute shall inform the concerned local communities of the progress of the research and the findings thereof, the utilization of community knowledge and the benefit shared there from.

21. Compliance Measure 
1/ The Institute may alter an access agreement and limit the size of the genetic resource to access or put any other limitation, as appropriate, where it is recognized that the access has posed threat of genetic erosion, degradation of the environment or violation of the cultural values of communities which cannot be easily averted.

2/ Where the access permit holder has violated or failed to comply with the provisions of this Proclamation or the terms and conditions of the access agreement or where the access causes risk of damage to genetic resources or the environment or affects overriding public interest, the Institute shall suspend or terminate an access agreement and prohibit the access to genetic resources or community knowledge.

3/ Where the Institute decides to alter, suspend or terminate an access agreement, it shall communicate same to the concerned local community and the access permit holder.

22. Prohibition

1/ Without prejudice to the provisions of Article 4 (2) of this Proclamation, no person may conduct exploration of genetic resources unless in possession of exploration permit from the Institute.

2/ Notwithstanding the provisions of Sub-Article (1) of this Article, organs of the state which are empowered by law to conserve genetic resources are not required to obtain exploration permit to conduct exploration of genetic resources in the discharge of their duties.

23. Application

1/ Any person who wants to obtain exploration permit shall present written application to the Institute.
2/ The application shall specify the purpose of the exploration, the types of the genetic resources to be explored, the locality where the exploration shall be conducted and the time schedule for the exploration.

24. Granting Exploration Permit
   1/ Upon receiving a complete exploration application, the Institute shall, in consultation with the relevant institution where appropriate, grant an exploration permit to the applicant.
   2/ The exploration permit shall specify the types of the genetic resources to be explored, the locality where the exploration shall take place, the time schedule of the exploration and any other condition which the Institute deems necessary.
   3/ Where the Institute grants exploration permit to a foreigner, it shall assign its scientific personnel or designate other relevant institution to accompany the exploration mission.

25. Obligations of Explorers
   Any holder of an exploration permit shall have the following obligations:
   1/ deposit a copy of the exploration permit with the relevant institution in the district of the locality where the exploration will be conducted;
   2/ strictly observe the terms and conditions specified in the permit;
   3/ present to the Institute a detailed and complete report of the exploration mission upon its completion;
   4/ show, up on request, the exploration permit issued to him;
   5/ respect local customs, traditions, values, property rights in the locality where the exploration shall be conducted and the laws of the country.

PART SIX
ADMINISTRATION OF ACCESS

26. Powers of Ministry of Agriculture and Rural Development
   The implementation of the provisions of this proclamation that deal with genetic resources of wild animals shall be the responsibility of the Ministry of Agriculture and Rural Development.

27. Powers and Duties of the Institute
   Without prejudice to the powers and duties entrusted to it in other provisions of this Proclamation, the Institute shall have the powers and duties to:
   1/ follow-up and ensure that access is carried out in accordance with this Proclamation as well as regulations and directives issued hereunder;
   2/ collect the benefits to be obtained from access agreements and pass over to beneficiaries;
   3/ prepare model access agreements;
4/ sensitize contents of this Proclamation;
5/ collect, analyze and as necessary disseminate to users information on access to genetic resources and community knowledge;
6/ cause that legal actions be taken against offences committed in violations of this Proclamation;
7/ issue directives and perform such other activities necessary for the implementation of this Proclamation;
8/ delegate its powers and duties to other legally established bodies where deemed necessary and convenient to carry out its duties in a better way.

28. Responsibilities of Local Communities
Local communities shall have the responsibility to:

1/ prohibit any person, who does not belong to their communities, from collecting or taking genetic resources from their localities without having the necessary permit; and

2/ require any person, who does not belong to their communities and who is collecting or taking genetic resource from their localities, to show his access permit, and if he is without permit immediately notify or present him to the nearest kebele or wereda administration.

29. Responsibilities of Regional Bodies
Kebele administration and regional bodies at all levels responsible for the conservation of genetic resources shall:

1/ regulate that genetic resources is not accessed from their respective jurisdiction without permit by any person who does not belong to the communities thereof; and

2/ require access permit from any person, who does not belong to the communities thereof and who is collecting or taking genetic resources from their respective jurisdiction, and if he is without permit, seize the genetic resource and present him to the law and notify the Institute the detailed particulars of the genetic resource and the person found in possession of same.

30. Responsibilities of Customs Officers
In accordance with directives to be given to them by the Institute, customs officers shall have the responsibilities to:

1/ inspect that any genetic resources being taken out of the country has been accompanied with an export permit given by the Institute;

2/ require any person leaving the country who is transporting or is in possession of genetic resource to produce the necessary permit to this effect from the Institute;

3/ seize genetic resource being transported out of the country and the person transporting same without permit from the Institute and immediately report same to the nearby relevant body and the Institute;
4/ ensure that a statement is written on the package of a biological resource product to be exported indicating that the use of the genetic material contained in the product is prohibited and doing so would constitute a penal offence.

31. Responsibilities of Mail Service Institutions
Postal and other courier service institutions shall, before receiving and transporting genetic resources out of the country as mail, require their clients to produce permit from the Institute to export the genetic resources out of the country.

32. Responsibilities of Quarantine Control Institutions
Quarantine control Institution shall, ensure that the quarantine certificate they issue to biological resource products, contain a statement indicating that the certificate does not constitute a permit to use the product as genetic resource and that doing so is prohibited and would constitute an offence.

PART SEVEN
MISCELLANEOUS PROVISIONS

33. Transitory Provisions
1/ Access agreements made prior to the coming into force of this Proclamation shall be revised and harmonized with the provisions of this Proclamation.

2/ The access to genetic resources under agreements concluded prior to the coming into force of this Proclamation shall be suspended until they are revised and harmonized with the provisions of this Proclamation.

34. Duty to Cooperate
Any person shall have the duty to cooperate with the Institute, the relevant institutions, and local communities in the implementation of this Proclamation as well as regulations and directives issued hereunder.

35. Penalty
1/ Any person who:
   a) Accesses genetic resources or community knowledge without obtaining an access permit from the Institute;
   b) Provides false information in the access application or in the course of subsequent monitoring of access agreement;
   c) Subsequently changes the purpose of access specified in the access agreement without obtaining permit from the Institute to the effect;
   d) Explores genetic resources without obtaining exploration permit from the Institute or provides false information in the application for exploration permit;

   Shall, without prejudice to the confiscation of the genetic resource accessed, the cancellation of the access permit granted, and the civil liability arising thereof, be
punished, depending on the gravity of the circumstance, with rigorous imprisonment of not less than three years and a fine of not less than ten-thousand and not exceeding thirty-thousand birr.

2) Where the offence committed is in relation to genetic resources endemic to Ethiopia:

   The punishment shall be, depending on the circumstance, rigorous imprisonment of not less than five years and not exceeding twelve-years and a fine ranging from fifty thousand birr to hundred-thousand birr.

3) Where the offences under this Article are committed in negligence, the penalty shall be a fine of not less than five thousand birr or, depending on the circumstance and the gravity of the offence, simple imprisonment of not less than three months.

36. Inapplicable Laws

   No law, regulation, directive or practice shall, in so far as it is inconsistent with this Proclamation, have effect with respect to matter provided for by this Proclamation.

37. Power to Issue Regulations

   The Council of Ministers may issue regulations necessary for the proper implementation of this Proclamation.

38. Effective Date

   This Proclamation shall come into force upon publication in the Federal Negarit Gazeta.

   Done at Addis Ababa, this 27th day of February, 2006.

   GIRMA WOLDEGIORGIS

   PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
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**BRIEF DESCRIPTION**

Issued pursuant to Article 37 of the Proclamation, this Regulation contains provisions in respect of procedures for commercial/non-commercial access, multilateral system of access and community access. Annexes I-III to the Regulation contain the forms of each respectively. The Regulation envisages a special account called “access fund” where all the money obtained from access to genetic resources and/or community knowledge is to be deposited. It further attempts to ensure public participation by way of publication of access application,
publicity of access information and requiring the Ethiopian Biodiversity Institute to keep a register of access which is open to the public, and allowing the public give its consent.

**Access to Genetic Resources and Community Knowledge, and Community Rights Council of Ministers Regulation No. 169/2009**

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 471/2005 and Article 37 of the Access to Genetic Resources and Community Knowledge, and Community Rights Proclamation No. 482/2006.

**PART ONE**
**General Provisions**

1. **Short Title**

This Regulation may be cited as the “Access to Genetic Resources and Community Knowledge, and Community Rights Council of Ministers Regulation No. 169/2009”.

2. **Definition**

In this Regulation, unless the context requires otherwise:

1. “access agreement” means an agreement, signed in accordance with Article 14(2) of the Proclamation, on the access to, and sharing the benefits arising from the utilization of, genetic resources and/or community knowledge;

2. “access applicant” means a person who has lodged an access application to the Institute pursuant to Article 14 (1) of the Proclamation;

3. “access application” means a written request presented to the Institute, in accordance with Article 14(1) of the Proclamation, to access genetic resources and/or community knowledge;

4. “access money” means the money obtained from access agreements by way of sharing the benefits arising from the utilization of genetic resources and/or community knowledge;

5. “competent authority” means a government organ of the country of the access applicant that is empowered to ensure the implementation of access agreements;

6. “community consent” means the prior informed consent given by local communities, in accordance with Article 7(1) (a) of the Proclamation, to allow access to their community knowledge;

7. “Institute” means the Institute of Biodiversity Conservation established by Proclamation No. 120/1998 (as amended);

8. “International Treaty” means the International Treaty on Plant Genetic Resources for Food and Agriculture which was adopted on the 3rd day of November 2001 at the Thirty-First Conference of the Food and Agriculture Organization of the United Nations, and which Ethiopia ratified by Proclamation No. 330/2003,
9. “multilateral system of access” means the system established in accordance with Article 10 of the International Treaty in order to facilitate the access to, and a fair and equitable sharing of the benefits arising from the utilization of, plant genetic resources for food and agriculture;

10. “Proclamation” means the Access to Genetic Resources and Community Knowledge, and Community Rights Proclamation No. 482/2006;

11. “relevant regional body” means an organ of a regional state having the power and responsibility to administer genetic resources and/or community knowledge in the region;

12. “standard material transfer agreement” means the material transfer agreement adopted under Article 12 of the International Treaty;

13. the terms “access”, “genetic resource”, “community knowledge”, “local community”, “person”, “relevant institution” and “state” shall have the meaning given to them in the Proclamation;

14. any expression in the masculine gender includes the feminine.

PART TWO
PROCEDURE OF ACCESS

SECTION ONE
PROCEDURE FOR COMMERCIAL ACCESS

3. Submission of Access Application

The access application to be submitted pursuant to Article 14 (1) of the Proclamation to access genetic resources and/or community knowledge shall be presented in accordance with the form specified in Annex -I of this Regulation.

4. Admission of Access Application

Upon submission of an access application, the Institute shall:

1. admit the access application and register it in the access register, if it ascertains that the access application contains all the information required in Annex -I of this Regulation; or

2. return the access application to the applicant to be completed, stating the information missing, if it ascertains that the access application does not contain all the information required in Annex -I of this Regulation.

5. Examination of Access Application

1. The Institute shall, based on the provisions of the Proclamation and access agreements concluded hitherto, examine the access application admitted under Article 4 of this Regulation and determine whether it may be granted or should be denied.

2. Having examined the access application, the Institute shall:
(a) if it ascertains that there is sufficient ground to deny the proposed access, deny the proposed access and communicate the same to the applicant in writing stating the reasons for the denial; or

(b) if it ascertains that there is no ground sufficient to deny the intended access, give public notice of the access application.

6. Publication of Access Application

1. Public notice of the access application shall be given, at the expense of the access applicant, in a national newspaper having wider distribution and, as appropriate, in the local newspaper of the locality where the access is intended to take place.

2. The public notice referred to in sub-article (1) of this Article shall contain the following particulars:

   (a) the identity and other necessary particulars of the applicant;

   (b) the description of the proposed genetic resource and/or the community knowledge; and

   (c) the proposed use of the genetic resource and/or the community knowledge.

3. Any person may lodge objection against, or give comment on, the access application within 30 days from the date of its publication.

4. The Institute may, as appropriate, also ask for the opinion of relevant institutions on the access application.

7. Publicity of Access Information

Any information communicated to the Institute in the course of access application or in the course of monitoring access shall be public and may be consulted by any interested person.

8. Confidential Information

1. Notwithstanding the provisions of Article 7 of this Regulation, the Institute may, upon acceptable justification, grant confidential treatment, for a period of not more than 10 years, to the information which shall be communicated to it in the course of access application or monitoring access and which has not been divulged and could be used for disloyal commercial purposes by third parties.

2. Notwithstanding the provisions of sub-article (1) of this Article, confidentiality may not be granted to information on the identification of the applicant, the genetic resource to be accessed, the locality where the genetic resource is found, the supplier of the genetic resource or the relevant institution accompanying and monitoring the access.

3. An access applicant who wishes a confidential treatment of access information shall present to the Institute a request in writing justifying the request for confidentiality and specifying the information to be confidential.

4. Where the Institute grants confidentiality, it shall specify the information to be confidential and the term of confidentiality.
5. The information to which confidential treatment has been granted shall be kept in a separate file under the custody of the Institute.

9. Disclosure of Confidential Information

1. Confidential information may not be communicated to third parties except upon court order, expiry of the period of confidentiality, or mutual agreement of the parties.

2. Notwithstanding the provisions of sub-article (1) of this Article, the Institute may disclose confidential information to its employees or consultants for purpose of evaluation; provided however, that it shall make its employees and consultants aware of the confidentiality of the information.

10. Access Decision

1. Upon the expiry of the time limit set for submission of objection and opinion, and having examined the public objections and opinions submitted, if any, the Institute shall:
   
   (a) if it ascertains that there exists a sufficient ground to deny the proposed access, deny the access and inform the same in writing to the applicant indication the reason for the denial; or
   
   (b) if it ascertains that there exists no ground sufficient to deny access, it shall determine that the access may be granted and call upon the access applicant to negotiate an access and benefit agreement.

2. Where the access application which has been determined under sub-article (1) (b) of this Article that the access could be granted includes access to community knowledge, the Institute shall cause that community consent be given thereon in accordance with Part Three of this Regulation.

SECTION TWO

PROCEDURE FOR NON-COMMERCIAL ACCESS

11. Submission of Access Application

The access application which Ethiopian higher learning and research institutions as well as inter-governmental institutions based in Ethiopia shall present to access genetic resources and/or community knowledge for purpose of their institutional activities in accordance with Article 15 of the Proclamation shall be presented in accordance with Annex-II of this Regulation.

12. Granting of Permit

Upon receipt of access application by national higher learning or research institution or an inter-governmental institution based in Ethiopia in accordance with Article 11 of this Regulation, the Institute shall, having determined the obligation the applicant shall have while having access and upon signing of access agreement to this effect, grant access to the applicant.
13. Exporting of Genetic Resource

1. Ethiopian higher learning and research institutions as well as inter-governmental institutions based in Ethiopia who are granted access permit in accordance with Article 12 of this Regulation, shall not export genetic resources out of Ethiopia unless they are given explicit permit to this effect.

2. Notwithstanding the provisions of sub-article (1) of this Article, where the Institute ascertains that Ethiopian higher learning or research institution or an inter-governmental institution based in Ethiopia, can not undertake the research in Ethiopia, it may state in the access permit that it can export genetic resources out of Ethiopia.

3. Where the Institute grants permit to export genetic resources out of Ethiopia in accordance with sub-article (2) of this Article, it shall cause that an access agreement be concluded that enable protect the interests of the country over the genetic resource in question and that shall also bind the foreign institution where the research is intended to take place, and follow up and monitor the observance of such agreement.

SECTION THREE

PROCEDURE FOR MULTILATERAL SYSTEM OF ACCESS

14. Conditions of Multilateral System of Access

Access to genetic resources in accordance with the multilateral system of access shall be granted only if:

1. the type of the genetic resource requested is listed in Annex-I of the International Treaty and the intended use of the genetic resource is solely for the purpose of utilization and conservation for research, breeding and training for food and agriculture, provided that such use does not include chemical, pharmaceutical and/or other non-food or feed industrial uses;

2. the access applicant is a citizen of a country that is party to the International Treaty; and

3. the requested genetic resource is under the ex situ or in situ management and control of the Ethiopian government organs or the possessor thereof has consented to conducting of the multilateral system of access.

15. Access Application

A person who wants to access genetic resources under the multilateral system of access shall present to the Institute an access application in the form stated in Annex-III of this Regulation.

16. Decision on Multilateral Access

Having examined the access application under the multilateral system, the Institute shall:
1. if the conditions of multilateral system of access stipulated under Article 14 of this Regulation are met, grant to the applicant access under the multilateral system of access; or
2. if the access application does not meet the conditions of multilateral system of access stipulated under Article 14 of this Regulation, deny the access and notify the same to the applicant.

17. Access Fee
1. An access applicant, who is granted access under the multilateral system of access, shall pay for the cost for maintaining and for providing him the genetic resource. Such costs shall include the cost for maintaining the sample, multiplication, collection, packaging, postage, phytosanitary certification and the like.
2. Upon granting access under the multilateral system, the Institute shall determine the access fee to be paid.

18. Provision of Facilitated Access
Where the Institute grants access under the multilateral system of access, it shall provide the requested genetic resource together with the passport data and other non-confidential descriptive data to the applicant without any other requirement, upon signing of the standard material transfer agreement and payment of the access fee.

19. Follow up and Monitoring
The Institute shall follow up and monitor whether the utilization of the genetic resource provided is in compliance with the standard material transfer agreement and take the necessary measure in accordance with applicable laws.

20. Claims
Claims arising in relation to the implementation of the standard material transfer agreements may be presented to the Federal High Court.

PART THREE
COMMUNITY CONSENT PROCEDURE

21. The Community Giving Consent
1. The community which is the custodian of the community knowledge shall give consent to the access application thereto.
2. Upon receipt of an access application to access community knowledge, the Institute shall, based on the survey it has undertaken on the distribution of genetic resources and/or community knowledge and in consultation with the relevant regional bodies, cause that the community which is the custodian of the community knowledge be identified and community consent given thereon.

22. Community Consent How Given
Community consent shall be given:
1. where the community giving consent resides only in one Woreda, by the Woreda Council;
2. where the community giving consent resides in different Woredas or Zones of one region, by the provisional committee of the regional council consisting members represented from such Woredas or Zones;
3. where the community giving resides in an area which falls in different regions, by the provisional committee of the House of Peoples’ Representatives consisting of members represented from such area where the community resides.

23. Submission of Access Application for Community Consent

Upon identification of the community which shall give community consent for the access application in accordance with Article 21(2) of this Regulation, the Institute shall:

1. where the community consent shall be given by the provisional committee of the House of Peoples’ Representatives, submit to the House of Peoples’ Representatives, the access application together with decision proposal thereon; or
2. where the community consent shall be given by the Woreda Council or the provisional committee of the Regional Council, submit the access application to the relevant regional body so that it shall submit to the Woreda Council or the Regional Council the access application together with decision proposal thereon.

24. Procedure of Giving Community Consent

1. The Woreda Council or the provisional committees of the Regional Council or the House of Peoples’ Representatives shall give community consent in accordance with the procedure of their respected councils.

2. The copy of the community consent given by the Woreda Council or the provisional committee of the Regional Council or the House of Peoples’ Representatives shall be sent to the Institute and filed with the access register.

25. Cost

The access applicant shall cover the cost required for obtaining community consent.

PART FOUR
ADMINISTRATION AND UTILIZATION OF ACCESS MONEY

26. Administration of Access Money

1. All the money obtained from access to genetic resources and/or community knowledge shall be deposited in a special account called “access fund”

2. The money to be obtained from each access agreement shall be deposited in a separate account in the access fund.

3. The Institute shall, upon the expiry of each access agreement, or, as necessary, at any time before such period, cause that the access money shall be put to use pursuant to the provisions of Articles 27 and 28 of this Regulation.
27. **Utilization of Access Money for Biodiversity Conservation**

1. The access money allocated for biodiversity conservation and promotion of community knowledge pursuant to Article 18(1) of the Proclamation shall be used to finance projects designed for the conservation and promote the sustainable utilization of the biodiversity resources and the associated community knowledge.

2. The biodiversity conservation projects shall be selected from project proposals submitted by the relevant regional and federal bodies upon invitation by the Institute.

3. Upon the expiry of each access agreement, or, as necessary, at any time before such period, the Institute shall invite the relevant regional and federal bodies to submit project proposals specifying the criterion for the submission and selection of project proposals.

4. Upon selection of the winning project, the project money shall be paid from the access money to the project implementer.

28. **Utilization of Access Money by Communities**

The access money allocated to the benefit of communities pursuant to Article 9(1) and (2) of the Proclamation shall be used to finance development projects designed to benefit the community which is the custodian of the genetic resources and/or the community knowledge accessed.

29. **Identification of Beneficiary Community**

1. The Institute shall, based on the survey it has undertaken on the distribution of genetic resources and/or community knowledge and in consultation with the relevant regional bodies, identify the community which shall benefit from the access money.

2. Where the beneficiary community resides in an area which lies in different Woredas, Zones or Regions, the relative share of the communities residing in such Woredas, Zones or Regions from the access money shall be determined based on their relative contribution to the conservation of the genetic resource and/or the community knowledge.

30. **Determining Utilization of Access Money**

The development projects designed to benefit the communities shall be determined:

1. where the community resides only in one Woreda, by the Woreda Council;

2. where the community resides in different Woredas or Zones of one region, by the provisional committee of the regional council consisting of the members represented from such Woredas or Zones; or

3. where the community resides in an area which falls in different regions, by the provisional committee of the House of Peoples’ Representatives consisting of members represented from the area where the community resides.
31. Submission of Project Proposals

Upon the expiry of each access agreement, or, as necessary, at any time before such period, the Institute shall:

1. where the beneficiary community resides in different regions, prepare project proposals designed to benefit the community and submit to the House of Peoples’ Representatives for approval; or

2. where the beneficiary community resides in one region, communicate to the relevant regional body the amount of access money obtained so that it shall prepare project proposals designed to benefit the community and submit to the Wereda Council or the Regional Council which shall determine the utilization of such money.

32. Decision Marking Procedure

The Wereda Council, the provisional committees of Regional Councils and the provisional committees of the House of Peoples’ Representatives shall determine the utilization of access money in accordance with the procedure of their respected councils.

33. Cost

Where cost is involved to get determined the development projects to benefit communities, it shall be covered from the community’s share of the access money.

PART FIVE

MISCELLANEOUS PROVISIONS

34. Access Register

1. The Institute shall keep a register of access which shall be open to public.

2. The access register shall include:
   (a) access application;
   (b) dismissal of access application;
   (c) public notice of access application;
   (d) objections and opinions on access application;
   (e) access agreements;
   (f) standard material transfer agreements signed;
   (g) access permit;
   (h) access follow-up and monitoring reports;
   (i) amendments, suspension and termination of access agreements; and
   (j) court decisions related to access agreements, and standard material transfer agreements signed.

35. Powers and Responsibility of the Institute

The Institute shall have the following powers and responsibilities:
to issue directives necessary for the implementation of this Regulation;
by coordinating the relevant institutions, to provide the necessary technical support to regions;
to encourage any person in the country who is in possession of a genetic resource under the multilateral system of access to include the same into the multilateral system of access.

36. Responsibility of Regions
Each regional state shall have the following powers and responsibilities:
enact detailed regulations necessary to implement this Regulation in their respective regions; and
designate and strengthen institutions at all levels that shall implement this Regulation.

37. Inapplicable Laws
No regulations, directives or practices shall, in so far as they are inconsistent with this Regulation, be applicable with respect to matters provided for by this Regulation.

38. Effective Date
This Regulation shall enter into force on the date of publication in the Federal Negarit Gazeta.

Done at Addis Ababa, on this 9th day of November, 2009

MELES ZENAWI
PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
ANNEX – I
FORM OF COMMERCIAL ACCESS APPLICATION

1. General Information

1.1 Information to be supplied by an access applicant who is natural person:
   (a) name of applicant;
   (b) address;
   (c) qualifications (curriculum vitae to be attached).

1.2 Information to be supplied by an access applicant who is legal person:
   (a) name of organization;
   (b) registered address;
   (c) establishment document (copy of the document to be attached);
   (d) names and qualification of individuals participating in the proposed project
       (curriculum vitae to be attached);
   (e) details of the organization:
       (i) holding or subsidiary companies;
       (ii) individuals connected with the project;
       (iii) name and address of the contact person in regard to the application and
             the position held in the organization.

2. Detailed Access Information

2.1 Financial details:
   (a) the budget for the project;
   (b) details of institution or individual that sponsored the project, if any.

2.2 Technical Particulars:
   (a) Details of the genetic resource to be accessed:
       (i) scientific tax;
       (ii) the actual and potential uses of the genetic resource and its derivatives;
       (iii) the specific locality where the collection is intended to be undertaken, if
             known;
       (iv) other possible locations of the genetic resource, if known;
       (v) the parts of the genetic resource to be accessed (tissues, seeds,
           leaves….etc.);
       (vi) quantity to be collected;
       (vii) any community knowledge associated with the genetic resource;
(viii) in case the genetic resource is held in ex-situ, details of the institution holding it.

(b) Details of planned collection mission:

(i) identification of the provider of the genetic resource for which access is sought;
(ii) the collection method to be used if the genetic resource is intended to collected;
(iii) the named and particulars of Ethiopian nationals and institutions, if any, intended to participate in the collection mission;
(iv) expected date of start and completion of the collection mission;
(v) give details, if applicant requires assistance to identify and collect the genetic resource.

(c) Details of the proposed use of the genetic resource:

(i) the type of use to which the genetic resource will be put;
(ii) the type and extent of the research as well as the expertise and equipment to be used;
(iii) the expected research result and the estimated time of completion;
(iv) the places where each element of the research and development program will take place;
(v) the manner and extent of participation of Ethiopian nationals in the research, if any;
(vi) national institutions which will participate in the research and be in charge of monitoring the process if known;
(vii) the primary and the probable subsequent destinations of the genetic resource;
(viii) where the access applicant is a foreigner, confirm that he can present a letter from competent authority of his national state or that of his domestic assuring that it shall uphold and enforce the access obligations if the applicant is granted access.

(d) Benefit sharing information:

(i) details of the proposed mechanisms and arrangements for benefit sharing;
(ii) the economic, social, technical, bio-technological, scientific, environmental or any other benefits that are intended, or may be likely, to accrue to the country or the concerned local communities;
(iii) any other information which the access applicant think might be useful to make an informed decision on the access application.
3. Sworn Statement
   I, the undersigned access applicant, hereby confirm by a sworn statement that the information contained in this access application is correct and truthful.

4. Signature
   Name of signatory……………………………………………….
   Position (in the case of representing a legal person) …………………………………
   Signature ………………………………………………………
   Date …………………………………………………………….

ANNEX-II
FORM OF NON-COMMERCIAL ACCESS APPLICATION

1. General Information
   1.1 Name of the applicant Institution;
   1.2 Address of the applicant Intuition;
   1.3 Establishment document of the institution (copies of the establishment legislation, or registration certificate, and, if the institution is an inter-governmental institution, the agreement concluded with Ethiopian Government to operate in Ethiopia).

2. Technical Information
   2.1 specific taxa the genetic resource;
   2.2 the specific locality of the genetic resource;
   2.3 details of the proposed use of the genetic resource;
   2.4 the type and extent of the research and the professionals and equipments to be used;
   2.5 the estimated time of completion and the results expected of the research;
   2.6 the places where each element of the research program will take place;
   2.7 the primary and the probable subsequent destinations of the genetic resource;
   2.8 if the research or part of it takes place outside of Ethiopia, the reason why it cannot be undertaken in Ethiopia.

3. Sworn Statement
   I, the undersigned access applicant, hereby confirm by a sworn statement that the information contained in this access application is correct and truthful.

4. Signature
   Name of the signatory……………………………………………….
   Position …………………………………………………………….
   Signature: ………………………………………………………
   Date: ……………………………………………………………..
ANNEX-III
FORM OF ACCESS APPLICATION UNDER THE MULTILATERAL SYSTEM

1.  General Information
   1.1  Information to be supplied by an access applicant who is natural person:
      (a)  name;
      (b)  address.
   1.2  Information to be supplied by and access applicant who is legal person:
      (a)  name of organization;
      (b)  registered address;
      (c)  establishment or registration document (copy of the document to be attached).

2.  Details of the genetic resource to be accessed
   2.1  Specific taxa;
   2.2  Intended purpose of use;
   2.3  The institution holding, or the provider of, the genetic resource.

3.  Sworn Statement
   I, the undersigned access applicant, hereby confirm by a sworn statement that the
   information contained in this access application is correct and truthful and hereby
   confirm that I shall abide all the terms and conditions of the standard material transfer
   agreement.

4.  Signature
   Name of applicant  .........................................................
   Position (in the case of representing legal person)  .................................
   Signature  .................................................................
   Date  ........................................................................
3.1.1.3. PROCLAMATION NO. 655/2009

A PROCLAMATION ON BIOSAFETY

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BRIEF DESCRIPTION

The Biosafety Proclamation gives effect to the environmental rights stipulated under Articles 44 and 92 of the FDRE Constitution. It is enacted with the objective to protect human and animal health, biological diversity, the environment, local communities and the country by preventing and minimizing the adverse effects of modified organisms. The Law applies to the making, use, import and transit of modified organism. The Ministry of Environment, Forest and Climate Change is required to establish a National Biosafety Clearing House which contains relevant information on issues of concern to the Proclamation. As one of its strong points, the Proclamation ensures public participation. The Proclamation is amended by Proclamation No. 896/2015.

Biosafety Proclamation No. 655/2009
(As Amended by Proclamation No. 896/2015)

WHEREAS, the environmental rights provided under Articles 44 and 92 of the Constitution of the Federal Democratic Republic of Ethiopia require that human and animal health, environmental wellbeing and, in general, the socio-economic conditions of the country be protected from risks that may arise from modified organisms;

NOW, THEREFORE, in accordance with Article 55 (1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:
1. **Short Title**
   
   This Proclamation may be cited as the “Biosafety Proclamation No. 655/2009”.

2. **Definitions**
   
   In this Proclamation, unless the context otherwise requires:

   1/ “modified organism” means any biological entity which has been artificially synthesized, or in which the genetic material or the expression of any of its traits has been changed by the introduction of any foreign gene whether taken from another organism, from a fossil organism or artificially synthesized;

   2/ “transaction” means any making or use of any modified organism in teaching, production, import, export, transit, release, contained production, transport, placing on the market, or use as pharmaceutical, as food, as feed or for processing;

   3/ “making” means the development of a modified organism through modern biotechnology;

   4/ “contained use” means any operation up to field trial in which modified organisms are produced, destroyed or used in some other way including for teaching and research isolated by physical and chemical barriers in space not exceeding the requirement stated in the appropriate directive issued by the ministry with a view to effectively preventing their contact with, and their unintended impact on, human, animal and the external environment;

   5/ “deliberate release” means any introduction into the environment of a modified organism based on an advance informed agreement and includes, inter alia, any use in commerce, food, aid food, remediation, teaching, research, greenhouses, aquaculture, animal feed or other inputs for animals, medicines for humans or animals, or disposal;

   6/ “advance informed agreement” means a written consent granted by the Ministry for the undertaking of any transaction of modified organism destined to release into the environment in the country other than for contained use;

   7/ “placing on the market” means obtaining an advance informed agreement for deliberate release and making available to third parties a modified organism for any use by selling, giving away or in any other way, and includes giving as aid food;

   8/ “socio-economic impact” means any direct or indirect adverse effect that results from a transaction on the social or cultural conditions, the livelihood or indigenous knowledge systems or technologies of a local community, including on the economy of the country;

   9/ “risk” means short, medium or long-term danger that may befall on human or animal health, biological diversity, the environment or socio-economic conditions arising from the impact of modified organism on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity, indigenous knowledge systems and local communities;
10/ “Protocol” means the Cartagena Protocol on Biosafety to the Convention on Biological Diversity ratified by Proclamation No. 362/2003;

11/ “competent national authority” means the institution of a country of export of any modified organism designated by the government of that exporting country to carry out the functions stipulated under Articles 7 to 12 of the Protocol;

12/ “Ministry” or “Minister” means the Ministry or Minster of Environment and Forest, respectively;

13/ “competent licensing agency” means any organ of government empowered by law to issue a business license or a work permit;

14/ “inspector” means a person appointed pursuant the directives issued by the Ministry to undertake examination and any other control measures to ensure compliance with this Proclamation and with regulations and directives issued hereunder;

15/ “national biosafety clearing-house” means a system of acquisition and management of, and access to, information established by the Ministry based on Article 20 of the Protocol in order to facilitate the exchange of scientific, technical, environmental and legal information and experience with modified organisms;

16/ “region” means any regional state referred to in Article 47 of the Constitution of the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire Dawa city administrations;

17/ “applicant” means any person who submits an application to the Ministry seeking an advance informed agreement or a special permit to engage in a transaction;

18/ “authorized person” means a person who has been given an advance informed agreement or a special permit by the Ministry to engage in a transaction;

19/ “modern biotechnology” means the application of:
   a) In vitro nucleic acid techniques, including recombinant deoxyri-bonuclic acid and direct injection of nucleic acid into cells or organelles;
   b) fusion of cells beyond the taxonomic family:
      that overcome natural physiological, reproductive or recombination barriers and that are not techniques used in traditional breeding and selection;

20/ “special permit” means a written permit granted by the Ministry for importation of a modified organism for contained use in research or teaching but not for release into the environment in accordance with this Proclamation;

21/ “foreign exporter” means any person under the jurisdiction of another country who exports a modified organism;

22/ “person” means a natural or juridical person;

23/ any expression in the masculine gender includes the feminine.
3. **Scope of Application**

1/ Without prejudice to the provisions of sub-Article (2) and (3) of this Article, this Proclamation shall apply to any transaction.

2/ Any treaty, provided that it has been ratified by Ethiopia, on the regulation of modified organism that is to be used as a pharmaceutical for humans, that is to transit through Ethiopian territory or that has been declared to have no adverse effect shall be applied throughout the territory of Ethiopia.

3/ The Ministry shall place information regarding the transactions referred to under sub-article (2) of this Article on the National Biosafety Clearing House established under Article 13 of this Proclamation.

4. **Objective of the Proclamation**

The objective of the Proclamation shall be to:

1/ protect human and animal health, biological diversity and in general, the environment, local communities and the country at large by preventing or at least managing down the adverse effects of modified organisms to levels of insignificance; and

2/ enhance access to and transfer of technologies, including modern biotechnology, that serve for conservation and sustainable use of biological diversity.

5. **Advance Informed Agreement**

1/ Without prejudice to the provision of Article 3 of the Proclamation no person may engage in any transaction destined for release of modified organism to the environment without obtaining an advance informed agreement from the Ministry.

2/ Any person who intends to engage in any transaction destined for release of modified organism to the environment shall submit to the Ministry an application prepared in accordance with this Proclamation and the regulations and directives issued hereunder.

3/ Any applicant intending to obtain an advance informed agreement shall comply with the requirements set in the regulations and directives issued hereunder.

6. **Special Permit**

1/ No person may engage in any contained use transaction without obtaining a special permit.

2/ Any person who intends to obtain a special permit for contained use transaction shall submit an application to the Ministry in accordance with the regulations and directives issued hereunder.

3/ A person granted a special permit may not release a modified organism into the environment.

4/ Any person who is conducting research in a contained use shall take all necessary measures to completely avoid the risks that may arise from the transaction.
7. **Responsibility of Applicant**

1/ The applicant shall use a qualified expert to undertake a risk assessment and prepare the report in accordance with regulations and directives issued pursuant to this Proclamation and submit the same to the Ministry together with any other documents determined as necessary by the Ministry.

2/ Besides a detailed technical analysis, a risk assessment report shall include a brief statement summarizing the report in nontechnical terms.

3/ The cost of carrying out a risk assessment and writing a risk assessment report shall be borne by the applicant.

8. **Identification and Labeling**

1/ No transaction shall be carried out outside of the contained conditions of a laboratory unless the package of the modified organism has been labeled in both Amharic and English in accordance with the relevant regulations and directives issued pursuant to this Proclamation.

2/ It is prohibited to write “may contain modified organisms” or any equivalent unspecific statement on a label.

3/ It is prohibited to leave out any modified organism that is in the package of a modified organism unwritten on the label.

4/ Any person is entitled to write the words “contains no modified organism” when the product in a package is known to be free from modified organisms.

9. **Importation of Modified Organisms**

1/ Importation of any modified organism without obtaining an advance informed agreement or a special permit is prohibited.

2/ An application for contained use is not subject to an advance informed agreement but to a special permit.

3/ A person who applies to the Ministry for an advance informed agreement shall have a recognition as the law of the exporting country authorizes the exporter to take such responsibility.

4/ An application for a special permit for the importation of a modified organism shall be accompanied by a statement signed by the foreign exporter indicating the identity of the modified organism.

10. **Making and other forms of Contained Use**

1/ Any person who makes a modified organism shall take into account the characteristics of the parental organisms used, the research site and the surrounding environment, and apply scientifically acceptable and environmentally sound practices based on the precautionary principle in order to minimize possible risks to insignificant level.

2/ Any person that uses a modified organism under contained conditions shall ensure that the necessary safety precautions, including measures to limit the detrimental
effects of any unintentional release, are taken and shall keep records of all the making or use of the modified organism and of any unforeseen event encountered.

3/ Any contained use shall take place only in a facility registered by the Ministry for such use in accordance with regulations and directives issued pursuant to this Proclamation.

11. Transit

1/ A person who wishes to carry out any transit of a modified organism through the territory of Ethiopia shall notify the Ministry before that transit takes place.

2/ The Ministry shall place any modified organism that it deems dangerous to transit through the territory of Ethiopia in the Biosafety Clearing-House of the Protocol.

12. Public Participation

1/ The Ministry shall, upon receipt of the risk assessment report, disseminate it to the relevant stakeholders through a public notice and accept comments for a period of not more than one month.

2/ Comments on the granting or refusal of an advance informed agreement for the transaction may be made in writing by any person within the time limit specified by the Ministry.


1/ The Ministry shall establish a National Biosafety Clearing-House.

2/ The National Biosafety Clearing-House to be established pursuant to sub-article (1) of this Article shall contain information on:
   a) a roster of experts that shall include the names, contact addresses and relevant information on experts in Ethiopia in modified organisms;
   b) a list of modified organisms that have been approved and rejected for import and export;
   c) applications lodged pursuant to the provisions of this Proclamation;
   d) relevant proclamations, directives, guidelines and codes of practice;
   e) any national emergency response plan to manage any accidental release;
   f) information required by the Ministry for giving an advance informed agreement;
   g) any relevant bilateral, regional and multilateral agreements and arrangements;
   h) the Ministry’s final decisions on the importation and on the deliberate release of modified organisms;
   i) other information that is required to implement this Proclamation.

3/ The public shall have access to any record or document filed in the National Biosafety Clearing-House.
4/ Any information determined as confidential pursuant to Article 13 of this Proclamation shall not be placed on the National Biosafety Clearing-House.

14. Confidential Information

1/ Every applicant shall have a right to notify the Ministry specifying the information to be treated as confidential.

2/ Following a written request by the applicant for keeping information confidential, the Ministry shall determine the information which is essential for biosafety and for other reasons not to be confidential and inform the same to the applicant. The applicant may then agree with the Ministry or withdraw his application.

3/ Notwithstanding the provisions of sub-article (1) and (2) of this Article, in no case may the following information supplied by an applicant be kept confidential:
   a) description of the modified organism, name and address of the applicant, purpose and location of the transaction;
   b) methods and plans for monitoring the modified organism and for emergency response;
   c) the evaluation of possible effects, in particular any pathogenic or ecologically disruptive risks.

4/ If the applicant withdraws the application, the Ministry shall respect the confidentiality of the information except for that part referred to in sub-article (3) of this Article.

15. Decision making

1/ The Ministry shall make its decision on the application by taking into account the information presented by the applicant, the information found in the Protocol and the National Biosafety Clearing-Houses, expert opinion and stakeholders’ comments, and in consultation with the concerned public agencies.

2/ The Ministry may, prior to taking a decision, request for further information as it may deem necessary. Any applicant who fails to supply the required further information shall be deemed to have withdrawn the application.

3/ The Ministry shall, within 15 days after it has received the opinion of experts as well as stakeholders’ comments, evaluate the risk assessment report and:
   a) approve the report without conditions and give its advance informed agreement if it is convinced that the transaction will not pose any significant risk;
   b) approve the report and issue an advance informed agreement with conditions that must be fulfilled in order to eliminate or reduce to insignificant level risks if it is convinced that such risks can be effectively contained;
   c) require the applicant to provide more information to enable better informed decision making; or
   d) reject the report and deny an advance informed agreement.
4/ The Ministry shall issue special permit to an applicant if:
   a) there are facilities and institutional systems required to conduct the specified research as per the regulations and directives issued pursuant to this proclamation;
   b) the transaction is not destined for release to the environment;
   c) the applicant has the required qualification to conduct the research; and
   d) if standard operating procedures that prevent or minimize risks to the insignificant level are in place.

5/ The Ministry shall lodge a copy of the decision given in accordance with sub-article (1) of this Article in the National Biosafety Clearing-House within one week of issuing it.

16. Review of Decision
   1/ Any advance informed agreement given may be revoked or subjected to additional conditions if the Ministry obtains new information that shows, or a review of existing information indicates, any significant risk from the modified organism.
   2/ Where information becomes available to the applicant after receiving the advance informed agreement on possible significant risk, the applicant shall immediately notify the Ministry.
   3/ If any condition contained in an advance informed agreement is not strictly complied with, the Ministry may take any action that it may consider appropriate for the immediate cessation of the transaction, including the destruction of the modified organism.
   4/ Any application to reconsider a refusal of an advance informed agreement for any transaction shall be treated as a new application if it is accompanied by new scientific information. Otherwise a refusal shall be final.

17. Validity Period of Advance Informed Agreement and Special Permit
   1/ An advance informed agreement for commercial release of modified organism shall be valid for ten years.
   2/ A special permit for contained use shall be valid for five years.
   3/ An advance informed agreement for transit of modified organism shall be valid for three months.
   4/ The authorized person may request for extension of the validity period of advance informed agreement for a commercial release or a special permit for contained use of modified organism one year before the expiry date of the validity period.
   5/ The authorized person may request for extension of the validity period of advance informed agreement for transit of modified organism one month before the expiry date of the validity period.
6/ The Ministry may, upon the receipt of an application pursuant to sub-article (4) of this Article, decide whether to extend the validity period of an advance informed agreement or to order the revision or the doing of the risk assessment.

18. Duties of Authorized Persons

1/ Every authorized person shall, within the time specified in the approved risk assessment report, submit to the Ministry a written report on the transaction that he has been carrying out.

2/ No authorized person shall transfer any modified organism that has not been put on the market to any other person without obtaining a new advance informed agreement from the Ministry.

3/ Any authorized person shall, in accordance with regulations and directives to be issued pursuant to this Proclamation, develop and implement his own risk management strategy to protect human and animal health and the environment from any risk.

4/ Every authorized person shall immediately inform the Ministry whenever any modified organism is lost or stolen from him.

19. Duties of Competent Licensing Agencies

1/ Every competent licensing agency is prohibited from giving a license for any transaction unless the applicant has submitted to it an advance informed agreement.

2/ Every competent licensing agency shall suspend or cancel any license it has given following the decision of the Ministry to suspend or cancel the advance informed agreement that it has granted.

20. Powers and Duties of Inspectors

1/ Any inspector may, for the purpose of ensuring compliance with provisions of this Proclamation and regulations and directives to be issued pursuant to this Proclamation:
   a) enter any place or facility in which a transaction is taking place;
   b) inspect and order the taking of any corrective measures on the transaction being carried out;
   c) request and obtain information from any person carrying out or in charge of the transaction;
   d) examine and obtain a copy of any record or document related to a transaction; and
   e) take free of charge samples of any material or substance as required and carry out or cause to be carried out tests he considers appropriate.

2/ Every inspector shall exercise in due diligence and impartiality in the discharge of his powers and duties pursuant to this Proclamation and shall show his identity card whenever requested.
21. **Inspections at Points of Entry and Exit**

1/ Any person in possession of any modified organism shall, on arrival or departure, declare such possession to the customs officer on duty at the point of entry or exit.

2/ Where a customs officer suspects that any person is in possession of a modified organism or any load contains any modified organism, without a written advance informed agreement, he shall impound it and notify the Ministry.

3/ The custom’s officer shall store the modified organism impounded pursuant to sub-article (2) of this Article in an appropriate storage facility in such a manner that potential risks to biodiversity, the environment and human health are minimized.

4/ The Ministry shall, by examining the samples within five working days, verify whether the material impounded pursuant to sub-article (2) of this Article contains any modified organism or not.

5/ If any organism surrendered to a customs officer is determined by the Ministry not to be modified, the impounded amount after reducing the amount used up during analysis shall be returned to the person who had surrendered it.

6/ If the material impounded and stored pursuant to sub-article (2) of this Article is proved to contain any modified organism and if it is not taken out of Ethiopia within 30 days, the Ministry shall destroy it by incineration or by any other method it deems appropriate.

7/ Where any imported modified organism remains unclaimed at the port of entry for more than two weeks, the Ministry, together with a customs officer or other appropriate government officer, may take any action necessary to send back the modified organism to the country it came from or to dispose of it in an environmentally sound manner.

8/ Neither the Ministry nor the customs official shall be held liable for any deterioration in storage in the condition of the contents of the material impounded and stored under sub-article (3) of this Article unless manifest failure to take reasonable measure is proved.

9/ All costs of any disposal, safe-keeping or re-export of any load of modified organism that has been impounded under sub-article (2) of this Article shall be borne by the person who had surrendered it.

22. **National BioSafety Advisory Committee**

A National Biosafety Advisory Committee, accountable to the Minister shall be established by regulation to be issued by the Council of Ministers.

23. **Grievance Handling**

1/ Any person aggrieved by the rejection of an application submitted in accordance with this Proclamation for the issuance or extension of the validity period of an advance informed agreement or special permit, or the suspension or revocation of the agreement or the special permit may, within 45 days from the date of such
decision, lodge his complaint with the Grievance Hearing Committee established by the Ministry.

2/ Any person who cannot submit his complaint in accordance with sub-article (1) of this Article due to force majeure may submit his application within 10 days after the end of the force majeure.

3/ The grievance handling committee members and their composition shall be determined by the regulations and directives issued pursuant to this Proclamation.

4/ The grievance handling committee shall, upon examining the compliant submitted to it pursuant to sub-article (1) of this Article provide its findings and recommendation to the Minister within five working days.

5/ An applicant aggrieved by the decision of the Minister given under sub-article (4) of this Article may, with respect to error of interpretation of law, appeal to the Federal High Court within 60 days from the date of the decision.

24. Penalties

1/ Unless the act entails higher penalty under the provisions of the Criminal Code:
   a) any person who engages in any transaction with the intention of causing harm to human health, biological diversity, the environment or property shall be punishable with rigorous imprisonment from 10 to 15 years.
   b) any person who violates any provision of this Proclamation or regulations or directives issued pursuant to this Proclamation shall be punishable with a fine from Birr 4,000 to Birr 7,000 or with imprisonment from one to three years or both.

2/ Where the offense is committed by a juridical person the penalty shall be determined in accordance with the provisions of Article 90 of the Criminal Code of the Federal Democratic Republic of Ethiopia.

3/ In the case of an offense committed by a juridical person, in addition to the penalty imposed to the entity, the officer of the entity who has failed to exercise all due diligence shall be punishable in accordance with sub-article (1) (b) of this Article.

25. Power to Issue Regulation and Directive

1/ The Council of Ministers may issue regulations necessary for the implementation of this Proclamation.

2/ The Ministry may issue directives necessary for the implementation of this Proclamation and regulations issued pursuant to sub-article (1) of this Article.

26. Effective Date

This Proclamation shall enter into force up on the date of publication in the Federal Negarit Gazeta.

Done at Addis Ababa, this 9th day of September, 2009

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.1.4. COUNCIL OF MINISTERS REGULATION NO. 291/2013

COUNCIL OF MINSTERS REGULATION TO ESTABLISH THE ETHIOPIAN BIODIVERSITY INSTITUTE

19th Year No. 57
Addis Ababa 24th July 2013
Pages 6976-6981

CONTENTS

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| 2. Definitions | 8. Powers and Duties of the Director General |
| 5. Objectives | 11. Transfer of Rights and Obligations |
| 6. Powers and Duties | 12. Effective Date |

BRIEF DESCRIPTION

This Regulation establishes the Ethiopian Biodiversity Institute, accountable to the Ministry of Agriculture and Natural Resources. The rights and obligations of the Institute of Biodiversity Conservation established under Proclamation No. 120/1998 (as amended) are transferred to the Institute in accordance with this Regulation.

Ethiopian Biodiversity Institute Establishment Council of Ministers Regulation No. 291/2013

This Regulation is issued by the Council of Ministers pursuant to Article 5 and Article 34 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010.

1. Short Title

This Regulation may be cited as the “Ethiopian Biodiversity Institute Establishment Council of Ministers Regulation No. 291/2013”.

2. Definitions

In this Regulation unless the context otherwise requires:

1/ “biodiversity” means the variability among living organisms, from all ecosystems, and the ecological complexes of which they are part, and includes diversity within species, between species and ecosystems;

2/ “biodiversity specimen” means the sample of plant, animal or micro-organism genes or species but does not include genetically modified organisms;
3/ “ecosystems” means a natural system in which living and non-living things are found interacting with each other in a dynamic process;

4/ “ex-situ conservation” means conserving plant, animal, and microbial genetic resources outside of their natural habitats;

5/ “gene” means a chemical composition found in all living things that transmits all inherited characteristics;

6/ “in-situ conservation” means conserving ecosystems and natural habitats and the maintenance and recovery of viable population of species in their natural surroundings and, in the case of domesticated and cultivated species, in the surroundings where they have developed their distinctive properties;

7/ “sustainable use” means the use of components of biodiversity in a way and at a rate that does not lead to the long-term decline of biodiversity;

8/ “access” and “community knowledge” shall have the meanings given to them under the Access to Genetic Resources and Community Knowledge and Community Rights Proclamation No.482/2006;

9/ “access agreement” shall have the meaning given under the Access to Genetic Resources and Community Knowledge and Community Rights Council Ministers Regulation No. 169/2009;

10/ “Ministry” means the Ministry of Agriculture;

11/ “Person” means natural or legal person;

12/ any expression in the masculine gender includes the feminine.

3. Establishment

1/ The Ethiopian Biodiversity Institute (hereinafter the Institute) is hereby established as an autonomous federal government organ having its own legal personality.

2/ The Institute shall be accountable to the Ministry.

4. Head Office

The Institute shall have its head office in Addis Ababa and may have branch offices elsewhere, as may be necessary.

5. Objectives

The objectives of the Institute shall be to ensure that the country’s biodiversity and the associated community knowledge are properly conserved and sustainably utilized, and the country and its communities get fair and equitable share of the benefits arising from their utilization.

6. Powers and Duties

The Institute shall have the powers and duties to:

1/ initiate policy and legal proposals on the conservation and sustainable utilization of the country’s biodiversity and the associated community knowledge as well as the
fair and equitable sharing of benefits arising from their utilization, and upon approval enforce and follow up their implementation;

2/ survey and explore the diversity and distribution of the country’s plant, animal and microbial genetic resources, identify and characterize the components thereof and monitor, from time to time, their conservation and sustainable use status;

3/ undertake researches relevant to ensure the conservation and sustainable utilization of biodiversity and the sharing of benefits arising from their utilization, and monitor the impact of processes and category of activities that have or are likely to have adverse impact on biodiversity and devise the appropriate methods for their conservation and sustainable use;

4/ collect samples, and conserve ex-situ, components of biodiversity (landraces and improved varieties) requiring ex-situ conservation; and characterize and evaluate same and facilitate the utilization of these genetic resources for further research and development;

5/ based on ecosystem approach, survey, explore and study key biodiversity hotspots in the country and conserve, or facilitate the conservation of, same in-situ;

6/ study and identify localities where biodiversity resources have been depleted and restore or facilitate the restoration of the lost species in these localities from ex-situ conserved germplasm;

7/ enrich the country’s biodiversity resource through encouraging the traditional system of exchange of species by the country’s communities, and as appropriate, through the re-introduction of species from foreign country sources and repatriating germplasm of Ethiopian origin from elsewhere in the world;

8/ act as a focal point to biodiversity related international agreements to which the country is a party and cause their implementation in cooperation with regions and concerned bodies;

9/ in order to build the capacity of the regions and stakeholders in biodiversity conservation and sustainable utilization and access and benefit sharing, develop and provide guidelines and manuals, give training and other technical supports and follow up their implementation;

10/ identify and register the country’s biodiversity resources using genetic fingerprinting and facilitate their conservation and recognition that they belong to the country;

11/ issue access permit, negotiate and enter into access agreements in accordance with the access law, and follow up their implementation;

12/ based on the relevant laws of the country and international agreements, take appropriate measures to ensure the country’s sovereign rights over, and the right to share benefits arising from the utilization of, its biodiversity resources;

13/ issue directive on, and give import permit for, the introduction of biodiversity specimen into the country;

14/ establish a system whereby the information on the country’s biodiversity resources shall be maintained and utilized;
in collaboration with mass media, learning institutions and other stakeholders, carry out activities to raise awareness among the public on the conservation and sustainable use of biodiversity and access and benefit sharing;

organize herbarium and zoological museum and provide service to researchers and other users;

study and maintain community knowledge associated with biodiversity and facilitate conditions so that they are respected and utilized with the participation and fair and equitable sharing of the benefits arising therefrom by the concerned communities;

in case where the country’s communities knowledge got into the hands of third parties, without a lawful access permit, and is generating benefit, follow up the matter and take measures to ensure that the concerned communities get fair and equitable share from the benefit;

control and follow up the negative impacts of genetically modified organisms and invasive alien species on the country’s biodiversity;

establish and administer botanical gardens;

work in cooperation with the concerned federal and regional bodies with respect to the conservation and sustainable use of, access and benefit sharing from, biodiversity resources and community knowledge;

provide advisory service on the conservation and sustainable utilization of, and access and benefit sharing from, biodiversity resources;

prepare a periodic report on the status of the country’s biodiversity resource and avail to the government as well as the public;

where it deems it appropriate, delegate some of its powers and duties to other relevant government bodies;

collect fee for the service it renders in accordance with the rate to be determined by the government;

own property, enter into contracts, sue and be sued in its own name;

carry out such other activities as are necessary for the attainment of its objectives.

7. **Organization of the Institute**

The Institute shall have:

1/ a Director General to be appointed by the government; and

2/ the necessary staff.

8. **Powers and Duties of the Director General**

1/ The Director General shall be the chief executive officer of the Institute and shall, subject to the general direction of the Ministry, direct and administer the activities of the Institute.

2/ Without prejudice to the generality of sub-article (1) of this Article, the Director General shall:
a) exercise the powers and duties of the Institute specified under Article 6 of this Regulation;

b) employ and administer employees of the Institute in accordance with the federal civil service laws;

c) prepare the work program and budget of the Institute and implement same upon approval;

d) effect expenditure in accordance with the budget and work program approved for the Institute;

e) represent the Institute in its dealings with third parties;

f) prepare and submit to the Ministry the performance and financial reports of the Institute.

3/ The Director General may delegate part of his powers and duties to other officers and employees of the Institute to the extent necessary for the efficient performance of the activities of the Institute.

9. **Budget**

The budget of the Institute shall be allocated by the government.

10. **Book of Accounts**

1/ The Institute shall keep complete and accurate books of accounts.

2/ The books of accounts and financial documents of the Institute shall be audited annually by the Auditor General or by an auditor assigned by him.

11. **Transfer of Rights and Obligations**

The rights and obligations of the Institute of Biodiversity Conservation established under Proclamation No. 120/1998 (as amended by Proclamation No. 381/2004) are hereby transferred to the Institute.

12. **Effective Date**

This Regulation shall enter into force on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa, this 24th day of July, 2013

HAILEMARIAM DESALEGN

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.2. WATER RESOURCES

3.1.2.1. PROCLAMATION NO. 197/2000

ETHIOPIAN WATER RESOURCES MANAGEMENT PROCLAMATION

6th Year No. 25
ADDIS ABABA – 9th March, 2000
Page 1250 - 1261

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BRIEF DESCRIPTION
The Water Resources Management Proclamation repeals the Water Resources Utilization Proclamation No. 92/1994. It is applicable on all water resources in the country and affirms the public ownership of water resources. The Law envisages dispute settlement mechanisms,
whereby the supervising body may examine and decide disputes. Negotiation and arbitration are also incorporated as means of dispute settlement. The Law further makes provisions for, inter alia, permits and professional licenses, service fees and water charges, and servitude. A supervising body is, along with other powers and duties enumerated throughout therein, responsible for the planning, management, utilization and protection of water resources.

**Ethiopian Water Resources Management Proclamation No. 197/2000**

WHEREAS, it has become necessary to issue a water resources management, protection and utilization Proclamation to put the water resources of Ethiopia to the highest social and economic benefit for its people through appropriate protection and due management;

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

**PART ONE**

*General Provisions*

1. **Short Title**
   
   This Proclamation may be cited as the “Ethiopian Water Resources Management Proclamation No. 197/2000.”

2. **Definitions**
   
   Unless the context requires otherwise, in this Proclamation:
   
   1) “Depletion of water” means a decrease in the quantity of water below its normal level at a given season, whether due to man-made or natural causes;
   
   2) “domestic use” means the use of water for drinking, cooking, sanitation, or other domestic purposes;
   
   3) “Force Majeure” means as defined in the Civil Code of Ethiopia;
   
   4) “Groundwater” means water existing beneath the surface of the ground;
   
   5) “Surface water” means static or flowing water on the surface of the ground;
   
   6) “Water resource” means surface or ground water; however, it does not include mineral and geothermal deposits as provided under proclamation No. 52/1993;
   
   7) “Supervising body” means the Ministry where it pertains to water resources at central level, or any organ delegated by the Ministry pursuant to Article 8 (2) of this Proclamation;
   
   8) “Public Authority” means any organ of the Federal Government or Regional Government or Addis Ababa City Council or Dire Dawa Administration Council;
9) “Traditional irrigation” means peasant managed irrigation that supplies water to land at a maximum rate of one or one liter per second (1.1/s) or not more than one hectare of land per peasant for his/her subsistence use;

10) “Waste” means any harmful matter introduced, released or discharged into any water body in any solid, liquid or gaseous form;

11) “Polluted water” means sewage and industrial effluents including toxic water;

12) “Water Pollution” means harm caused as a result of the pollution of water by using organic or inorganic matter or as a result of a change in the temperature of the water;

13) “Water quality” means the description of the characteristics of water as defined by its physical, chemical, microbiological, and radiological parameters;

14) “Water quality standards” means determination of quality by identifying the requirements and permissible quality standards regarding the parameters stated in Sub-Article 13 above;

15) “Basin” means a geographical area, described by the watershed limits of a water system including surface and underground water flowing into a common terminus;

16) “Bank of water bodies” means land whose boundary and/or distance is determined by the Supervising body and by the relevant Public authority and includes any area on which water body exists;

17) “Watercourse” means natural or man-made river stream, canal or any waterway through which water flows at all times or part of the time;

18) “Waterworks” means any man-made work constructed or to be constructed for the purpose of putting water to beneficial use, and includes diversion, clearing, dam construction, drilling, clearing, investigation, regulation, purification, measurements, transportation, transmission, desalination, dike construction and other related and similar works;

19) “Water resource management” means activities that include water resources development, utilization, conservation, protection and control;

20) “Ministry” or “Minister” means the Ministry and Minister of Water Resources respectively;

21) “Person” means any natural or juridical person;

22) “Servitude” shall have the meaning given in Article 1359 of the Ethiopian Civil Code.

3. **Purpose**

The purpose of the Proclamation is to ensure that the water resources of the country are protected and utilized for the highest social and economic benefits of the people of Ethiopia, to follow up and supervise that they are duly conserved, ensure that harmful effects of water are prevented, and that the management of water resources is carried out properly.
4. **Scope of Application**

This Proclamation shall apply with respect to water resources management on the water resources that exist in Ethiopia.

5. **Public Ownership of Water Resources**

All water resources of the country are the common property of the Ethiopian people and the state.

6. **Fundamental Principles**

1) The integrated Basin Master Plan Studies and Water Resources legislative framework shall serve as a point of reference and ensure that any water resource is put to the highest social and economic benefit of the people of Ethiopia.

2) The social and economic development programmes, investment plans and programmes and water resources development activity of any person, shall be based on the country’s Water Resources Policy, the relevant Basin Master Plan Studies and Water Resources laws.

3) The Supervising body shall ensure and administer that the management of any water resource is put to the highest social and economic benefits of the Ethiopian people in accordance with the provisions of the Ethiopian Water Resources Policy, Basin Master Plan Studies and Water Resources laws.

4) Management of the water resources of Ethiopia shall be in accordance with a permit system.

7. **Preference among Uses**

1) Domestic use shall have priority over and above any other water uses.

2) Without prejudice to the provisions of Sub-Article (1) of this Article, pre-allocation of water resource to a given purpose or its being planned, shall not give it priority over and above any other uses.

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**PART TWO**

*Supervising Body*

8. **Powers and Duties of the Supervising Body**

1) The supervising body shall be responsible for the planning, management, utilization and protection of water resources. It shall also have the necessary power for the execution of its duties under the provisions of this Proclamation.

Without limiting the generality of the above statements, the Supervising body shall have the following powers and duties:

(a) issue permits and certificates of Professional Competence;

(b) ensure that studies relating to water resources development, protection, utilization and control have been carried out;

(c) determine the allocation and manner of use of water resources among various uses and users;
(d) require submission of plans and proposals from any person who apply for a permit to undertake any kind of water works and approve, reject, or amend such plans and proposals;

(e) establish quality standards for surveys, design and specification of waterworks as well as standards for the construction of waterworks, necessary for the development of water resources; it shall also supervise compliance of water works with the established standards;

(f) prepare directives, in consultation with public bodies concerned, in order to ensure that water resources are not polluted and hazardous to health and environment;

(g) issue directives pertaining to the safety of hydraulic structures for the prevention of damages caused by dam water to dams, persons, property and crops;

(h) cause, in consultation with the public bodies concerned, the issuance of quality or health standards which enables it to entertain an application for a permit to discharge or release polluted water into water resources;

(i) give an order of rectification or suspension of waterworks which are incompatible or inconsistent with the Ethiopian water resources policy, relevant Basin Master Plan Studies and water resources legislative framework, and ensure its implementation;

(j) issue directives, regarding water use restrictions in a situation of water shortage emergency, and supervise the implementation of same.

2) The Supervising body may, where necessary, delegate its powers and duties to the appropriate body for efficient execution of its duties.

9. Settlement of Disputes

1) The Supervising body may, in accordance with procedures to be laid down by regulations to be issued pursuant to this proclamation, examine and decide disputes between permit holders, as well as between a permit holder and a third party concerning rights or obligations arising from permits. The Supervising body shall also have the power to determine and execute compensation to be paid by one party to the other.

2) A party aggrieved by the decision of the Supervising body may, pursuant to Sub-Article (1) of this Article, appeal to the Court of competent jurisdiction within 60 days following receipt of the decision; provided, however, that no such appeal shall be admitted after the expiry of the 60 days.

3) Any dispute, controversy or claim between the Supervising body and the permit holder, arising due to reasons related to the permit may, to the extent possible, be resolved through negotiation.

4) In the event that agreement cannot be reached through negotiation, pursuant to Sub-Article (3) of this Article, the case shall be settled by arbitration. The details shall
be determined by the regulations to be issued for the implementation of this Proclamation.

PART THREE

Inventory of Water Resources and Registry of Actions

10. Inventory of Water Resources and Registry of Actions

1) Being responsible to ensure acquiring adequate knowledge of the water Resources available for beneficial uses the Supervising body shall prepare or cause to be prepared and maintain the inventory of water resources of the country.

The inventory will include:

(a) identification and description of the occurrence, availability, location, amount and quality of water resources at any significant points in time of a year;
(b) identification and description of seasonally expected demands for the supply of water;
(c) periodically compiled data on consumptive and non-consumptive use of water.

2) The Supervising body shall establish and maintain at all levels, registers of all actions taken with respect to applications which pertain to water use, discharge or release of wastes into water resources, and construction of water works. The Register shall include such other information as may be required by directives issued by the Ministry pursuant to this Proclamation.

3) In order to make/ keep an inventory at a central level, of all water resources of the country, all appropriate public bodies shall give information to the Ministry, as it may determine, regarding the inventory and actions taken with respect to the utilization of water resources in their respective region.

4) The information stated in Sub-Article (3) of this Article should become an integral part of the Water Resources Information Center maintained by the Ministry.

PART FOUR

Permits and Professional Licenses

11. Necessity of Permits

1) Without prejudice to the exceptions specified under Article 12 of this Proclamation, no person shall perform the following activities without having obtained a permit from the Supervising body:

(a) construct waterworks;
(b) supply water, whether for his own use or for others;
(c) transfer water which he/she abstracted from a water resource or received from another supplier; and
(d) release or discharge waste into water resources unless otherwise provided for in the regulations to be issued for the implementation of this Proclamation.
2) Any person shall be required to discuss his/her proposal with the supervising body prior to applying for a permit for the purposes specified in Sub-Article (1) of this Article. The details shall be determined by regulations.

12. Types of Water Uses Not Requiring Permits

1) Any person shall utilize water resources for the following purposes without holding a permit issued by the Supervising body:
   (a) dig water wells by hand or use water from hand-dug wells;
   (b) use water for traditional irrigation, artisanal mining and for traditional animal rearing, as well as for water mills.

2) The Supervising body may, where necessary, issue directives to prevent inappropriate use and wastage of water regarding the uses mentioned in Sub-Article (1) (a) and (b) of this Article.

13. Application for Permit

1) An application for water use, release or discharge of waste, and waterworks construction permits shall be submitted to the supervising body. The application shall include detailed information as may be specified in the regulations to be issued for the implementation of this Proclamation.

2) Any application for a permit to release or discharge any waste, which endangers human life, animals, plants and any living things, into water resources shall not be accepted. However, the Supervising body may accept the application requiring the applicant to release or discharge after having treated the pollutant. The details shall be determined by directive to be issued by the Ministry.

14. Issuance of Permits

1) Without prejudice to the provisions of Sub-Article (3) of Article 15 of this Proclamation the Supervising body shall issue the permit applied for, in accordance with Article 13, within sixty (60) days after receipt of the application, where the proposed use of water does not:
   (a) infringe, in any manner, any person’s legitimate interests upon the water;
   (b) entail pollution or harmful effects on the water resource and the environment;

2) The Supervising body shall state the detail information, conditions and restrictions which should be mentioned in the permit form. The detail shall be determined by regulations to be issued for the implementation of this proclamation.

3) Where the Supervising body rejects an application for the reasons mentioned in Sub-Article (1) of this Article, it shall notify the applicant, in writing, of the rejection and the reasons thereof, within the time limit specified in Sub-Article (1) of this Article.
15. **Duration and Renewal of Permit**

1) The duration and the appropriate time limit for renewal of the permit issued as per Article 14 of this proclamation shall be determined by the regulations to be issued for the implementation of this Proclamation.

2) The Supervising body shall renew the permit having ascertained that the permit holder has observed the conditions, obligations and restrictions mentioned in his/her permit, as well as in this proclamation and regulations issued thereunder.

3) A permit shall be presumed to have been cancelled if it is not renewed within the time limit to be determined pursuant to Sub-Article (1) of this Article.

16. **Amendment and Transfer of Permit**

1) The permit holder may apply for a decrease or an increase of the quantity of water permitted or to be allowed to use the water for other beneficial uses.

2) When the application mentioned in Sub-Article (1) of this Article is submitted to it, the Supervising body shall decide thereon within ten (10) days.

3) The Supervising body may amend a permit on account of change of environmental conditions, or an increase in the demand for water, or where adjustment of allocation of water becomes necessary on any other satisfactory grounds, by giving sixty (60) days prior written notice to the holder; provided, however, that compensation shall be payable to the permit holder in accordance with the civil code, for damages he incurred as a result of the amendment, except where the amendment is made due to occurrence of natural changes in the environment.

4) A water resource use permit may legally be transferred to another person at the request of the permit holder and upon approval by the Supervising body.

17. **Revocation or suspension of Permit**

The Supervising body may, at any time, suspend or revoke a permit in whole or partially where the holder fails to observe or fulfil his/her obligations. The details shall be determined by the regulations to be issued for the implementation of this proclamation.

18. **Grievances**

1) Applications relating to the following matters shall, in the first instance, be submitted to the Supervising body for decision:

   (a) to use a water resource, or to discharge or release waste into a water resource; or

   (b) undertake construction of waterworks; or

   (c) amend or transfer of a permit issued under Sub-Articles (1) (a) and (b) of this Article;

   (d) seeking a decision on a dispute arising from water use between persons who have legal rights to use such a water resource.
2) The Supervising body shall give an appropriate decision on an application submitted to it in accordance with this proclamation and regulations to be issued for its implementation and take the necessary measure thereof.

3) Any party aggrieved by the decision or measures taken by the Supervising body on matters specified in Sub-Article (1) of this Article may appeal to the competent court of law within sixty (60) days as of the date on which the decision was given.

19. *Certificate of Professional Competence*

No person shall engage, whether for commercial purpose or otherwise, without holding Certificate of Professional Competence given by the Supervising body, in the field of water-works construction activity pertaining to surface water, or water well drilling, or cleaning activity or giving a consultancy service relating thereto. The details shall be determined by the regulations to be issued for the implementation of this Proclamation.

**PART FIVE**

*Fees and Water Charges*

20. **Service Fees**

1) Fees shall be paid for permits pertaining to the following water uses:
   (a) to get a permit for waterworks constructions;
   (b) to get a permit for water use;
   (c) to get a permit to release or discharge waste into water resources;
   (d) to get any permit relating to water, to renew or amend, or to transfer a permit to another person.

2) Any person shall pay a service fee to get a Certificate of Professional competence or to have it renewed or amended.

3) The amount of the service fee shall be as specified in the regulations to be issued for the implementation of this Proclamation.

4) The Supervising body is hereby authorized to collect the service fee determined pursuant to the provisions of Sub-Articles (1)-(3) of this Article.

5) The Supervising body may exempt from payment of service fee for certain services of public use as may be specified in the regulations to be issued for the implementation of this Proclamation.

21. **Water Charges**

1) Water charge shall be paid to use water resources for any use allowed under this Proclamation. The amount of water charge shall be as may be specified in the regulations to be issued for the implementation of this Proclamation.

2) The Supervising body is authorized to collect the water charge determined under Sub-Article (1) of this Article.

3) The Supervising body may exempt certain persons from the payment of water charge as may be specified in the regulations to be issued for the implementation of this Proclamation.
22. **Charges for the Release or Discharge of Wastes into Water Resources**

1) Charges shall be paid by the permit holders, for the discharge or release of waste into water resources. The amount of the charge shall be determined by the regulations to be issued for the implementation of this Proclamation.

2) The Supervising body is hereby authorized to collect the charge determined pursuant to the regulations.

**PART SIX**

**Servitude**

23. **Servitude**

1) All servitude required for the implementation and enforcement of all permitted waterworks and right of way shall be obligatory on possessors of land.

2) The conditions upon which the servitude depended shall be determined by regulations to be issued for the implementation of this Proclamation.

3) Acquisition of servitude shall be subject to conditions to be approved by the Supervising body on the basis of regulations issued.

4) Any person who acquires a servitude shall not alter or modify the conditions laid by the Supervising body upon which the servitude has been based.

5) The possessor of the land encumbered pursuant to sub-Article (1) of this Article is entitled to adequate compensation from the beneficiary of the servitude.

24. **Termination of the Servitude**

Servitude shall be terminated on the following grounds.

1) Servitude shall be terminated when the possessor of the land so encumbered demonstrates to the Supervising body that the servitude has not been exercised by the beneficiary of the servitude or his successor in-title or the person replacing him within the time limit specified in the Regulations to be issued for the implementation of this Proclamation.

2) The provisions of Sub-Article (1) of this Article shall not apply where the beneficiary of the servitude demonstrates to the Supervising body that his failure to exercise the servitude right is due to causes of force majeure.

**PART SEVEN**

**Water Banks and Harmful Effects of Water**

25. **Protection of Banks of Water Bodies**

The Supervising body, in collaboration and in consultation with the appropriate public body may:

1) delimit the boundaries of the banks of certain water bodies;
2) Prohibit clearing, cutting trees or vegetations and construction of residential houses, within the delimited banks of water bodies. The details shall be determined pursuant to the directives to be issued by the Ministry.

26. Control of Harmful Effects of Water

The appropriate public bodies shall before allowing or causing the founding of towns or villages, request the Supervising Body for technical advice in order to prevent or avoid damages, adverse impacts or accidents which may occur as a result of floods and other factors related to water.

PART EIGHT
Association of Water Users

27. Organization

1) The Supervising body may, in consultation with the appropriate public bodies, encourage the establishment of water users’ associations as it deems necessary to utilize water for beneficial uses.

2) Without prejudice to the provisions of sub-Article (1) of this Article association of water users may be established upon initiation and the will of the users.

3) Details of the organization of water users’ association shall be pursuant to regulations to be issued for the implementation of this Proclamation.

4) The relevant provisions of the Civil Code regarding the formation of such associations shall apply.

PART NINE
Transitory Provisions


1) Any person who, before the coming into force of this Proclamation, with a permit issued to him by any public body or without such a permit:

   (a) has carried or is carrying out waterworks construction;

   (b) is utilizing a water resource for himself or is supplying water to other persons;

   (c) is releasing or discharging waste into water resources;

   shall apply to the supervising body for a permit, within 12 months from the coming into force of regulations to be issued for the implementation of this Proclamation, to be able to continue benefiting from the water works, using water or discharging wastes into the water body.

2) The prerequisite conditions to be fulfilled and the information required to be given by the applicant who applied for a permit pursuant to Sub-Article (1) of this Article and for the purposes specified there-under shall be as determined by the regulations to be issued for the implementation of this Proclamation.
3) A water resource user who fails to apply within the time limit mentioned in sub-Article (1) of this Article may apply within the next 60 day upon a penalty payment of 50% over and above the normal permit fee.

4) If the user fails to apply pursuant to the provisions of Sub-Articles (1) or (3) of this Article, the supervising body may revoke the user of his right to use the water resource.

5) The Supervising body shall, when the application is submitted to it pursuant to the provisions of sub-Articles (1) or (3) of this Article, issue the requested permit within 60 days, provided that the request does not explicitly contradict the provisions of this Proclamation or the regulations issued thereunder, or if the request contradicts the provisions of this Proclamation or the regulations issued thereunder, it shall notify the applicant in writing, of the rejection, including the reason therefore within the time limit specified in this sub-Article.

6) Any person who, holding a Certificate of Professional Competence issued to him by any public body before the coming into force of this Proclamation, is engaged in any of the activities mentioned in Article 19 of this Proclamation, shall register with the supervising body and hold a Certificate of professional competence within 60 days as of the effective date of the regulations issued for the implementation of this Proclamation.

7) The prerequisite to be fulfilled and the information required to be given by the applicant for issuing of the Certificate of Professional competence pursuant to sub-Article (6) of this Article shall be as may be determined by regulations to be issued for the implementation of this proclamation.

8) The provisions of Sub-Article (3) of this Article shall apply to a person who fails to apply within the time limit specified in Sub-Article (6) of this Article.

9) If a person fails to apply within the time limit specified in sub-Article (6) of this Article the Previously granted Certificate of Professional Competence shall be considered to have been revoked.

29. **Penalty**

Any person who violated this Proclamation or Regulations issued thereunder, shall be punished in accordance with the provisions of the Penal Code.

30. **Power to Issue Regulations**

The Council of Ministers shall issue detailed Regulations for the implementation of the provisions of this Proclamation.

31. **Power to Issue Directives**

The Ministry may issue directives for the implementation of this Proclamation.

32. **Repealed and Inapplicable Laws**

1) The Water Resources Utilization Proclamation No. 92/1994 is hereby repealed.
2) Any laws, regulations, directives, guidelines or practices relating to matters covered by this Proclamation shall have no force or effect to the extent that they conflict with the provisions of this Proclamation.

33. **Effective Date**

This Proclamation shall enter into force as of the 9th day of March, 2000.

Done at Addis Ababa, this 9th day of March, 2000.

NEGASO GIDADA (DR.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
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BRIEF DESCRIPTION
Issued under the Water Resources Proclamation, this Regulation governs the utilization of water resources and related matters. The Regulation gives effect to Article 13 of the Proclamation by specifying detailed information that the application for water use permit is to incorporate, and further deals with the particulars of such permit. It also makes provisions for waste water management and water quality control, certificate of competence for water works construction and a consultancy service, water user’s cooperative societies and envisages dispute settlement procedure. The Schedule to the Regulation provides for fees for different kinds of permits.

Council of Ministers Ethiopian Water Resources Management Regulations No. 115/2005

These Regulations are issued by the Council of Ministers pursuant to Article 5 of the Definitions of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia, Proclamation No. 4/1995 and Article 30 of the Ethiopian Water Resources Management Proclamation No. 197/2000.

PART ONE
GENERAL

1. Short Title

These Regulation may be cited as the “Council of Ministers Ethiopian Water Resources Management Regulations No. 115/2005”.

2. Definitions

Unless the context of otherwise requires in these Regulations:

1) Definition given for the terms specified under the Ethiopian Water Resources Management Proclamation No. 197/2000 shall have also effect in these Regulations;

2) “Policy” means the Ethiopian Water Resources Management Policy;

3) “Proclamation” means the Ethiopian Water Resources Management Proclamation No. 197/2000;

4) “Water Well” means any well, excepting hand-dug wells, drilled, for various purposes, by means of various equipment (rigs) in order to penetrate and reach underground permeable beds containing or transmitting water;

5) “Water Supply Well” means a well drilled to supply water for drinking, agriculture, industry or other uses;

6) “Water Use” means the use of water for drinking, irrigation, industry, power generation, transport, animal husbandry, fishing, mining and uses of water for other purposes;

7) “Supervising Body” means the Ministry of Water Resources or any organ delegated by the Ministry pursuant to Article 8(c) of the Proclamation.
PART TWO
WATER RESOURCES UTILIZATION

3. Application for Permit

An application to be submitted to the Supervising Body for a water use permit, pursuant to Article 13 of the Proclamation, shall contain the following information;

(a) the name and permanent address of the applicant;
(b) the location of the water resources and the intended place of use;
(c) the intended use of the water resources;
(d) the volume of water required monthly and annually;
(e) the intended method and manner of use of the water resources;
(f) where appropriate, investment certificate;
(g) feasibility studies and maps reasonably required by the Supervising Body.

4. Duties of Supervising Body

1) On receipt of an application for a permit to use water, the Supervising Body shall notify the same to the applicant in writing.

2) Without prejudice to Article 14(1) of the Proclamation, in dealing with an application for a water use permit, the Supervising Body shall ensure that the application is in line with the Policy, the Rover Basin Master Plans, the Proclamation, these Regulations and Directives.

3) Subject to Sub-Article (2) of this Article the Supervising Body shall notify in writing the applicant of its decision regarding the application according to Article 14(1) and (3) of the Proclamation.

4) The Supervising Body shall register all decisions given with respect to an application for a permit to use water, according to Article 10(2) of the Proclamation.

5. Discharge of Water after Use

Without prejudice to Article 13(2) of the Proclamation and Article 11 of these Regulations a water use permit may authorize the discharge of treated waste water into a water resources.

6. Termination, Suspension, Transfer or Variation of a Water Use Permit

1) A water use permit may be terminated or suspended by the Supervising Body in whole or in part as per Article 17 of the Proclamation.

2) A permit may be suspended in whole or in part according to sub-Article (1) of this Article due to the following reasons:
   (a) a failure to comply with the terms and conditions prescribed in the permit;
   (b) a use of water for purposes not authorized;
(c) a failure to pay the required water charges within sixty (60) days following a written notification;
(d) a finding by the Supervising Body that the water resources involved is being temporarily depleted;
(e) a failure to keep a water quality standard.

3) The Supervising Body may terminate a permit due to the following reasons:
   (a) a voluntary failure, in excess of the period fixed in the permittee, to utilize the water represented by the permit;
   (b) an undertaking to transfer the permit without the authorization of the Supervising Body;
   (c) a discovery by the Supervising Body, that the permit has obtained the permit by giving false evidence;
   (d) a finding that the water resources involved is being permanently depleted;
   (e) a finding that the usage of the water resources causes a negative impact on the environment as per the Provisions of Environmental Impact Assessment Proclamation No, 299/2002.

4) The supervising Body may suspend a permit whole or in part as case may be giving 15 days prior warning in writing when it ascertain that any of the reasons stated under sub-article (2) of this Article are committed; if the permit holder fails to refute by evidence about the facts stated in the prior warning within the given 15 days.

5) The Supervising Body may terminate a permit, except for the reason stated under sub-article 3(c) of this Article, when it ascertain that the reasons stated under sub-article 3(a), (b) or (e) is committed by giving 15 days prior warning in writing, if the permit holder fails to refute by evidence about the facts stated in the prior warning within the given 15 days.

6) The holder of a water use permit may apply to the Supervising Body to vary or to transfer the permit in whole or in part. In such situation the application shall state the reasons for the variation or transfer and it shall indicate the terms and conditions where under the variation or transfer is to be effected.

7) The Supervising Body shall cause an entry to be made Register of water abstraction permit in relation to action taken in pursuance of this Article.

PART THREE
WATER WORKS PERMIT

7. Application and Manner of Dealing with them
   1) An application for the construction, maintenance or alteration of water works shall be made to the Supervising Body.
2) The application to be submitted pursuant to Sub-Article (1) of this Article shall contain the design and safety measures along with the detailed study of the water works.

3) Without prejudice to Sub-Article (1) of this Article the provision of Article 4(1) (2) (3) and (4) of these Regulations shall have effect in relation to application for water works construction, re-constructing or altering permits.

8. **Duration and Extension of Permit**

1) The terms of validity of a water works construction permit shall be fixed by the Supervising Body taking into account the useful life time of the project.

2) The time limit fixed for the construction of the water works in the water works construction permit may be extended by the Supervising Body taking into account the nature of the water works.

9. **Duties of Permit Holder and Supervising Body on Completing Works**

1) Upon or immediately before completion of the authorized work within the assigned or extended period, as the case may be, the holder of a permit shall promptly notify in writing the Supervising Body of the completion or expected completion of the works.

2) Upon being notified of the completion of works pursuant to Sub-Article (1) of this Article, the Supervising Body shall ensure the works for compliance with the terms and conditions of the permit.

10. **Works which Interfere with Water Courses or Water Works**

1) No Person shall construct or install works that cause difficulties for navigation, change the direction of the watercourse affect the flow, speed and velocity of the water flowing in the water course or hinder the proper operation of any water works, without a permit issued by the Supervising Body.

2) Upon receipt of the application pursuant to Sub-Article (1) of this Article the Supervising Body having regard to the purposes of the work envisaged in the relevant plan and proposal in so far as it appears to the Supervising Body to be reasonable, to the requirements of existing uses of the water course to which the plan and proposal relates, and to the desirability of protecting and conserving the said water course may clear the plan and proposal, or refuse to clear the plan unless that the works described in the plan and proposal provide sufficient guarantee for the safety of the water course.

PART FOUR

WATER QUALITY CONTROL

11. **Waste Water Discharge Permit**

1) Pursuance to the provisions of Article 13 (2) of the Proclamation and Article 5 of these Regulations, applications for the direct or indirect discharge of any treated
trade effluent or sewerage effluent, or any poisonous, noxious or polluting matter into surface or ground water shall be made to the Supervising Body.

2) In deciding whether to grant or refuse a permit for the discharge of treated waste water into water resources, the Supervising Body shall, among other things, take into consideration effluent and/or stream standards.

3) Subject to the provisions of the preciding sub-articles of this Article, the provisions of Article 4 of thise Regulations shall have effect in relation to applications for treated waste discharge permits.

12. **Obligation of Persons Discharging a treated Waste Water**

1) Any person using water for industry or for any other purposes which may cause pollution shall have an obligation:

   (a) to install and use west treatment method;
   (b) to discharge only the type and volume of treated waste permitted;
   (c) to allow the Supervising Body to take the treated waste discharge sample at any time;

2) The Ministry many issue directive for the implementation of this Provisions.

13. **Renewal of a Treaty Waste Water Discharge Permits**

1) The Supervising Body shall renew a treated waste water discharge permit very two years starting from the date of its issuance.

2) The permit holder shall apply to the supervising body for the renewal of treated waste water discharge permit not later than one month prior to expiration.

3) Upon receiving an application for the renewal of a treated waste water discharge permit, the Supervising Body shall, within 5 days, notify in writing the applicant that the permit is granted or granted subject to variation, or rejected.

4) The Supervising Body shall notify in writing by stating the reasons why the application is rejected or being varied.

5) The Supervising Body shall cause an entry to be made in the Register of a Treated Waste Water Discharge Permits all actions taken in pursuance to Sub-Article 3 of this Article.

14. **Termination or Suspension of Treated Waste Water Discharge Permits**

1) Based on the power vested on the Supervising Body pursuant to Article 17 of the proclamation, the following shall be reasons for suspension or termination of a treated waste water discharge permit in whole or in part:

   (a) a failure to comply with the terms and conditions prescribed in the permit;
   (b) violation of the provisions of Article 12 of thiese Regulations.

2) The Supervising Body may terminate a permit when it ascertains that the permit holder has obtained the permit by furnishing false evidence.
3) The Supervising Body shall cause an entry to be made in the Register of waste discharge permit in relation to actions taken in pursuance of this Article.

15. *Sitting for Drilling Water Supply Wells*

The site and the conditions where water supply wells are to be drilled shall be determined by a directive to be issued by the minister.

16. *Ground Water Quality Test*

1) Before the completed water supply well becomes operational the water samples taken from the well shall be ascertained by an authorized laboratory whether it can be used for domestic use.

2) After a rehabilitation operation on any water supply well is completed water samples taken from such wells shall be submitted to an authorized laboratory to certain whether changes of bacteriological or chemical nature have or have not occurred in the water either as a result of the age of the well or the rehabilitating operation that has carried out.

17. *Care for Water Supply Wells*

1) To prevent the seepage of surface runoff and sewage into water supply well the space between the well wall and the casing must be sealed.

2) If a water well cannot be completed due to difficulties encountered during drilling and construction, such well must be sealed with care, by the driller, to ensure that people and animals are not exposed to accidents and to prevent pollution of aquifers.

18. *Reporting Obligation*

The driller shall have obligation to submit report to the Supervising Body in accordance with form 10 regarding complete or incomplete water supply wells drilling performance within 30 days after the completion or incompletion thereof.

**PART FIVE**

Certification of Professional competence and classification

19. *Water Works Construction*

1) Subject to Article 11 of the Proclamation, no professional shall engage in the field of water works construction activity unless he obtained a certificate of professional competence issued by the Supervising Body.

2) Any contractor holding a certificate of professional competence shall, before entering into a contract with anybody pertaining to water works constructions, first ensure that the Supervising Body has approved that such water works be constructed.

3) Any person who wants to have a water works constructed shall, before entering into a contract with a contractor, first ensure that the company has a legal license and also the professionals have a certificate of professional competence.
20. **Requirements**

1) Any water works contractor should have or be able to get the service of the equipment and manpower enumerated under the directive to be issued by the Ministry.

2) Persons applying to become water works contractors shall, if found to confirm to the conditions specified under Sub-Article (1) of this Article, be classified under one of the classed on the basis of their capacity by the Supervising body.

21. **Manner of Classification**

1) After the Supervising body examines the application requesting the grant of a certificate of professional competence to undertake water works construction activities, it shall:

   (a) where the applicant is found to meet the requirements of the Proclamation, the Regulations and the directive classify the applicant accordingly and grant him a certificate of professional competence allowing him to operate subject to the conditions of such classifications.

   (b) where, during investigation the Supervising Body, finds out that an application submitted under Sub-Article (1) (a) of this Article does not meet the requirements of the Proclamation, the Regulations and the directive it shall reject the application and notify the applicant, in writing, of the rejection and the reasons thereof.

2) A certificate of professional competence issued pursuant to Sub-Article (1) (a) of this Article shall be renewed every year upon presentation to the Supervising Body.

3) The Supervising Body may at any time revoke a certificate of professional competence provided the contractor fails to meet requirements specified in the permit.

**PART SIX**

**CERTIFICATE OF COMPETENCE FOR A CONSULTANCY SERVICE**

22. **Necessity of Certificate of Competence for Consultancy Service**

   Subject to Article 19 of the Proclamation, no person shall give, whether for commercial purpose or otherwise, without holding a certificate of competence permit issued by the Supervising Body, a consultancy service relating to water resources study, design, supervisions and construction activity water works construction activity pertaining to surface water, or water well drilling or cleaning or relating thereto.

23. **Application for a Competence Certificate**

   Any person desiring to have a certificate which enable him to give a consultancy service shall submit an application by specifying the necessary information required under the directive to be issued by the Ministry to the Supervising Body.

24. **Issuance of a Competence Permit**
The Supervising Body shall issue the certificate applied for in accordance with Article 23 of these Regulations ten days after receipt of the application after examining and ensuring that the applicant meet the standard issued by the directive or notify the applicant, in writing, of the rejection and the reasons thereof.

25. **Renewal of a Competence Certificate**

1) A Certificate of competence for a consultancy service shall be renewed annually starting from the date of its issuance by the Supervising Body.

2) The Supervising Body renew the certificate, upon request, after ascertaining that the performance of the consultancy service is incompliance with the obligations and standard required.

3) If the Supervising Body rejects an application for renewal of a permit, it shall inform same to the applicant within ten days in writing.

26. **Competence Certificate Fee**

Fees for issuance and renewal of competence certificate for a consultancy service shall be as prescribed in Schedule 1 attached to these Regulations.

27. **Revocation of a Competence Certificate**

1) The Supervising Body may revoke the competence certificate of a consultancy service on any of the following grounds:

(a) where the certificate is proved to have been obtained by submitting false evidence,

(b) where the consultancy service fails, to comply with the provisions of these Regulations or directives issued for the implementation of these Regulations and to take corrective measures within one month following a written warning given to it by the Supervising Body.

2) Any consultancy service whose certificate of competence has been revoked or who has ceased operating his activity shall return the permit to the Supervising Body.

**PART SEVEN**

**WATER USERS COOPERATIVE SOCIETIES**

28. **Formation of Cooperatives**

1) The holders of water use permit pursuant to Article 27 (2) of the Proclamation or persons exempted from the requirement of permit may establish a water users cooperative society.

2) Cooperative Societies Proclamation No. 147/1998 shall have effect on water users cooperative societies to be established pursuant to Sub-article 1 of this Article.

29. **Registration of a Water Users Co-operative Society**
1) A water users co-operative society established to undertake medium or large scale irrigation shall be registered by the Supervising Body.

2) A water users co-operative society established to undertake small scale irrigation shall be registered by an organ established by law at Regional or City Administration level to organize and register Cooperative Societies.

3) The Regional or City Administration organs that organize and register Cooperative Societies have the obligation to transmit information to the Supervising Body about Water users Co-operative Societies.

PART EIGHT
FEES AND CHARGES

30. Permit Fees
On an application for a permit under the Proclamation and these Regulations and on an application for the renewal, termination, variation or transfer of such permits, there shall be payable to the Supervising Body the fees specified in the 1st Schedule to these Regulations.

31. Charges for use of Water
1) Water charges shall be paid for any use allowed under the Proclamation and these Regulations to the Supervising Body.
2) Charges payable under this Article shall be assessed and billed for by the Supervising Body once a year, or at such shorter interval, as it is appropriate under the circumstance.
3) Charges for use of water shall be due payable within sixty (60) days from the date appearing on the relevant bill.
4) Charges for use water shall be determined by the Council of Ministers.

32. Charges for the Discharge of Treated Wastes into Water Resources
1) Charges specified in the 2nd Schedule to these Regulations shall be paid to the supervising Body by permit holders granted to discharge of release waste into water resources under the proclamation or these Regulations.
2) Charges under this Article shall be billed once a year shall be due and payable within sixty (60) days from the date appearing on the relevant bill.

33. Charges for the Use of Water from Government Projects
1) If water is abstracted from a government water works project in respect of a permit granted in accordance with of these Regulations, the charges payable to such water shall be determined by the supervising body based on the principle of cost recovery.
2) Charges under this Article shall be assessed and billed once a year and shall be due and payable within sixty (60) days from the date appearing on the relevant bill.

34. Effects of Failure to Pay Charges
The Supervising Body may, stop the supply of water from a government project to the land in respect of which such water is supplied or to the person who is being supplied with water, if charges have not been paid before the expiration of a grace period of sixty (60) days from the date on which such charges had become due and payable.

PART NINE

DISPUTE SETTLEMENT

35. Dispute Settlement Procedure

1) The following procedures shall be applicable in hearing and deciding cases between permit holders, as well as between a permit holder and a third party concerning rights or obligations arising from permits pursuant to Article 9(1) of the Proclamation:

(a) the Person complaining shall file with the Supervising Authority a memorandum summarizing the dispute and supporting his allegations. The memorandum shall state nature of the complaint and the relief sought.

(b) upon receipt of the memorandum, the Supervising Body shall give notice thereof to the adverse party, forwarding a copy of the memorandum received, and he shall indicated to both parties the time and place at which the dispute shall be heard.

(c) At the time and place designated by the Supervising Body the parties shall attend and state their case before him and submit evidence in support thereof. The Supervising Body shall take note of all evidence given. The Supervising Body may adjourn the hearing to any other time and may at the original hearing of any adjournment thereof proceed in the absence either party.

(d) The Supervising Body shall inform all parties of his decision regarding the dispute and shall provide each party with a copy of the record of such proceedings.

(e) The Civil Procedure Code of Ethiopia regulating proceedings before a Court of first instance in civil matters shall apply to proceedings before the Supervising Body without prejudice to the provisions of this Article.

2) The Supervising Body shall keep a record of all disputes; their proceedings and his decisions relating thereto.

36. Arbitration

1) Subject to Article 9(2) of the Proclamation pending dispute arising between the Supervising Body and the permit holder which could not amicably be settle within 60 consecutive days either party may request to solve the dispute through arbitration. There by:

(a) each party shall nominate two arbitrators and inform the other party;
(b) the arbitrators nominated by the parties shall nominate a third arbitrator as presiding one in case the parties failed to agree accordingly the application shall be as provided in the civil code of Ethiopia;

(c) the arbitrators shall be governed by the relevant laws of the Federal and Regional government

(d) the parties shall have the obligation to provide information demanded by the arbitrators and cooperate there with;

(e) the party against whose a decision is given shall have the obligation to be bound thereby; however a party disfavored shall have the right to appeal to the court having jurisdiction.

2) The sit of the arbitration shall be in the town where the Head Quart of the Supervising Body is located.

3) The parties shall have the obligation to cover the expenses necessary to the arbitrators.

4) The provisions of the Ethiopian Civil and Civil Procedure Code shall be applicable on matters; which are not covered by this Article.

PART TEN
MISCELLANEOUS PROVISIONS

37. Power to Require Information

The Supervising Body may require:

(a) the holder of a permit under part 2, 3, 4, 5 and 6;

(b) any person who digs a well or abstracts water there from pursuant to Article 12 of the Proclamation to give such information as to the activities performed under a permit or the authority of the Proclamation as it may be specified in the request.

38. Power of Entry, Inspection and Taking of Samples

Any person authorized by the Supervising Body shall on producing authenticated document showing his authority, be entitled to enter upon any land:

(a) to monitor compliance with the provisions of the Proclamation and these Regulations, and with any conditions subject to which a permit has been granted;

(b) to inspect and study conditions relating to the quality of water;

(c) to install, maintain, read or test any instrument installed for the purposes of the Proclamation and these Regulations;

(d) to examine substances obtained during a water well drilling;

(e) to ascertain the quantity of water abstracted or capable of being abstracted by means of any method;

(f) to examine records kept for the purpose of these Regulations;

(g) to take a sample of any water or effluent or other substance which may appear to him as being capable of affecting the quality of water.
39. **Effective Date**

These Regulations shall enter into force as of 29th day of March, 2005.

Done at Addis Ababa, this 29th day of March 2005

MELES ZENAWI

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
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<tr>
<th>No.</th>
<th>Type of Permits</th>
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<tr>
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<td>Certification of Professional Competence for Water Engineering</td>
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3.1.2.3. **PROCLAMATION NO. 268/2002**

A PROCLAMATION TO PROVIDE FOR THE ESTABLISHMENT OF THE WATER RESOURCES DEVELOPMENT FUND AND ITS ADMINISTRATION

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**BRIEF DESCRIPTION**

This Proclamation establishes the Water Resources Development Fund as a permanent source of finance to be used to implement the objectives of the Proclamation. The fund is collected from grants and loans, budgetary allocations by the federal government and other sources. The Law also establishes the Water Resources Development Fund Office, which is accountable to the Ministry of Water, Irrigation and Electricity.

**Water Resources Development Fund Establishment and its Administration Proclamation No. 268/2002**

(As Amended by Proclamation No. 581/2008)

WHEREAS, in order to enable the population to be beneficiary of reliable and sustainable water supply and sanitation services it is necessary to enhance and strengthen water supply and sanitation services;

WHEREAS, in the course of the development efforts to ensure food self sufficiency irrigated agriculture being one of the activities which deserves particular attention it is necessary to create the conducive conditions for its development;
WHEREAS, it is proper to centralize the money collected from various sources to implement the above objectives and to create ways and means whereby everyone may benefit from it fairly and equitably, it is necessary to establish a water resources development fund.

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

PART ONE
General

1. Short Title
   This Proclamation may be cited as the “Water Resources Development Fund Establishment and its Administration Proclamation No. 268/2002.”

2. Definitions
   Unless the context requires otherwise, in this Proclamation:

   1) “Water Resources Development” means for the purposes of this Proclamation irrigation, water supply and sanitation services;
   2) “Region” means a region designated by Article 47 (1) of the Constitution of the Federal Democratic Republic of Ethiopia including, for the purposes of this Proclamation the Administrations of Addis Ababa and Dire Dawa;
   3) “Sanitation” means to obtain water which conform with acceptable quality standard by treating sewage emanating from households, industries, commercial undertakings and from similar other undertakings;
   4) “Irrigation” means any irrigation development that enable someone to cultivate land for farming and grazing purposes;
   5) “Water Supply” means treated water of acceptable standard used for drinking and other uses;
   6) “Board” means the Water Resources Development Fund Board;
   7) “Institution” means urban water supply and sanitation service providers and irrigation cooperative association;
   8) “Minister” and “Ministry” means the Ministry and Minister of Water Resources, respectively.
   9) “Revolving Fund” means the fund collected from borrowers and loaned to borrowers by the office.

PART TWO
Establishment of the Fund

3. Establishment
   1) There is hereby established the Water Resources Development Fund (hereinafter “the Fund”).
2) The Fund shall be a permanent source of finance and shall be used to implement the objectives of this Proclamation.

4. **Objectives**

The Fund shall have the following objectives:

1) to enable institutions which are engaged in the provision of water supply and sanitation services to be fully self-sufficient in the provision of reliable and sustainable water supply service to the community;

2) to make significant contribution in the course of development efforts directed towards attaining food self-sufficiency by expanding and ensuring the sustainability of irrigation development;

3) to grant, for the realization of the objectives stated in Sub-Articles (1) and (2) of this Article, long term loans on the basis of the principle of cost recovery.

5. **Sources of the Fund**

1) The Fund shall be collected from the following sources:
   
   (a) grants and loans from foreign governments and international donor agencies made in connection with the objectives of the fund;

   (b) budgetary allocations by the Federal Government;

   (c) from other sources.

2) The money mentioned in Sub-Article (1) of this Article shall be deposited in the bank account opened in the name of the Office for the purpose of the Fund by the Ministry of Finance and Economic Development. The office may have a foreign exchange bank account.

3) Unless there are certain preconditions laid down by creditors and donors, the Board shall determine the interest rate payable on loans and such rate shall not exceed the ceiling set by the Ministry of Finance and Economic Development.

6. **Release of Money**

Release of money out of the Fund account shall be effected on the basis of the approved annual work programme according to the directives issued by the Board.

7. **Criteria for being Eligible to be beneficiary of the Fund**

1) Any beneficiary institution of the Fund shall bear legal personality.

2) In addition to the provisions of Sub-Article (1) of this Article, the criterion approved by the Board pursuant to Article 14(4) of this Proclamation shall be applicable.

8. **Account of the Fund**

1) The Office shall keep accurate and complete book of account in respect of the account of the Fund.
2) The books of account and financial documents of the Fund shall be audited annually by the Auditor General or by other auditors designated by the Auditor General. The audit report shall be submitted to the board within six months of the completion of the fiscal year.

PART THREE
Administration of the Fund

9. Establishment of the Office of the Fund
   1) There is hereby established the Water Resources Development Fund Office (hereinafter “the Office”) having its own legal personality.
   2) The Office shall be accountable to the Minister.

10. Head Office
    The Fund shall have its Head Office in Addis Ababa and may have branch offices elsewhere in the country as may be necessary.

11. Powers and Duties of the Office
    The Office shall have the following powers and duties to:
    1) follow up and ensure the proper implementation of decisions and directives of the Board;
    2) maintain the accounts and records of the Fund;
    3) keep all records of meetings of the Board;
    4) grant loans out of the money collected pursuant to Sub-Article (5) of this Article upon evaluating the annually submitted requests on the basis of the criteria approved by the Board;
    5) make timely collection of repayment of loans and interests as well as all money to be collected from sources mentioned under Article 5 of this Proclamation and deposit the same in the account of the Fund as a revolving fund for similar purpose of lending service to borrowers;
    6) submit policy recommendations to the Board regarding the Fund;
    7) own property, enter into contracts and sue and be sued in its own name.

12. Organization of the Office
    The Office shall have:
    1) Water Resources Development Fund Board;
    2) A General Manager to be appointed by the Government upon the recommendation of the Board; and
    3) The necessary staff.
13. *Members of the Board*

Members of the Board, including the Chairman thereof, shall be designated by the government with their number to be determined as may be necessary.

14. *Powers and Duties of the Board*

The Board shall have the powers and duties to:

1) administer the Fund;
2) issue directives on the procedure of collection of the Fund and withdrawal and payments of money from the Fund;
3) ensure the timely collection of money due to the Fund and their entry in the account of the Fund;
4) without prejudice to Article 7 of this Proclamation, set criteria for granting of loans;
5) evaluate the audit report of the fund; ensure that adequate measures are taken in accordance with audit reports and shall see to it that the audited annual reports are completed and made public;
6) seek ways and means for the growth of the Fund;
7) advise the government on policy issues related to the Fund;
8) review the annual work programme and budget of the office and submit to the government for approval;
9) recommend the General Manager of the Office for appointment by the government.

15. *Meetings of the Board*

1) The Board shall have regular meetings every three months, provided however, extraordinary meetings of the Board may be held at any time when called by the Chairman.
2) The quorum shall be constituted by the presence of more than half of the members.
3) All decisions shall be made by a majority vote of those present. In case of a tie the chairman shall have a casting vote.
4) The Board may, without prejudice to the provision of this article, adopt its own rules of procedure.

16. *Powers and Dudes of the General Manager*

1) The General Manager shall, in accordance with the general directives issued by the Board, plan, direct and administer the activities of the office.
2) Without limiting the generality of Sub-Article (1) of this Article, the General Manager of the Office shall:
   (a) exercise the powers and duties of the office specified under Article 11 of this Proclamation;
(b) employ and administer the employees of the office in accordance with directives to be issued by the Board following the basic principles of the Federal Civil Service Law;

c) prepare and submit to the Board the annual budget and work program of the office, implement same upon approval;

d) effect expenditure in accordance with the approved budget and work program of the office;

e) represent the office in all its dealings with third parties;

(f) perform such other duties as may be given to him by the Board.

3) The General Manager may delegate part of his powers and duties to the employees of the office to the extent necessary for the effective performance of the activities of the office.

17. **Budget**

1) The budget of the office shall be allocated by the Government;

2) The fiscal year of the Fund shall commence on the 1st day of Hamle and shall end on the 30th day of Sene.

18. **Books of Account**

1) The Office shall keep accurate and complete books of accounts with supporting documents.

2) The books of accounts and other financial documents of the office shall be audited annually by the Auditor General or by the person designated by him. The result of the Audit report shall be presented to the Board within six months following the end of the fiscal year.

**PART FOUR**

*Miscellaneous Provisions*

19. **Inapplicable Laws**

No law shall, in so far it is inconsistent with this Proclamation, have force or effect in respect of matters provided for by this Proclamation.

20. **Effective Date**

This Proclamation shall enter into force as of the 31st day of January, 2002.

Done at Addis Ababa, this 31st day of January, 2002.

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.2.4. PROCLAMATION NO. 534/2007

RIVER BASIN COUNCILS AND AUTHORITIES PROCLAMATION

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BRIEF DESCRIPTION

This Law governs River Basin High Councils and Authorities, which are established by Regulations to be issued by Council of Ministers. The objective of the River Basin High Councils and Authorities is to promote and monitor the integrated water resources management process in the river basins falling under their jurisdiction. Members of a Basin High Council are to be designated by the Government. A Basin Authority serves as the Secretariat of the respective Basin High Council. Every River Basin Authority is required to develop and use management oriented basin information system, containing a number of key indicators.

River Basin Councils and Authorities Proclamation No. 534/2007

WHEREAS, the distribution of the water resources of Ethiopia is uneven in time and space, and on top of that, the country’s economic growth is causing a correlative increase in water uses with quantitative as well as qualitative impacts;

WHEREAS, the Ethiopian Water Resources Management Policy, envisages the establishment of river basin councils and authorities as one of the main instruments to implement integrated water resources management which is actually the pillar of the policy;
WHEREAS, integrated water resources management requires arrangements for reconciling the different uses of water resources within a river basin to achieve balance and sustainable development of water resources as economic as well as environmental resources;

WHEREAS, integrated water resources management process requires that the stakeholders of a river basin shall have to act in a coordinated manner in spite of their differences of approaches, interests and perceptions of the effects of their decisions, plans and activities on the hydrological cycle and on other users;

WHEREAS, the establishment of river basin councils and authorities shall have significant contributions in creating efficient and stable mechanisms for the implementation of the Ethiopian Water Resources Management Policy through river basin plans and effective and sustainable joint management by relevant stakeholders of the water resources of the basins;

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

PART ONE
GENERAL

1. Short Title

This Proclamation may be cited as the “River Basin Councils and Authorities Proclamation No. 534/2007.”

2. Definitions

In this Proclamation, unless the context requires otherwise:

1/ “Basin” means a geographical area, described by the watershed limits of water system including surface and underground water flowing into a common terminus and includes the following main basins and their sub-basins of Ethiopia:

a) the Abbay Basin;
b) the Aisha Basin;
c) the Awash Basin;
d) the Baro-Akobo Basin;
e) the Danakil Basin;
f) the Genale-Dawa Basin;
g) the Mereb Basin;
h) the Ogaden Basin;
i) the Omo-Ghibe Basin;
j) the Tekeze Basin;
k) the Rift Vally Lakes Basin; and
l) the Wabi-Shebelle Basin.
“Regional State” means any regional state specified under Article 47 (1) of the Constitution and includes the Addis Ababa and Dire Dawa city administrations;

“Stakeholder” means any person who is deliberately or unintentionally involved in, or directly or indirectly affected by, water resources management in a basin;

“Integrated Water Resources Management” means an arrangement for balanced and sustainable development of water, as an economic, social and environmental resource, reconciling, fully, its various uses within a river basin;

“Water Resources” means the availability, both in quantity and quality of surface and ground water in a river basin including aquatic ecosystems and wetlands;

“Water Allocation” means a system of sharing the water available in a basin among various users according to water use permit;

“Water Use” means any utilization of water likely to have an impact either on the water resources and its availability to other uses or on the aquatic ecosystems, and includes abstraction of water, modification of the natural water course, use of water to discharge pollutants and use of water for recreational, fisheries, navigation and other activities;

“River Basin Plan” means strategic water resources planning with long-term vision in the aim of guarantying equity and sustainability in water resource uses;

“Ministry” or “Minister” means the Ministry or Minister of water Resources, respectively;

“Person” means any natural or juridical person.

PART TWO

RIVER BASIN HIGH COUNCILS AND AUTHORITIES

3. Establishment

1/ River Basins High Councils and Authorities shall be established by Regulations to be issued by the Council of Ministers.

2/ When it is deemed necessary, two or more river basins may be under the jurisdiction of a single Basin High Council and Authority.

4. Objectives

The overall objectives of river basin High Councils and Authorities shall be to promote and monitor the integrated water resources management process in the river basins falling under their jurisdictions with a view to using of the basins’ water resources for the socio-economic welfare of the people in an equitable and participatory manner, and without compromising the sustainability of the aquatic ecosystems.

5. Members of Basin High Councils

1/ A Basin High Council members shall be designated by the Government.
2/ The accountability of a Basin High Council Shall be determined by a Regulation to be issued by the Council of Ministers.

6. **Powers and Duties of Basin High Council**

   A Basin High Council shall have the powers and duties to:

   1/ provide policy guidance and planning oversight to ensure high level of coordination among stakeholders for the implementation of integrated water resources management in the basin;

   2/ direct the preparation of the river basin plan and submit same for approval by the Government;

   3/ propose to the Government the rate of the water charges to be paid by water users in the basin;

   4/ examine and decide on the appropriateness and prioritization of constructing major water works in the basin;

   5/ examine and decide on water allocation rules and principles in normal times and in times of water shortage as well as in times of drought or flooding;

   6/ manage water use disputes between Regional States in the basin;

   7/ provide information and advisory support to the body in charge of negotiating with neighboring countries with respect to the basin where the basin is part of a transboundary basin;

   8/ establish standing or ad-hoc committees necessary for discharging specific activities.

7. **Meetings of Basin High Councils**

   1/ A Basin High Council shall hold regular meetings at least twice in a year; provided, however, that the Chairperson may, on his own initiative or upon the joint request of three members, call extraordinary meeting to be held at any time.

   2/ There shall be quorum where more than half of the members of the Council are present at a meeting.

   3/ The Council shall pass decisions by majority vote; in case of a tie, the Chairperson shall have a casting vote.

   4/ In the absence of the Chairperson, the Vice-Chairperson shall preside over the meetings of the Council.

   5/ The Council may, without prejudice to the provisions of this Article, adopt its own rules of procedure.

8. **Secretariats of Basin High Councils**

   A Basin Authority shall serve as the secretariat of the respective Basin High Council.

9. **Powers and Duties of Basin Authorities**

   A Basin Authority shall have the powers and duties to:
1/ initiate and submit to the Basin High Council policy measures needed to create a conducive environment for the implementation of an integrated water resource management process within the basin; and follow up the implementation of same upon approval;

2/ undertake activities necessary for, and facilitate, the implementation of integrated water resources management in the basin;

3/ ensure that projects, activities and interventions related to water in the basin are, in their content, schedule, impacts and management are in line with the integrated water resources management process;

4/ prepare, and submit to the Basin High Council, the basin’s plan and monitor its implementation upon approval;

5/ without prejudice to the power given to Regional State by law, issue permits applicable to the basin’s water use and water works in accordance with Article 15 of this Proclamation, and ensure that the terms of the permits are complied with;

6/ collect, compile, analyze and disseminate information for proper planning, administration and steering of water resources in the basin;

7/ develop and use a river basin model in order to guide and support its basin water resources strategic planning and water administration functions;

8/ give advice and technical support to the Basin High Council and the Ministry on dispute resolution in relation to the allocation and Use of water resources of the basin;

9/ set up a forum for effective networking among stakeholders;

10/ collect water charges from users;

11/ on the basis of instructions of the Basin High Council, prepare and provide necessary information for the concerned body in charge of negotiations with other countries concerning trans-boundary river basins;

12/ undertake studies, surveys and researches that are deemed necessary to carry out its functions;

13/ own property, enter into contracts, sue and be sued in its own name;

14/ carry out other functions necessary for the implementation of its objectives.

10. Accountability of Basin Authorities

A Basin Authority shall be accountable:

1/ to the respective Basin High Council with respect to issues falling under the provisions of Article 6 of this Proclamation; and

2/ to the Ministry with respect to other issues falling under its jurisdiction.

11. Organization of Basin Authorities

A Basin Authority shall have:

1/ a Director General to be appointed by the Government upon the recommendation of the Minister; and
2/ the necessary staff.

12. **Powers and Duties of Director Generals**

1/ The Director General of a River Basin Authority shall, as the chief executive of the Authority, direct and administer the activities of the Authority.

2/ Without limiting the generality of Sub-Article (1) of this Article, the Director General shall:

   a) exercise the powers and duties of the Basin Authority specified in Article 9 of this Proclamation;
   
   b) employ and administer the employees of the Basin Authority in accordance with directives to be issued by the Government following the basic principles of the federal civil service laws;
   
   c) effect expenditure in accordance with the approved budget and work program of the Basin Authority;
   
   d) represent the Basin Authority in all its dealings with third parties;
   
   e) prepare and submit to the Basin High Council and to the Ministry the annual operational and financial reports of the Basin Authority;
   
   f) carry out any other duties required by the Basin High Council and the Ministry.

3/ The Director General may, to the extent necessary for the efficient performance of the activities of the Basin Authority, delegate part of his powers and duties to employees of the Authority.

13. **Budget**

The budget of a River basin Authority shall be drawn from funds allocated by the Federal Government and water charges to be collected pursuant to Article 9(10) of this proclamation.

14. **Books of Accounts**

1/ A Basin Authority shall keep complete and accurate books of accounts.

2/ The books of accounts and financial documents of a Basin Authority shall be audited annually by the Auditor General or by an Auditor designated by him.

**PART THREE**

**WATER USE PERMITS, INFORMATION SYSTEM AND RIVER BASIN PLANS**

15. **Water Use Permits**

1/ A River Basin Authority shall give permits relating to water use and water works in compliance with the provisions of the Ethiopian Water Resources Management Proclamation No. 197/2000 and Regulations No. 115/2005.

2/ A River Basin Authority shall have the duty to transmit to the Ministry information compiled with respect to the issuance of permits pursuant to Sub-Article (1) of this Article.
3/ The issuance of permits relating to water use or water works shall take into consideration the basin’s future perspective in line with integrated water resources management process.

16. Basin Information System

1/ Every River Basin Authority shall develop and use management oriented basin information system, in order to guide and support the basin water resources strategic planning and water management functions.

2/ A basin information system shall encompass at least the following key indicators:
   a) the quantity and quality of water resources of the basin;
   b) the aquatic ecosystem of the basin;
   c) the level of the water demand within the basin;
   d) the existing and planned major water infrastructures;
   e) the main interventions or projects that may have impact on the water resources;
   f) the existing water uses; and
   g) means of implementing the plan, including implementing actors, action plans and budget requirement;

3/ Water related activities of stakeholders in the basin shall be made compatible with the basin plan.

17. Information Exchange

1/ A river Basin Authority shall, in accordance with directives to be issued by the Ministry, provide stakeholders with information contained in the basin information system.

2/ Any person shall have the duty to provide a river Basin Authority with information that is found useful for the basin information system.

3/ A river Basin Authority shall cooperate with the relevant federal and regional bodies for the installation and improvement of effective data monitoring networks in the basin.

4/ A River Basin Authority may develop and run its own data-monitoring network.

18. River Basin Plans

1/ A River Basin Authority shall have a river basin plan, in order to provide a long-term framework for proper water resources management in the basin that will ensure equitable sharing, sustainable development and use of water resources while maintaining the quality of aquatic eco systems.

2/ A river basin plan shall contain:
   a) analysis of available water resources in the basin;
   b) watershed management;
   c) identification of significant pressures on water resources;
d) qualification of the current and future level of water use in the basin;
e) trend analysis depicting possible futures for the basin;
f) based on the situation analysis, strategic orientations for actual implementation of integrated water resources management process;
g) means of implementing the plan, including implementing actors, action plans and budget requirement;

3. Water related activities of stakeholders in the basin shall be made compatible with the basin plan.

PART FOUR
MISCELLANEOUS PROVISIONS

19. Duty to Cooperate
Any person shall have the duty to cooperate with a River Basin Authority in the implementation of this Proclamation.

20. Inapplicable Laws
No law shall, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters provided for in this Proclamation.

21. Power to Issue Regulations and Directives
1/ The Council of Ministers shall issue Regulations necessary for the execution of this Proclamation.

2/ The Ministry shall issue directives necessary for the execution of this Proclamation.

22. Effective Date
This Proclamation shall come into force up on Publication in the Federal Negarit Gazeta.

Done at Addis Ababa, this 23rd day of July, 2007.

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
BRIEF DESCRIPTION
This Regulation establishes the Abbay Basin High Council and Authority, one of the basins envisaged by the River Basin Councils and Authorities Proclamation. The objective of the Authority is to promote and monitor the implementation of integrated water resources management process in an equitable and participatory manner in the basin. The High Council, whose members are designated by the Government, is accountable to the Council of Ministers.

Abbay Basin High Council and Authority Establishment
Regulation No. 151/2008

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 471/2005 and Article 21 of River Basin Councils and Authorities Proclamation No. 534/2007.

1. Short Title
This Regulation may be cited as the “Abbay Basin High Council and Authority Establishment Regulation No.151/2008”.

2. Establishment
1. The Abbay Basin High Council and Authority(hereinafter the “Authority”) is hereby established as an autonomous public organ having its own legal personality.

2. The Authority shall be governed by the River Basin Councils and Authorities Proclamation No. 534/2007.
3. **Objective**
   The overall objective of the Authority shall be to promote and monitor the implementation of integrated water resources management process in an equitable and participatory manner in the Abbay basin.

4. **Head Office**
   The Authority shall have its Head Office in Bahir dar and may have sub-basin branch offices in the basin as may be necessary.

5. **Members of the High Council**
   1. The members of the High Council shall be designated by the Government.
   2. The High Council shall be accountable to the Council of Ministers.

6. **Powers and Duties of the Authority**
   The Authority shall have the following powers and duties:
   1. Initiate and submit to the Basin High Council policy measures needed to create a conducive environment for the implementation of an integrated water resource management process within the basin; and follow up the implementation of the policy upon approval;
   2. Undertake activities necessary for, and facilitate, the implementation of integrated water resources management in the basin;
   3. Ensure that projects, activities and interventions related to water in the basin are, in their content, schedule, impacts and management are in line with the integrated water resources management process;
   4. Prepare, and submit to the Basin High Council, the basin’s plan and monitor its implementation upon approval;
   5. Without prejudice to the power given to Regional States by law, issue permits applicable to the basin’s water use and water works in accordance with Article 15 of the River Basin Councils and Authorities Proclamation No. 534/2007 and ensure that the terms of the permits are complied with;
   6. Collect, compile, analyze and disseminate information for proper planning, administration and steering of water resources in the basin;
   7. Develop and use a river basin model in order to guide and support its basin water resources strategic planning and water administration functions;
   8. Give advice and technical support to the Basin High Council and the Ministry of Water Resources on dispute resolution in relation to the allocation and use of water resources of the basin;
   9. Set up a forum for effective networking among stakeholders;
   10. Collect water charges from users;
11. On the basis of instructions of the Basin High Council, prepare and provide necessary information for the concerned body in charge of negotiations with other countries concerning trans-boundary river basins;

12. Undertake studies, surveys and researches that are deemed necessary to carry out its functions;

13. Own property, enter into contracts, sue and be sued in its own name;

14. Carry out other functions necessary for the implementation of its objectives.

7. Effective Date

This Regulation shall come into force upon the date of publication in the Federal Negarit Gazeta.

Done at Addis Ababa, this 12\textsuperscript{th} day of May 2008.

\textbf{Meles Zenawi}

\textit{Prime Minister of the Federal Democratic Republic of Ethiopia}
CONTENTS

1. Short Title
2. Establishment
3. Objective
4. Head Office
5. Members of the High Council
6. Power and Duties of the Authority
7. Effective Date

BRIEF DESCRIPTION
This Regulation establishes the Awash Basin High Council and Authority.

Awash Basin High Council and Authority Establishment Council of Ministers Regulation No. 156/2008

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 471/2005 and Article 21 of River Basin Councils and Authorities Proclamation No. 534/2007.

1. Short Title
This Regulation may be cited as “Awash Basin High Council and Authority Establishment Council of Ministers Regulation No. 156/2008.”

2. Establishment
1. It is hereby established the Awash Basin High Council and Authority (hereinafter referred as the “Authority”) as an autonomous government organ having its own legal personality.

2. The Authority shall be governed by the River Basin Councils and Authorities Proclamation No. 534/2007.

3. Objective
The overall objective of the Authority shall be to promote and monitor the implementation of integrated water resources management process in an equitable and participatory manner in the Awash Basin.
4. **Head Office**
   The Authority shall have its Head Office in Amibara and may have sub-basin branch offices in the basin as may be necessary.

5. **Members of the High Council**
   1. The members of the High Council shall be designated by the government.
   2. The High Council shall be accountable to the Council of Ministers.

6. **Power and Duties of the Authority**
   The Authority shall have the following powers and duties:
   1. initiate and submit to the Basin High Council policy measures needed to create a conducive environment for the implementation of an integrated water resource management process within the basin; and follow up the implementation of the same upon approval;
   2. undertake activities necessary for, and facilitate, the implementation of integrated water resources management in the basin;
   3. ensure that projects, activities and interactions related to water in the basin are, in their content, schedule, impact and management are consistent with the integrated water resources management process;
   4. prepare, and submit to the Basin High Council, the basin’s plan and monitor its implementation upon approval;
   5. without prejudice to the power given to Regional States by law, issue water utilization and water works permits in accordance with Article 15 of River Basin Councils and Authorities Proclamation No. 534/2007, and ensure that the terms of the permits are complied with;
   6. collect, compile, analyze and disseminate information for proper planning, administration and steering of water resources in the basin;
   7. develop and use a river basin model in order to guide and support its basin water resources strategic planning and water administration functions;
   8. give advice and technical support to the Basin High Council and the Ministry of Water Resources on dispute resolution in relation to the allocation and utilization of water resources of the basin;
   9. set up a forum for effective networking among stakeholders on the basis of continuity;
   10. collect water charges from users;
   11. undertake the maintenance of primary irrigation networks and main service roads and collect fees for the service rendered by it in accordance with a directive to be determined by the Government;
12. cause measures to be taken by monitoring ground water level in order to prevent an occurrence of salinity problem in areas where irrigation development works and projects are carried out;

13. undertake administration of river training activity;

14. undertake studies, surveys and researches that are deemed necessary to carry out its functions;

15. own property, enter into contracts, sue and be sued in its own name;

16. carry out other functions necessary for the implementation of its objectives.

7. **Effective Date**

This Regulation shall come into force up on the date of publication in the Federal Negarit Gazeta.

Done at Addis Ababa, this 8th day of September 2008.

**MELES ZENAWI**

**PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA**
3.1.2.7. COUNCIL OF MINISTERS REGULATION NO. 253/2011

COUNCIL OF MINISTERS REGULATION TO PROVIDE FOR THE
ESTABLISHMENT OF THE RIFT VALLEY LAKES BASIN HIGH
COUNCIL AND AUTHORITY

CONTENTS

1. Short Title
2. Definitions
3. Establishment
4. The High Council
5. Objectives of the Authority
6. Head Office
7. Powers and Duties of the Authority
8. Effective Date

BRIEF DESCRIPTION

This Regulation establishes the Rift Valley Lakes High Council and Authority.

Rift Valley Lakes Basin High Council and Authority
Establishment Council of Ministers Regulation No. 253/2011

This Regulation is issued by the Council of Ministers pursuant to Article 5 and Article 34 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010 and Article 3(1) and Article 21 of the River Basin High Councils and Authorities Proclamation No. 534/2007.

1. **Short Title**
   
   This Regulation may be cited as the “Rift Valley Lakes Basin High Council and Authority Establishment Council of Ministers Regulation No. 253/2007”.

2. **Definitions**
   
   In the Regulation:
   
   1/ “Proclamation” means the River Basin High Councils and Authorities Proclamation No. 534/2007;
   
   2/ “Ministry” means the Ministry of Water and Energy;
   
   3/ any expression in the masculine gender includes the feminine.

3. **Establishment**
   
   1/ The Rift Valley Lakes Basin High Council (hereinafter the “High Council”) is hereby established.
2/ The Rift Valley Lakes Basin Authority (hereinafter the “Authority”) is hereby established as an autonomous federal government organ having its own legal personality.

3/ The Authority shall be governed by the Proclamation.

4. **The High Council**
   1/ Members of the High Council shall be designated by the government in accordance with Article 5(1) of the Proclamation.
   2/ The High Council shall be accountable to the Council of Ministers.
   3/ The High Council shall have the powers and duties specified under Article 6 of the Proclamation.
   4/ The High Council shall conduct its meeting in accordance with Article 7 of the Proclamation.

5. **Objectives of the Authority**
   The overall objectives of the Authority shall be to promote and monitor the implementation of integrated water resources management process in an equitable and participatory manner in the Rift Valley Lakes Basin.

6. **Head Office**
   The Authority shall have its head office in Hawassa and may have sub-basin branch offices in the basin as may be necessary.

7. **Powers and Duties of the Authority**
   The Authority shall have the powers and duties to:
   1/ initiate and submit to the High Council policy measures needed to create a conducive environment for the implementation of an integrated water resource management process within the basin; and follow up the implementation of the policy upon approval;
   2/ undertake activities necessary for, and facilitate, the implementation of integrated water resources management in the basin;
   3/ ensure that projects, activities and interventions related to water in the basin are, in their content, schedule, impacts and management are in line with the integrated water resources management process;
   4/ prepare, and submit to the High Council, the basin’s plan and monitor its implementation upon approval;
   5/ without prejudice to the power given to regional states by law, issue permits applicable to the basin’s water use and water works in accordance with Article 15 of the Proclamation and ensure that the terms of the permits are complied with;
   6/ collect, compile, analyze and disseminate information for proper planning, administration and steering of water resources in the basin;
7/ develop and use a river basin model in order to guide and support the basin’s water resources strategic planning and water administration functions;
8/ give advice and technical support to the High Council and the Ministry on dispute resolution in relation to the allocation and use of water resources of the basin;
9/ set up a forum for effective networking among stakeholders;
10/ collect water charges from users;
11/ on the basis of instructions of the High Council, prepare and provide necessary information for the concerned body in charge of negotiations with other countries concerning transboundary rivers;
12/ undertake studies, surveys and researches that are deemed necessary to carry out its functions;
13/ monitor ground water level in order to prevent an occurrence of salinity problem in areas where irrigation development works and projects are carried out and cause measures to be taken;
14/ undertake river drainage work;
15/ own property, enter into contracts, sue and be sued in its own name;
16/ carry out such other functions necessary for the implementation of its objectives.

8. **Effective Date**
This Regulation shall enter into force on the date of publication in the Federal Negarit Gazeta.

Done at Addis Ababa this 29th day of August, 2011.

MELES ZENAWI

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.2.8. COUNCIL OF MINISTERS REGULATIONS NO. 42/1998

COUNCIL OF MINISTERS REGULATIONS TO PROVIDE FOR THE ESTABLISHMENT OF THE WATER WORKS DESIGN AND SUPERVISION ENTERPRISE

BRIEF DESCRIPTION
This Regulation establishes the Water Works Design and Supervision Enterprise. The Enterprise is supervised by the Ministry of Water, Irrigation and Electricity. The Regulation is amended by Regulation No. 110/2004.

Water Works Design and Supervision Enterprise Establishment Council of Minister Regulations No. 42/1998
(As Amended by Regulation No. 110/2004)

These Regulations are issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 4/1995 and Article 47 (1) (a) of the Public Enterprises Proclamation No. 25/1992.

1. Short title
These Regulations may be cited as the “Water Works Design and Supervision Enterprise Establishment Council of Minister Regulations No. 42/1998”.

2. Establishment
1) The Water Works Design and Supervision Enterprise (hereinafter “the Enterprise”) is hereby established as a public enterprise.

2) The Enterprise shall be governed by the Public Enterprises Proclamation No. 25/1992.

3. Supervising Authority
The ministry of water resources shall be the supervising authority of the Enterprise.
4. **Head Office**

The Enterprise shall have its head office in Addis Ababa and may have branch offices elsewhere as may be necessary.

5. **Purposes**

The purposes for which the Enterprise is established are:

1) to conduct studies pertaining to hydraulics, dams, irrigation, water supply, industry, sewerage disposal water works, and basin development master plans;

2) to carry out surveys, designs and specifications regarding hydraulics, hydro power, geotechnic, dam and irrigation structures, flood control, water supply, sewerage disposal and other related water works;

3) to render consultancy services regarding contract administration and supervision pertaining to water works;

4) to render service regarding water works studies and design evaluation;

5) to render services regarding the preparation of bid and contract documents, and selection of contractors concerning water works;

6) to engage in other related activities necessary for the attainment of its purposes;

7) issue, sell and pledge bonds.

6. **Capital**

The authorized capital of the Enterprise is Birr 157,330,000 (One hundred fifty seven million three hundred thirty thousand birr) of which birr 38,983,000 (Thirty eight million nine hundred eighty three thousand birr) is paid up in cash and kind.

7. **Liability**

The Enterprise shall not be liable beyond its total assets.

8. **Duration**

The Enterprise is established for an indefinite duration.

9. **Effective Date**

These Regulations shall come into force on the 9th day of October 1998.

Done at Addis Ababa, this 9th day of October, 1998.

MELES ZENAWI

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.2.9. COUNCIL OF MINISTERS REGULATION NO. 316/2014

COUNCIL OF MINISTERS REGULATION TO PROVIDE FOR THE ESTABLISHMENT OF THE ETHIOPIAN WATER WORKS CONSTRUCTION ENTERPRISE

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BRIEF DESCRIPTION

This Regulation repeals the Water Works Construction Enterprise Establishment Council of Ministers Regulation No. 156/1993 (as amended) and establishes the Ethiopian Water Works Construction Enterprise. The Ministry of Water, Irrigation and Energy is the supervising authority of the Enterprise.

Ethiopian Water Works Construction Enterprise Establishment Council of Ministers Regulation No. 316/2014

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010 and Article 47 (1) (a) of the Public Enterprises Proclamation No. 25/1992.

1. Short Title

This Regulation may be cited as the “Ethiopian Water Works Construction Enterprise Establishment Council of Ministers Regulation No. 316/2014”.

2. Establishment

1/ The Ethiopian Water Works Construction Enterprise (hereinafter the "Enterprise") is hereby established as a public enterprise.
2/ The Enterprise shall be governed by the Public Enterprises Proclamation No. 25/1992.

3. **Supervising Authority**
   The Ministry of Water, Irrigation and Energy shall be the supervising authority of the Enterprise.

4. **Head Office**
   The Enterprise shall have its head office in Addis Ababa and may have branch office elsewhere as may be necessary:

5. **Objective**
   The objectives for which the Enterprise is established are:
   
   1/ to engage in the construction of water works relating to dams, irrigations, hydropower generations, water supply systems, sewerage systems, drainages, deep water wells, reclamations, river diversions and, as may be necessary, in the construction of roads and buildings;
   
   2/ to own and administer irrigation, dams constructed and to be constructed by finance of the federal government and re-invest the proceeds of charges collected from the beneficiaries of such dams for the construction of other similar dams;
   
   3/ in line with the directive and policy guideline issued by the Ministry of Finance and Economic Development, to sell and pledge bonds and to negotiate and sign loan agreement with local and international financial sources;
   
   4/ to manufacture different kind of pipes necessary for its activity and sell as may be appropriate;
   
   5/ to engage in other related activities necessary for the attainment of its purposes.

6. **Capital**
   The authorized capital of the Enterprise is Birr 16,000,000,000 (Sixteen Billion Birr) of which Birr 4,629,000,000 (Four Billion Six Hundred Twenty Nine Million Birr) is paid up in cash and in kind.

7. **Liability**
   The Enterprise may not be held liable beyond its total assets.

8. **Duration**
   The Enterprise is established for an indefinite duration.

9. **Repealed Regulation**
   The Water Works Construction Enterprise Establishment Council of Ministers Regulation No. 156/1993 (as amended) is hereby repealed.
10. **Transfer of Rights and Obligations**

The rights and obligations of the Water Works Construction Enterprise established under the Council of Ministers Regulation No. 156/1993 (as amended) are hereby transferred to the Enterprise.

11. **Effective Date**

This Regulation shall enter into force on the date of publication in the Federal Negarit Gazette.

**Done at Addis Ababa, this 4th day of September, 2014.**

HAILEMARIAM DESSALEGN
PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
1. Short Title

This Regulation may be cited as the “Ethiopian Water Technology Institute Establishment Council of Ministers Regulation No. 293/2013”.

2. Definitions

In this Regulation, unless the context otherwise requires:

1/ “water technology” means technology applied for water source identification, development, production and distribution of water for various uses as well as technology applied to administer properly the operation and maintenance of water supply and sewerage, irrigation and hydropower schemes;

2/ “water development” means activity executed using water technology to develop water for different uses;

3/ “water and related activities” means activities of water development and those related activities such as water supply and maintenance of irrigation schemes, maintenance of drilling machineries and electro-mechanical equipment and other related activities;
4/ “training” means a regular and short-term practical training provided to the existing and potentially joining manpower of the sector in relation to water development;
5/ “Ministry” means the Ministry of Water, Irrigation and Energy;
6/ any expression in the masculine gender includes the feminine.

3. **Establishment**

1/ The Ethiopian Water technology Institute (hereinafter the “Institute”) is hereby established as an autonomous federal government office having its own legal personality.
2. The Institute shall be accountable to the Ministry.

4. **Head Office**

The Institute shall have its head office in Addis Ababa and may have branch offices elsewhere, as may be necessary.

5. **Objectives**

The Institute shall have the objectives to:

1/ facilitate the transfer of technology to those engaged in water development and related activities;
2/ provide practical trainings to capacitate the existing and potentially joining manpower of the sector in cooperation with other technical and vocational education and training institutions and higher education institution; and
3/ produce and build capacity of instructors required by technical and vocational education and training institutions.

6. **Powers and Duties of the Institute**

The Institute shall have the powers and duties to:

1/ prepare and conduct short-term practical trainings on courses designed as per international methods to fill identified skill gaps of manpower working at different levels in water development and related activities;
2/ facilitate the transfer of technology that enable to fill the local gaps in the sector’s development;
3/ conduct short-term practical trainings of trainers on courses designed in line with the sector’s qualification levels and new technologies to fill identified skill gaps of instructors working in technical and vocational education and training institutions;
4/ produce instructors required by the technical and vocational education and training institutions that train in water and water related professions based on the demand of the sector’s education and training;
5/ conduct long-term training as per national technical and vocational education and training qualification framework on higher level programs in accordance with the manpower requirement of the sector;
6/ conduct studies and researches that facilitate the growth of water resource development;
7/ provide technical and consultation support to education and training institutions that produce graduates required by the sector in organizing training program and introduction to new technologies; and serve as center for professional competence evaluation;
8/ establish and provide specialized laboratory services by identifying the gaps of other institutions operating in the sector;
9/ cooperate with higher education institutions on human resource development in the sector; conduct joint research and assist in strengthening of local research and technology transfer capacity in the sector;
10/ charge fees for the services it renders in accordance with the rate approved by the government;
11/ own property, enter into contracts and sue and be sued in its own name;
12/ perform such other related activities as are conducive to the attainment of its objectives.

7. **Organization of the Institute**

The Institute shall have:
1/ an Advisory Council (hereinafter the “Council”);
2/ a Director General and as may be necessary, a Deputy Director General, to be appointed by the government; and
3/ the necessary staff.

8. **Members of the Council**

Members of the Council, including the Chairperson, shall be designated by the government; and their number shall be determined as may be necessary.

9. **Duties of the Council**

The Council shall have the duties to:
1/ advice the Institute on its activities;
2/ review and forward its recommendation on strategies, plans, studies and researches formulated by the Institute with the view to facilitate the water development;
3/ forward its opinion on capacity building programs of the Institute;
4/ evaluate the performance report of the Institute every three months and forward its opinion.

10. **Meetings of the Council**

1/ The Council shall meet every three months; provided, however, that it may hold extraordinary meetings at any time as may be necessary.
2/ There shall be quorum where more than half of the members of the Council are present at a meeting.
3/ Without prejudice to the provisions of this Article, the Council may adopt its own rules of procedure.

11. **Power and Duties of the Director General**

1/ The Director General shall be the chief executive officer of the Institute and shall, subject to the general direction of the Ministry, direct and administer the activities of the Institute.

2/ Without limiting the generality of sub-article (1) of this Article, the Director General shall:
   
a) exercise the powers and duties of the Institute specified under Article 6 of this Regulation;

b) employ and administer employees engaged in support services of the Institute in accordance with the federal civil service laws and, in the case of professionals engaged in the core functions of the Institute, in accordance with directive approved by the government following the basic principles of the federal civil service laws;

c) prepare and submit to the Ministry the Strategic plan, annual plan, work program and budget of the Institute and implement same upon approval;

d) effect payments in accordance with the approved budget and work program of the Institute;

e) represent the Institute in its dealing with third parties;

f) prepare and submit to the Ministry the performance and financial reports of the Institute.

3/ The Director General may delegate part of his powers and duties to other officers and employees of the Institute to the extent necessary for the effective performance of the activities of the Institute.

12. **Budget**

The Institute’s budget shall be allocated by the government.

13. **Books of Accounts**

1/ The Institute shall keep complete and accurate books of accounts.

2/ The books of accounts and financial documents of the Institute shall be audited annually by the Auditor General or an auditor designated by him.

14. **Effective Date**

This Regulation shall come into force on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa this 6th day of August, 2013.

HAILMARIAM DESSALEGN
PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.3. WILDLIFE AND FORESTS

3.1.3.1. PROCLAMATION NO. 541/2007

A PROCLAMATION TO PROVIDE FOR THE DEVELOPMENT CONSERVATION AND UTILIZATION OF WILDLIFE

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BRIEF DESCRIPTION

The Development Conservation and Utilization of Wildlife Proclamation repeals the Forestry and Wildlife Conservation and Development Proclamation No. 192/1980 and the Wildlife Conservation Regulations No. 416/1972, as amended. The Law envisages wildlife conservation areas to be designated and administered by the federal and regional governments, as well as those administered by private investors and local communities. The Proclamation is amended by Proclamation No. 575/2008, which establishes the Ethiopian Wildlife Development and Conservation Authority and assumes the rights and obligations of the Ministry of Agriculture and Natural Resources.
Development Conservation and Utilization of Wildlife
Proclamation No. 541/2007
(As Amended by Proclamation No. 575/2007)

WHEREAS, unplanned and inappropriate utilization of wildlife has resulted in their depletion and endangered existence;

WHEREAS, the conservation of wildlife undertaken so far is not productive;

WHEREAS, allowing local communities residing around conservation areas and private investors to actively participate in wildlife development, conservation and utilization has significant value;

WHEREAS, the proclamations, regulations and directives issued previously and still in force are not in line with the existing objective reality and the present state structure;

WHEREAS, it is appropriate to enhance the contribution of the wildlife sector towards poverty reduction strategy by maximizing the economic and social benefit to be derived from the wildlife resource;

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

PART ONE
GENERAL PROVISIONS

1. Short Title

This Proclamation may be cited as the “Development Conservation and Utilization of Wildlife Proclamation No. 541/2007.”

2. Definitions

In this Proclamation, unless the context requires otherwise:

1/ “wildlife” means any live or dead vertebrate or invertebrate animal, other than domestic animal;

2/ “wildlife resource” means wild animals found in Ethiopia and includes those species migrating from country to country and temporarily staying in Ethiopia;

3/ “wildlife product” means any sample of wild animal or its body part like, egg, embryo, horn, tooth, nail, skin, meat, hair, feather or trophy and includes products made thereof as well as bird nest, wood, grass, bark, flower, honey and the like obtained from the habitat of the wildlife;

4/ “Wildlife habitat” means as area with in or out of the wildlife conservation area, in which wild life inhabits and includes land, water bodies or both.

5/ “Person” means any natural or juridical person.
6/ “Ranch” means an area designated for the conservation and raising of purchased or collected wildlife for latter use;

7/ “wildlife conservation area” means an area designated for the conservation of wildlife and includes national wildlife conservation parks, wildlife sanctuaries, wildlife reserves and wildlife controlled hunting areas;

8/ “national park” means an area designated to conserve wildlife and associated natural resources to preserve the scenic and scientific value of the area which may include lakes and other aquatic areas;

9/ “wildlife sanctuary” means an area designated to conserve one or more species of wildlife that require high conservation priority;

10/ “wildlife reserve” means an area designated to conserve wildlife where indigenous local communities are allowed to live together with and conserve the wildlife;

11/ “wildlife controlled hunting area” means an area designated to conserve wildlife and to carry out legal and controlled hunting;

12/ “wildlife trade” means the import, export or re-export of wildlife or their products or any kind of business transaction related thereto;

13/ “wildlife anti-poaching officer” means an officer assigned by the Authority or the concerned regional government organ to control illegal acts to be committed against wildlife and wildlife products;

14/ “hunting” means any measure or action taken to kill, wound, eliminate, scare, chase, capture or trap a wild animal or take an egg or feather of same;

15/ “weapon” means firearm, dart-gun, missile, explosives, bow and arrow, stick, sword, trap, net, holes, poison, chemical or any other instrument used to kill, capture or disable wild animals;

16/ “aircraft” means any type of airplane, helicopter, airship whether or not controlled or directed by human agency and without being limited to devices flown by automotive power;

17/ “Authority” means the Ethiopian Wildlife Conservation Authority;

18/ “region” means any region referred to in Article 47 of the Constitution of the Federal Democratic Republic of Ethiopia and includes Addis Ababa and Dire Dawa Administration.

3. Objectives

This Proclamation shall have the following major objectives:

1/ to conserve, manage, develop and properly utilize the wildlife resources of Ethiopia;

2/ to create conditions necessary for discharging government obligations assumed under treaties regarding the conservation, development, and utilization of wildlife;

3/ to promote wildlife-based tourism and to encourage private investment.
PART TWO
WILDLIFE CONSERVATION AREAS AND HUNTING ACTIVITIES

4. Wildlife Conservation Areas to be Designated and Administered by the Federal Government

1/ The following wildlife conservation areas shall be designated and administered by the Federal Government:
   a) national parks that are nationally and globally significant and known to have representative ecological zones and embrace immense diversity of wildlife;
   b) national parks and wildlife sanctuaries that are inhabited by the country’s endemic and endangered species;
   c) any wildlife conservation areas geographically situated within two or more regions;
   d) any trans-boundary wildlife conservation areas that may be established in accordance with agreements with neighboring countries;

2/ The wildlife conservation areas referred to in Sub-Article (1) of this Article shall be designated by regulations to be issued by the Council of Ministers upon the recommendation of the Ministry of Culture and Tourism.

5. Wildlife Conservation Areas to be Designated and Administered by Regions

1/ Unless designated and administered by the federal Government pursuant to Article 4 Sub-Article (1) of this Proclamation, national parks, wildlife sanctuaries, Wildlife reserves and wildlife controlled hunting areas shall be designated and administered by regions.

2/ The wildlife conservation areas referred to in Sub-Article (1) of this Article shall be designated by legislation of the regions.

6. Wildlife Conservation Areas to be Administered by Private Investors

Private investors may be authorized to administer the wildlife conservation areas referred to in Article 4 and 5 of this Proclamation by concession agreements to be concluded with the Federal Government and the concerned regions.

7. Wildlife Conservation Areas to be Administered by Local Communities

Wildlife habitats other than the conservation areas referred to in Articles, 4, 5, and 6 of this Proclamation may be authorized by the concerned regions to be administered by the local communities.

8. Hunting Permit

1/ No person, other than the Authority or the concerned regional organ in the discharge of their duties, may hunt any game animal unless he is in possession of a hunting permit.
The conditions applicable for the granting, renewal, suspension and revocation of hunting permits shall be determined by regulations and directives issued under this Proclamation.

The Authority shall issue regulations pertaining to appropriate hunting and hunting methods.

9. Permit for Collection of Wildlife or Wildlife Products for Scientific Purposes
   1/ The Authority may grant permit to an applicant in possession of a recommendation letter from a recognized scientific institution for collecting wildlife or their products for scientific or academic purpose.
   2/ The Authority shall grant the permit referred to in Sub-Article (1) of this Article in accordance with directives issued by it in conformity with the provisions of this Proclamation and other laws and regulations pertaining to wildlife conservation.

PART THREE
ECONOMIC ACTIVITIES AND BENEFITS

10. Economic Activities
   1/ Any economic activity to be undertaken within a wildlife conservation area shall be carried out in accordance with this Proclamation and regulations and directives to be issued hereunder.
   2/ The mechanism whereby the Federal and Regional Governments, may share the profits derived from the utilization of wildlife resources and the methods by which the community maybe benefited shall be determined by regulations to be issued under this Proclamation.

11. Wildlife Resource Based Tourism
   1/ The Authority and regions shall, in collaboration with the relevant bodies, promote investment in wildlife-based tourism.
   2) The Authority, for Regions and other concerned bodies, shall ensure that development activities to be undertaken in or outside of wildlife conservation areas shall be carried out in such manner that the well-being of the ecosystem of the areas are not disturbed.

12. Trading in wildlife and their Products
   1) The following are prohibited unless a permit is obtained from the Authority or the concerned regional organs, as appropriate:
      a) Any activity of trade in wildlife and their products;
      b) the ownership, sale, transfer, export or import of any processed or unprocessed wildlife product.
   2/ The Authority and the concerned regional organs may issue permits pursuant to Sub-Article (1) of this Article in compliance with the provisions of this
Proclamation, regulations and directives issued hereunder and treaties to which Ethiopia is a party.

PART FOUR
MISCELLANEOUS PROVISIONS

13. Powers and Duties of Regions

Regions shall, in addition to those given to them under other provisions of this Proclamation, have the powers and duties to:

1/ develop and administer wildlife conservation areas established pursuant to Article 5 of this Proclamation;
2/ control illegal activities to be committed against wildlife in conservation areas administered by them and outside of conservation areas; and provide the necessary support in controlling such illegal activities in relation to wildlife conservation areas administered by the Federal Government;
3/ supervise wildlife conservation areas administered by private investors and local communities;
4/ control and prevent incidents of wildlife diseases within and outside of conservation areas and inform the Authority when the case is beyond their capacity;
5/ issue permits for the establishment of wildlife ranches and farming and supervise same;
6/ undertake the necessary study on wildlife causing threat to human life and property and take appropriate measure to minimize and prevent the threat, and report to the Authority when the case is beyond their capacity;
7/ issue hunting permits to persons other than foreign tourists;
8/ issue permits to own, transfer and sale locally wildlife and wildlife products;

14. Powers and Duties of Wildlife Ant-Poaching Officers

A wildlife ant-poaching officer shall have the following powers:

1) to require any person who is in possession of wildlife or wildlife products to show the permit authorizing such possession;
2) to enter and search any private landholding, building, tent, vehicle, aircraft or boat as well as search bags or sealed items, without court order, where there are sufficient grounds to believe that wildlife or wildlife products are kept illegally;
3) with a view to secure an order of confiscation pursuant to Article 16(2) of this Proclamation, to seize and takeover, upon issuing receipt in accordance with the format issued by the Authority or the concerned regional organ, any wildlife or wildlife product which is a proceed of an offence as well as the weapon with which the offence has been committed;
4) where a person is found committing an offence in violation of Article 16 of this Proclamation, to detain, without any court order, and handover him to the appropriate law enforcing body.
5) Any person has the Obligation to collaborate in the implementation of this proclamation.

15. Penalty

1) Unless it entails higher penalty under the criminal law:
   a) any person who:
      (i) commits an act of illegal wildlife hunting or trade;
      (ii) carries out unauthorized activities within wildlife conservation areas or causes, in whatever way, damage thereto; or
      (iii) is found in possession of wildlife or wildlife products without having a permit;

      shall be punished with fine not less than Birr 5000 and not exceeding Birr 30,000 or with imprisonment not less than one year and not exceeding five years or with both such fine and imprisonment.

   b) any person who commits other offences in violation of the provisions of this Proclamation or regulations or directives issued hereunder shall be punished with fine not less than Birr 500 and not exceeding Birr 3,000 or with imprisonment not less than one month and not exceeding six months or with both such fine and imprisonment.

2) Where a court passes a sentence pursuant to Sub-Article (1) of this Article, it shall, in addition to the sentence, order the confiscation of the wildlife or wildlife products which are the proceeds of the offence together with the weapon with which the offence is committed.

3) The Authority or the concerned regional organ may, as appropriate:
   a) sale, transfer to a scientific purpose, to academic institution or destroy the confiscated wildlife or wildlife product;
   b) transfer to the appropriate government organs or destroy the confiscated weapon.

16. Power to Issue Regulations and Directives

1) The Council of Ministers may issue regulations necessary for the implementation of this Proclamation.

2) The Ministry of Culture and Tourism may issue directives necessary for the implementation of this Proclamation and regulations issued under Sub-Article (1) of this Article.

17. Repeal and Savings

1) The following are hereby repealed:
   (a) the Forestry and Wildlife Conservation and Development Proclamation No. 192/1980;
   (b) the Wildlife Conservation Regulations No. 416/1972 (as amended).
2) The following legislations shall be deemed to have been issued under this Proclamation and shall remain in force:
   (a) the Awash National Park Establishment Order No. 54/1969;
   (b) the Simien National Park Establishment Order No. 59/1970.

18. Inapplicable Laws

   No law, regulation, directive or practice may, in so far as it is inconsistent with this Proclamation, be applicable to matters provided for by this Proclamation.

19. Effective Date

   This Proclamation shall come into force up on Publication in the Federal Negarit Gazeta.

   Done at Addis Ababa, this 7th day of June, 2007

   GIRMA WOLDEGIORGIS

   PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.3.2. **PROCLAMATION NO. 575/2008**

**A PROCLAMATION TO PROVIDE FOR ETHIOPIAN WILDLIFE DEVELOPMENT AND CONSERVATION AUTHORITY ESTABLISHMENT**

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| 6. Powers and Duties | 13. Effective Date |
| 7. Organization of the Authority | |

**BRIEF DESCRIPTION**

This Proclamation establishes the Ethiopian Wildlife Development Conservation Authority, which is accountable to the Ministry of Culture and Tourism. The Authority has the obligation to ensure the development, conservation and sustainable utilization of the country’s wildlife resource. The Law amends certain provisions of the Development, Conservation and Utilization of Wildlife Proclamation No. 541/2007.

**Ethiopian Wildlife Development and Conservation Authority Establishment Proclamation No. 575/2008**

**WHEREAS**, Ethiopia possesses diverse, rare and endemic species of wildlife which are of great value to tourism, education and science;

**WHEREAS**, it is necessary to undertake appropriate conservation and development of wildlife for its sustainable use;

**WHEREAS**, by halting the ever growing wildlife threatening conditions and enable the country to obtain economic and social benefits from its wildlife resource, it has become necessary to strengthen the sub-sector in accordance with the current global development utilization and conservation standard;

**WHEREAS**, to provide proper attention for the development, conservation and utilization of the country’s wildlife resource and maximize its benefit, it has become necessary to establish a government body at the federal level;

**NOW, THEREFORE**, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:
1. **Short Title**

   This Proclamation may be cited as the “Ethiopian Wildlife Development and Conservation Authority Establishment Proclamation No. 575/2008”.

2. **Definitions**

   In this Proclamation unless the context requires otherwise:


   2/ “Wildlife”, “Wildlife Resource”, “Wildlife Conservation Area” and “Wildlife Product” shall have the meanings assigned to them under Article 2 of the Wildlife Proclamation;

   3/ “Ministry” or “Minister” means the Ministry or Minister of Culture and Tourism, respectively.

3. **Establishment**

   1/ The Ethiopian Wildlife Development and Conservation Authority (hereinafter referred to as the “Authority”) is hereby established as an autonomous public agency of the federal government.

   2/ The Authority shall be accountable to the Ministry.

4. **Head Office**

   The Authority shall have its head office in Addis Ababa and may have wildlife conservation area offices elsewhere, as may be necessary.

5. **Objectives**

   The objectives of the Authority shall be to ensure the development, conservation, and sustainable utilization of the country’s wildlife resource.

6. **Powers and Duties**

   The Authority shall have the powers and duties to:

   1/ prepare and submit to the Ministry draft policies and laws relating to the development, conservation and utilization of wildlife resources; and follow up the implementation of the same upon approval by the government;

   2/ develop and administer wildlife conservation areas established under it and control illegal activities committed in the areas;

   3/ issue hunting permits to foreign tourists;

   4/ issue permits for the establishment of hotels, campsites, lodges and other services in wildlife conservation areas;

   5/ issue permits and health certificates to export and import any wildlife or wildlife products;

   6/ control the utilization of wildlife products to ensure its compliance with the objectives of the permit, and make impact assessments on the product;
7/ ensure that wildlife conservation areas are established in accordance with international standards with a view to facilitating their registration by the World Conservation Union, and follow up their administration accordingly;

8/ establish international relations with all bodies having the potential of providing technical and other assistance for wildlife conservation;

9/ ensure the implementation of treaties to which Ethiopia is a party; compile and submit periodical reports to the concerned international institutions;

10/ represent the government in any international meetings and conferences relating to wildlife;

11/ conduct research and training programs and collect, process and provide to users up-to-date information on the conservation, development and utilization of wildlife;

12/ provide support to regions with respect to the development and conservation of wildlife, and delegate its powers and duties to other federal and regional government organs where necessary;

13/ prevent and control incidents of wildlife diseases within or outside of conservation areas;

14/ supervise wildlife conservation areas administered by private investors in accordance with concession agreements entered into with the federal government;

15/ charge fees for the services it renders in accordance with the rate approved by the government;

16/ own property, enter into contracts, sue and be sued in its own name;

17/ carry out such other activities as are necessary for the fulfillment of its objectives.

7. **Organization of the Authority**

The Authority shall have:

1/ a Director General to be appointed by the Government upon the recommendation of the Minister; and

2/ the necessary staff.

8. **Powers and Duties of the Director General**

1/ The Director General shall be the chief executive officer of the Authority and shall, subject to the general directives of the Ministry, direct and administer the activities of the Authority.

2/ Without prejudice to Sub-Article (1) of this Article, the Director General shall:

   a/ exercise the powers and duties of the Authority specified in Article 6 of this Proclamation;

   b/ employ and administer employees of the Authority in accordance with the Federal Civil Service Laws;
c/ prepare the annual work programme and budget of the Authority and implement the same upon approval;

d/ effect expenditure in accordance with the approved budget and work, programme of the Authority;

e/ represent the Authority in all its dealings with third parties;

f/ submit reports to the Ministry on the activities of the Authority.

3/ The Director General may delegate part of his powers and duties to other officials and employees of the Authority to the extent necessary for the efficient performance of the activities of the Authority.

9. **Budget**

The budget of the Authority shall be allocated by the Government.

10. **Books of Accounts**

1/ The Authority shall keep complete and accurate books of accounts.

2/ The books of accounts and financial documents of the Authority shall be audited annually by the Auditor General or by Auditors designated by the Authority.

11. **Amendments and Repeal**

1/ Sub-Article (17) of Article 2 of the Wildlife Proclamation is repealed and amended by the following new Sub-Article (17):

“17/ ‘Authority’ means the Ethiopian Wildlife Conservation Authority;”

2/ The term “Ministry” under Sub-Article (2) of Article 4 and Sub-Article (2) of Article 17 of the Wildlife Proclamation is repealed and amended herein by the “Ministry of Culture and Tourism”.

3/ Any reference to “Ministry” in the Wildlife Proclamation, other than those referred to in Sub-Articles (1) and (2) of this Article, are repealed and amended herein by the “Authority”.

4/ Article 13 of the Wildlife Proclamation is repealed and Articles 14, 15, 16, 17, 18, 19 and 20 are re-numbered as Articles 13, 14, 15, 16, 17, 18 and 19, respectively.

12. **Transfer of Rights and Obligations**

The rights and obligations of the Ministry of Agriculture and Rural Development with respect to its activities relating to wildlife are hereby transferred to the Authority.

13. **Effective Date**

This Proclamation shall enter into force up on the date of publication in the Federal Negarit Gazeta.

*Done at Addis Ababa, this 22nd day of May, 2008*

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.3.3. COUNCIL OF MINISTERS REGULATIONS NO. 163/2008

COUNCIL OF MINISTERS REGULATIONS TO PROVIDE FOR WILDLIFE DEVELOPMENT, CONSERVATION AND UTILIZATION

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BRIEF DESCRIPTION
This Regulation is issued by the Council of Ministers in accordance with the Wildlife Development, Conservation and Utilization Proclamation No. 541/2007. It provides for a list
of conservation areas to be administered by the federal government and states that other conservation areas which have not made it to the list will be under the administration of regional governments. It requires a license for any activity on wildlife or in protected areas and the Regulation provides for different kinds of licenses in that regard. The Regulation also makes provisions for issues relating to wildlife and wildlife products. It further incorporates tables relating to wildlife parks and sanctuaries, licenses as well as wildlife and wildlife products.

Wildlife Development, Conservation and Utilization Council of Ministers Regulations No. 163/2008

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 471/2005 and Article 17 (1) of the Wildlife Development, Conservation and Utilization Proclamation No. 541/2007.

PART ONE

GENERAL

1. Short Title

This Regulation may be cited as the “Wildlife Development, Conservation and Utilization Council of Ministers Regulations No. 163/2008”.

2. Definitions

In this Regulation, unless the context otherwise requires:

1/ “Proclamation” means the Development, Conservation and Utilization Proclamation No. 541/2007;

2/ The definitions provided under Article 2 of the Proclamation shall be applicable;

3/ “Authorized officer” means the Director General, Department head, game warden, wildlife expert, game scout, assistant game scout, anti-poaching officer of the Authority or any other person appointed in writing by the Authority to fulfill the functions under the provisions of this Regulation;

4/ “community wildlife development, conservation and utilization area” means any conservation area outside protected areas administered by either the government or private concessionaire, and put under the management and utilization of the local community;

5/ “license” means a permit given to any legal dealer or owner of wildlife and their products and include trophy hunting permit, hunting operation permit, capturing permit, taxidermy permit, live export permit, ownership certificate and wildlife filming permit.

6/ “dealer” means any person who is authorized by the Authority to carry on business in wildlife products and articles made of wildlife products including carving,
polishing, exhibiting or otherwise preparing products or manufacturing any product from trophies;


8/ “species” means a particular kind of animal distinguished by morphological and genetical taxonomic categorization into specific group and includes sub-species;

9/ “Authority” means the Ethiopian Wildlife Development and Conservation Authority;

10/ “revenue” means any money collected from hunting, filming, wildlife and wildlife product dealings, wildlife research fee, park entrance fee, campsite renting fee, license issuance and renewal fee;

11/ any expression in the masculine gender includes the feminine.

PART TWO

MANAGEMENT OF WILDLIFE CONSERVATION AREAS

3. Boundaries of Wildlife Conservation Areas

The existing boundaries of national parks, wildlife reserves, wildlife sanctuaries, wildlife controlled hunting areas, community wildlife development, protection and utilization areas shall be maintained or they may be re-delineated by the Federal and regional governments to improve their management.

4. Wildlife Conservation Areas to be administered by the Federal and Regional Government

1/ Pursuant to the criteria provided for under sub-article (1) of Article 4 of the Proclamation, Simien Mountains National Park, Bale Mountains National Park, Nechasar National Park, Omo National Park, Abijata Shala Lakes National Park, Awash National Park, Senkele Swayne’s Hartebeest Sanctuary, Babille Elephant Sanctuary, Gambella National Park, Alatish National Park, Kafta Shiraro National Park and Geralle National Park shall be administered by the Authority; provided however, that the Authority may, where necessary, delegate its powers to the appropriate organs of regional government.

2/ Wildlife conservation areas other than those specified under sub-article (1) of this Article shall be administered by the regional governments or local communities.

5. Prohibited Activities in National Parks, Wildlife Sanctuaries and Wildlife Reserves

1/ No person shall carry out any of the following activities in a national park, wildlife sanctuary or wildlife reserve unless otherwise provided in this Regulation:

   a) possessing or transferring of any weapon;
   b) hunting or fishing;
   c) propelling any vehicle, aircraft or boat;
d) picking, disturbing, destroying, damaging or defacing any natural or man-made object;

e) undertaking agricultural activities or preparing land for cultivation;

f) allowing to graze and water domestic animals;

g) allowing, passing through or keeping any domestic or wild animals;

h) undertake exploration and mining;

i) planting, cutting, chopping, removing, taking, damaging or transferring any plant species;

j) setting or attempting to set fire;

k) bee keeping or honey harvesting, removing or attempting to remove wildlife products;

l) constructing roads or other structures or spoiling or disturbing the existing natural landscapes;

m) using, spraying or disposing any pesticide or herbicide;

n) selling or offering for sale any goods or providing services;

o) displaying any notice or advertisement.

2/ Notwithstanding sub-article (1) of this Article the following activities may be permitted, in writing, by the Authority or the relevant regional organ to be undertaken in National parks and wildlife sanctuaries:

a) bona fide tour operators and tourists may enter and stay in a national park or wildlife sanctuary and do such things as are permitted in accordance with directives issued pursuant to this Regulation;

b) bona fide professional photographers, writers and artists may enter and stay in a national park or wildlife sanctuary and carry out their professional activities;

c) authorized officers and their families may enter and reside in a national park or wildlife sanctuary in the course of discharging their duties;

d) authorized officers and permitted scientists may collect wildlife products, cut or burn vegetation, propel vehicles and undertake construction works in accordance with this Regulation and directives issued hereunder;

e) based on agreements made between a national park or wildlife sanctuary management and the surrounding communities seasonal utilization of natural resource such as bee-keeping and honey harvesting, cutting and taking of forage and medicinal plant collection, may be permitted under controlled conditions;

f) nationally important mining and other development activities can be performed in harmony with wildlife development, protection and utilization activities.
3/ Notwithstanding sub-article (1) of this Article the Authority or the relevant regional organ may authorize:
   
a) government employees on duty in a wildlife reserve and their families and resident researchers to reside temporarily in the wildlife reserve; and

b) persons who were inhabitants of a wildlife reserve prior to the date of its establishment, to continue residing therein.

4/ Persons authorized to reside in a wildlife reserve pursuant to sub-article 3 (b) of this Article shall have the right to cultivate their land plots without expanding, to allow their domestic animals graze and water, and to undertake bee keeping therein; provided however, that if the organ administering the wildlife reserve wishes to further develop the area, the inhabitants may be resettled elsewhere.

6. **Hunting Wildlife**

1/ Hunting any wildlife either within a controlled hunting area or a community conservation area or any other potential wildlife area shall be prohibited unless carried out in accordance with conditions of a permit issued pursuant to this Regulation with reference to a specific controlled hunting area.

2/ Hunting in the absence of a professional hunter and a hunting controller of the Authority or the concerned regional government shall be prohibited.

3/ Regions and the Authority shall demarcate controlled hunting areas and may give, through formal auction, concession to safari operators for a period not exceeding five years.

4/ No safari operator may be allowed to undertake hunting operations, without the consent of the concessionaire, in a controlled hunting area granted to another safari operator on concession.

5/ Safari operation license shall be renewed every year from 8th July to the 6th day of August.

6/ Any controlled hunting area concession agreement may be terminated on any of the following grounds:
   
a) unless renewed, where the concession period expires;

b) where the safari operator allowed the hunting of wildlife species not included in the permit or in excess of the authorized quota;

c) where the safari operator fails to settle, on time, the annual concession fee as provided in the concession agreement;

d) where the safari operator fails to meet his obligations under the concession agreement, in particular, with respect to natural resource management requirements within the controlled hunting area.

7. **Community Wildlife Conservation Areas**

1/ Local communities shall administer and develop community conservation areas and utilize wildlife resources therein.
2/ Local communities shall participate in ecotourism activities and use the income for the development of the communities.

3/ With approval of annual quota by the appropriate body, a local community may allow the hunting of wildlife in its conservation area by legally authorized hunters; and use the income for satisfying the basic needs of the community.

4/ The local community shall:
   a) by using its own funds or funds obtained from other sources, undertake development activities to improve the conditions of the wildlife conservation area;
   b) train personnel required for wildlife conservation;
   c) undertake development activities which are non-detrimental to the natural resources of the wildlife conservation areas;
   d) mobilize financial contributions and labor to support the development of the wildlife conservation area;
   e) determine utilization preferences in the wildlife conservation area in consultation with the relevant organ of the regional government.

**PART THREE**

**LICENSES**

8. **Requirement of Obtaining License**

   No person may hunt or capture any game animal, take wildlife products, conduct filming within or outside of protected areas or undertake research on wildlife and their habitat unless he is the holder of a license.

9. **Eligibility for License**

   1/ Any person who has been convicted of an offence or whose license has been revoked due to a violation of the law with respect to the conservation of wildlife during the period of five years preceding the date of an application for a license may not be eligible for any license to be issued in accordance with this Regulation.

   2/ Any person who has not attained the age of 18 or who do not have a certificate of physical fitness may not be eligible to apply for a professional hunting license.

   3/ Without prejudice to the provisions of sub-articles (1) and (2) of this Article, other eligibility requirements of any license shall be prescribed by directives to be issued by the Authority in consultation with the appropriate organs of regional governments.

   4/ Any person who wants to get any license in accordance with this Regulation shall fill in the application form designed by the Authority and submit the same together with evidences showing his fulfillment of the eligibility requirements.
10. Issuance of License

1/ The applicant shall be issued with the required license upon acceptance of an application submitted in accordance with Article 9(4) of this Regulation and upon payment of the appropriate license fee.

2/ Any license shall be subject to the provisions of this Regulation and to the conditions and limitations endorsed thereon.

11. Renewal of License

1/ Any license shall be renewed every year upon payment of the regular license fee from the 8th of July to the 6th day of August or upon payment of additional fee thereafter.

2/ An application for renewal of license may not be accepted where the license is subject for suspension or revocation pursuant to the provisions of Article 17 of this Regulation.

3/ The applicant shall produce proof of government tax payments.

12. License Fees

1/ The license fees to be paid for the issuance or renewal of licenses pursuant to this Regulation shall be as prescribed in Table II of these Regulations.

2/ Where any licensee presents his license for late renewal:
   a) within the period not later than the 6th of September, he shall be required to pay 30% of the license fee in addition to the regular payment;
   b) after the 6th of September, he shall be required to pay 50% of the license fee in addition to the regular payment.

13. Hunting Fees and Wildlife Products' Tariff

1/ The fees payable for hunting wildlife species and the price of wildlife products shall be in accordance with the tariffs prescribed on the tables attached to this Regulation; provided, however that fees not specified in the tables shall be fixed by the Authority in consultation with the concerned regions.

2/ Any advance payment of hunting fees shall be non-refundable.

14. Carrying of Licenses

1/ The holder of any license shall carry it with him when engaged in any activity authorized by the license.

2/ Any license holder shall be required to register the data relating to the killing of wildlife species in accordance with the form attached to the license. The form shall be handed over to the issuing body together with the license upon the expiry of the license or departure of the licensee from Ethiopia.

3/ Any license holder shall enter in the form wildlife product obtained during the hunting before removing it from the hunting site; and in the case of a wildlife species merely wounded, the particulars shall be clearly recorded in the form.
15. **Killed or Wounded Wildlife Species**

1/ Any wounded or killed animal by the holder of a hunting license in any circumstance shall be counted against the hunter.

2/ Any licensed hunter shall pay:
   a) twofold of the price of the wildlife as a fine if the trophy of a hunted wildlife is found to be below the required size;
   b) twofold of the price of male wildlife if a female wildlife is hunted.

16. **Transfer of License**

1/ No person shall transfer any license to any other person or be entitled to use any license that does not belong to him; provided, however that if a tourist hunter cancels his safari due to circumstances beyond his control, he may, upon payment of 25% additional hunting fee, transfer his safari booking to his legally authorized agent within six months.

2/ If a licensed hunter is forced to cancel his hunting safari before beginning or completing his safari days due to circumstances beyond his control, he may continue with his safari within six months without payment of any additional fee.

17. **Suspension and Cancellation of Licenses**

1/ An authorized officer of the licensing body may suspend any license if the holder violates any of the provisions of this Regulation or the conditions specified in the license. The head of the licensing body may lift or approve the suspension or cancel the license after investigation.

2/ Where any person is convicted for an offence committed in violation of the provisions of this Regulation, any license held by him at the time of the conviction shall be automatically cancelled unless the court specifically directs otherwise.

3/ The holder of a license which is cancelled shall hand over the same to the licensing body within five days.

18. **Foreign Tourist Hunting License**

1/ Foreign tourist license may be issued by the Authority to a foreign tourist hunter for hunting wildlife species specified on Table IV of this Regulation.

2/ The number of wild animals to be hunted by using a foreign tourist license shall be fixed by the licensing body depending on the approved annual hunting quota and shall be limited to a single wildlife from each species.

3/ Any tourist hunting license shall be valid for a period of two months from the date of its issuance.

4/ Certain wildlife species may be excluded from or added to the list shown on Table IV of this Regulation upon reviewing, from time to time, the status of the species and their habitat.
19. *Resident Hunter License*

1/ Resident hunter license may be issued by the appropriate regional body to resident foreign hunters or Ethiopians for hunting wildlife species specified on Table V of this Regulation.

2/ Resident hunter license shall be valid for a period of 15 days.

20. *Game Bird Hunting License*

1/ Game bird hunting license may be issued by the appropriate regional body for hunting game bird species specified on Table VI of this Regulation.

2/ Game bird hunting license shall be valid for one month from the date of its issuance.

3/ Taking into consideration the rainfall distribution of the hunting area and the game bird breeding season, hunting may not be conducted:

a) from the 8th day of June until the 9th day of December in the central highland parts of Ethiopia;

b) from the 10th day of March until the 5th day of September in the southern and eastern parts of Ethiopia.

21. *Snipe Hunting License*

1/ Snipe hunting license may be issued by the appropriate regional body to a foreign tourist or resident hunter.

2/ The snipe species to be hunted shall be only the great snipe (*gallinago media*) and the common snipe (*gallinago gallinago*).

3/ Snipe hunting season shall last from the 7th day of September up to the 9th day of November.

22. *Special Hunting License for Scientific Studies*

1/ The Authority may issue special hunting license where the use of a game animal is required for scientific studies.

2/ A special hunting license shall be valid for such period as shall be specified thereon.

3/ Where the holder of a special hunting license lacks the required hunting skill, he shall conduct the hunting with the help of an expert assigned by the Authority.

23. *Wildlife Trapping License*

1/ A wildlife trapping license may be issued to capture any wildlife listed on Table VIII of this Regulation.

2/ The licensing body shall, before granting a wildlife trapping license, require the applicant to state to its satisfaction his experience in capturing and handling game animals, the purpose for which the captured animal is required, the proposed methods of capture and the crating and transfer arrangements at his disposal.

3/ Wildlife trapping license shall be valid for such period as may be specified thereon.
4/ Any wildlife died in the course of or subsequent to its capture shall be counted against the holder of the license.

5/ The holder of a wildlife trapping license may not use any snare, poison or poisoned weapon for capturing any wildlife or shoot at any wildlife except where it is necessary for the defense of himself or any other person; provided however, that the use of darting gun may be authorized by the licensing body.

6/ The holder of the license shall be liable for any injury inflicted to any person or damage caused to property by a captured wildlife.

24. Prohibited Animals for Hunting

No person may be allowed to hunt wildlife species listed in Table X of this Regulation except in accordance with Article 22 of this Regulation.

25. Prohibited Methods of Hunting

1/ No person shall, for the purpose of hunting:

   a) approach to any wildlife, within a distance of two hundred meters, using a motor vehicle, vessel or an aircraft;

   b) set fire or drive or surround any wildlife by fire;

   c) except with respect to nocturnal species, conduct hunting during darkness;

   d) use dogs other than with respect to birds;

   e) use any trap having a jaw length of eight or more centimeters or any similar snare made of wire;

   f) automatically set shot gun, pitfall, trench, net, enclosure, snare, poison or any such injurious methods or any self-loading weapon;

   g) use a fire arm of 0.22 calibers except with respect to small wildlife species such as birds, dik dik, duiker, hare and jackals;

   h) use air rifle or pistol for any wildlife other than for small grazers;

   i) use fire arm from 0.240 to 0.300 caliber for any wildlife except medium sized wild animals such as grant’s gazelle’ bohor, bushbuck and lesser kudu, etc;

   j) use fire arms other than from 0.300 to 0.378 caliber for larger wildlife species such as oryx, tiang and waterbuck;

   k) use firearms other than from 0.375 to 0.600 caliber for larger and dangerous wildlife species such as buffalo, hippopotamus, lion and leopard;

   l) use any explosive projectile, bomb or grenade;

   m) except in accordance with the written authorization of the licensing body, use any missile or projectile containing any drug or chemical or substance which has the property of anesthetizing, paralyzing, stupefying or rendering incapable, whether partly or totally any game animal.

2/ The provisions of sub-article (1) of this Article shall not apply to authorized officers or to persons acting in accordance with a specific written authorization given by the licensing body.
PART FOUR

LAWFUL POSSESSION OF WILDLIFE AND WILDLIFE PRODUCTS

26. Certificate of Ownership

1/ The licensing body may, upon receipt of an application completed on the prescribed form, issue a certificate of ownership to the possessor of any wildlife or wildlife products acquired in compliance with the provisions of this Regulation. Apart from certificate of ownership, CITES certificate shall be issued when necessary.

2/ Any person selling or transferring any wildlife or wildlife products to any person shall, at the time of the transaction, transfer the certificate of ownership to that person and shall endorse thereon the date and particulars of the transaction.

27. Wildlife Dealer’s License

1/ No person shall engage in the business of trading wildlife, wildlife products or articles made of wildlife products including carving, mounting or otherwise preparing wildlife product or manufacturing any article from wildlife products unless he is the holder of a wildlife dealer’s license.

2/ The holder of a wildlife dealer’s license shall maintain records of his dealings in the manner prescribed by the licensing body and shall, upon request, produce the records for inspection.

3/ Wildlife dealer’s license shall be renewed every year upon payment of the appropriate renewal fee.

28. Importation of Wildlife and Wildlife Products

1/ Wildlife and wildlife products may be imported only through customs port of entry upon presentation of satisfactory evidence to show that they have been lawfully exported from the country of origin and upon presentation of health certificate.

2/ Where the wildlife or wildlife products are of CITES species presentation of CITES export permit obtained from their country of origin and, where they fall under CITES Appendix I, CITES import permit obtained from the Authority shall be required.

29. Exportation of Wildlife and Wildlife Products

1/ Any person who exports wildlife or wildlife products shall:

a) obtain export permit form the Authority upon presentation of a certificate of lawful possession in respect of such wildlife or wildlife products;

b) observe the conditions of the export permit issued by the Authority;

c) pay all legally applicable charges and taxes;

d) where the wildlife or wildlife products are of CITES species, obtain CITES export permit from the Authority as well as CITES import permit from the country of import where they fall under CITES Appendix I.
2/ Any wildlife or wildlife products export permit shall be valid only for six months from the date of issuance.

30. **Wildlife or Wildlife Product in Transit**

1/ Any wildlife or wildlife product in transit through Ethiopia shall be accompanied with:
   a) the necessary transit documents and health certificate issued from the country of origin; and
   b) CITES permit if the wildlife or wildlife product is a CITES species.

2/ If the wildlife or wildlife product is a CITES species and the country of origin is not signatory to CITES, the wildlife or wildlife product shall not be allowed to transit through Ethiopia.

31. **Unlawful Possession of Wildlife and Wildlife Products**

1/ No person may possess, deal in, export or import any unlawfully obtained wildlife or wildlife products.

2/ Any unlawfully possessed wildlife or wildlife product shall be seized and, upon the order of a competent court, shall be owned by licensing body.

3/ Where unlawfully possessed wildlife or wildlife product is confiscated in accordance with the provisions of sub-article (2) of this Article, 30% of its value shall be paid, as a commission, to the person acted as an informant leading to its recovery and 10% of its value to the person who actually seized it, or 40% of its value to the person who accomplished both such deeds.

32. **Disposal of Wildlife Products**

1/ Where any wildlife product is proved to be of no use, it shall be disposed of in a manner having no adverse effect to the local community and the ecology.

2/ The disposal procedure shall be executed in presence of observers assigned by the licensing body.

**PART FIVE**

**MISCELLANEOUS PROVISIONS**

33. **Wildlife Endangering Human Life or Causing Damage to Properties**

1/ Nothing herein contained shall apply to the killing or wounding of wildlife in the defense of human life; provided however, that this provision may not exonerate any person who, when such defense become necessary was committing an act in contravention of any provision hereof.

2/ Any person shall be entitled to hunt any wildlife causing damage to his property and to employ in so doing methods, other than using poison, which would otherwise be prohibited hereunder.

3/ Any person shall, whenever possible, notify the concerned licensing body of his intention to hunt any wildlife pursuant to sub-article (2) of this Article. The
licensing body may, on receiving such notification, prohibit the person from hunting and undertake an alternative measures by itself to avoid damage to the person’s property or instruct the person to undertake the proposed alternative measures.

4/ Any person killing or wounding a wildlife pursuant to this Article shall, as soon as possible, report the incident to the licensing body or the nearest administration or police organ. The wildlife product obtained from such killing shall be the property of the licensing body.

5/ Any authorized officer may kill any wildlife by employing the appropriate method if he considers it necessary for the protection of public interest.

34. Tourist Hunter’s Assistants

1/ Any person assisting a tourist hunter may not wound, kill, capture or shoot at a wildlife which has been previously wounded by such hunter unless himself is the holder of a license issued pursuant to this Regulation.

2/ Any wildlife wounded, killed or captured by a tourist hunter’s assistant shall be counted against the tourist hunter.

35. Pursuit of Wounded Wildlife and Danger Reports

1/ Any person who has wounded a wildlife shall make all possible efforts to kill it; provided however, that he shall not follow the wounded game animal into a wildlife conservation area unless he is the holder of the license authorizing him to hunt such species.

2/ Any person who has wounded buffalo, elephant, hippopotamus, leopard or lion shall, as soon as possible, submit to the licensing body or the nearest administration or police organ a danger report specifying:

   a) the kind of animal wounded;
   b) the date, time and place of the wounding;
   c) the nature of the wound and the weapon by which inflicted;
   d) efforts made to pursue the animal after wounding; and
   e) any other information likely to be of use in locating and identifying the animal.

36. Revenue Sharing

The Authority shall transfer to the concerned regions 85% of the revenue collected from trophy hunting, live export and filming.

37. Penalties

Any person who contravenes the provisions of this Regulation shall be punishable in accordance with the provisions of the Proclamation and Criminal Code.

38. Effective Date
This Regulation shall enter into force up on the date of publication in the Federal Negarit Gazeta.

Done at Addis Ababa, this 18th day of February, 2009.

MELES ZENAWI
PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

Table I
Wildlife Parks and Sanctuaries Entrance Fees
A. Based on Type and Age of Visitors

<table>
<thead>
<tr>
<th>No.</th>
<th>Type of Visitor</th>
<th>Ethiopian</th>
<th>Foreign Resident Tourist</th>
<th>Foreign Tourist</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ethiopian</td>
<td>1.1</td>
<td>20.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.2</td>
<td>10.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.3</td>
<td>10.00</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Foreign Resident Tourist</td>
<td>2.1</td>
<td>50.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.2</td>
<td>10.00</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Foreign Tourist</td>
<td>3.1</td>
<td>90.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.2</td>
<td>10.00</td>
<td></td>
</tr>
</tbody>
</table>

B. Based on Vehicle Seat Number

<table>
<thead>
<tr>
<th>No.</th>
<th>Vehicle Seat Number</th>
<th>Ethiopians</th>
<th>Foreign Residents</th>
<th>Foreign Tourists</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Up to 12 seats</td>
<td>10.00</td>
<td>15.00</td>
<td>20.00</td>
</tr>
<tr>
<td>2</td>
<td>Greater than 12 seats</td>
<td>15.00</td>
<td>30.00</td>
<td>40.00</td>
</tr>
</tbody>
</table>

C. Camping Fee for 24 Hours

<table>
<thead>
<tr>
<th>No.</th>
<th>Nationality of Tourist</th>
<th>Birr</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ethiopian</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.1 for a tent accommodating up to four persons</td>
<td>10.00</td>
</tr>
<tr>
<td></td>
<td>1.2 for a tent accommodating more than four persons</td>
<td>15.00</td>
</tr>
<tr>
<td>2</td>
<td>Foreign Resident</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2.1 for a tent accommodating up to four persons</td>
<td>30.00</td>
</tr>
<tr>
<td></td>
<td>2.2 for a tent accommodating more than four persons</td>
<td>40.00</td>
</tr>
<tr>
<td>3</td>
<td>Foreign Tourist</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.1 for a tent accommodating up to four persons</td>
<td>40.00</td>
</tr>
<tr>
<td></td>
<td>3.2 for a tent accommodating more than four persons</td>
<td>60.00</td>
</tr>
</tbody>
</table>

D. Landing Fee
### Table II
Issuance and Renewal Fees for Different Licenses

<table>
<thead>
<tr>
<th>No.</th>
<th>Type of License</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Hunting Operation License</td>
</tr>
<tr>
<td>2</td>
<td>Professional Hunter’s License</td>
</tr>
<tr>
<td>3</td>
<td>Assistant Professional Hunter’s License</td>
</tr>
<tr>
<td>4</td>
<td>Wildlife Utilization License (other than birds)</td>
</tr>
<tr>
<td>5</td>
<td>Bird Hunting License other than snipes (for resident hunters)</td>
</tr>
<tr>
<td>6</td>
<td>Bird Hunting License other than snipes (for tourist hunters)</td>
</tr>
<tr>
<td>7</td>
<td>Snipes Hunting License (for resident hunters)</td>
</tr>
<tr>
<td>8</td>
<td>Snipes Hunting License (for tourist hunters)</td>
</tr>
<tr>
<td>9</td>
<td>Wildlife Capturing License</td>
</tr>
<tr>
<td>10</td>
<td>Foreign Researchers License for Scientific Studies per person per year</td>
</tr>
<tr>
<td>11</td>
<td>Wildlife Filming License (from ground)</td>
</tr>
<tr>
<td>12</td>
<td>Wildlife Filming License (from air)</td>
</tr>
<tr>
<td>13</td>
<td>Live Wildlife Trade License</td>
</tr>
<tr>
<td>14</td>
<td>Wildlife Products Trade License</td>
</tr>
<tr>
<td>15</td>
<td>Taxidermy License</td>
</tr>
<tr>
<td>16</td>
<td>Civet Capturing License (for farmers)</td>
</tr>
<tr>
<td>17</td>
<td>Crocodile Farming License</td>
</tr>
<tr>
<td>18</td>
<td>Ostrich Farming License</td>
</tr>
<tr>
<td>19</td>
<td>Musk Export License</td>
</tr>
<tr>
<td>20</td>
<td>Hunting rifle license fee</td>
</tr>
<tr>
<td>21</td>
<td>Conservation fee/day</td>
</tr>
<tr>
<td>22</td>
<td>Hunting observer /day</td>
</tr>
<tr>
<td>23</td>
<td>Resident hunter license fee</td>
</tr>
<tr>
<td>24</td>
<td>Professional hunter</td>
</tr>
<tr>
<td></td>
<td>a) 7-15 days stay</td>
</tr>
<tr>
<td></td>
<td>b) 15-21 days and above</td>
</tr>
<tr>
<td>25</td>
<td>Concession fee</td>
</tr>
</tbody>
</table>

### Table III
Unit Price of Crocodiles, Civet and Ostriches

<table>
<thead>
<tr>
<th>No.</th>
<th>Species</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Civet (male)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.1 Foreign Investor</td>
<td>15</td>
</tr>
<tr>
<td>No.</td>
<td>English Name</td>
<td>Scientific Name</td>
</tr>
<tr>
<td>-----</td>
<td>------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Baboon, Anubis</td>
<td>Papio anubis</td>
</tr>
<tr>
<td>2</td>
<td>Baboon, Gelada</td>
<td>Theropithecus gelada</td>
</tr>
<tr>
<td>3</td>
<td>Baboon, Hamadryas</td>
<td>Papio hamadryas</td>
</tr>
<tr>
<td>4</td>
<td>Bushbuck, Common</td>
<td>Tragelaphus scriptus</td>
</tr>
<tr>
<td>5</td>
<td>Bushbuck, Menelik's</td>
<td>Tragelaphus s. meneliki</td>
</tr>
<tr>
<td>6</td>
<td>Buffalo</td>
<td>Syncerus caffer</td>
</tr>
<tr>
<td>7</td>
<td>Caracal</td>
<td>Felis caracal</td>
</tr>
<tr>
<td>8</td>
<td>Cat, Wild</td>
<td>Felis silvestris</td>
</tr>
<tr>
<td>9</td>
<td>Colobus, Black &amp; White</td>
<td>Colobus guereza</td>
</tr>
<tr>
<td>10</td>
<td>Crocodile, Nile</td>
<td>Crocodylus niloticus</td>
</tr>
<tr>
<td>11</td>
<td>Dikdik, Guenther's</td>
<td>Madoqua guentheri</td>
</tr>
<tr>
<td>12</td>
<td>Dikdik, Salt's</td>
<td>Madoqua saltiana</td>
</tr>
<tr>
<td>13</td>
<td>Duiker, Grey</td>
<td>Sylvicapra grimmia</td>
</tr>
<tr>
<td>14</td>
<td>Fox, Bat-Eared</td>
<td>Otocyon megalotis</td>
</tr>
<tr>
<td>15</td>
<td>Gazelle, Grant's</td>
<td>Gazella granti</td>
</tr>
<tr>
<td>16</td>
<td>Gazelle, Soemmerring's</td>
<td>Gazella soemmerringi</td>
</tr>
<tr>
<td>17</td>
<td>Genet, Common</td>
<td>Genetta genetta</td>
</tr>
<tr>
<td>18</td>
<td>Genet, Rusty-Spotted</td>
<td>Genetta rubiginosa</td>
</tr>
<tr>
<td>19</td>
<td>Gerenuk</td>
<td>Litocranius walleri</td>
</tr>
<tr>
<td>20</td>
<td>Hare, Abyssinian</td>
<td>Lepus habessinicus</td>
</tr>
<tr>
<td>21</td>
<td>Hartebeest, Lelwel</td>
<td>Alcelaphus buselaphus lelwel</td>
</tr>
<tr>
<td>No.</td>
<td>English name</td>
<td>Scientific name</td>
</tr>
<tr>
<td>-----</td>
<td>--------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Warthog</td>
<td>Phacochoerus aethiopicus</td>
</tr>
<tr>
<td>2</td>
<td>Pig, Bush</td>
<td>Potamochoerus porcus</td>
</tr>
<tr>
<td>3</td>
<td>Hare, Abyssinian</td>
<td>Lepus habessinicus</td>
</tr>
<tr>
<td>4</td>
<td>Dik dik, Guenther’s</td>
<td>Madoqua guentheri</td>
</tr>
<tr>
<td>5</td>
<td>Monkey, Grivet</td>
<td>Cercopithecus aethiops</td>
</tr>
<tr>
<td>6</td>
<td>Baboon, Anubis</td>
<td>Papio anubis</td>
</tr>
<tr>
<td>7</td>
<td>Hyaena, Spotted</td>
<td>Crocuta crocuta</td>
</tr>
<tr>
<td>8</td>
<td>Porcupine</td>
<td>Hystrix cristata</td>
</tr>
</tbody>
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Table VII
List of Snipe Species allowed to be hunted by Foreign Tourist and Resident Hunters

<table>
<thead>
<tr>
<th>No</th>
<th>English Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Great Snipe</td>
<td>Gallinago media</td>
</tr>
<tr>
<td>2</td>
<td>Common Snipe</td>
<td>Gallinago gallinago</td>
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</tbody>
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Table VIII
List of Wildlife to be allowed for Live Trade, their Unit Prices and Export Fees
a) Mammals

<table>
<thead>
<tr>
<th>No.</th>
<th>English Name</th>
<th>Scientific Name</th>
<th>Unit Price (USD)</th>
<th>Export Fee (USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Boboon, Anubis</td>
<td>Papio naubis</td>
<td>100</td>
<td>10</td>
</tr>
<tr>
<td>2</td>
<td>Baboon, Hamadryas</td>
<td>Papio hamadryas</td>
<td>1200</td>
<td>120</td>
</tr>
<tr>
<td>3</td>
<td>Cat, Wild</td>
<td>Felis silvestris</td>
<td>240</td>
<td>24</td>
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<tr>
<td>4</td>
<td>Colobus, Black &amp; White</td>
<td>Colobus guereza</td>
<td>720</td>
<td>72</td>
</tr>
<tr>
<td>5</td>
<td>Dikdik, Guenther’s</td>
<td>Madoqua guentheri</td>
<td>240</td>
<td>24</td>
</tr>
<tr>
<td>6</td>
<td>Dikdik, Salt’s</td>
<td>Modoqua saltiana</td>
<td>400</td>
<td>40</td>
</tr>
<tr>
<td>7</td>
<td>Duiker, Grey</td>
<td>Sylvicapra grimmia</td>
<td>440</td>
<td>44</td>
</tr>
<tr>
<td>8</td>
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b) Birds

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- Export Fee (USD): 0.20

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- Scientific Name: *Ploceus baglafecht*
- Unit Price (USD): 4
- Export Fee (USD): 0.40

### Weaver, black-headed
- Scientific Name: *Ploceus cucullatus*
- Unit Price (USD): 4
- Export Fee (USD): 0.40

### Weaver, Ruppell’s
- Scientific Name: *Ploceus galbula*
- Unit Price (USD): 4
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### Weaver, masked
- Scientific Name: *Ploceus intermedius*
- Unit Price (USD): 4
- Export Fee (USD): 0.40

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- Scientific Name: *Zosteorna abyssinica*
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- Export Fee (USD): 0.20

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- Scientific Name: *Euplectes axillaris*
- Unit Price (USD): 6
- Export Fee (USD): 0.60

### Widow-bird, yellow shouldered
- Scientific Name: *Euplectes macrouris*
- Unit Price (USD): 6
- Export Fee (USD): 0.60

### Wigeon
- Scientific Name: *Anas capensis*
- Unit Price (USD): 10
- Export Fee (USD): 1.00

### Woodpecker, grey
- Scientific Name: *Mesopicos goertae*
- Unit Price (USD): 8
- Export Fee (USD): 0.80

### Woodpecker, Nubian
- Scientific Name: *Campethera nubica*
- Unit Price (USD): 8
- Export Fee (USD): 0.80

## Snakes

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**d) Lizards and Agama**
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### e) Monitor Lizards

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**Wildlife Products Export Fee**

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<td>11</td>
<td>Duck, ferruginous</td>
<td>Aythya nyroca</td>
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<td>12</td>
<td>Eagle, greater spotted</td>
<td>Aquila clanga</td>
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<td>13</td>
<td>Eagle, imperial</td>
<td>Aquila heliaca</td>
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<td>14</td>
<td>Eland</td>
<td>Tragelaphus oryx</td>
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<td>15</td>
<td>Falcon, Taita</td>
<td>Falco fasciinucha</td>
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<td>16</td>
<td>Fluff tail, white-winged</td>
<td>Sarothrura ayresi</td>
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<td>17</td>
<td>Francolin, Harwood’s</td>
<td>Francolinus harwoodi</td>
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<td>18</td>
<td>Gazelle, Pelzeln’s</td>
<td>Gazella pelzelnii</td>
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<td>19</td>
<td>Gazelle, Speke’s</td>
<td>Gazelle spekei</td>
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<td>20</td>
<td>Giraffe</td>
<td>Giraffa camelopardalis</td>
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<td>21</td>
<td>Hartebeest, Swayne’s</td>
<td>Alcelaphus buselaphus swaynei</td>
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<td>22</td>
<td>Hartebeest, tora</td>
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<td>23</td>
<td>Hunting dog</td>
<td>Lycaon pictus</td>
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<td>24</td>
<td>Hyaena, striped</td>
<td>Hyaena hyaena</td>
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<td>25</td>
<td>Ibex, walia</td>
<td>Capra wallie</td>
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<td>26</td>
<td>Kestrel, lesser</td>
<td>Falco naumanni</td>
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<td>27</td>
<td>Lark, Degodi</td>
<td>Mirafra degodiensis</td>
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<td>28</td>
<td>Lark, Sidamo</td>
<td>Heteromirafra sidamoensis</td>
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<td>29</td>
<td>Monkey, De Brazza's</td>
<td>Cercoptithecus neglectus</td>
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<td>30</td>
<td>Monkey, patas</td>
<td>Erythrocebus patas</td>
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<td>31</td>
<td>Pangolin, ground</td>
<td>Smutsia temminckii</td>
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<td>32</td>
<td>Rhinoceros, black</td>
<td>Diceros bicornis</td>
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<td>33</td>
<td>Serin, Ankober</td>
<td>Serinus anoberensis</td>
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<td>34</td>
<td>Serin, Salvadori’s</td>
<td>Serinus xantholaema</td>
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<td>Serin, yellow-throated</td>
<td>Serinus flavigula</td>
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<td>36</td>
<td>Swallow, white-tailed</td>
<td>Hirundo megaensis</td>
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<td>37</td>
<td>Turaco, Prince Ruspoli’s</td>
<td>Tauraco ruspoli</td>
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<td>38</td>
<td>Wolf, Ethiopian</td>
<td>Canis simensis</td>
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<td>39</td>
<td>Zebra, Burchell’s</td>
<td>Equus burchellii</td>
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<td>40</td>
<td>Zebra, Grevy’s</td>
<td>Equus grevvi</td>
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<td>41</td>
<td>Dugong</td>
<td>Dugong dugong</td>
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<td>42</td>
<td>Ground Pangolin</td>
<td>Phataginus temminckii</td>
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<td>43</td>
<td>Lammergeyer</td>
<td><em>Gypaetus barbatus</em></td>
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<td>44</td>
<td>Waldrap</td>
<td><em>Geronticus eremita</em></td>
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<tr>
<td>45</td>
<td>White Collared pigeon</td>
<td><em>Streptopelia reichenowi</em></td>
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<tr>
<td>46</td>
<td>Peregrine Falcon</td>
<td><em>Apus myioptilus</em></td>
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<tr>
<td>47</td>
<td>Female &amp; Juvenile</td>
<td><em>Any species</em></td>
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<td>48</td>
<td>Elephant</td>
<td><em>Laxodonta africana</em></td>
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3.1.3.4. COUNCIL OF MINISTERS REGULATION NO. 329/2014

COUNCIL OF MINISTERS REGULATION TO PROVIDE FOR THE DESIGNATION OF AWASH NATIONAL PARK

CONTENTS

1. Short Title
2. Definitions
3. Designation of Awash National Park
4. Boundaries of the Park
5. Administration of the Park
6. Members of the Committee
7. Powers and Duties the Committee
8. Meetings of the Committee
9. Prohibited Activities
10. Administrative Penalty
11. Duty to Cooperate
12. Repeal
13. Effective Date

BRIEF DESCRIPTION

This Regulation repeals the Awash National Park Establishment Order No. 54/1969, designates the Awash National Park and sets forth its boundaries. The Ethiopian Wildlife Development and Conservation Authority established under Proclamation No. 575/2008 develops, administers and prevents the Park from illegal acts through the Park’s Office. A Committee composed of various stakeholders is established under the Regulation and it further makes provisions for prohibited activities and administrative penalties.

Awash National Park Designation Council of Ministers Regulations No. 329/2014

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definitions of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2011 and Article 4(2) of the Development, Conservation and Utilization of Wildlife Proclamation No. 541/2007.

1. Short Title
   This Regulation may be cited as the “Awash National Park Designation Council of Ministers Regulation No. 329/2014”.

2. Definitions
   In this Regulation unless the context otherwise requires:
1/ “Proclamation” means the Development, Conservation and Utilization of Wildlife Proclamation No. 541/2007;
2/ definitions provided for under Article 2 of the Proclamation shall also be applicable to this Regulation;
3/ “beacon” means a demarcation made up of solid materials and erected as a permanent delineator, following trigonometric points in demarcation method;
4/ “Authority” means the Ethiopian Wildlife Development and Conservation Authority established under Proclamation No. 575/2008;
5/ any expression in the masculine gender includes the feminine.

3. **Designation of Awash National Park**
   The Awash National Park (hereinafter called the “Park”) is hereby designated.

4. **Boundaries of the Park**
   The Park is found in the Oromia and Afar States covering an area of 590 kilometer square and located within the following demarcation points:
   1/ commencing from beacon number 1 at 08 degree 58 minutes 34 seconds latitude north and 40 degree 09 minutes 50 seconds longitude east which is south of Awash Sebat Kilo town;
   2/ thence, turning to the north-west ward up to beacon number 2 at 08 degree 58 minutes 17 seconds latitude north and 40 degree 08 minutes 18 seconds longitude east and in the same direction following beacon number 3 at 08 degree 59 minutes 17 seconds latitude north and 40 degree 07 minutes 29 seconds longitude east at around locality known as Dudub and up to beacon number 4 at 09 degree 00 minutes 41 seconds latitude north and 40 degree 05 minutes 42 seconds longitude east;
   3/ thence, turning to the northward up to beacon number 5 at 09 degree 04 minutes 37 seconds latitude north and 40 degree 04 minutes 07 seconds longitude east and, in the same direction following beacon number 6 at 09 degree 08 minutes 07 seconds latitude north and 40 degree 05 minutes 03 seconds longitude east near Lake Aseda and up to beacon number 7 at 09 degree 08 minutes 07 seconds latitude north and 40 degree 04 minutes 18 seconds longitude east which is at around locality known as Deho;
   4/ thence, turning to the westward up to beacon number 8 at 09 degree 07 minutes 36 seconds latitude north and 39 degree 59 minutes 52 seconds longitude east at around locality known as Sabure;
   5/ thence, turning to the southward up to beacon number 9 at 09 degree 06 minutes 08 seconds latitude north and 39 degree 59 minutes 56 seconds longitude east on the road that leads from Sabure to a hot spring;
   6/ thence, turning to the westward up to beacon number 10 at 09 degree 06 minutes 22 seconds latitude north and 39 degree 58 minutes 30 seconds longitude east;
7/ thence, turning to the south-westward following beacon number 11 at 09 degree 05 minutes 10 seconds latitude north and 39 degree 55 minutes 43 seconds longitude east and, in the same direction following beacon number 12 at 09 degree 04 minutes 08 seconds latitude north and 39 degree 52 minutes 48 seconds longitude east at the outskirt of Methara-Sabure Road around Haro Qersa; and up to beacon number 13 at 09 degree 00 minutes 58 seconds latitude north and 39 degree 51 minutes 17 seconds longitude east;

8/ thence, up to beacon number 14 at 08 degree 59 minutes 07 seconds latitude north and 39 degree 51 minutes 02 seconds longitude east around locality known as Debiti;

9/ thence, turning to the south-eastward following beacon number 15 at 08 degree 56 minutes 48 seconds latitude north and 39 degree 55 minutes 19 seconds longitude east at around locality known as Daga Edu and, following similar direction up to beacon number 16 at 08 degree 56 minutes 07 seconds latitude north and 39 degree 56 minutes 50 seconds longitude east at around locality known as Qobo;

10/ thence, turning to the north-eastward up to beacon number 17 at 08 degree 56 minutes 58 seconds latitude north and 39 degree 58 minutes 00 seconds longitude east at around locality known as Qobo;

11/ thence, turning to the eastward following beacon number 18 at 08 degree 56 minutes 51 seconds latitude north and 39 degree 58 minutes 42 seconds longitude east at around Qobo and, following similar direction up to beacon number 19 at 08 degree 56 minutes 11 seconds latitude north and 40 degree 02 minutes 07 seconds longitude east at around locality known as Benti;

12/ thence, turning to southward following beacon number 20 at 08 degree 55 minutes 00 seconds latitude north and 40 degree 01 minutes 48 seconds longitude east at locality known as Benti;

13/ thence, turning to the south-westward up to beacon number 21 at 08 degree 51 minutes 53 seconds latitude north and 40 degree 00 minutes 09 seconds longitude east on the bank of river Awash at around locality known as Gelcha;

14/ thence, heading to south and south-eastward following Awash river basin and joins initial beacon number 1 at the south of Awash Sebat Kilo town.

5. **Administration of the Park**

1/ The Authority shall develop, administer and prevent the Park from illegal acts through the Park’s office to be organized in Gotu pursuant to Article 4 of the Proclamation No. 575/2008.

2/ Without prejudice to sub-article (1) of this Article, the Park’s Advisory Committee (hereinafter called the “Committee”) is hereby established.

6. **Members of the Committee**

The Committee shall have the following members:
1/ chief administrators of the Park’s neighboring weredas (annually in rotation)………………………………………………………………Chairperson;
2/ chief administrators of the Park’s neighboring weredas (annually in rotation)………………………………………………………………members;
3/ representatives of heads of Culture and Tourism Offices of the Park’s neighboring weredas ……………………………………………………………….members;
4/ heads of the Park’s neighboring Kebele administrations ……………….members;
5/ two representative from Youth and Women Associations of neighboring kebeles ……………………………………………………………………members;
6/ a representative of tour operators ………………………………………….member;
7/ head of the office of the Park……………………………………..member and secretary.

7. **Powers and Duties the Committee**
   The Committee shall have the powers and duties to:
   1/ advice the office of the Park in carrying out its duties and responsibilities;
   2/ submit possible ideas to enhance the contribution of the local community around the Park in the management and conservation of the Park with a sense of ownership;
   3/ prepare annual plans of the Park together with the office of the park and, evaluate and review performance reports before they are being submitted to the Authority.

8. **Meetings of the Committee**
   1/ The Committee shall meet in every three months; provided, however, that extra-ordinary meetings of the Committee may be held at any time, as may be necessary.
   2/ There shall be quorum where more than half of the members of the Committee are present at a meeting.
   3/ Recommendations of the Committee shall be passed by majority votes; in case of a tie the Chairperson shall have a casting vote.
   4/ without prejudice to the provisions of this Article, the Committee may adopt its own rules of procedure for conducting meetings.

9. **Prohibited Activities**
   In addition to the prohibited activities provided for under Article 5(1) of the Wildlife Development, Conservation and Utilization Council of Ministers Regulations No. 163/2008, carrying out the following activities within the Park area shall also be prohibited:
   1/ entering the Park holding poisonous substances;
   2/ arbitrary disposal of trash in the Park such as packing cases of foodstuff and other leftovers;
   3/ entering the Park with a snare or a hunting weapon.
10. **Administrative Penalty**

1/ Whosoever causes damage to wildlife or wildlife resource in contravention of Article 9 of this Regulation or sub-article (1) of Article 5 of the Wildlife Development, Conservation and Utilization Council of Ministers Regulations No. 163/2008 shall, without prejudice to the penalty prescribed under paragraph (b) of sub-article (1) of Article 16 of the Proclamation, be liable to pay the price of the wildlife or wildlife resource as provided for by the Wildlife Development, Conservation and Utilization Council of Ministers Regulations No. 163/2008.

2/ The Authority may, in consultation with the local administrations adjoining the Park, determine the rate of fine to be imposed for the transgression of domestic animals into the Park, by taking into account the financial capacity of the local communities.

11. **Duty to Cooperate**

Any person shall have the duty to cooperate with the Authority for the implementation of this Regulation.

12. **Repeal**

The Awash National Park Establishment Order No. 54/1969 is here by repealed.

13. **Effective Date**

This Regulation shall enter into force on the date of publication in Federal Negarit Gazzette.

Done at Addis Ababa, 8th day of January, 2015

HAILEMARIAM DESSALEGN

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
Annex

Awash National Park Map
3.1.3.5. COUNCIL OF MINISTERS REGULATIONS NO. 333/2014

COUNCIL OF MINISTERS REGULATIONS TO PROVIDE FOR THE DESIGNATION OF ALITASH NATIONAL PARK

CONTENTS

1. Short Title
2. Definitions
3. Designation of Alitash National Park
4. Boundaries of the Park
5. Administration of the Park
6. Members of the Committee
7. Powers and Duties of the Committee
8. Meetings of the Committee
9. Prohibited Activities
10. Administrative Penalty
11. Duty to Cooperate
12. Effective Date

BRIEF DESCRIPTION

This Regulation designates the Altash National Park and sets forth its boundaries. The Ethiopian Wildlife Development and Conservation Authority established under Proclamation No. 575/2008 develops, administers and prevents the Park from illegal acts through the Park’s Office. A Committee composed of various stakeholders is established under the Regulation and it further makes provisions for prohibited activities and administrative penalties.

Alitash National Park Designation Council of Ministers Regulations No. 333/2014

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definitions of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010 and Article 4(2) Development, Conservation and Utilization of Wildlife Proclamation No. 541/2007.

1. Short Title

This Regulation may be cited as the “Alitash National Park Designation Council of Ministers Regulations No. 333/2014”.

2. Definition

In this Regulation unless the context otherwise requires:

1/ “Proclamation” means the Wildlife Development, Conservation and Utilization Proclamation No. 541/2007;
2/ definitions provided for under Article 2 of the Proclamation shall also be applicable to this Regulation;

3/ “beacon” means a demarcation made up of solid materials and erected as a permanent delineator, following trigonometric points in demarcation method;

4/ “Authority” means the Ethiopian Wildlife Development and Conservation Authority established under Proclamation No. 575/2008;

5/ any expression in the masculine gender includes the feminine.

3. **Designation of Alitash National Park**

The park known as “Alatish National Park” pursuant to sub-article (1) of Article 4 of the Development, Conservation and Utilization of Wildlife Council of Ministers Regulation No. 163/2008 is hereby designated as “Alitash National Park” (hereinafter called the “Park”).

4. **Boundaries of the Park**

The Park is found in the State of Amhara North Gondar Zone Kuwara wereda and its special area covers 266,570 hectares bordering the State of Benshangul Gumuz in the south, Mehadid Kebele in the north Bambaho and Gelego Kebeles in the east and Sudan in the west and located within the following demarcation points:

1/ commencing from Beacon number 1 at 12 degree 29 minutes 17 seconds latitude north and 35 degree 48 minutes 33 seconds longitude east at the banks of Albid river in Gelego Kebele which borders the Park in the east and then turning westward nearby Albid hill and following, in the same direction, beacon number 2 at 12 degree 07 minutes 29 seconds latitude north and 35 degree 48 minutes 33 seconds longitude east up to beacon number 3 at 12 degree 07 minutes 35 second latitude north and 35 degree 47 minutes 28 seconds longitude east at the bank of Shola river at the edge of mountain Derhassen;

2/ thence, turning to north east, beacon number 4 at 12 degree 15 minutes 07 seconds latitude north and 35 degree 15 minutes 14 seconds longitude east following the mountain range of Derhassen, all the way up to the end of the border of kemhadid Kebele at Alwasho Mountain and stretching from the Alwasho foot through the Alwasho valley up to the junction of dry weather road of Alitash, and then beacon number 5, 12 degree 16 minutes 10 seconds latitude north and 35 degree 43 minutes 16 seconds longitude east following the valley all the way up to the point at which the valley joins with Bermil river;

3/ thence, up to beacon number 6 at 12 degree 18 minutes 43 seconds latitude north and 35 degree 43 minutes 22 seconds longitude east following the river bermil in the north direction of mount Amракuba parallel to the banks of the river;

4/ thence, in the same direction, up to beacon number 7 at 12 degree 21 minutes 45 seconds latitude north and 35 degree 02 minutes 39 seconds longitude east following the mountain of Amракuba in a parallel line in between the mountain and bermil river;
thence, in the same direction, up to beacon number 8 at 12 degree 22 minutes 33 seconds latitude north and 35 degree 42 minutes 43 seconds longitude east following the mountain of Amrakuba in a parallel line on Denar river;

thence, up to beacon number 9 at 12 degree 23 minutes seconds 53 latitude north and 35 degree 43 minutes 07 seconds longitude east at the foothill of Amrakuba mountain, including the mountain within the boundary of the Park;

thence, turning to northwest ward:

a) up to beacon number 10 at 12 degree 24 minutes 46 seconds latitude north and 35 degree 41 minutes 28 seconds longitude east;

b) up to beacon number 11 at 12 degree 24 minutes 46 seconds latitude north and 35 degree 41 minutes 10 seconds longitude east;

c) up to beacon number 12 at 12 degree 25 minutes 09 seconds latitude north and 35 degree 40 minutes 54 seconds longitude east;

d) up to beacon number 13 at 12 degree 24 minutes 54 seconds latitude north and 35 degree 40 minutes 30 seconds longitude east;

e) up to beacon number 14 at 12 degree 25 minutes 10 seconds latitude north and 35 degree 39 minutes 52 seconds longitude east;

f) up to beacon number 15 at 12 degree 25 minutes 24 seconds latitude north and 35 degree 37 minutes 43 seconds longitude east;

g) up to beacon number 16 at 12 degree 26 minutes 03 seconds latitude north and 35 degree 38 minutes 43 seconds longitude east;

h) up to beacon number 17 at 12 degree 27 minutes 07 seconds latitude north and 35 degree 38 minutes 19 seconds longitude east;

i) up to beacon number 18 at 12 degree 28 minutes 47 seconds latitude north and 35 degree 37 minutes 17 seconds longitude east;

j) up to beacon number 19 at 12 degree 27 minutes 50 seconds latitude north and 35 degree 37 minutes 48 seconds longitude east;

thence, turning to northward, up to beacon number 20 at 12 degree 30 minutes 27 seconds latitude north and 35 degree 37 minutes 14 seconds longitude east at a place locally known as Amjale, near to the border of Lebego river;

thence, turning westwards, bordering Gelego river, all the way up to the international border of Ethiopia and Sudan;

thence, turning southwards, following the Ethio-Sudan international border to its western side, up to the point at which Ayma /Dinder/ river leaves the boundary of Ethiopian;

thence, turning eastwards, following Ayma /Dinder/ river which borders Amhara and Benshangul Gumz Regions in the south, up to the meeting place of Ayma and Albid rivers;
12/ thence, following Albid river and turning northwards, up to the initial beacon number one.

5. **Administration of the Park**

1/ The Authority shall develop, administer and protect the Park from illegal acts through the Park’s office to be organized at Gelegu wereda pursuant to Article 4 of the Proclamation No. 575/2008.

2/ Without prejudice to sub-article (1) of this Article an Advisory Committee of the Park (hereinafter the “Committee”) is hereby established.

6. **Members of the Committee**

The Committee shall have the following members:

1/ the Kuwara Wereda Chief Administrator.................................Chairperson;
2/ the head of Kuwara Wereda Culture and Tourism Office....................member;
3/ heads of the adjoining kebele administrations ............................members;
4/ two representatives of Gelgu town women and youth associations..........................................................member;
5/ a representative of the Gelgu town tourist operators........................member;
6/ head of the Office of the Park ....................................member and secretary.

7. **Powers and Duties of the Committee**

The Committee shall have the powers and duties to:

1/ advise the office of the Park in discharging its duties and responsibilities;
2/ advise the office of the Park to enhance the contribution of the local community around the Park in the management and conservation of the Park with a sense of ownership;
3/ prepare the Park’s annual plans together with the office of the park and, evaluate and review performance reports before they are being submitted to the Authority.

8. **Meetings of the Committee**

1/ The Committee shall meet once in every three months; provided, however, that extra-ordinary meetings of the Committee may be held at any time, as may be necessary.

2/ There shall be quorum where more than half of the members of the Committee are present at a meeting.

3/ Recommendations of the Committee shall be passed by majority votes; in case of a tie the Chairperson shall have a casting vote.

4/ Without prejudice to the provisions of this Article, the Committee may adopt its own rules of procedure for conducting meetings.
9. Prohibited Activities

In addition to the prohibited activities provided for under Article 5(1) of the Wildlife Development, Conservation and Utilization Council of Ministers Regulations No. 163/2008, carrying out the following activities within the Park area shall also be prohibited:

1/ entering the Park holding poisonous substances;

2/ arbitrary disposal of trash in the Park such as packing cases of foodstuff and other leftovers;

3/ entering the Park with a snare or a hunting weapon.

10. Administrative Penalty

1/ Whosoever causes damage to wildlife or wildlife resource in contravention of Article 9 of this Regulation or sub-article (1) of Article 5 of the Wildlife Development, Conservation and Utilization Council of Ministers Regulations No. 163/2008 shall, without prejudice to the penalty prescribed under paragraph (b) of sub-article (1) of Article 16 of the Proclamation, be liable to pay the price of the wildlife or wildlife resource as provided for by the wildlife Development, Conservation and Utilization Council of Ministers Regulations No. 163/2008.

2/ The Authority may, in consultation with the local administrations adjoining the Park, determine the rate of fine to be imposed for the transgression of domestic animals into the Park, by taking into account the financial capacity of the local communities.

11. Duty to Cooperate

Any person shall have the duty to cooperate with the Authority in relation to the protection of the Park.

12. Effective Date

This Regulation shall come into force on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa, this 16th day of January, 2015.

HAILEMARIAM DESSALEGN

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
Annex
Alitash National Park Map
BRIEF DESCRIPTION

This Regulation designates the Gambella National Park and sets forth its boundaries. The Ethiopian Wildlife Development and Conservation Authority established under Proclamation No. 575/2008 develops, administers and prevents the Park from illegal acts through the Park’s Office. A Committee composed of various stakeholders is established under the Regulation and it further makes provisions for prohibited activities and administrative penalties.

Gambella National Park Designation Council of Ministers Regulations No. 334/2014

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definitions of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010 and Article 4(2) of the Development, Conservation and Utilization of Wildlife Proclamation No. 541/2007.

1. **Short Title**

   This Regulation may be cited as the “Gambella National Park Designation Council of Ministers Regulation No. 334/2014”.

2. **Definitions**

   In this Regulation unless the context otherwise requires:

   1/ “Proclamation” means the Development, Conservation and Utilization of Wildlife Proclamation No. 541/2007;
2/ definitions provided for under Article 2 of the Proclamation shall also be applicable;
3/ “beacon” means a demarcation made up of solid materials and erected as a permanent delineator, following trigonometric points in demarcation method;
4/ “Authority” means Ethiopian Wildlife Development and Conservation Authority established under Proclamation No. 575/2008;
5/ any expression in masculine gender includes the feminine.

3. **Designation of Gambella National Park**

   The “Gambella National Park” (hereinafter called the “Park”) is hereby designated.

4. **Boundaries of the Park**

   The Parks is found in Gambella State covering an area of 4575 Kilometer square and located within the following demarcation points:

   1/ commencing from beacon number 1 at 07 degree 50 minutes 23 seconds latitude north and 34 degree 01 minutes 12 seconds longitude east at north-eastern part of Shentewa town;
   2/ thence, turning to north-eastward up to beacon number 2 at 07 degree 52 minutes 10 seconds latitude north and 34 degree 09 minutes 32 seconds longitude east at around Pukedi;
   3/ thence, turning to northward up to beacon number 3 at 07 degree 55 minutes 58 seconds latitude north and 34 degree 09 minutes 44 seconds longitude east;
   4/ thence, following same direction up to beacon number 4 at 07 degree 55 minutes 58 seconds latitude north and 34 degree 09 minutes 44 seconds longitude east;
   5/ thence, turning to eastward up to beacon number 5 at 07 degree 58 minutes 46 seconds latitude north and 34 degree 12 minutes 54 seconds longitude east;
   6/ thence, turning to north-eastward up to beacon number 6 at 08 degree 01 minutes 18 seconds latitude north and 34 degree 13 minutes 36 seconds longitude east;
   7/ thence, turning to north-westward up to beacon number 7 at 08 degree 02 minutes 07 seconds latitude north and 34 degree 12 minutes 40 seconds longitude east;
   8/ thence, following the same direction up to beacon number 8 at 08 degree 04 minutes 02 seconds latitude north and 34 degree 10 minutes 36 seconds longitude east;
   9/ thence, following the same direction up to beacon number 9 at 07 degree 05 minutes 06 seconds latitude north and 34 degree 08 minutes 08 seconds longitude east;
   10/ thence, turning to westward up to beacon number 10 at 08 degree 05 minutes 52 seconds latitude north and 33 degree 52 minutes 47 seconds longitude east;
   11/ thence, turning to northward up to beacon number 11 at 08 degree 14 minutes 33 seconds latitude north and 33 degree 54 minutes 56 seconds longitude east;
12/ thence, following the same direction up to beacon number 12 at 08 degree 15 minutes 58 seconds latitude north and 33 degree 55 minutes 13 seconds longitude east;

13/ thence, turning to westward up to beacon number 13 at 08 degree 16 minutes 08 seconds latitude north and 33 degree 52 minutes 48 seconds longitude east;

14/ thence, turning to southward up to beacon number 14 at 08 degree 12 minutes 27 seconds latitude north and 33 degree 51 minutes 29 seconds longitude east;

15/ thence, following the same direction up to beacon number 15 at 08 degree 09 minutes 03 seconds latitude north and 33 degree 50 minutes 35 seconds longitude east;

16/ thence, turning to westward up to beacon number 16 at 08 degree 11 minutes 02 seconds latitude north and 33 degree 43 minutes 46 seconds longitude east;

17/ thence, turning to north-westward up to beacon number 17 at 08 degree 14 minutes 34 seconds latitude north and 33 degree 38 minutes 48 seconds longitude east;

18/ thence, turning to westward up to beacon number 18 at 08 degree 12 minutes 53 seconds latitude north and 33 degree 23 minutes 58 seconds longitude east;

19/ thence, turning to north-westward up to beacon number 19 at 08 degree 18 minutes 18 seconds latitude north and 33 degree 20 minutes 13 seconds longitude east;

20/ thence, turning to westward following the tributary of Gilo River and the international border between Ethiopian and South Sudan up to beacon number 20 at 08 degree 20 minutes 31 seconds latitude north and 33 degree 12 minutes 56 seconds longitude east;

21/ thence, following the international border between Ethiopia and South Sudan up to beacon number 21 at 08 degree 08 minutes 26 seconds latitude north and 33 degree 11 minutes 28 seconds longitude east on the bank of Pibor river;

22/ thence, turning to south-eastward up to beacon number 22 at 08 degree 01 minutes 46 seconds latitude north and 33 degree 14 minutes 43 seconds longitude east on the bank of Gilo river;

23/ thence, turning to southward following the international border between Ethiopia and South Sudan up to beacon number 23 at 07 degree 47 minutes 38 seconds latitude north and 33 degree 09 minutes 32 seconds longitude east on the bank of Akobo river;

24/ thence, turning to eastward following the international border between Ethiopia and South Sudan up to beacon number 24 at 07 degree 38 minutes 17 seconds latitude north and 33 degree 44 minutes 04 seconds longitude east on the bank of Akobo river;

25/ thence, turning to north-eastward up to beacon number 25 at 07 degree 46 minutes 49 seconds latitude north and 33 degree 51 minutes 25 seconds longitude east on the bank of Gilo river;
26/ thence, turning to westward up to beacon number 26 at 07 degree 51 minutes 59 seconds latitude north and 33 degree 26 minutes 50 seconds longitude east on the bank of Gilo river;
27/ thence, turning to northward up to beacon number 27 at 07 degree 59 minutes 42 seconds latitude north and 33 degree 27 minutes 47 seconds longitude east;
28/ thence, turning to eastward up to beacon number 28 at 07 degree 56 minutes 55 seconds latitude north and 33 degree 50 minutes 42 seconds longitude east and joining the initial beacon number 1 at north-eastern part of Shentewa town.

5. **Administration of the Park**

1/ The Authority shall develop, administer and prevent the Park from illegal acts through the Park’s office to be organized in Gambella town pursuant to Article 4 of the Proclamation No. 575/2008.

2/ Without prejudice to sub-article (1) of this Article, the Park’s Advisory Committee (hereinafter called the “Committee”) is hereby established.

6. **Members of the Committee**

The Committee shall have the following members:

1/ chief administrators of the Park’s neighboring weredas (annually in rotation)…………………………………………………………………………………Chairperson;

2/ chief administrators of the Park’s neighboring weredas (annually in rotation) …………………………………………………………………………………………..members;

3/ representatives of heads of Culture and Tourism Offices of the Park’s neighboring weredas ………………………………………………………………………………..members;

4/ heads of the Park’s neighboring Kebele administrations …………………members;

5/ two representatives from Youth and Women Associations of neighboring kebeles ………………………………………………………………………….Members;

6/ a representative of tour operators ………………………………………….member;

7/ head of the office of the Park………………………………………member and secretary.

7. **Powers and Duties the Committee**

The Committee shall have the powers and duties to:

1/ advice the office of the Park in carrying out its duties and responsibilities;

2/ advice the office of the Park to enhance the contribution of the local community around the Park in the management and conservation of the Park with a sense of ownership;

3/ prepare annual plans of the Park together with the office of the park and, evaluate and review performance reports before they are being submitted to the Authority.

8. **Meetings of the Committee**

1/ The Committee shall meet once in every three months; provided, however, that extra-ordinary meetings of the Committee may be held at any time, as may be necessary.
2/ There shall be quorum where more than half of the members of the Committee are present at a meeting.

3/ Recommendations of the Committee shall be passed by majority votes; in case of a tie the Chairperson shall have a casting vote.

4/ Without prejudice to the provisions of this Article, the Committee may adopt its own rules of procedure for conducting meetings.

9. **Prohibited Activities**

In addition to the prohibited activities provided for under Article 5(1) of the Wildlife Development, Conservation and Utilization Council of Ministers Regulations No. 163/2008, carrying out the following activities within the Park area shall also be prohibited:

1/ entering the Park holding poisonous substances;

2/ arbitrary disposal of trash in the Park such as packing cases of foodstuff and other leftovers;

3/ entering the Park with a snare or a hunting weapon.

10. **Administrative Penalty**

1/ Whosoever causes damage to wildlife or wildlife resource in contravention of Article 9 of this Regulation or Article 5 (1) of the Wildlife Development, Conservation and Utilization Council of Ministers Regulation No. 163/2008 shall, without prejudice to the penalty prescribed under paragraph (b) of sub-article (1) of Article 16 of the Proclamation, be liable to pay the price of the wildlife or wildlife resource as provided for by the Wildlife Development, Conservation and Utilization Council of Ministers Regulation No. 163/2008.

2/ The Authority may, in consultation with the local administrations adjoining the Park, determine the rate of fine to be imposed for the transgression of domestic animals into the Park, by taking into account the financial capacity of the local communities.

11. **Duty to Cooperate**

Any person shall have the duty to cooperate with the Authority for the implementation of this Regulation.

12. **Effective Date**

This Regulation shall enter into force on the date of publication in Federal Negarit Gazzette.

Done at Addis Ababa, this 20\textsuperscript{th} day of January, 2015.

HAILEMARIAM DESSALEGN

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
Annex
Gambella National Park Map
BRIEF DESCRIPTION

This Regulation designates the Qafta Shiraro and sets forth its boundaries. The Ethiopian Wildlife Development and Conservation Authority established under Proclamation No. 575/2008 develops, administers and prevents the Park from illegal acts through the Park’s Office. A Committee composed of various stakeholders is established under the Regulation and it further makes provisions for prohibited activities and administrative penalties.

Qafta Shiraro National Park Designation Council of Ministers Regulations No. 335/2014

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definitions of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010 and Article 4(2) of Development, Conservation and Utilization of Wildlife Proclamation No. 541/2007.

1. **Short Title**

This Regulation may be cited as the “Qafta Shiraro National Park Designation Council of Ministers Regulation No. 335/2014”.

2. **Definition**

In this Regulation unless the context otherwise requires:

1/ “Proclamation” means the Wildlife Development, Conservation and Utilization Proclamation No. 541/2007;

2/ definitions provided for under Article 2 of the Proclamation shall also be applicable to this Regulation;
3/ “beacon” means a demarcation made up of solid materials and erected as a permanent delineator, following trigonometric points in demarcation method;

4/ “Authority” means Ethiopian Wildlife Development and Conservation Authority established under Proclamation No. 575/2008;

5/ any expression in masculine gender includes the feminine.

3. **Designation of Qafta Shiraro National Park**

The Qafta Shiraro National Park (hereinafter called the “Park”) is hereby designated.

4. **Boundaries of the Park**

The Parks is found in Tigray State within the following demarcation points:

1/ commencing from beacon number 1 at the northern tip of Hilegin Mountain beginning from Tekeze river at 14 degree 17 minutes 33 seconds latitude north and 36 degree 41 minutes 46 seconds longitude east;

2/ thence, up to beacon number 2 at the southern tip of Hilegi Mountain at 14 degree 15 minutes 58 seconds latitude north and 36 degree 42 minutes 22 seconds longitude east;

3/ thence, up to beacon number 3 at 14 degree 15 minutes 07 seconds latitude north and 36 degree 43 minutes 02 seconds longitude east;

4/ thence, up to beacon number 4 at the tip of Shirona at 14 degree 14 minutes 06 seconds latitude north and 36 degree 44 minutes 20 seconds longitude east;

5/ thence, up to beacon number 5 at 14 degree 15 minutes 49 seconds latitude north and 36 degree 45 minutes 51 seconds longitude east;

6/ thence, up to beacon number 6 at 14 degree 15 minutes 27 seconds latitude north and 36 degree 46 minutes 24 seconds longitude east;

7/ thence, up to beacon number 7 at 14 degree 14 minutes 53 seconds latitude north and 36 degree 46 minutes 33 seconds longitude east at around Ende Fitawrari;

8/ thence, up to beacon number 8 at 14 degree 14 minutes 02 seconds latitude north and 36 degree 49 minutes 32 seconds longitude east;

9/ thence, up to beacon number 9 at 14 degree 13 minutes 39 seconds latitude north and 36 degree 50 minutes 38 seconds longitude east;

10/ thence, up to beacon number 10 at 14 degree 11 minutes 57 seconds latitude north and 36 degree 51 minutes 28 seconds longitude east;

11/ thence, up to beacon number 11 at 14 degree 11 minutes 31 seconds latitude north and 36 degree 50 minutes 55 seconds longitude east;

12/ thence, up to beacon number 12 at 14 degree 10 minutes 32 seconds latitude north and 36 degree 52 minutes 31 seconds longitude east at around the Goblel Scout Center;

13/ thence, up to beacon number 13 at 14 degree 09 minutes 58 seconds latitude north and 36 degree 54 minutes 13 seconds longitude east at a place called Endachi’u;
thence, up to beacon number 14 at 14 degree 09 minutes 43 seconds latitude north and 36 degree 55 minutes 12 seconds longitude east around Hagereselam;

thence, up to beacon number 15 at 14 degree 09 minutes 25 seconds latitude north and 36 degree 55 minutes 19 seconds longitude east at a place called Atsmi Harmaz;

thence, up to beacon number 16 at 14 degree 09 minutes 38 seconds latitude north and 36 degree 56 minutes 12 seconds longitude east;

thence, up to beacon number 17 at 14 degree 09 minutes 46 seconds latitude north and 36 degree 58 minutes 02 seconds longitude east;

thence, up to beacon number 18 at 14 degree 09 minutes 46 seconds latitude north and 36 degree 58 minutes 14 seconds longitude east;

thence, up to beacon number 19 at 14 degree 09 minutes 41 seconds latitude north and 36 degree 58 minutes 28 seconds longitude east;

thence up to beacon number 20 at 14 degree 09 minutes 16 seconds latitude north and 36 degree 58 minutes 33 seconds longitude east;

thence, up to beacon number 21 at 14 degree 07 minutes 15 seconds latitude north and 36 degree 58 minutes 34 seconds longitude east at a place called Shenterer Mi’am Tel;

thence, up to beacon number 22 at 14 degree 07 minutes 02 seconds latitude north and 36 degree 59 minutes 30 seconds longitude east;

thence, following the southward up to beacon number 23 at 14 degree 06 minutes 37 seconds latitude north and 36 degree 59 minutes 46 seconds longitude east at the foot of Mi’am Tel Hill;

thence, following the same direction up to beacon number 24 at 14 degree 05 minutes 27 seconds latitude north and 36 degree 59 minutes 03 seconds longitude east;

thence up to beacon number 25 at 14 degree 04 minutes 48 seconds latitude north and 37 degree 01 minutes 21 seconds longitude east at the watershed of Kuysa Rasge Basin;

thence, up to beacon number 26 at 14 degree 05 minutes 46 seconds latitude north and 37 degree 01 minutes 16 seconds longitude east;

thence, up to beacon number 27 at 14 degree 06 minutes 18 seconds latitude north and 37 degree 01 minutes 31 seconds longitude east;

thence, up to beacon number 28 at 14 degree 06 minutes 07 seconds latitude north and 37 degree 03 minutes 42 seconds longitude east at around Wuhdet Block;

thence, up to beacon number 29 at 14 degree 06 minutes 14 seconds latitude north and 37 degree 03 minutes 52 seconds longitude east;
thence, following the rift in the area up to beacon number 30 at 14 degree 05 minutes 56 seconds latitude north and 37 degree 05 minutes 00 seconds longitude east;

thence, up to beacon number 31 at 14 degree 05 minutes 02 seconds latitude north and 37 degree 08 minutes 12 seconds longitude east;

thence, up to beacon number 32 at 14 degree 06 minutes 15 seconds latitude north and 37 degree 11 minutes 41 seconds longitude east at around Mayweyni;

thence, up to beacon number 33 at 14 degree 07 minutes 51 seconds latitude north and 37 degree 13 minutes 05 seconds longitude east at around Maychew;

thence, up to beacon number 34 at 14 degree 09 minutes 26 seconds latitude north and 37 degree 12 minutes 44 seconds longitude east at around Agelgil;

thence, up to beacon number 35 at 14 degree 09 minutes 15 seconds latitude north and 37 degree 14 minutes 24 seconds longitude east on the hills of Dimazaf near Metrebel river;

thence, up to beacon number 36 at 14 degree 11 minutes 26 seconds latitude north and 37 degree 15 minutes 55 seconds longitude east at a place called Mai Qolenqual;

thence, up to beacon number 37 at 14 degree 12 minutes 44 seconds latitude north and 37 degree 17 minutes 22 seconds longitude east at around Adi Goshu;

thence, up to beacon number 38 at 14 degree 10 minutes 47 seconds latitude north and 37 degree 21 minutes 48 seconds longitude east at a place called Engirib;

thence, up to beacon number 39 at 14 degree 07 minutes 45 seconds latitude north and 37 degree 23 minutes 45 seconds longitude east on the top of Enda’arqay Hills;

thence, up to beacon number 40 at 14 degree 07 minutes 35 seconds latitude north and 37 degree 25 minutes 22 seconds longitude east at around a place called Tiqur Afer;

thence, turning to the south-eastward up to beacon number 41 at 14 degree 07 minutes 30 seconds latitude north and 37 degree 25 minutes 29 seconds longitude east;

thence, up to beacon number 42 at 14 degree 07 minutes 12 seconds latitude north and 37 degree 25 minutes 22 seconds longitude east;

thence, up to beacon number 43 at 14 degree 06 minutes 47 seconds latitude north and 37 degree 29 minutes 17 seconds longitude east at a place called Kelkel Mai Agazen;

thence, up to beacon number 44 at 14 degree 05 minutes 56 seconds latitude north and 37 degree 29 minutes 35 seconds longitude east at a place called Endebo;

thence, up to beacon number 45 at 14 degree 03 minutes 33 seconds latitude north and 37 degree 31 minutes 26 seconds longitude east at around Mumuat Bula Enda’arqay;
thence, following Tekeze river at the confluence with Sur river up to beacon number 46 at 14 degree 05 minutes 11 seconds latitude north and 37 degree 39 minutes 25 seconds longitude east;

thence, up to beacon number 47 at 14 degree 06 minutes 03 seconds latitude north and 37 degree 40 minutes 15 seconds longitude east;

thence, up to beacon number 48 at 14 degree 07 minutes 17 seconds latitude north and 37 degree 40 minutes 29 seconds longitude east on the upper top of Endagureza near Endeziba;

thence, up to beacon number 49 at 14 degree 09 minutes 55 seconds latitude north and 37 degree 39 minutes 23 seconds longitude east near Adwa river Camp;

thence, up to beacon number 50 at 14 degree 09 minutes 46 seconds latitude north and 37 degree 37 minutes 59 seconds longitude east on top of Enderqa Mountain;

thence, up to beacon number 51 at 14 degree 08 minutes 52 seconds latitude north and 37 degree 36 minutes 03 seconds longitude east at a place called Miqilqal Enda Gebre Samuel;

thence, up to beacon number 52 at 14 degree 08 minutes 52 seconds latitude north and 37 degree 35 minutes 01 seconds longitude east at a place called Atkaro;

thence, up to beacon number 53 at 14 degree 09 minutes 38 seconds latitude north and 37 degree 33 minutes 31 seconds longitude east;

thence, up to beacon number 54 at 14 degree 10 minutes 31 seconds latitude north and 37 degree 33 minutes 03 seconds longitude east at a place called Ziban Mai Metsa’e;

thence, up to beacon number 55 at 14 degree 12 minutes 57 seconds latitude north and 37 degree 32 minutes 39 seconds longitude east at place called Terer Bozey;

thence, up to beacon number 56 at 14 degree 15 minutes 22 seconds latitude north and 37 degree 33 minutes 01 seconds longitude east at a place called Jiguri;

thence, up to beacon number 57 at 14 degree 18 minutes 00 seconds latitude north and 37 degree 32 minutes 50 seconds longitude east;

thence, up to beacon number 58 at 14 degree 20 minutes 22 seconds latitude north and 37 degree 31 minutes 03 seconds longitude east at a place called Tsebib;

thence, up to beacon number 59 at 14 degree 21 minutes 55 seconds latitude north and 37 degree 27 minutes 35 seconds longitude east;

thence, up to beacon number 60 at 14 degree 24 minutes 22 seconds latitude north and 37 degree 26 minutes 14 seconds longitude east at a place called Tikil Dingay;

thence, up to beacon number 61 at 14 degree 25 minutes 15 seconds latitude north and 37 degree 25 minutes 28 seconds longitude east at a place called Tahitay Muraguzo;
62/ thence, heading in the northern direction to Gulgula river at a place where it joins with Tekeze river; and following the Tekeze river basin and then joins with initial beacon number 1 at the northern tip.

5. **Administration of the Park**

1/ The Authority shall develop, administer and prevent the Park from illegal acts through the Park’s office to be organized in Qafta Humera pursuant to Article 4 of the Proclamation No. 575/2008.

2/ Without prejudice to sub-article (1) of this Article, the Park’s Advisory Committee (hereinafter called the “Committee”) is hereby established.

6. **Members of the Committee**

The Committee shall have the following members:

1/ chief administrators of the Park’s neighboring weredas (annually in rotation)……………………………………………………………………………………..Chairperson

2/ chief administrators of the Park’s neighboring weredas (annually in rotation)…………………………………………………………..members

3/ representatives of heads of Culture and Tourism Offices of the Park’s neighboring weredas…………………………………………………………………..members

4/ heads of the Park’s neighboring Kebele administrations……………….members

5/ two representative from Youth and Women Associations of neighboring kebele ………………………………………………………………………..members

6/ a representative of tour operator…………………………………………….member

7/ head of the office of the Park………………………...member and secretary

7. **Powers and Duties the Committee**

The Committee shall have the powers and duties to:

1/ advice the office of the Park in carrying out its duties and responsibilities;

2/ advise the office of the Park to enhance the contribution of the local community around the Park in the management and conservation of the Park with a sense of ownership;

3/ prepare annual plans of the Park together with the office of the park and, evaluate and review performance reports before they are being submitted to the Authority.

8. **Meetings of the Committee**

1/ The Committee shall meet once in every three months; provided, however, that extra-ordinary meetings of the Committee may be held at any time, as may be necessary.

2/ There shall be quorum where more than half of the members of the Committee are present at a meeting.
Recommendations of the Committee shall be passed by majority votes; in case of a tie the Chairperson shall have a casting vote.

Without prejudice to the provisions of this Article, the Committee may adopt its own rules of procedure for conducting meetings.

9. **Prohibited Activities**

In addition to the prohibited activities provided for under Article 5(1) of the Wildlife Development, Conservation and Utilization Council of Ministers Regulations No. 163/2008, carrying out the following activities within the Park area shall also be prohibited:

1/ entering the Park holding poisonous substances;

2/ arbitrary disposal of trash in the Park such as packing cases of foodstuff and other leftovers;

3/ entering the Park with a snare or a hunting weapon.

10. **Administrative Penalty**

1/ Whosoever causes damage to wildlife or wildlife resource in contravention of Article 9 of these Regulations or sub-article (1) of Article 5 of the Wildlife Development, Conservation and Utilization Council of Ministers Regulations No. 163/2008 shall, without prejudice to the penalty prescribed under paragraph (b) of sub-article (1) of Article 16 of the Proclamation, be liable to pay the price of the wildlife or wildlife resource as provided for by the Wildlife Development, Conservation and Utilization Council of Ministers Regulations No. 163/2008.

2/ The Authority may, in consultation with the local administrations adjoining the Park, determine the rate of fine to be imposed for the transgression of domestic animals into the Park, by taking into account the financial capacity of the local communities.

11. **Duty to Cooperate**

Any person shall have duty to cooperate with Authority for the implementation of this Regulation.

12. **Effective Date**

This Regulation shall enter into force on the date of publication in Federal Negarit Gazette.

Done at Addis Ababa, this 20th day of January, 2015.

HAILEMARIAM DESSALEGN

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
Annex

Kafka-Sheraro National Park Map
3.1.3.8. COUNCIL OF MINISTERS REGULATIONS NO. 336/2014

COUNCIL OF MINISTERS REGULATIONS TO PROVIDE FOR THE DESIGNATION OF SENKELE SWAYNE’S HARTEBEESTS SANCTUARY

CONTENTS

1. Short Title  
2. Definitions  
3. Designation of Senkele Hartebeests Sanctuary  
4. Boundaries of the Sanctuary  
5. Administration of the Sanctuary  
6. Members of the Committee  
7. Powers and Duties the Committee  
8. Meetings of the Committee  
9. Prohibited Activities  
10. Administrative Penalty  
11. Duty to Cooperate  
12. Effective Date

BRIEF DESCRIPTION

This Regulation designates the Senkele Swayne’s Hartebeests Sanctuary and sets forth its boundaries. The Ethiopian Wildlife Development and Conservation Authority established under Proclamation No. 575/2008 develops, administers and prevents the Park from illegal acts through the Park’s Office. A Committee composed of various stakeholders is established under the Regulation and it further makes provisions for prohibited activities and administrative penalties.

Senkele Swayne’s Hartebeests Sanctuary Designation Council of Ministers Regulation No. 336/2014

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definitions of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2011 and Article 4(2) of Development, Conservation and Utilization of Wildlife Proclamation No. 541/2007.

1. Short Title

This Regulation may be cited as the “Senkele Swayne’s Hartebeests Sanctuary Designation Council of Ministers Regulation No. 336/2014”.

2. Definitions

In this Regulation unless the context otherwise requires:

1/ “Proclamation” means the Wildlife Development, Conservation and Utilization Proclamation No. 541/2007;
2/ definitions provided for under Article 2 of the Proclamation shall also be applicable to this Regulation;

3/ “beacon” means a demarcation made up of solid materials and erected as a permanent delineator, following trigonometric points in demarcation method;

4/ “Authority” means Ethiopian Wildlife Development and Conservation Authority established under Proclamation No. 575/2008;

5/ any expression in masculine gender includes the feminine.

3. **Designation of Senkele Hartebeests Sanctuary**

   The Sinkle Swayne’s Hartebeests Sanctuary (hereinafter called the “Sanctuary”) is hereby designated.

4. **Boundaries of the Sanctuary**

   The Sanctuary is found in Siraro Wereda of West Arsi Zone and Hawassa wereda of Sidama Zone within the following demarcation points:

   1/ in Siraro Wereda of West Arsi Zone:
      
      a) commencing at beacon number one from the area known as Oda Seden around Qite Tesisa, at 07 degree 12 minutes 24 seconds latitude north and 38 degree 18 minutes 40 seconds longitude east;
      
      b) thence, following the road from east to west direction up to beacon number two at 07 degree 12 minutes 42 seconds latitude north and 38 degree 17 minutes 36 seconds longitude east around Qite Tesisa;
      
      c) thence, up to beacon number three lying between Qite Tesisa and Senbete Lencho at 07 degree 12 minutes 20 seconds latitude north and 38 degree 16 minutes 03 seconds longitude east;
      
      d) thence, turning to southward up to beacon number four at 07 degree 11 minutes 33 seconds latitude north and 38 degree 16 minutes 19 seconds longitude east at around Senbete Lencho;
      
      e) thence, turning to westward up to beacon number five at 07 degree 11 minutes 23 seconds latitude north and 38 degree 15 minutes 12 seconds longitude east at around Loke Sifo;
      
      f) thence, turning to southward up to beacon number six at 07 degree 09 minutes 18 seconds latitude north and 38 degree 15 minutes 32 seconds longitude east at around Loke Sifo;
      
      g) thence, turning to the south-eastern direction up to Beacon number seven at 07 degree 08 minutes 50 seconds latitude North and 38 degree 16 minutes 24 seconds longitude East around Kela Lalima;
      
      h) thence, up to beacon number eight at 07 degree 08 minutes 23 seconds latitude north and 38 degree 16 minutes 31 seconds longitude east on the rear side of Bekela Camp;
i) thence, up to beacon number nine at 07 degree 08 minutes 12 seconds latitude north and 38 degree 17 minutes 04 seconds longitude east at around Bekela Lalima;

2/ thence, turning to southward in Sidama Zone Hawassa wereda:
   a) up to beacon number ten at 07 degree 07 minutes 22 seconds latitude north and 38 degree 17 minutes 02 seconds longitude east on the adjacent area between the border of Shamena Resettlement area and Beke Lalima;
   b) up to beacon number eleven at 07 degree 07 minutes 43 seconds latitude north and 38 degree 19 minutes 31 seconds longitude east at a place called Haddesso;

3/ thence, excluding the Tatesa land and passing through Anole and Meti; and following the edges of Goda Hare gorge joins with the initial beacon number One.

5. **Administration of the Sanctuary**
   1/ The Authority shall develop, administer and prevent the Sanctuary from illegal acts through the Sanctuary’s office to be organized in Siraro wereda pursuant to Article 4 of the Proclamation No. 575/2008.

2/ Without prejudice to sub-article (1) of this Article, the Sanctuary’s Advisory Committee (hereinafter called the “Committee”) is hereby established.

6. **Members of the Committee**

The Committee shall have the following members:

1/ chief administrator of the Sanctuary’s neighboring wereda (annually in rotation) .................................................................Chairperson

2/ chief administrator of the Sanctuary’s neighboring wereda (annually in rotation) ..........................................................member

3/ representatives of heads of culture and tourism offices of the Sanctuary’s neighboring weredas ........................................members

4/ heads of the Sanctuary’s neighboring Kebele administrations ..........................................................members

5/ representative of the Sanctuary’s neighboring woreda Community elders ..........................................................members

6/ two representative from youth and women associations of neighboring kebeles ..........................................................members

7/ a representative of tour operators ..........................................................member

8/ head of the office of the Sanctuary.................................member and secretary.
7. **Powers and Duties the Committee**

The Committee shall have the powers and duties to:

1/ advise the office of the Sanctuary in carrying out its duties and responsibilities;

2/ submit possible ideas to enhance the contribution of the local community around the Sanctuary in the management and conservation of the Sanctuary with a sense of ownership;

3/ prepare the Sanctuary’s annual plan together with the office of the Sanctuary and, evaluate and review performance reports before they are being submitted to the Authority.

8. **Meetings of the Committee**

1/ The Committee shall meet regularly once in every three months; provided, however, that extra-ordinary meetings of the Committee may be held at any time, as may be necessary.

2/ There shall be quorum where more than half of the members of the Committee are present at a meeting.

3/ Recommendations of the Committee shall be passed by majority votes; in case of a tie the Chairperson shall have a casting vote.

4/ Without prejudice to the provisions of this Article, the Committee may adopt its own rules of procedure for conducting meetings.

9. **Prohibited Activities**

In addition to the prohibited activities provided for under Article 5(1) of the wildlife development, conservation and utilization Council of Ministers Regulation No. 163/2008, carrying out the following activities within the Sanctuary area shall also be prohibited:

1/ entering the Sanctuary holding poisonous substances;

2/ arbitrary disposal of trash in the Sanctuary such as packing cases of foodstuff and other leftovers;

3/ entering the Sanctuary with a snare or a hunting weapon.

10. **Administrative Penalty**

1/ Whosoever causes damage to wildlife or wildlife resource in contravention of Article 9 of this Regulation or sub-article (1) of Article 5 of the wildlife development, conservation and utilization Council of Ministers Regulation No. 163/2008 shall, without prejudice to the penalty prescribed under paragraph (b) of sub-article (1) of Article 16 of the Proclamation, be liable to pay the price of the wildlife or wildlife resource as provided for by the wildlife development, conservation and utilization Council of Ministers Regulation No. 163/2008.

2/ The Authority may, in consultation with the local administrations adjoining the Sanctuary, determine the rate of fine to be imposed for the transgression of domestic animals into the Sanctuary by taking into account the financial capacity of the local communities.
11. **Duty to Cooperate**
   Any person shall have the duty to cooperate with the Authority for the implementation of this Regulation.

12. **Effective Date**
   This Regulation shall enter into force on the date of its publication in Federal Negarit Gazzette.

   Done at Addis Ababa, this day of 2\textsuperscript{nd} February, 2015.

   HAILEMARIAM DESSALEGN

   PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
Annex
Swaynes Hartebeests Sanctuar Map
3.1.3.9. **COUNCIL OF MINISTERS REGULATION NO. 337/2014**

**COUNCIL OF MINISTERS REGULATION TO PROVIDE FOR THE DESIGNATION OF SIMIEN MOUNTAINS NATIONAL PARK**

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**BRIEF DESCRIPTION**

This Regulation repeals the Semien Mountains National Park Establishment Order No. 59/1969, designates the Semien Mountains National Park and sets forth its boundaries. The Ethiopian Wildlife Development and Conservation Authority established under Proclamation No. 575/2008 develops, administers and prevents the Park from illegal acts through the Park’s Office. A Committee composed of various stakeholders is established under the Regulation and it further makes provisions for prohibited activities and administrative penalties.

**Simien Mountains National Park Designation Council of Ministers Regulation No. 337/2014**

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definitions of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2011 and Article 4 (2) of the Development, Conservation and Utilization of Wildlife Proclamation No. 541/2007.

1. **Short Title**
   
   This Regulation may be cited as the “Simien Mountains National Park Designation Council of Ministers Regulation No. 337/2014”.

2. **Definitions**
   
   In this Regulation unless the context otherwise requires:
1/ “Proclamation” means the Development, Conservation and Utilization of Wildlife Proclamation No. 541/2007;

2/ definitions provided for under Article 2 of the Proclamation shall also be applicable;

3/ “beacon” means a demarcation made up of solid materials and erected as a permanent delineator, following trigonometric points in demarcation method;

4/ “Authority” means Ethiopian Wildlife Development and Conservation Authority established in accordance with Proclamation No. 575/2008;

5/ any expression in masculine gender includes the feminine.

3. **Designation of Simien Mountains National Park**

   The park known as “Semien Mountains National Park” pursuant to sub-article (1) of Article 4 of the Development, Conservation and Utilization of Wildlife Council of Ministers Regulation No. 163/2008 is hereby designated as “Simien Mountains National Park” (hereinafter called the “Park”).

4. **Boundaries of the Park**

   The Park is found in the Amhara State Gonder Zone in Debarq, Janamora, Adi’arqay, Beyeda and Tselemt woredas covering 412.0885 square kilometers and located within the following demarcation points:

   1/ commencing from Beacon number one at 13 degree, 12 minutes 29 seconds latitude north and 37 degree 58 minutes 24 seconds longitude east at a place called DejachHailu found on the gate of the Park;

   2/ thence, turning to south-eastward up to beacon number 2 at 13 degree 12 minutes 11 seconds latitude north and 37 degree 59 minutes 04 seconds longitude east at the place called Tefir Malfiya;

   3/ thence, turning to north-eastward up to beacon number 3 at 13 degree 11 minutes 57 seconds latitude north and 37 degree 59 minutes 30 seconds longitude east at a place called Tefir Malfiya;

   4/ thence, up to beacon number 4 at 13 degree 12 minutes 10 seconds latitude north and 37 degree 59 minutes 44 seconds longitude east at a place called AmanAmba;

   5/ thence, turning to eastward up to beacon number 5 at 13 degree 12 minutes 29 seconds latitude north and 38 degree 00 minutes 04 seconds longitude east;

   6/ thence, turning to southward up to beacon number 6 at 13 degree 12 minutes 45 seconds latitude north and 38 degree 00 minutes 30 seconds longitude east at a place called Michibign;

   7/ thence, turning to southward up to beacon number 7 at 13 degree 12 minutes 42 seconds latitude north and 38 degree 00 minutes 47 seconds longitude east at the bank of Angoba River;
8/ thence, turning to eastward up to beacon number 8 at 13 degree 11 minutes 08 seconds latitude north and 38 degree 01 minutes 04 seconds longitude east down stair at Adisge Kidanemihret Church;

9/ thence, turning to north-eastward at beacon number 9 at 13 degree 11 minutes 51 seconds latitude north and 38 degree 02 minutes 09 seconds longitude east at the edge of trench of particular place called Tiqurwuha;

10/ thence, up to beacon number 10 at 13 degree 12 minutes 46 seconds latitude north and 38 degree 03 minutes 05 seconds longitude east leaving a village called Mecheka outside;

11/ thence, up to beacon number 11 at 13 degree 13 minutes 06 seconds latitude north and 38 degree 03 minutes 05 seconds longitude east at a place called Mecheka;

12/ thence, up to beacon number 12 at 13 degree 13 minutes 26 seconds latitude north and 38 degree 03 minutes 34 seconds longitude east at a place called Dinguru;

13/ thence, turning to the eastward up to beacon number 13 at 13 degree 13 minutes 45 seconds latitude north and 38 degree 04 minutes 02 seconds longitude east at the turning point to a place called Gich;

14/ thence, up to beacon number 14 at 13 degree 14 minutes 08 seconds latitude north and 38 degree 04 minutes 44 seconds longitude east at a place called Kabaras;

15/ thence, up to beacon number 15 at 13 degree 13 minutes 46 seconds latitude north and 38 degree 05 minutes 26 seconds longitude east at a place called Lewte Mekemecha;

16/ thence, up to beacon number 16 at 13 degree 14 minutes 27 seconds latitude north and 38 degree 07 minutes 04 seconds longitude east at around Ayna Meda Cump;

17/ thence, up to beacon number 17 at 13 degree 14 minutes 22 seconds latitude north and 38 degree 05 minutes 08 seconds longitude east;

18/ thence, turning to north-eastward up to beacon number 18 at 13 degree 14 minutes 43 seconds latitude north and 38 degree 10 minutes 01 seconds longitude east following the highway;

19/ thence, up to beacon number 19 at 13 degree 15 minutes 03 seconds latitude north and 38 degree 10 minutes 37 seconds longitude east partially including Argig area into the Park;

20/ thence, turning to the southward incorporating Kebero Midir area partially and Kidane Bado area fully into the Park up to beacon number 20 at 13 degree 14 minutes 53 seconds latitude north and 38 degree 10 minutes 50 seconds longitude east at Legez Ras;

21/ thence, turning to south-westward up to beacon number 21 around Abid Sekawin area at 13 degree 14 minutes 20 seconds latitude north and 38 degree 10 minutes 40 seconds longitude east on the top of Kebero Midir at Tikur trench;
22/ thence, including Getabi Village into the Park up to beacon number 22 at 13 degree 14 minutes 00 seconds latitude north and 38 degree 10 minutes 36 seconds longitude east at Abid Sekaw around Kiltim Sebari;

23/ thence, turning to south-westward up to beacon number 23 at around Abid Sekawin at 13 degree 13 minutes 23 seconds latitude north and 38 degree 09 minutes 04 seconds longitude east at a particular place called Chinket on the boundary between Debark and Janamora weredas;

24/ thence, up to beacon number 24 at Bitikuwa Village at 13 degree 13 minutes 12 seconds latitude north and 38 degree 09 minutes 24 seconds longitude east across Shikitate plain area at a particular place called Kiltim Sebarit;

25/ thence, turning to southward and leaving Timirk Village out of the Park up to beacon number 25 at 13 degree 11 minutes 44 seconds latitude north and 38 degree 11 minutes 38 seconds longitude east at a place called Negade Washa;

26/ thence, turning to south-eastward and crossing the road connecting Debark and Janamora weredas up to beacon number 26 at 13 degree 10 minutes 55 seconds latitude north and 38 degree 11 minutes 36 seconds longitude east at a particular place called Timirk Ras;

27/ thence, turning to eastward along the edge of Zena up to beacon number 27 at 13 degree 10 minutes 02 seconds latitude north and 38 degree 11 minutes 17 seconds longitude east on Yedenkolako at a place known as Zena Girge;

28/ thence, turning to north-eastward up to beacon number 28 at 13 degree 09 minutes 30 seconds latitude north and 38 degree 11 minutes 25 seconds longitude east at place known as Wanos Washa by crossing a plain area called Yejib Geha;

29/ thence, up to beacon number 29 at 13 degree 10 minutes 08 seconds latitude north and 38 degree 12 minutes 06 seconds longitude east at place called Wenbede Alga;

30/ thence, turning to south-westward and including Mehal Dur into the Park up to beacon number 30 at 13 degree 10 minutes 49 seconds latitude north and 38 degree 13 minutes 01 seconds longitude east at place known as Mehal Dur at around Digwuha;

31/ thence, up to beacon number 31 at 13 degree 10 minutes 23 seconds latitude north and 38 degree 13 minutes 07 seconds longitude east at particular place known as Akura;

32/ thence, turning to southward up to beacon number 32 at 13 degree 09 minutes 43 seconds latitude north and 38 degree 13 minutes 49 seconds longitude east at a place known as Baroch Amba around Digwuha;

33/ thence, turning to eastward up to beacon number 33 at 13 degree 07 minutes 37 seconds latitude north and 38 degree 14 minutes 23 seconds longitude east at place known as Timirk Ras;

34/ thence, up to beacon number 34 at 13 degree 07 minutes 36 seconds latitude north and 38 degree 14 minutes 43 seconds longitude east at a particular place known as Akuware Deldala;
thence, turning to north-eastward up to beacon number 35 at 13 degree 07 minutes 36 seconds latitude north and 38 degree 14 minutes 51 seconds longitude east at a place called Akuware;

thence, up to beacon number 36 at 13 degree 08 minutes 03 seconds latitude north and 38 degree 14 minutes 58 seconds longitude east at a place known as Fisikoch;

thence, turning to north-westward up to beacon number 37 at 13 degree 08 minutes 47 seconds latitude north and 38 degree 15 minutes 26 seconds longitude east at place known as Keysar Gurchena;

thence, up to beacon number 38 at 13 degree 08 minutes 45 seconds latitude north and 38 degree 14 minutes 32 seconds longitude east at a place known as Weskembit Mekuwanint;

thence, turning to eastward up to beacon number 39 at 13 degree 09 minutes 37 seconds latitude north and 38 degree 14 minutes 15 seconds longitude east at the foot of a place known as Digwuha on the road to Girariya;

thence, turning to northward up to beacon number 40 at 13 degree 09 minutes 41 seconds latitude north and 38 degree 14 minutes 31 seconds longitude east at a place known Lam Makomiya on the road to Gordemisa;

thence, turning to north-westward up to beacon number 41 at 13 degree 10 minutes 01 seconds latitude north and 38 degree 14 minutes 38 seconds longitude east at a place known as Aruho River along the trenches of Golgol Ras;

thence, turning to northward from Gordemisa and along the trench through Chuchu Rasup up to beacon number 42 at 13 degree 10 minutes 24 seconds latitude north and 38 degree 14 minutes 34 seconds longitude east at the foot of Gordemisa Mountain;

thence, turning to south-eastward crossing the connecting road between Debark and Janamora weredas up to beacon number 43 at 13 degree 10 minutes 55 seconds latitude north and 38 degree 11 minutes 36 seconds longitude east at place known as Timirk Ras;

thence, turning to north-eastward along the mountain across Mechekaw Washa up to beacon number 44 at 13 degree 12 minutes 10 seconds latitude north and 38 degree 13 minutes 30 seconds longitude east at place known as Asamaw on the road to Mesareriya Mewucha;

thence, turning to northward up to beacon number 45 at 13 degree 12 minutes 38 seconds latitude north and 38 degree 13 minutes 54 seconds longitude east at place known as Chilkuwana by crossing MechkaWasha;

thence, up to beacon number 46 at 13 degree 13 minutes 15 seconds latitude north and 38 degree 14 minutes 06 seconds longitude east at a place called Melhuwana Kedada Washa;

thence, turning to north-westward up to beacon number 47 at 13 degree 14 minutes 29 seconds latitude north and 38 degree 14 minutes 05 seconds longitude east at a place known as Ras Teklay on the road to Aba Markos Tsebel;
thence, turning to north-eastward including Aba Markos Tsebel into the Park up to beacon number 48 at 13 degree 14 minutes 54 seconds latitude north and 38 degree 13 minutes 43 seconds longitude east at a place known as Mirwasha Ras;

thence, up to beacon number 49 at 13 degree 15 minutes 36 seconds latitude north and 38 degree 13 minutes 51 seconds longitude east at place called Gultu Girge on the road to Talak Meda around Wenziyete;

thence, turning to eastward including Arkuwaziye area to the Park and leaving Fuwafuwate Village out of the Park up to beacon number 50 at 13 degree 16 minutes 17 seconds latitude north and 38 degree 14 minutes 18 seconds longitude east at a place known as Talak Got;

thence, following same direction up to beacon number 51 at 13 degree 19 minutes 08 seconds latitude north and 38 degrees 15 minutes 33 seconds longitude east;

thence, on the same direction up to beacon 52 at 13 degree 19 minutes 02 seconds latitude north and 38 degrees 16 minutes 13 seconds longitude east;

thence, turning to north-eastward up to beacon number 53 at 13 degree 19 minutes 02 seconds latitude north and 38 degrees 16 minutes 49 seconds longitude east;

thence, on the same direction up to beacon number 54 at 13 degree 18 minutes 45 seconds latitude north and 38 degrees 17 minutes 03 seconds longitude east on Atir River;

thence, on the same direction up to beacon number 55 at 13 degree 16 minutes 40 seconds latitude north and 38 degrees 19 minutes 15 seconds longitude east;

thence, turning to northward up to beacon number 56 at 13 degree 16 minutes 53 seconds latitude north and 38 degrees 19 minutes 44 seconds longitude east at a place called Yibela Got;

thence, turning to north-westward up to beacon number 57 at 13 degree 16 minutes 54 seconds latitude north and 38 degrees 20 minutes 19 seconds longitude east at a place called Chokew;

thence, turning to south-westward up to beacon number 58 at 13 degree 16 minutes 54 seconds latitude north and 38 degrees 20 minutes 36 seconds longitude east at a vicinity called Lilay;

thence, on a similar direction up to beacon number 59 at 13 degree 17 minutes 04 seconds latitude north and 38 degrees 20 minutes 50 seconds longitude east at a vicinity called Wuchena;

thence, on a similar direction up to beacon number 60 at 13 degree 14 minutes 53 seconds latitude north and 38 degrees 21 minutes 00 seconds longitude east at a place called Tikur Washa;

thence, on a similar direction up to beacon number 61 at 13 degree 14 minutes 58 seconds latitude north and 38 degrees 19 minutes 33 seconds longitude east at a particular place called Egzern Amgnew.
thence, on a similar direction up to beacon number 62 at 13 degree 14 minutes 46 seconds latitude north and 38 degrees 19 minutes 42 seconds longitude east at a place called Shefshefo;

thence, on a similar direction up to beacon number 63 at 13 degree 14 minutes 10 seconds latitude north and 38 degrees 19 minutes 57 seconds longitude east at a place called Sama Washa;

thence, turning to south-eastward up to beacon number 64 at 13 degree 13 minutes 57 seconds latitude north and 38 degrees 20 minutes 02 seconds longitude east at a place called Chew Metaya;

thence, on a similar direction up to beacon number 65 at 13 degree 13 minutes 33 seconds latitude north and 38 degrees 19 minutes 42 seconds longitude east at a place called Wenza-wenzite;

thence, turning to south-westward up to beacon number 66 at 13 degree 13 minutes 23 seconds latitude north and 38 degrees 19 minutes 40 seconds longitude east at a place called Mizma Ras;

thence, on a similar direction up to beacon number 67 at 13 degree 12 minutes 58 seconds latitude north and 38 degrees 19 minutes 56 seconds longitude east at a place called Yegetemu;

thence, on a similar direction up to beacon number 68 at 13 degree 12 minutes 51 seconds latitude north and 38 degrees 19 minutes 59 seconds longitude east at a place called Wanes Cave;

thence, turning to south-eastward up to beacon number 69 at 13 degree 12 minutes 37 seconds latitude north and 38 degrees 19 minutes 31 seconds longitude east at a place called Kedada Cave;

thence, turning to south-westward up to beacon number 70 at 13 degree 12 minutes 30 seconds latitude north and 38 degrees 19 minutes 36 seconds longitude east at a place called Meresha River;

thence, turning to north-eastward up to beacon number 71 at 13 degree 12 minutes 23 seconds latitude north and 38 degrees 19 minutes 27 seconds longitude east at a place called Yemenzu Mushra Marefiya;

thence, on a similar direction up to beacon number 72 at 13 degree 12 minutes 20 seconds latitude north and 38 degrees 19 minutes 14 seconds longitude east at a place called Mehal Washa;

thence, turning to south-eastward up to beacon number 73 at 13 degree 12 minutes 05 seconds latitude north and 38 degrees 19 minutes 33 seconds longitude east at a place called Yekeda Washa;

thence, turning to south-westward up to beacon 74 at 13 degree 11 minutes 20 seconds latitude north and 38 degrees 18 minutes 54 seconds longitude east at a place called Chew Mebyaw;
75/ thence, on a similar direction up to beacon number 75 at 13 degree 11 minutes 06 seconds latitude north and 38 degrees 19 minutes 03 seconds longitude east at a place called Toqa;

76/ thence, turning to south-eastward up to beacon 76 at 13 degree 10 minutes 36 seconds latitude north and 38 degrees 18 minutes 35 seconds longitude east at a place called Chekew DebirBil;

77/ thence, turning to north-eastward up to beacon number 77 at 13 degree 10 minutes 21 seconds latitude north and 38 degrees 18 minutes 49 seconds longitude east at a place called Sayhon;

78/ thence, turning to northward up to beacon number 78 at 13 degree 09 minutes 53 seconds latitude north and 38 degrees 18 minutes 31 seconds longitude east at a place called Yedebelaw;

79/ thence, turning to south-eastward up to beacon number 79 at 13 degree 09 minutes 14 seconds latitude north and 38 degrees 18 minutes 52 seconds longitude east at a place called Chebata;

80/ thence, turning to northward up to beacon number 80 at 13 degree 09 minutes 03 seconds latitude north and 38 degrees 18 minutes 30 seconds longitude east at a place called Tach Amba;

81/ thence, turning to north-eastward up to beacon number 81 at 13 degree 08 minutes 15 seconds latitude north and 38 degrees 18 minutes 25 seconds longitude east at a place called Chururit;

82/ thence, following the southward direction up to beacon number 82 at 13 degree 07 minutes 54 seconds latitude north and 38 degrees 18 minutes 34 seconds longitude east at the bottom trench of Bergete Mountain;

83/ thence, on a similar direction up to beacon number 83 at 13 degree 06 minutes 47 seconds latitude north and 38 degrees 18 minutes 48 seconds longitude east at a place called Chilada Midir /Bashaye/;

84/ thence, following the northward direction up to beacon number 84 at 13 degree 07 minutes 54 seconds latitude north and 38 degrees 18 minutes 44 seconds longitude east at a place called Gemasaw Anba /Bashaye/;

85/ thence, following a similar direction up to beacon number 85 at 13 degree 08 minutes 29 seconds latitude north and 38 degrees 18 minutes 51 seconds longitude east at a place called Kolebasa;

86/ thence, turning to north-eastward up to beacon number 86 at 13 degree 09 minutes 58 seconds latitude north and 38 degrees 19 minutes 39 seconds longitude east at a place called Shitataw Washa/Bashaye;

87/ thence, turning to south-eastward up to beacon number 87 at 13 degree 08 minutes 48 seconds latitude north and 38 degrees 20 minutes 06 seconds longitude east at a place called Dibdiba vicinity/Bashaye;
88/ thence, turning to eastward up to beacon number 88 at 13 degree 08 minutes 49 seconds latitude north and 38 degrees 20 minutes 33 seconds longitude east at a place called Chincha Kulu /Aygatere/;

89/ thence, turning to northward up to beacon number 89 at 13 degree 10 minutes 09 seconds latitude north and 38 degrees 20 minutes 32 seconds longitude east at place called Atere/Aygatere;

90/ thence, turning to eastward up to beacon number 90 at 13 degree 10 minutes 31 seconds latitude north and 38 degrees 18 minutes 56 seconds longitude east at place called Bora Wuldiba/Aygatere;

91/ thence, following a similar direction up to beacon number 91 at 13 degree 10 minutes 27 seconds latitude north and 38 degrees 21 minutes 04 seconds longitude east at a place called Dinguar River/Aygatere;

92/ thence, turning to northward up to beacon number 92 at 13 degree 11 minutes 12 seconds latitude north and 38 degrees 21 minutes 28 seconds longitude east at a place called Debelaw Got/Aylemelem;

93/ thence, turning to north-eastward up to beacon number 93 at 13 degree 12 minutes 14 seconds latitude north and 38 degrees 21 minutes 52 seconds longitude east at place called Serdayt Feres/Aylemelem;

94/ thence, following a similar direction up to beacon number 94 at 13 degree 12 minutes 13 seconds latitude north and 38 degrees 22 minutes 05 seconds longitude east at place called Gesetaw vicinity/Aylemelem;

95/ thence, turning to northward up to beacon number 95 at 13 degree 12 minutes 56 seconds latitude north and 38 degrees 21 minutes 57 seconds longitude east at a place called Dereq River/Abare;

96/ thence, turning to south-eastward up to beacon number 96 at 13 degree 12 minutes 38 seconds latitude north and 38 degrees 22 minutes 45 seconds longitude east at a place called Chekoru Gorirery/Abare;

97/ thence, turning to northward up to beacon number 97 at 13 degree 12 minutes 54 seconds latitude north and 38 degrees 22 minutes 42 seconds longitude east at place called Seferu /Abare/;

98/ thence, turning to south-eastward up to beacon number 98 at 13 degree 12 minutes 37 seconds latitude north and 38 degrees 23 minutes 30 seconds longitude east at a place called Gobatit/Abare;

99/ thence, turning to eastward up to beacon number 99 at 13 degree 12 minutes 39 seconds latitude north and 38 degrees 24 minutes 20 seconds longitude east at place called Gilgelo Sefer/Melka-kuwara;

100/ thence, turning to north-eastward up to beacon number 100 at 13 degree 12 minutes 51 seconds latitude north and 38 degrees 24 minutes 18 seconds longitude east at place called Beyeda River/Melza-kuwara;
thence, on a similar direction up to beacon number 101 at 13 degree 13 minutes 13 seconds latitude north and 38 degrees 24 minutes 31 seconds longitude east at a place called Mecheqaw/Beyedamatba;

thence, on a similar direction up to beacon number 102 at 13 degree 14 minutes 08 seconds latitude north and 38 degrees 24 minutes 37 seconds longitude east at place called Chincha Beret/ Beyeda-matba/;

thence, following a similar direction up to beacon number 103 at 13 degree 14 minutes 29 seconds latitude north and 38 degrees 24 minutes 38 seconds longitude east at place called Guaguan Bahir/Selewa;

thence, turning to eastward up to beacon number 104 at 13 degree 14 minutes 59 seconds latitude north and 38 degrees 25 minutes 33 seconds longitude east at place called Asayta vicinity/Selewa;

thence, turning to north-eastward up to beacon number 105 at 13 degree 14 minutes 15 seconds 18 seconds latitude north and 38 degrees 26 minutes 15 seconds longitude east at place called Sireta Gedel/Medebay;

thence, following a similar direction up to beacon 106 at 13 degree 15 minutes 18 seconds latitude north and 38 degrees 28 minutes 16 seconds longitude east at place called Tind Wach Afaf/Zeware;

thence, turning to eastward up to beacon number 107 at 13 degree 16 minutes 09 seconds latitude north and 38 degrees 28 minutes 56 seconds longitude east at place called Sebi Yebelaw/Zeware;

thence, turning to north-westward up to beacon number 108 at 13 degree 16 minutes 13 seconds latitude north and 38 degrees 29 minutes 25 seconds longitude east at place called Sebi Girge/Segenet;

thence, turning to the westward up to beacon number 109 at 13 degree 16 minutes 19 seconds latitude north and 38 degrees 29 minutes 14 seconds longitude east at place called Gete Mechawecha/Segenet;

thence, turning to south-westward up to beacon number 110 at 13 degree 17 minutes 30 seconds latitude north and 38 degrees 24 minutes 42 seconds longitude east at a place Mosebit/KedadaWasha/Segenet;

thence, turning to north-eastward up to beacon number 111 at 13 degree 17 minutes 34 seconds latitude north and 38 degrees 24 minutes 28 seconds longitude east at the place called Amja Washa/Meleb;

thence, turning to north-westward up to beacon number 112 at 13 degree 16 minutes 50 seconds latitude north and 38 degrees 23 minutes 41 seconds longitude east at a place called Amora Haro/Meleb;

thence, following a similar direction up to beacon number 113 at 13 degree 16 minutes 47 seconds latitude north and 38 degrees 23 minutes 00 seconds longitude east at a place called Amed Washa/Sebara;
114/ thence, following a similar direction up to beacon number 114 at 13 degree 16 minutes 59 seconds latitude north and 38 degrees 21 minutes 14 seconds longitude east at a place called Mitlel/Egzer Atnaw/Sebara;

115/ thence, turning to north-eastward up to beacon number 115 at 13 degree 19 minutes 21 seconds latitude north and 38 degrees 20 minutes 36 seconds longitude east at a place called Gelebis Guasa/Sebara;

116/ thence, following a similar direction up to beacon number 116 at 13 degree 19 minutes 44 seconds latitude north and 38 degrees 20 minutes 01 seconds longitude east at a place called Sebara Amba at the border of Telemt/Sebara;

117/ thence, turning to westward up to beacon number 117 at 13 degree 19 minutes 49 seconds latitude north and 38 degrees 18 minutes 10 seconds longitude east at a place called Algaw Dingay/Gilbena;

118/ thence, turning to north-eastward up to beacon number 118 at 13 degree 19 minutes 50 seconds latitude north and 38 degrees 17 minutes 51 seconds longitude east at a place called Medaw/Gilbena;

119/ thence, turning to northward up to beacon number 119 at 13 degree 20 minutes 16 seconds latitude north and 38 degrees 17 minutes 57 seconds longitude east at a place called Nefas Ber/Gilbena;

120/ thence, following a similar direction up to beacon number 120 at 13 degree 20 minutes 39 seconds latitude north and 38 degrees 17 minutes 59 seconds longitude east at a place called Key Dingay/Gilbena;

121/ thence, turning to north-westward up to beacon number 121 at 13 degree 21 minutes 15 seconds latitude north and 38 degrees 18 minutes 00 seconds latitude east at a place called Laygnaw Kerkarit/Gilbena;

122/ thence, turning to north-eastward up to beacon number 122 at 13 degree 21 minutes 29 seconds latitude north and 38 degrees 17 minutes 24 seconds longitude east at a place called Angua Washa Gon/Abina;

123/ thence, turning to eastward up to beacon number 123 at 13 degree 21 minutes 59 seconds latitude north and 38 degrees 18 minutes 03 seconds longitude east at a place called Abina;

124/ thence, turning to south-eastward up to beacon number 124 at 13 degree 22 minutes 02 seconds latitude north and 38 degrees 18 minutes 18 seconds longitude east at a place called Abina;

125/ thence, turning to north-eastward up to beacon number 125 at 13 degree 21 minutes 59 seconds latitude north and 38 degrees 18 minutes 26 seconds longitude east at a place called Kolaras/Abina;

126/ thence, turning to westward up to beacon number 126 at 13 degree 22 minutes 59 seconds latitude north and 38 degrees 18 minutes 52 seconds longitude east at a place called Walya Qend Fitlefit/Abina;
127/ thence, on a similar direction up to beacon number 127 at 13 degree 23 minutes 02 seconds latitude north and 38 degrees 18 minutes 09 seconds longitude east at a place called Mezegaw/Abina;

128/ thence, following a similar direction up to beacon number 128 at 13 degree 23 minutes 04 seconds latitude north and 38 degrees 18 minutes 01 seconds longitude east at a place called Upper Mezegaw/Abina;

129/ thence, turning to south-westward up to beacon number 129 at 13 degree 22 minutes 37 seconds latitude north and 38 degrees 17 minutes 13 seconds longitude east at a place called Chilay Megnita/Abera;

130/ thence, on a similar direction up to beacon number 130 at 13 degree 22 minutes 30 seconds latitude north and 38 degrees 17 minutes 02 seconds longitude east at a place called Chilay Megnita/Abera;

131/ thence, on a similar direction up to beacon number 131 at 13 degree 22 minutes 13 seconds latitude north and 38 degrees 16 minutes 40 seconds longitude east at a place called Gidgida River/Abera;

132/ thence, following a similar direction up to beacon number 132 at 13 degree 21 minutes 58 seconds latitude north and 38 degrees 16 minutes 30 seconds longitude east at a place called Gebrekidan Washa Ras/Abera;

133/ thence, turning to westward up to beacon number 133 at 13 degree 21 minutes 46 seconds latitude north and 38 degrees 16 minutes 25 seconds longitude east at a place called Moreguat/Abera;

134/ thence, turning to north-westward up to beacon number 134 at 13 degree 21 minutes 33 seconds latitude north and 38 degrees 15 minutes 53 seconds longitude east at a place called Negadew Washa/Abera;

135/ thence, turning to northward up to beacon number 135 at 13 degree 21 minutes 47 seconds latitude north and 38 degrees 15 minutes 33 seconds longitude east at a place called Terahfes/Abera;

136/ thence, turning to south-westward up to beacon number 136 at 13 degree 22 minutes 11 seconds latitude north and 38 degrees 15 minutes 29 seconds longitude east at a place called Quara Amba/Abera;

137/ thence, turning to westward up to beacon number 137 at 13 degree 16 minutes 27 seconds latitude north and 38 degrees 13 minutes 45 seconds longitude east at a place called Tsehai Memokiyaw;

138/ thence, on a similar direction up to beacon number 138 at 13 degree 16 minutes 27 seconds latitude north and 38 degrees 13 minutes 17 seconds longitude east at a place called Biret Mitad;

139/ thence, on a similar direction up to beacon number 139 at 13 degree 16 minutes 37 seconds latitude north and 38 degrees 12 minutes 04 seconds longitude east at a place called Duket Melewecha;
thence, following a similar direction up to beacon number 140 at 13 degree 16 minutes 26 seconds latitude north and 38 degrees 11 minutes 44 seconds longitude east at a place called Yemijaber Ras;

thence, turning to south-westward up to beacon number 141 at 13 degree 16 minutes 23 seconds latitude north and 38 degrees 11 minutes 26 seconds longitude east at a place called Ye’abawubet Tigacross Amja River;

thence, turning to westward up to beacon number 142 at 13 degree 15 minutes 59 seconds latitude north and 38 degrees 11 minutes 13 seconds longitude east at a place called Duhra;

thence, on a similar direction up to beacon number 143 at 13 degree 16 minutes 18 seconds latitude north and 38 degrees 10 minutes 50 seconds longitude east at a place called Dendaw;

thence, on a similar direction up to beacon number 144 at 13 degree 16 minutes 20 seconds latitude north and 38 degrees 10 minutes 34 seconds longitude east at a place called Qebero River;

thence, on a similar direction up to beacon number 145 at 13 degree 16 minutes 36 seconds latitude north and 38 degrees 10 minutes 28 seconds longitude east at a place called Firfira;

thence, following a similar direction up to beacon number 146 at 13 degree 16 minutes 24 seconds latitude north and 38 degrees 10 minutes 02 seconds longitude east at a place called Yekesu Ersha;

thence, along the hill way to Emetgogo mountain up to beacon number 147 at 13 degree 16 minutes 51 seconds latitude north and 38 degrees 10 minutes 02 seconds longitude east at a place called Lay Mender and at around Tirawama;

thence, turning to southward and crossing Tiya River up to beacon number 148 at 13 degree 17 minutes 16 seconds latitude north and 38 degrees 09 minutes 45 seconds longitude east at a place called Emetgogo Girge;

thence, following a similar direction up to beacon number 149 at 13 degree 17 minutes 30 seconds latitude north and 38 degrees 09 minutes 43 seconds longitude east at a place called Girarit;

thence, turning to westward up to beacon number 150 at 13 degree 17 minutes 53 seconds latitude north and 38 degrees 09 minutes 50 seconds longitude east at a place called Beru;

thence, following a similar direction up to beacon number 151 at 13 degree 17 minutes 42 seconds latitude north and 38 degrees 09 minutes 41 seconds longitude east at a place called Badimaw;

thence, turning to north-westward up to beacon number 152 at 13 degree 17 minutes 40 seconds latitude north and 38 degrees 09 minutes 19 seconds longitude east at a place called Gebse;
153/ thence, turning to westward up to beacon number 153 at 13 degree 18 minutes 01 seconds latitude north and 38 degrees 09 minutes 25 seconds longitude east at a place called Foten;

154/ thence, following a similar direction up to beacon 154 at 13 degree 18 minutes 19 seconds latitude north and 38 degrees 09 minutes 13 seconds east at a place called Abat Midir;

155/ thence, turning to southward up to beacon number 155 at 13 degree 18 minutes 36 seconds latitude north and 38 degrees 09 minutes 08 seconds longitude east at a place called Dirni Security Cump;

156/ thence, turning to south-westward up to beacon number 156 at 13 degree 18 minutes 29 seconds latitude north and 38 degrees 09 minutes 01 seconds longitude east at a place called Tega Ber;

157/ thence, turning to westward up to beacon number 157 at 13 degree 18 minutes 26 seconds latitude north and 38 degrees 08 minutes 42 seconds longitude east at a place called Dirni;

158/ thence, on a similar direction up to beacon number 158 at 13 degree 18 minutes 28 seconds latitude north and 38 degrees 08 minutes 21 seconds longitude east at a place called Direnko;

159/ thence, following a similar direction up to beacon number 159 at 13 degree 18 minutes 00 seconds latitude north and 38 degrees 07 minutes 52 seconds longitude east at a place called Girdoman;

160/ thence, turning to north-westward up to beacon number 160 at 13 degree 18 minutes 16 seconds latitude north and 38 degrees 06 minutes 55 seconds longitude east at a place called Key Ber;

161/ thence, turning to the westward up to beacon number 161 at 13 degree 18 minutes 29 seconds latitude north and 38 degrees 07 minutes 12 seconds longitude east at a place called Muk Wuha River;

162/ thence, turning to northward up to beacon number 162 at 13 degree 18 minutes 03 seconds latitude north and 38 degrees 07 minutes 01 seconds longitude east at a place called Tsadkan;

163/ thence, turning to the westward up to beacon number 163 at 13 degree 18 minutes 49 seconds latitude north and 38 degrees 07 minutes 10 seconds longitude east at place called EmetBado;

164/ thence, following a similar direction up to beacon number 164 at 13 degree 18 minutes 30 seconds latitude north and 38 degrees 06 minutes 29 seconds longitude east at a place called Deldalit;

165/ thence, turning to the northward up to beacon number 165 at 13 degree 18 minutes 30 seconds latitude north and 38 degrees 06 minutes 11 seconds longitude east at a place called Riq;
thence turning to the south-westward up to beacon number 166 at 13 degree 18 minutes 54 seconds latitude north and 38 degrees 06 minutes 18 seconds longitude east at a place called Sereq;

thence, on a similar direction up to beacon number 167 at 13 degree 18 minutes 54 seconds latitude north and 38 degrees 05 minutes 57 seconds longitude east at a place called Sereq;

thence, following a similar direction up to beacon number 168 at 13 degree 18 minutes 58 seconds latitude north and 38 degrees 05 minutes 43 seconds longitude east at a place called Medosh Hadj;

thence, turning to the southward up to beacon number 169 at 13 degree 18 minutes 45 seconds latitude north and 38 degrees 05 minutes 48 seconds longitude east at a place called Nechilo;

thence, following a similar direction up to beacon number 170 at 13 degree 18 minutes 20 seconds latitude north and 38 degrees 05 minutes 45 seconds longitude east at a place called Ayqotiba;

thence, turning to south-eastward up to beacon number 171 at 13 degree 17 minutes 32 seconds latitude north and 38 degrees 05 minutes 07 seconds longitude east at a place called Senkorefa;

thence, turning to southward up to beacon number 172 at 13 degree 17 minutes 14 seconds latitude north and 38 degrees 05 minutes 06 seconds longitude east at a place called Adrebe Midr;

thence, on a similar direction up to beacon number 173 at 13 degree 17 minutes 07 seconds latitude north and 38 degrees 04 minutes 32 seconds longitude east at a place called Yesenbet Das;

thence, following a similar direction up to beacon number 174 at 13 degree 16 minutes 39 seconds latitude north and 38 degrees 03 minutes 27 seconds longitude east at a place called Kebte Sewal;

thence, turning to south-westward up to beacon number 175 at 13 degree 16 minutes 23 seconds latitude north and 38 degrees 03 minutes 36 seconds longitude east at a place called Getaw Dingay;

thence, following a similar direction up to beacon number 176 at 13 degree 16 minutes 10 seconds latitude north and 38 degrees 03 minutes 19 seconds longitude east at a place called kuwanja;

thence, turning to southward crossing river Anzoup up to beacon number 177 at 13 degree 15 minutes 52 seconds latitude north and 38 degrees 03 minutes 15 seconds longitude east at a place called lower kuwanja;

thence, turning to westward up to beacon number 178 at 13 degree 15 minutes 27 seconds latitude north and 38 degrees 02 minutes 52 seconds longitude east at a place called Daliya;
179/ thence, on a similar direction up to beacon number 179 at 13 degree 15 minutes 07 seconds latitude north and 38 degrees 02 minutes 37 seconds longitude east at a place called Daliya;

180/ thence, on a similar direction up to beacon number 180 at 13 degree 14 minutes 45 seconds latitude north and 38 degrees 02 minutes 08 seconds longitude east points at a place called Ketemu;

181/ thence, on a similar direction up to beacon number 181 at 13 degree 14 minutes 36 seconds latitude north and 38 degrees 01 minutes 56 seconds longitude east at a place called Minmana;

182/ thence, turning to northward up to beacon number 182 at 13 degree 14 minutes 38 seconds latitude north and 38 degrees 01 minutes 45 seconds longitude east at the place called Korit;

183/ thence, turning to the south-westward up to beacon number 183 at 13 degree 14 minutes 59 seconds latitude north and 38 degrees 01 minutes 44 seconds longitude east at a place called Dajachu;

184/ thence, turning to north-westward up to beacon number 184 at 13 degree 14 minutes 53 seconds latitude north and 38 degrees 01 minutes 27 seconds longitude east at a place called MaydiAlet;

185/ thence, following a similar direction up to beacon number 185 at 13 degree 14 minutes 52 seconds latitude north and 38 degrees 01 minutes 15 seconds longitude east at a place called Talaq Dur;

186/ thence, turning to the westward up to beacon number 186 at 13 degree 15 minutes 15 seconds latitude north and 38 degrees 01 minutes 15 seconds longitude east at a place called Angu;

187/ thence, turning to the south-westward up to beacon number 187 at 13 degree 15 minutes 29 seconds latitude north and 38 degrees 00 minutes 55 seconds longitude east at the place called Ambaw;

188/ thence, on a similar direction up to beacon number 188 at 13 degree 15 minutes 09 seconds latitude north and 38 degrees 00 minutes 31 seconds longitude east at a place called Angua Dingay;

189/ thence, following a similar direction up to beacon number 189 at 13 degree 14 minutes 40 seconds latitude north and 38 degrees 00 minutes 06 seconds longitude east at a place called Amsayaw;

190/ thence, turning to southward up to beacon number 190 at 13 degree 14 minutes 35 seconds latitude north and 38 degrees 00 minutes 04 seconds longitude east at a place called Amsayaw;

191/ thence, on a similar direction up to beacon number 191 at 13 degree 13 minutes 59 seconds latitude north and 38 degrees 00 minutes 10 seconds longitude east at the place called Weshleqa;
192/ thence, following a similar direction up to beacon number 192 at 13 degree 13 minutes 48 seconds latitude north and 38 degrees 00 minutes 06 seconds longitude east at a place called Adarmaz;

193/ thence, turning to the south-westward up to beacon number 193 at 13 degree 13 minutes 41 seconds latitude north and 38 degrees 00 minutes 05 seconds longitude east at a place called Adarmaz;

194/ thence, following a similar direction up to beacon number 194 at 13 degree 14 minutes 40 seconds latitude north and 38 degrees 00 minutes 06 seconds longitude east at a place called Adarmaz;

195/ thence, turning to the westward up to beacon number 195 at 13 degree 13 minutes 35 seconds latitude north and 37 degrees 59 minutes 15 seconds longitude east at a place called Adigebaz;

196/ thence, following a similar direction up to beacon number 196 at 13 degree 13 minutes 48 seconds latitude north and 37 degrees 59 minutes 11 seconds longitude east at a place called Adigebaz;

197/ thence, turning to south-westward up to beacon number 197 at 13 degree 13 minutes 48 seconds latitude north and 37 degrees 58 minutes 45 seconds longitude east at a place called Tanashi Sera;

198/ thence, turning to westward up to beacon number 198 at 13 degree 13 minutes 42 seconds latitude north and 37 degrees 58 minutes 22 seconds longitude east at a place called Tanashi Sera /ZinjeroAmaga/;

199/ thence, turning to south-westward up to beacon number 199 at 13 degree 13 minutes 43 seconds latitude north and 37 degrees 57 minutes 58 seconds longitude east at the place called Abiy Dur;

200/ thence, turning to north-westward up to beacon number 200 at 13 degree 13 minutes 41 seconds latitude north and 37 degrees 57 minutes 42 seconds longitude east at a place called Aydur;

201/ thence, on a similar direction up to beacon number 201 at 13 degree 13 minutes 44 seconds latitude north and 37 degrees 57 minutes 37 seconds longitude east at a place called Abiy Dur;

202/ thence, following a similar direction up to beacon number 202 at 13 degree 14 minutes 07 seconds latitude north and 37 degrees 57 minutes 21 seconds longitude east at a place called Qimalo;

203/ thence, turning to southward up to beacon number 203 at 13 degree 13 minutes 41 seconds latitude north and 37 degrees 56 minutes 49 seconds longitude east at a place called Degena;

204/ thence, on a similar direction up to beacon number 204 at 13 degree 13 minutes 24 seconds latitude north and 37 degrees 56 minutes 54 seconds longitude east at a place called Tekeze;
205/ thence, on a similar direction up to beacon number 205 at 13 degree 13 minutes 10 seconds latitude north and 37 degrees 56 minutes 36 seconds longitude east at a place called Tekeze;

206/ thence, on a similar direction up to beacon number 206 at 13 degree 12 minutes 54 seconds latitude north and 37 degrees 56 minutes 20 seconds longitude east at a place called Tekeze;

207/ thence, on a similar direction up to beacon number 207 at 13 degree 12 minutes 44 seconds latitude north and 37 degrees 58 minutes 35 seconds longitude east at a place called Tekeze;

208/ thence, on a similar direction up to beacon number 208 at 13 degree 12 minutes 32 seconds latitude north and 37 degrees 56 minutes 41 seconds longitude east at a place called Lebeta;

209/ thence, turning to south-westward up to beacon number 209 at 13 degree 12 minutes 18 seconds latitude north and 37 degrees 56 minutes 40 seconds longitude east at a place called Lebeta;

210/ thence, turning to westward up to beacon number 210 at 13 degree 12 minutes 04 seconds latitude north and 37 degrees 56 minutes 22 seconds longitude east at a place called Teraboch;

211/ thence, turning to south-westward up to beacon number 211 at 13 degree 12 minutes 12 seconds latitude north and 37 degrees 55 minutes 41 seconds longitude east at a place called Teraboch;

212/ thence, turning to westward up to beacon number 212 at 13 degree 11 minutes 58 seconds latitude north and 37 degrees 55 minutes 40 seconds longitude east at a place called Sugsug;

213/ thence, turning to north-westward up to beacon number 213 at 13 degree 11 minutes 48 seconds latitude north and 37 degrees 55 minutes 14 seconds longitude east at a place called Neznazit Mewreja;

214/ thence, turning to westward up to beacon number 214 at 13 degree 12 minutes 09 seconds latitude north and 37 degrees 54 minutes 55 seconds longitude east at a place called Adikebra;

215/ thence, on a similar direction up to beacon number 215 at 13 degree 12 minutes 36 seconds latitude north and 37 degrees 54 minutes 33 seconds longitude east at a place called Kurit;

216/ thence, on a similar direction up to beacon number 216 at 13 degree 12 minutes 35 seconds latitude north and 37 degrees 53 minutes 55 seconds longitude east at a place called Qoq Midir;

217/ thence, on a similar direction up to beacon number 217 at 13 degree 12 minutes 55 seconds latitude north and 37 degrees 53 minutes 05 seconds longitude east at a place called Sugsug Ber;
thence, following a similar direction up to beacon number 218 at 13 degree 12 minutes 46 seconds latitude north and 37 degrees 53 minutes 01 seconds longitude east at a place called Sira Ministr;

thence, following north-westward up to beacon number 219 at 13 degree 12 minutes 28 seconds latitude north and 37 degrees 53 minutes 02 seconds longitude east at a place called Sira Ministr;

thence, on a similar direction up to beacon number 220 at 13 degree 12 minutes 18 seconds latitude north and 37 degrees 52 minutes 29 seconds longitude east at a place after crossing Ambera River;

thence, on a similar direction up to beacon number 221 at 13 degree 14 minutes 40 seconds latitude north and 38 degrees 00 minutes 06 seconds longitude east at a place called Amsayaw;

thence, following a similar direction up to beacon number 222 at 13 degree 11 minutes 52 seconds latitude north and 37 degrees 51 minutes 28 seconds longitude east at a place called Zinjero Amaga;

thence, turning to southward up to beacon number 223 at 13 degree 11 minutes 34 seconds latitude north and 37 degrees 51 minutes 28 seconds longitude east on the road to a place called Lay Zebena;

thence, turning to eastward up to beacon number 224 at 13 degree 11 minutes 00 seconds latitude north and 37 degrees 52 minutes 30 seconds longitude east at a place called Sinch Bet;

thence, on a similar direction up to beacon number 225 at 13 degree 11 minutes 05 seconds latitude north and 37 degrees 52 minutes 41 seconds longitude east at a place called Jib Mewcha;

thence, on a similar direction up to beacon number 226 at 13 degree 10 minutes 45 seconds latitude north and 37 degrees 52 minutes 52 seconds longitude east at a place called Jib Amaga Forest;

thence, following a similar direction up to beacon number 227 at 13 degree 10 minutes 50 seconds latitude north and 37 degrees 53 minutes 08 seconds longitude east at a place called Sheh-azel near the microwave station;

thence, turning to northward up to beacon number 228 at 13 degree 10 minutes 56 seconds latitude north and 37 degrees 53 minutes 21 seconds longitude east at a place called Limalimo;

thence, turning to eastward up to beacon number 229 at 13 degree 11 minutes 23 seconds latitude north and 37 degrees 53 minutes 26 seconds longitude east at a place called Afafa;

thence, turning to north-eastward up to beacon number 230 at 13 degree 11 minutes 30 seconds latitude north and 37 degrees 53 minutes 31 seconds longitude east at a place called Afafa;
thence, turning to eastward up to beacon number 231 at 13 degree 11 minutes 36 seconds latitude north and 37 degrees 53 minutes 46 seconds longitude east at a place called Maysert;

thence, turning to north-eastward up to beacon number 232 at 13 degree 11 minutes 30 seconds latitude north and 37 degrees 53 minutes 57 seconds longitude east at a place called Teraraw;

thence, turning to the eastward up to beacon number 233 at 13 degree 11 minutes 25 seconds latitude north and 37 degrees 54 minutes 12 seconds longitude east at a place called Teraraw;

thence, turning to south-eastward up to beacon number 234 at 13 degree 11 minutes 09 seconds latitude north and 37 degrees 54 minutes 28 seconds longitude east at the pedestrian road to a place called Neznazit;

thence, turning to eastward up to beacon number 235 at 13 degree 10 minutes 54 seconds latitude north and 37 degrees 54 minutes 30 seconds longitude east at a place called Ras Amba Fores;

thence, on a similar direction up to beacon number 236 at 13 degree 10 minutes 22 seconds latitude north and 37 degrees 54 minutes 32 seconds longitude east at the source of river Lama;

thence, following a similar direction up to beacon number 237 at 13 degree 10 minutes 17 seconds latitude north and 37 degrees 54 minutes 55 seconds longitude east;

thence, turning to north-eastward up to beacon number 238 at 13 degree 10 minutes 28 seconds latitude north and 37 degrees 55 minutes 27 seconds longitude east at a place called Washit Ras;

thence, on a similar direction up to beacon number 239 at 13 degree 11 minutes 06 seconds latitude north and 37 degrees 56 minutes 17 seconds longitude east at a place called Teraw Koso;

thence, following a similar direction by incorporating Talak Meda into the Park up to beacon number 240 at 13 degree 10 minutes 50 seconds latitude north and 37 degrees 56 minutes 54 seconds longitude east and joining the initial beacon number 1 at Werk Amba Village;

5. **Administration of the Park**

1/ The Authority shall develop, administer and prevent the Park from illegal acts through the Park’s office to be organized in Debarq Wereda pursuant to Article 4 of the Proclamation No. 575/2008.

2/ Without prejudice to sub-article (1) of this Article, the Park’s Advisory Committee (hereinafter called the “Committee”) is hereby established.

6. **Members of the Committee**

The Committee shall have the following members:
1/ chief administrators of the Park’s neighboring weredas (annually in rotation)…………………………………………………………………Chairperson;
2/ chief administrators of the Park’s neighboring weredas (annually in rotation)…………………………………………………………………….members;
3/ representatives of heads of Culture and Tourism Offices of the Park’s neighboring weredas………………………………………………………members;
4/ heads of the Park’s neighboring Kebele administrations…………………..members;
5/ representative of the park’s neighboring woreda community elders…………………………………………………………………………….members;
6/ two representative from Youth and Women Associations of neighboring kebeles………………………………………………………………….members;
7/ a representative of tour operators…………………………………………member;
8/ head of the office of the Park…………………………………………….member and secretary.

7. **Powers and Duties the Committee**

The Committee shall have the powers and duties to:

1/ advice the office of the Park in carrying out its duties and responsibilities;
2/ advise the office of the Park to enhance the contribution of the local community around the Park in the management and conservation of the Park with a sense of ownership;
3/ prepare annual plans of the Park together with the office of the park and, evaluate and review performance reports before they are being submitted to the Authority.

8. **Meetings of the Committee**

1/ The Committee shall meet once in every three months; provided, however, that extra-ordinary meetings of the Committee may be held at any time, as may be necessary.
2/ There shall be quorum where more than half of the members of the Committee are present at a meeting.
3/ Recommendations of the Committee shall be passed by majority votes; in case of a tie the Chairperson shall have a casting vote.
4/ Without prejudice to the provisions of this Article, the Committee may adopt its own rules of procedure for conducting meetings.

9. **Prohibited Activities**

In addition to the prohibited activities provided for under Article 5(1) of the Wildlife Development, Conservation and Utilization Council of Ministers Regulation No. 163/2008, carrying out the following activities within the Park area shall also be prohibited:
1/ entering the Park holding poisonous substances;
2/ arbitrary disposal of trash in the Park such as packing cases of foodstuff and other leftovers;
3/ constructing any type of dwelling house, installing grinding mill or constructing any other establishments in the Park;
4/ entering the Park with domestic animal;
5/ entering the Park with a snare or a hunting weapon.

10. Administrative Penalty

1/ Whosoever causes damage to wildlife or wildlife resource in contravention of Article 9 of this Regulation or sub-article (1) of Article 5 of the Wildlife Development, Conservation and Utilization Council of Ministers Regulation No. 163/2008 shall, without prejudice to the penalty prescribed under paragraph (b) of sub-article (1) of Article 16 of the Proclamation, be liable to pay the price of the wildlife or wildlife resource as provided for by the Wildlife Development, Conservation and Utilization Council of Ministers Regulation No. 163/2008.

2/ The Authority may, in consultation with the local administrations adjoining the Park, determine the rate of fine to be imposed for the transgression of domestic animals into the Park, by taking into account the financial capacity of the local communities.

11. Duty to Cooperate

Any person shall have the duty to cooperate with the Authority for the implementation of this Regulation.

12. Repeal

The Semen Mountains National Park Establishment Order No. 59/1969 is hereby repealed.

13. Effective Date

This Regulation shall enter into force on the date of publication in Federal Negarit Gazzette.

Done at Addis Ababa, this 2nd day of February, 2015.

HAILEMARIAM DESSALEGN
PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
Annex
Simian National Park Map
3.1.3.10. COUNCIL OF MINISTERS REGULATION NO. 338/2014

COUNCIL OF MINISTERS REGULATIONS TO PROVIDE FOR THE DESIGNATION OF BALE MOUNTAINS NATIONAL PARK

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BRIEF DESCRIPTION

This Regulation designates the Bale Mountains National Park and sets forth its boundaries. The Ethiopian Wildlife Development and Conservation Authority established under Proclamation No. 575/2008 develops, administers and prevents the Park from illegal acts through the Park’s Office. A Committee composed of various stakeholders is established under the Regulation and it further makes provisions for prohibited activities and administrative penalties.

Designation of Bale Mountains National Park Council of Ministers Regulation No. 338/2014

1. **Short Title**
   These Regulations may be cited as the “Bale Mountains National Park Designation Council of Ministers Regulations No. 338/2014”.

2. **Definition**
In this Regulation unless the context otherwise requires:

1/ “Proclamation” means the Wildlife Development, Conservation and Utilization Proclamation No. 541/2007;

2/ definitions provided for under Article 2 of the Proclamation shall also be applicable to this Regulation;

3/ “beacon” means a demarcation made up of solid materials and erected as a permanent delineator, following trigonometric points in demarcation method;

4/ “Authority” means the Ethiopian Wildlife Development and Conservation Authority established under Proclamation No. 575/2008;

5/ any expression in a masculine gender includes the feminine.

3. **Designation of Bale Mountains National Park**

   The Bale Mountains National Park (hereinafter called the “Park”) is hereby designated.

4. **Boundaries of the Park**

   The Park is found in the Oromia State in Adaba, Disho, Goba, Dolo Mena and Harena Beluku weredas covering an area of 2150 kilometer square including the main park area, the park’s head office and the park’s web horse camp and located within the following demarcation points from A to C:

   A. **Boundaries of the Main Park**

   1/ commencing from beacon number 1 on top of the volcanic mountain Darkena which is south of the road from Goba to Shashemene at 07 degree 02 minutes 10 seconds latitude north and 39 degree 38 minutes 40 seconds longitude east;

   2/ thence, up to beacon number 2 at 07 degree 02 minutes 28 seconds latitude north and 39 degree 39 minutes 08 seconds longitude east at the top of the mountain called Chankiti;

   3/ thence, up to beacon number 3 at 07 degree 02 minutes 55 seconds latitude north and 39 degree 39 minutes 48 seconds longitude east on the northern hill side of Togoba Mountain;

   4/ thence, up to beacon number 4 at 07 degree 03 minutes 40 seconds latitude north and 39 degree 40 minutes 33 seconds longitude east at around locality known as Geremba Dima;

   5/ thence, up to beacon number 5 at 07 degree 04 minutes 32 seconds latitude north and 39 degree 42 minutes 59 seconds longitude east at the foot of Ukamsa Mountain;

   6/ thence, up to beacon number 6 at 07 degree 05 minutes 40 seconds latitude north and 39 degree 43 minutes 34 seconds longitude east on the top of the rocky hill at a place called Amcho;
thence, up to beacon number 7 at 07 degree 06 minutes 02 seconds latitude north and 39 degree 43 minutes 50 seconds longitude east on the edge of the gorge beyond the road from Shashemene to Goba;

thence, up to beacon number 8 at 07 degree 06 minutes 56 seconds latitude north and 39 degree 43 minutes 32 seconds longitude east on the top of the hill at a place called Adele;

thence, up to beacon number 9 at 07 degree 07 minutes 15 seconds latitude north and 39 degree 43 minutes 19 seconds longitude east on the edge of the place where the road from Shashemene to Goba crosses the area;

thence, up to beacon number 10 at 07 degree 07 minutes 45 seconds latitude north and 39 degree 43 minutes 18 seconds longitude east on the edge of place called Alcha Tiqo;

thence, up to beacon number 11 at 07 degree 07 minutes 46 seconds latitude north and 39 degree 43 minutes 15 seconds longitude east at a place called Gaisay;

thence, up to beacon number 12 at 07 degree 08 minutes 33 seconds latitude north and 39 degree 43 minutes 44 seconds longitude east at a place called Burqitu;

thence, up to beacon number 13 at 07 degree 08 minutes 37 seconds latitude north and 39 degree 44 minutes 06 seconds longitude east at a place called Deka Afa;

thence, up to beacon number 14 at 07 degree 08 minutes 39 seconds latitude north and 39 degree 44 minutes 19 seconds longitude east on the top of Boditi Mountain;

thence, up to beacon number 15 at 07 degree 08 minutes 36 seconds latitude north and 39 degree 44 minutes 28 seconds longitude east on the top of the same Boditi Mountain;

thence, up to beacon number 16 at 07 degree 08 minutes 34 seconds latitude north and 39 degree 44 minutes 51 seconds longitude east at a place called Deka Guracha;

thence, up to beacon number 17 at 07 degree 08 minutes 21 seconds latitude north and 39 degree 45 minutes 23 seconds longitude east at a place called Keta Aba Bekeri;

thence, up to beacon number 18 at 07 degree 08 minutes 15 seconds latitude north and 39 degree 45 minutes 48 seconds longitude east at a place called Ona Jemalo;

thence, up to beacon number 19 at 07 degree 08 minutes 10 seconds latitude north and 39 degree 45 minutes 56 seconds longitude east around a place called Gofingera;
20/ thence, up to beacon number 20 at 07 degree 07 minutes 58 seconds latitude north and 39 degree 46 minutes 06 seconds longitude east at a place called Keta Sedeka;

21/ thence, up to beacon number 21 at 07 degree 07 minutes 41 seconds latitude north and 39 degree 46 minutes 15 seconds longitude east near the natural spring water source beyond Web river;

22/ thence, up to beacon number 22 at 07 degree 06 minutes 34 seconds latitude north and 39 degree 45 minutes 41 seconds longitude east at place where the Web river crosses the road from Shashemene to Goba;

23/ thence, following the Web river basin up to beacon number 23 at 07 degree 02 minutes 11 seconds latitude north and 39 degree 44 minutes 05 seconds longitude east at the edge of Web river gorge which is south of Simbiro Village;

24/ thence, up to beacon number 24 at 07 degree 02 minutes 10 seconds latitude north and 39 degree 44 minutes 09 seconds longitude east at a place where the Web gorge crosses the road from Shashemene to Goba;

25/ thence, up to beacon number 25 at 07 degree 02 minutes 07 seconds latitude north and 39 degree 44 minutes 23 seconds longitude east at the bottom of the hill on the east side of Web gorge;

26/ thence, up to beacon number 26 at 07 degree 03 minutes 34 seconds latitude north and 39 degree 45 minutes 59 seconds longitude east at the end of the hill-path which follows the Web gorge;

27/ thence, up to beacon number 27 at 07 degree 03 minutes 28 seconds latitude north and 39 degree 46 minutes 33 seconds longitude east on the juncture where Danka and Birmole Streams join;

28/ thence, up to beacon number 28 at 07 degree 02 minutes 10 seconds latitude north and 39 degree 46 minutes 27 seconds longitude east at a place called Lega Ejersa;

29/ thence, up to beacon number 29 at 07 degree 01 minutes 46 seconds latitude north and 39 degree 48 minutes 03 seconds longitude east which on the top of Gurati hills;

30/ thence, up to beacon number 30 at 07 degree 01 minutes 07 seconds latitude north and 39 degree 49 minutes 40 seconds longitude east on the top of Sire hills;

31/ thence, up to beacon number 31 at 07 degree 00 minutes 28 seconds latitude north and 39 degree 50 minutes 26 seconds east at the rocky area called Keta Debissa;

32/ thence, up to beacon number 32 at 06 degree 59 minutes 33 seconds latitude north and 39 degree 52 minutes 58 seconds longitude east at juncture where the Shaya river and Guracha stream joins;
33/ thence, up to beacon number 33 at 06 degree 58 minutes 01 seconds latitude north and 39 degree 54 minutes 10 seconds longitude east at the top of Urena hill;

34/ thence, up to beacon number 34 at 06 degree 57 minutes 04 seconds latitude north and 39 degree 54 minutes 19 seconds longitude east near a spring called Harwa;

35/ thence, up to beacon number 35 at 06 degree 55 minutes 55 seconds latitude north and 39 degree 55 minutes 05 seconds longitude east on the edge of a river called Togona;

36/ thence, up to beacon number 36 at 06 degree 55 minutes 18 seconds latitude north and 39 degree 55 minutes 52 seconds longitude east at the Angesu check point on the road from Goba to Dolo;

37/ thence, up to beacon number 37 at 06 degree 54 minutes 17 seconds latitude north and 39 degree 57 minutes 08 seconds longitude east on the top of hill called Chorchora;

38/ thence, up to beacon number 38 at 06 degree 55 minutes 13 seconds latitude north and 39 degree 57 minutes 06 seconds longitude east near the red rocky trench beyond Micha river;

39/ thence, up to beacon number 39 at 06 degree 56 minutes 02 seconds latitude north and 39 degree 56 minutes 49 seconds longitude east at the edge of Boji gorge beyond the Micha River;

40/ thence, up to beacon number 40 at 06 degree 56 minutes 05 seconds latitude north and 39 degree 57 minutes 49 seconds longitude east at a place called Selfira;

41/ thence, up to beacon number 41 at 06 degree 54 minutes 36 seconds latitude north and 39 degree 58 minutes 28 seconds longitude east at the edge of Yerere’a trench;

42/ thence, up to beacon number 42 at 06 degree 54 minutes 35 seconds latitude north and 39 degree 58 minutes 42 seconds longitude east at the rocky area called Keta Cheleleqa;

43/ thence, up to beacon number 43 at 06 degree 53 minutes 07 seconds latitude north and 39 degree 57 minutes 09 seconds longitude east on the top of hill called Tulu Aredusemay;

44/ thence, up to beacon number 44 at 06 degree 48 minutes 60 seconds latitude north and 39 degree 55 minutes 42 seconds longitude east at the top of hill called Welle;

45/ thence, up to beacon number 45 at 06 degree 45 minutes 24 seconds latitude north and 39 degree 55 minutes 23 seconds longitude east at the top of hill called Nijaibaso;
46/ thence, up to beacon number 46 at 06 degree 40 minutes 42 seconds latitude north and 39 degree 56 minutes 58 seconds longitude east at the juncture where Doya River joins a small stream;

47/ thence, following the Doya River basin up to beacon number 47 at 06 degree 39 minutes 40 seconds latitude north and 39 degree 56 minutes 12 seconds longitude east;

48/ thence, up to beacon 48 at 06 degree 39 minutes 26 seconds latitude north and 39 degree 56 minutes 48 seconds longitude east at the juncture where Doya river and Hebo river joins;

49/ thence, up to beacon number 49 at 06 degree 37 minutes 48 seconds latitude north and 39 degree 55 minutes 17 seconds longitude east at the juncture where river Hebo joins with and river Chancho;

50/ thence, up to beacon number 50 at 06 degree 36 minutes 27 seconds latitude north and 39 degree 54 minutes 47 seconds longitude east at the place called Meksota;

51/ thence, up to beacon number 51 at 06 degree 35 minutes 14 seconds latitude north and 39 degree 54 minutes 57 seconds longitude east at a place called Hagemsa Goda;

52/ thence, up to beacon number 52 at 06 degree 33 minutes 15 seconds latitude north and 39 degree 53 minutes 11 seconds longitude east at the edge of a small hill trench called Urgo Gudo;

53/ thence, up to beacon number 53 at 06 degree 33 minutes 12 seconds latitude north and 39 degree 52 minutes 27 seconds longitude east at a place where Denda River crosses the Walta Gudina Kebele;

54/ thence, up to beacon number 54 at 06 degree 33 minutes 12 seconds latitude north and 39 degree 52 minutes 06 seconds longitude east at the juncture where Erba River joins a small stream;

55/ thence, up to beacon number 55 at 06 degree 32 minutes 17 seconds latitude north and 39 degree 51 minutes 55 seconds longitude east on the bank of Erba river at the place called Erba Check point;

56/ thence, up to beacon number 56 at 06 degree 30 minutes 47 seconds latitude north and 39 degree 50 minutes 11 seconds longitude east at the bank of River O’etu;

57/ thence, up to beacon number at 06 degree 30 minutes 47 seconds latitude north and 39 degree 48 minutes 41 seconds longitude east at the place called Melka Chefa Mano;

58/ thence, up to beacon number 58 at 06 degree 30 minutes 47 seconds latitude north and 39 degree 47 minutes 57 seconds longitude east at the bank of river called Awajiro;
thence, up to beacon number 59 at 06 degree 29 minutes 59 seconds latitude north and 39 degree 47 minutes 53 seconds longitude east at the bank of river called Mulka;

thence, up to beacon number 60 at 06 degree 30 minutes 12 seconds latitude north and 39 degree 45 minutes 34 seconds longitude east near the spring in the forest called Hora Sanketa;

thence, up to beacon number 61 at 06 degree 29 minutes 56 seconds latitude north and 39 degree 44 minutes 41 seconds longitude east where the road from Goba to Dollo Mena at Chire kebele crosses place called Chirecha;

thence, up to beacon number 62 at 06 degree 29 minutes 27 seconds latitude north and 39 degree 41 minutes 03 seconds longitude east at a place called Mekenota;

thence, up to beacon number 63 at 06 degree 29 minutes 14 seconds latitude north and 39 degree 38 minutes 16 seconds longitude east at the bank of Welmel Tiqa river at the place called Alen Ullo;

thence, up to beacon number 64 at 06 degree 28 minutes 44 seconds latitude north and 39 degree 37 minutes 38 seconds longitude east at the bank of Welmel Guda river at a place called Bedessa;

thence, up to beacon number 65 at 06 degree 30 minutes 48 seconds latitude north and 39 degree 37 minutes 21 seconds longitude east at the bank of Welmel Guda river at the place called Qubachene;

thence, up to beacon number 66 at 06 degree 30 minutes 48 seconds latitude north and 39 degree 37 minutes 59 seconds longitude east at the bank of Welmel Tiqa river;

thence, up to beacon number 67 at 06 degree 32 minutes 00 seconds latitude north and 39 degree 37 minutes 09 seconds longitude east at the edge of Welmel Tiqa river;

thence, up to beacon number 68 at 06 degree 33 minutes 57 seconds latitude north and 39 degree 37 minutes 35 seconds longitude east at a place called Dida Kunbuta;

thence, up to beacon number 69 at 06 degree 32 minutes 53 seconds latitude north and 39 degree 40 minutes 50 seconds longitude east at the bank of Shawe River at a place called Belda;

thence, up to beacon number 70 at 06 degree 34 minutes 24 seconds latitude north and 39 degree 40 minutes 58 seconds longitude east at the bank of Shawe river at a place called Ririp;

thence, up to beacon number 71 at 06 degree 37 minutes 03 seconds latitude north and 39 degree 39 minutes 26 seconds longitude east at a place called Hada Check Point;
thence, up to beacon number 72 at 06 degree 41 minutes 09 seconds latitude north and 39 degree 39 minutes 02 seconds longitude east at a place called Gofa;

thence, up to beacon number 73 at 06 degree 42 minutes 53 seconds latitude north and 39 degree 37 minutes 02 seconds longitude east at the edge of a gorge at a place called Deka Huluta;

thence, up to beacon number 74 at 06 degree 44 minutes 11 seconds latitude north and 39 degree 37 minutes 16 seconds longitude east on the top of mountain called Halluta;

thence, up to beacon number 75 at 06 degree 45 minutes 37 seconds latitude north and 39 degree 36 minutes 42 seconds longitude east at a place called Wondida, where rivers Tare and Dancho confluence;

thence, up to beacon number 76 at 06 degree 49 minutes 34 seconds latitude north and 39 degree 36 minutes 34 seconds longitude east at the bank of Chewchewi Stream;

thence, up to beacon number 77 at 06 degree 48 minutes 59 seconds latitude north and 39 degree 33 minutes 39 seconds longitude east on the top of mountain called Oda Abdo Wariyo;

thence, up to beacon number 78 at 06 degree 50 minutes 28 seconds latitude north and 39 degree 30 minutes 35 seconds longitude east at the source of Humbusha river;

thence, up to beacon number 79 at 06 degree 50 minutes 27 seconds latitude north and 39 degree 29 minutes 56 seconds longitude east on the top of mountain called Oda Abdo Wariyo;

thence, up to beacon number 80 at 06 degree 50 minutes 45 seconds latitude north and 39 degree 29 minutes 47 seconds longitude east on the top of mountain called Wagebata;

thence, up to beacon number 81 at 06 degree 52 minutes 40 seconds latitude north and 39 degree 29 minutes 10 seconds longitude east at locality called Bucha Raya;

thence, up to beacon number 82 at 06 degree 53 minutes 29 seconds latitude north and 39 degree 30 minutes 02 seconds longitude east at the top of the large rocky hill called Dega Dera Harersho;

thence, up to beacon number 83 at 06 degree 53 minutes 51 seconds latitude north and 39 degree 30 minutes 28 seconds longitude east at the edge of Lelise Fall;

thence, up to beacon number 84 at 06 degree 54 minutes 28 seconds latitude north and 39 degree 30 minutes 57 seconds longitude east at the edge of the rocky trench called Qile Alati;
85/ thence, up to beacon number 85 at 06 degree 55 minutes 54 seconds latitude north and 39 degree 29 minutes 53 seconds longitude east at a place called Keta Golo;

86/ thence, up to beacon number 86 at 06 degree 56 minutes 03 seconds latitude north and 39 degree 30 minutes 12 seconds longitude east at the edge of Feruna river;

87/ thence, up to beacon number 87 at 06 degree 56 minutes 28 seconds latitude north and 39 degree 30 minutes 45 seconds longitude east at a place called Keta Wererti;

88/ thence, up to beacon number 88 at 06 degree 57 minutes 20 seconds latitude north and 39 degree 31 minutes 28 seconds longitude east at the edge of Lencha mountain fall;

89/ thence, up to beacon number 89 at 06 degree 57 minutes 30 seconds latitude north and 39 degree 31 minutes 36 seconds longitude east at a place called Goda Hobela;

90/ thence, up to beacon number 90 at 06 degree 58 minutes 12 seconds latitude north and 39 degree 31 minutes 45 seconds longitude east at a place called Heto Dimtu;

91/ thence, up to beacon number 91 at 06 degree 58 minutes 13 seconds latitude north and 39 degree 32 minutes 02 seconds longitude east below the edge of trenched rocky cave at a locality called Kema Witcho;

92/ thence, up to beacon number 92 at 06 degree 58 minutes 25 seconds latitude north and 39 degree 32 minutes 18 seconds longitude east at the edge of Qiqicha trench;

93/ thence, up to beacon number 93 at 06 degree 58 minutes 35 seconds latitude north and 39 degree 32 minutes 25 seconds longitude east at the borders between Koma Witicho and Lencha cave;

94/ thence, up to beacon number 94 at 06 degree 59 minutes 14 seconds latitude north and 39 degree 32 minutes 16 seconds longitude east at the top of mountain called Dakabora;

95/ thence, up to beacon number 95 at 06 degree 59 minutes 57 seconds latitude north and 39 degree 32 minutes 43 seconds longitude east at the place called Birbirarsi;

96/ thence, up to beacon number 96 at 06 degree 59 minutes 09 seconds latitude north and 39 degree 35 minutes 13 seconds longitude east at the juncture where two small rivers join around Lencha cave;

97/ thence, up to beacon number 97 at 06 degree 59 minutes 52 seconds latitude north and 39 degree 35 minutes 14 seconds longitude east at the top of mountain called Gedamsa;
thence, up to beacon number 98 at 07 degree 00 minutes 11 seconds latitude north and 39 degree 35 minutes 13 seconds longitude east at the top of mountain called Sele;

thence, up to beacon number 99 at 07 degree 01 minutes 07 seconds latitude north and 39 degree 37 minutes 23 seconds longitude east at the top of a large rocky hill called Abduka mountain;

thence, up to beacon number 100 at 07 degree 01 minutes 46 seconds latitude north and 39 degree 38 minutes 08 seconds longitude east on the rocky hill called Kota Borte and joins the initial beacon number 1 in the north-eastern direction.

B. **Boundaries of the Park’s Head Office**

1/ Starting from Beacon number one marked in 07 degree 06 minutes 19 seconds North and 39 degree 47 minutes 31 seconds East at the Main Gate of the Park on the road joining Dinsho and Robe towns;

2/ thence up to Beacon number two marked in 07 degree 06 minutes 18 seconds North and 39 degree 47 minutes 55 seconds East at the corner on the north-eastern side of the fence of the Park’s Head Office;

3/ thence up to Beacon number Three marked in 07 degree 05 minutes 45 seconds North and 39 degree 47 minutes 44 seconds East at the sharp turn of the corner fence of the Park’s Head Office;

4/ thence up to Beacon Four marked in 07 degree 05 minutes 39 seconds North and 39 degree 47 minutes 41 seconds East at the sharp turn of the corner fence of the Park’s Head Office;

5/ thence up to Beacon number five marked in 07 degree 05 minutes 32 seconds North and 39 degree 47 minutes 37 seconds East at the sharp turn of the corner fence of the Park’s Head Office;

6/ thence up to Beacon number six marked in 07 degree 05 minutes 32 seconds North and 39 degree 47 minutes 34 seconds East on the south-western corner of the fence of the Park’s Head Office;

7/ thence up to Beacon number Seven marked in 07 degree 05 minutes 37 seconds North and 39 degree 47 minutes 14 seconds East;

8/ thence up to Beacon number Eight marked in 07 degree 05 minutes 40 seconds North and 39 degree 47 minutes 13 seconds East on the exit gate to Web cave;

9/ thence up to Beacon number Nine marked in 07 degree 05 minutes 47 seconds North and 39 degree 47 minutes 13 seconds East on the corner of the south-western fence of the Park’s Head Office;

10/ thence up to Beacon number Ten marked in 07 degree 05 minutes 53 seconds North and 39 degree 47 minutes 17 seconds East on the corner of the south-western fence of the Park’s Head Office;
11/ thence up to Beacon number Eleven marked in 07 degree 05 minutes 49 seconds North and 39 degree 47 minutes 19 seconds East on the pedestrian road to Dinsho town;

12/ thence up to Beacon number Twelve marked in 07 degree 06 minutes 18 seconds North and 39 degree 47 minutes 27 seconds East on the north-western corner of the fence of the Park’s Head Office.

C. **Boundaries of the Park’s Web Horse Camp**

1/ Starting from Beacon number One marked in 07 degree 06 minutes 15 seconds North and 39 degree 46 minutes 20 seconds East on the north-eastern side of the Horse Camp on the road joining Dinsho and Robe towns;

2/ thence up to Beacon number Two marked in 07 degree 06 minutes 11 seconds North and 39 degree 46 minutes 12 seconds East at the north-eastern corner of the fence of the Horse Camp;

3/ thence up to Beacon number Three marked in 07 degree 06 minutes 07 seconds North and 39 degree 46 minutes 15 seconds East at the south-western corner of the fence of the Horse Camp;

4/ hence up to Beacon number Four marked in 07 degree 06 minutes 11 seconds North and 39 degree 46 minutes 22 seconds East at the south-eastern corner of the Horse Camp and joins Beacon One located in the north-western direction.

5. **Administration of the Park**

1/ The Authority shall develop, administer and prevent the Park from illegal acts through the Park’s office to be organized in Dinsho wereda pursuant to Article 4 of Proclamation No. 575/2008.

2/ Without prejudice to sub-article (1) of this Article, the Park’s Advisory Committee (hereinafter called the “Committee”) is hereby established.

6. **Members of the Committee**

The Committee shall have the following members:

1/ chief administrators of the Park’s neighboring weredas (annually in rotation) .........................................................Chairperson;

2/ chief administrators of the Park’s neighboring weredas (annually in rotation) ..............................................................members;

3/ representatives of heads of Culture and Tourism Offices of the Park’s neighboring weredas .............................................members;

4/ heads of the Park’s neighboring Kebele administrations .......................member;

5/ representative of the park’s neighboring woreda community elders................................................................members;

6/ two representative from Youth and Women Associations of neighboring kebeles ..............................................................members;
7/ a representative of tour operator ……………………………………member;
8/ head of the office of the Park……………………………………member and secretary.

7. **Powers and Duties the Committee**
   The Committee shall have the powers and duties to:
   1/ advice the office of the Park in carrying out its duties and responsibilities;
   2/ advise the office of the Park to enhance the contribution of the local community around the Park in the management and conservation of the Park with a sense of ownership;
   3/ prepare annual plans of the Park together with the office of the park and, evaluate and review performance reports before they are being submitted to the Authority.

8. **Meetings of the Committee**
   1/ The Committee shall meet once in every three months; provided, however, that extra-ordinary meetings of the Committee may be held at any time, as may be necessary.
   2/ There shall be quorum where more than half of the members of the Committee are present at a meeting.
   3/ Recommendations of the Committee shall be passed by majority votes; in case of a tie the Chairperson shall have a casting vote.
   4/ Without prejudice to the provisions of this Article, the Committee may adopt its own rules of procedure for conducting meetings.

9. **Prohibited Activities**
   In addition to the prohibited activities provided for under Article 5(1) of the Wildlife Development, Conservation and Utilization Council of Ministers Regulations No. 163/2008, carrying out the following activities within the Park area shall also be prohibited:
   1/ entering the Park holding poisonous substances;
   2/ arbitrary disposal of trash in the Park such as packing cases of foodstuff and other leftovers;
   3/ entering the Park with a snare or a hunting weapon.

10. **Administrative Penalty**
    1/ Whosoever causes damage to wildlife or wildlife resource in contravention of Article 9 of this Regulation or sub-article (1) of Article 5 of the Wildlife Development, Conservation and Utilization Council of Ministers Regulations No. 163/2008 shall, without prejudice to the penalty prescribed under paragraph (b) of sub-article (1) of Article 16 of the Proclamation, be liable to pay the price of the wildlife or wildlife resource as provided for by the Wildlife Development, Conservation and Utilization Council of Ministers Regulations No. 163/2008.
    2/ The Authority may, in consultation with the local administrations adjoining the Park, determine the rate of fine to be imposed for the transgression of domestic
animals into the Park, by taking into account the financial capacity of the local communities.

11. **Duty to Cooperate**

   Any person shall have the duty to cooperate with the Authority in relation to the protection of the Park.

12. **Effective Date**

   This Regulation shall enter into force on the date of publication in Federal Negarit Gazzette.

   Done at Addis Ababa, this day of 2\textsuperscript{nd} February, 2015.

   HAILEMARIAM DESALEGN

   PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
# BRIEF DESCRIPTION

This Proclamation repeals the Forest Conservation, Development and Utilization Proclamation No. 94/1994. The preamble reiterates the importance of the development, conservation and utilization of forest in preventing soil erosion, expansion of desertification, disturbance ecological balance, depletion of biodiversity and reduction of agricultural production. The Law envisages two kinds of forests: private and state forests and lays down the particulars relating thereto. It prohibits the cut or use of endangered indigenous natural trees, the definition of which is left to the Ministry of Agriculture and Natural Resources. It is further prohibited to cut trees, settle, graze domestic animals, carryout hunting, carry cutting saws and other tools used for cutting trees, keep bee hives or extract honey. Before undertaking large scale farming, mining operation, construction of roads, water drilling, irrigation, dam construction and other similar investment activities, consultation with and the approval of the Ministry of Agriculture and Natural Resources or the appropriate regional
WHEREAS, the development, conservation and sustainable utilization of forests plays a decisive role in satisfying the needs of the society for forest products and plays a significant role in the enhancement of national economy in general;

WHEREAS, the sustainable utilization of the country’s forest resources is possible through ensuring the participation of, and benefit sharing by the concerned communities as well as by harmonizing forest policies and programs with those of other economic sectors, particularly with agriculture and rural development policy;

WHEREAS, the development, conservation and utilization of forest plays a decisive role in preventing soil erosion, expansion of desertification, disturbance of ecological balance, depletion of biodiversity and reduction of agricultural production due to the alarming situation of forest degradation in the country;

WHEREAS, it is necessary to enact a new legislation on the conservation, development and utilization of forest that takes into account the existing objective reality in order to encourage the development of forest and properly conserve and use the remaining limited forest resource of the country;

WHEREAS, it has been provided under Sub-Article 2 (d) of Article 52 of the Constitution that the power entrusted to the Regional States to administer land and natural resources shall be exercised in accordance with laws enacted by the Federal Government;

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

PART ONE
GENERAL

1. Short Title
This Proclamation may be cited as the “Forest Development, Conservation and Utilization Proclamation No. 542/2007.”

2. Definitions
In this Proclamation, unless the context requires otherwise:

1/ “Ministry” or “Minister” means the Ministry or Minister of Agriculture and Rural Development, respectively;

2/ “Regional State” means any Regional state referred to in Article 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire Dawa city administrations.

3/ “forest” means a community of plants, either naturally grown or developed by planting and mainly consisting of trees and other plants having woody character;
“tree” means any woody plant regardless of its species, age or size and includes bamboo, reeds and palms as well as other plants to be designated as such by the Ministry;

“forest land” means a land that is demarcated for the purpose of forest development and conservation and covered with forest and includes bushy and barren land found on steep slopes;

“state forest” means any protected or productive forest, which is under the ownership of the Federal Government or a Regional State;

“protected forest” means a forest designated as such in accordance with this Proclamation to be conserved and developed free from human or animal interference for the purpose of water shade management and the conservation of genetic resources, biodiversity and the environment in general, as well as for the purpose of training and research;

“Productive forest” means a forest designated as such in accordance with this proclamation for the production of industrial, construction and other forest products;

“private forest” means a forest other than state forest developed by any private person and includes a forest developed by members of a peasant association or by an association organized by private individuals, investors and governmental and non-governmental organizations;

“man-made forest” means forest other than natural forest and which is developed by man by planting of seedling or any other means;

“natural forest” means a forest where any naturally grown trees, shrubs and other plants having woody and non-woody characters are found;

“shrub land” means a forestland where tree species with a height of up to five meters are found grown scattered;

“management plan” means forest resource development, conservation and utilization plan developed for the conservation, development and utilization of the resource based on a detail study of the forest resource in a natural or man-made forest;

“forest product” means any product that is obtained from a whole tree or part thereof or any primary woody or non-woody product processed manually or industrially;

“forest product movement permit” means a permit that indicated the origin and destination of a forest product and which shall be used for a limited period of time and issued for moving forest products from production site to local market or from within the country to international market;

“appropriate regional body” means an executive organ of a Regional State that is empowered to undertake activities relating to the development, conservation and utilization of forest in the region;
“local community” includes the community residing inside and adjacent to a state and private forest;

“concession” means contract given out to any person to utilize a given State forest for a defined period of time;

“biodiversity” means diversity of genes and species of plants, animals and microorganisms and the ecosystem in which they live together in interaction and interdependence in a forest or forestland;

“person” means any natural or juridical person.

3. **Types of Forest Ownership**

There shall be the following types of forest ownership:

1. private forest; and
2. state forest.

**PART TWO**

**PROMOTION OF THE UTILIZATION OF PRIVATE FOREST**

4. **Promotion of forest Development**

1. Private individuals, associations, governmental and non-governmental organizations and business organizations who want to develop forest shall have the right to obtain rural land in areas designated for forest development in accordance with regional land administration and utilization laws;

2. Areas in productive state forests that could be developed on concession shall be identified and may be given out for man-made forest development;

3. Management plan shall be developed, with participation of the local community, for forests that have not been designated as protected or productive state forests, and such forests shall be given to the community, associations or investors so that they conserve and utilize them in accordance with directives to be issued by the appropriate body;

4. In order to introduce farm-forestry practices among the farming and semi-pastoral communities, effort shall be made to provide them with sufficient amount of plant seeds and seedlings of tree species that could have different economic benefits;

5. Any person who develops forest on his land holding or in a state forest area given to him on concession shall be given assurance to his ownership of the forest.

6. The rights of forest owners to use forest land and to transfer their holding rights shall be exercised in accordance with rural land administration and utilization laws.

5. **Promotion of Forest Technology**

1. Forest technology packages that enable to properly use indigenous or foreign knowledge, practices and technologies on the development, conservation and utilization of forest shall be prepared and disseminated to enhance the knowledge and skill of forest developers.
2/ The forest technology package to be distributed to farmers, semi-pastoralists and the private sector shall focus on maximizing income and ensuring food security within a short period of time.

3/ A seed supply system shall be established to supply seeds of indigenous or exotic tree species that are suitable to the difference ecosystems.

4/ Technical support will be provided to farmers and semi-pastoralists in the selection and planting of tree and forage plant species and conservation of the existing ones that help to prevent soil erosion and serve as landholding boundary marks.

5/ Training and education shall be provided on modern forest management skills to all those engaged in forest development so that forest resource is properly developed, conserved and utilized.

6/ Conducive conditions shall be created whereby vocational training shall be given to those engaged in the forest development in order to utilize forest resources for different purpose.

6. Promotion of Market for Forest Products

1/ Farmers, semi-pastoralists, investors, associations, governmental and non-governmental organizations and business organizations shall be given the necessary support to produce quality and competitive forest products for local and international markets.

2/ Technical support shall be provided to those engaged in raising and supplying tree seedlings to the society.

3/ Forest products shall be used for trade and industrial development based on forest management plans.

4/ Forest products trade license shall be issued in accordance with the management plan taking into account the utilization of the country’s limited forest resources and in a manner that shall not disturb the natural resource balance of the area.

5/ A system shall be established for the conservation of tree species, having market demand, with a view to increasing their sustainable production and productivity.

6/ A successive training and education shall be given to sectors of the society engaged in forest development on the marketing of forest products.

7/ Investment opportunities and incentives shall be provided to investors engaging in the forest industry.

8/ Farmers, semi-pastoralists, individual forest owners and organizations shall be given technical advice on marketing their forest products.

9/ Information on forest products market shall be collected, organized, and furnished to forest developers and forest product consumers through various mass media.
7. Obligation of Private Forest Developers

1/ A private forest owner shall notify the body found around the forest and obtain forest products movement permit prior to harvesting and transporting the product from place to place.

2/ Owners of private forests shall have the duty to:
   a) follow sound forest development methods and replace, in different ways, trees when harvested;
   b) take the necessary measures to protect their forests from pest and disease;
   c) notify the appropriate body the existence of forest pest and disease;
   d) ensure that the forest is protected from fire and other hazards; and
   e) in general, comply with directives issued on the safety of the environment, conservation of catchments, biodiversity and unique natural trees and wildlifes.

PART THREE
CONSERVATION, DEVELOPMENT AND ADMINISTRATION OF STATE FOREST

8. Designation, Demarcation and Registration of State Forest

1/ In order to properly conserve, develop and utilize the forest resources of the country, major forestlands shall be designated as state forests, their boundaries shall be demarcated and they shall be registered as protected and productive forests.

2/ The designation and demarcation of forests pursuant to Sub-Article (1) of this Article shall be undertaken with the participation of the local community.

3/ The designation and demarcation of a state forest in accordance with Sub-Article (1) of this Article shall be proclaimed by the legislation of the concerned;

4/ Where the designation and demarcation of a state forest pursuant to this Article results in the eviction of the local community, priority shall be given to the protection of the interests of the community in accordance with existing land administration laws.

9. Conservation, Development and Administration of State Forest

1/ State forests shall be properly developed conserved and utilized;

2/ The necessary budget, manpower and materials shall be provided to state forests so that they shall have there own administration and management compatible to their level of development.

3/ Forest development, conservation and utilization plans shall be formulated to allow the participation of local communities in the development and conservation and also in the sharing of benefits from the development of state forests;

4/ An appropriate preventive and curative measure shall be taken to keep state forests free from pests and disease;
5/ Forest resources shall be protected from natural and man-made disasters;

6/ Access roads and other facilities shall be constructed within a state forest necessary for the development and conservation of the forest;

7/ Forests shall be protected from forest fire, unauthorized settlement, deforestation, undertaking of mining activities and other similar dangers;

8/ Conditions shall be facilitated whereby inhabitants within a state forest shall continue living in the forest, while participating in the development and conservation of the forest, in a manner that shall not obstruct forest development; or, based on a study and in consultation with the appropriate body, they shall evacuate the forest area and settle in other areas suitable for living;

9/ State forests shall be administered in accordance with forest management system and the appropriate technical and related assistance shall be provided so that forest resources shall be utilized sustainably, and that they can provide sanctuary to wildlife and protect forest eco-systems from imbalance, and to conserve biodiversity;

10/ Strong bodies and systems shall be established at federal and regional levels in order to direct the development, conservation and utilization of forest sustainably and efficiently.

10. Utilization of State Forests

1) A state forest shall be utilized in accordance with the management plan to be prepared and approved;

2) The utilization of a state forest in accordance with Sub-Article (1) of this Article shall be undertaken by government organizations or persons who are given concessions;

3) Notwithstanding the provisions of Sub-Articles (1) and (2) of this Article, the local community may reap grasses, collect fallen woods and utilize herbs from a state forest in conformity with the management plan developed for the forest by the appropriate regional body.

4) Notwithstanding Sub-Article (3) of Article 15 of this Proclamation, the harvesting of forest products, grass and fruit as well as the keeping of beehives in state forests may be permitted based on the objective realities of the locality;

5) State forests shall be used to generate income from tourism.

11. Administration of protected forests

1/ Protected natural forests and forest lands shall be demarcated and conserved for the purpose of environmental protection and conservation of history, culture and biodiversity as well as for the purpose of field education.

2/ Any forest may be designated as protected forest for the purpose of:
   a) Protecting and improving the status of water bodies, sources of rivers and catchments;
b) Conserving rare and endangered endemic plant, animal and bird species, and genetic resources in general;

c) Controlling flood and protecting the soil from desiccation, depletion, erosion and degradation.

3/ Data on the size, topography and species diversity of a protected forest shall be collected and organized for the preparation of forest management plan that shall be developed and implemented with the participation of the local community and by taking biodiversity conservation into account;

4/ Forestlands designated as protected forests but have no or little plant cover shall be conserved and protected and, as deemed necessary, afforested in accordance with the development plans employed developed for them;

5/ Fast growing tree species that may be used by the local community for fuel and construction purposes shall be planted around a protected forest to indicate its boundary.

6/ The local community may be permitted to keep bee hives, produce spices, forest coffee, forage and the likes in a protected forest by providing them forest development and conservation training and technical support.

PART FOUR

MISCELLANEOUS PROVISIONS

12. Prevention of Forest Fire

1/ Persons who inhabit, work or travel in or around a forest shall have the responsibility to, prior to starting a fire, take the necessary precautions by removing inflammable materials from the surrounding so as to prevent the spread of forest fire;

2/ Any person who is aware of the occurrence of forest fire shall have the duty to immediately report same to the nearest governmental body and the community or to the ministry;

3/ In the event of forest fire, the nearest appropriate regional body or its representative shall have the duty to take the necessary measure by coordinating and mobilizing governmental, non-governmental and private organizations operating in the locality and the local community to extinguish the fire;

4/ Governmental, non-governmental and private institutions that are operating in the locality or that have specific responsibility as well as members of the local community shall have the obligation to participate in the effort to extinguish the forest fire.

13. Production and Movement of Forest Products

1/ No person shall harvest forest products from a state forest without having the necessary permit from the Ministry or the appropriate regional body;
A person who transports forest products from one place to another shall, when requested, have the obligation to show his forest product movement permit to a forest product movement inspector;

Where a forest product seized due to the violation of Sub-Article (1) of this Article is perishable, the Ministry or the appropriate regional body may sell the product at the current market price and keep the proceeds until a court ruling is given on the case;

Forest products being processed, stored or transported, for which evidence has not been presented to prove that permit has been given in accordance with this proclamation, shall be presumed to have been obtained in violation of this proclamation.

14. Prohibitions

1/ No person may be allowed to cut or use endangered indigenous natural trees from a state forest;

2/ The list of endangered indigenous natural tree shall be determined by directives issued by the Ministry;

3/ Without prejudice to Sub-Article (1) and (2) of this Article, unless in possession of written permit from the Ministry or the appropriate regional body, no person shall, within a state forest:
   a) cut trees;
   b) settle temporarily or permanently;
   c) graze domestic animals;
   d) carry out hunting activity;
   e) carry cutting saws and any other tools used for cutting trees;
   f) keep bee-hives or extract honey.

4/ No person shall remove natural resources from state forest or undertake any activity that is likely to cause damage thereon;

5/ Prior to undertaking large-scale farming, mining operation, construction of roads, water drilling, irrigation, dam construction and other similar investment activities or giving license for such operations, consultation with and the approval of the Ministry or the appropriate regional body shall be required.

15. Forest Guards and Inspectors of Forest Products Movement

1/ Forest guards shall, in accordance with the directives given to them by the Ministry or the appropriate regional body, have the power to protect forests against acts committed in violation of Article 14 of this Proclamation.

2/ Forest products movement inspectors shall, in accordance with directives given to them by the Ministry or the appropriate regional body, have the powers and duties to:
a) inspect, at forest entry or exit points as well as inland and border checkpoints to be identified as appropriate, any means of transport carrying or suspected for carrying forest products;

b) require any person who transports, processes or stores forest products to produce certificate of origin and destination or any other legal document to this effect;

c) seize, together with the culprit, forest products being transported, processed or stored in violation of the provisions of this Proclamation;

d) report immediately to the forest administration office, the Ministry or the appropriate regional body on the details of forest products seized.

3/ Forest guards and inspectors of forest product movement shall, while on duty, have the obligation to wear uniform and carry identification cards and show the same upon request.

16. Obligation to Notify and Incentives

1/ Any person shall have the obligation to notify, any illegal transportation, processing or possession of forest products to the appropriate body.

2/ Informants and persons who seize illeg forest products may be rewarded in accordance with directives to be issued by the Ministry or the appropriate regional body.

17. Powers and Duties of the Ministry

1/ The Ministry shall:

a) ensure the implementation of this Proclamation and regulations and directives issued here under by coordinating the appropriate federal and regional bodies and providing technical support to them;

b) follow up and monitor activities of forest development, conservation and utilization and, based on the information generated, formulate new policy ideas and update as necessary the existing policy, strategy and law;

c) prepare forest technology packages that allow proper utilization of indigenous and foreign knowledge, practices and technologies on forest development, conservation and utilization and provide technical support to enhance the knowledge and skills of forest developers;

d) establish a continuous information exchange network with the concerned federal and regional bodies on the current forest status of the country;

e) follow up current situations and provide technical support to the Regional States in order to supply competitive forest products to the world market in addition to having met the domestic demand.

2/ Notwithstanding the powers of each Regional State to administer its forest resources in accordance with Sub-Article (1) of Article 18 of this Proclamation, the Ministry may take over and administer a state forest in cases where:
a) the forest could not be properly conserved and developed jointly by neighboring Regional States;

a) it is deemed necessary to administer the forest by the Ministry upon the request of the Regional State; or

b) it becomes necessary to administer the forest by the Ministry because of its national and international significance.

18. **Powers and Duties of Regional States**

Each Regional State shall:

1/ Have the power to administer any state forest in the region in accordance with this proclamation.

2/ Ensure that state forests administered by itself as well as private forests and forestlands shall be identified, demarcated and legally recognized;

3/ Encourage forest development programs, which involve the participation of farmers and semi-pastoralists, and provide technical support;

4/ Provide technical supports to individuals, investors, and governmental and non-governmental organizations and business organizations engaged in forest development;

5/ Disseminate forest technology packages among users, provide technical support, and follow up their implementation;

6/ Regularly monitor and evaluate whether any forest developer that has been given land to develop forest has put the land for the intended purpose and that it has implemented same in accordance with a forest management plan.

7/ Set and implement rates of royalty for forest products.

19. **Forest Product movement permit**

The list and quantity of forest products that require forest product transportation permit shall be determined by directives to be issued by the Ministry.

20. **Penalty**

Unless otherwise the offence committed is punishable with greater penalty by the criminal law,

1/ Except pursuant to this proclamation and directives issued here in under, cuts trees or removes, processes or uses in any way forest products from a state forest shall be punishable with not less than 1 year and not exceeding 5 years imprisonment and with fine Birr 10,000.

2/ Destroy, damages or falsify forest boundary marks shall be punishable with not less than 1 year and not exceeding 5 years rigorous imprisonment;

3/ Causes damages to a forest by setting fire or in any other manner shall be punishable with not less than 10 years and not exceeding 15 years rigorous imprisonment;
4/ Settles or expands farmland in a forest area without permit or undertakes the
construction of any infrastructure in a forestland without having the necessary
permit shall be punishable with not less than 2 years imprisonment and with fine
Birr 20,000;

5/ Provides assistance in any form to those who illegally cut forest trees or transport
forest products to hide or take away the forest products shall be punishable with 5
years imprisonment and with fine Birr 5,000;

6/ Commits a fault that are not mentioned from Sub-Article (1) to (5) here in above
and for which punishment is not imposed shall be punishable with not less than 6
months and not exceeding 5 years imprisonment and with fine Birr 30,000;

21. Speedy Trial

1/ In case of a flagrant offence committed in violation of this proclamation the
offender shall be taken immediately to the nearest police station and charged, and
the Criminal Procedure Code shall be applied.

2/ Illegally obtained forest products, shall, together with the vehicle or pack animal
used to transport them, be taken to the police station and registered as exhibit.

3/ Upon completion of the process under Sub-Article (2) of this Article, the means of
transport shall be released and the forest product shall stay seized until court
decision is given thereon.

4/ Customs officers or policemen shall have the power to seize and take measure in
accordance with this Article in areas where inspectors are not

5/ Courts shall organize special benches or strengthen the regular ones to provide
speedy trial for charges brought under this proclamation.

22. Repeals and Savings

1/ The Forest Conservation, development and Utilization Proclamation No. 94/1994 is
hereby repealed.

2/ No law, regulation, directive or practice shall, in so far as it is inconsistent with this
Proclamation, have effect on matters provided for in this Proclamation.

23. Issuance of Laws Regulations and Directives

Detailed regulations and directives required for the proper implementation of this
Proclamation may be issued by the Council of Ministers and the Ministry, respectively.

24. Effective Date

This Proclamation shall come into force up on Publication in the Federal Negarit Gazeta.

Done at Addis Ababa, this 4th day of September, 2007.

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

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3.1.4. AGRICULTURE

3.1.4.1. PROCLAMATION NO. 79/1997

A PROCLAMATION TO PROVIDE FOR THE ESTABLISHMENT OF THE ETHIOPIAN AGRICULTURAL RESEARCH ORGANIZATION

CONTENTS

1. Short Title  
2. Definition  
3. Establishment  
4. Head office  
5. Objectives of the Organization  
6. Powers and Duties of the Organization  
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9. Powers and Duties of the Board  
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11. Powers and Duties of the Director General  
12. Powers and Duties of Federal Agricultural Research Centre  
13. Source of Income  
14. Book of Accounts  
15. Duty to Cooperate  
16. Repealed and Inapplicable Laws  
17. Transfer of rights and obligations  
18. Effective Date

BRIEF DESCRIPTION

This Law repeals the Institute of Agricultural Research Establishment Order No. 42/66 and establishes the Agricultural Research Organization which is accountable to the Ministry of Agriculture and Natural Resources. It is established in response to the need to conduct research in a systematic and coordinated manner, which is in line with the definition of agricultural research i.e. one aimed at improving the production and productivity of plants, animals and natural resources. The Proclamation is amended by Proclamation No. 382/2004.

Ethiopian Agricultural Research Organization Proclamation No. 79/1997  
(As amended by Proclamation No. 382/2004)

WHEREAS, it is believed that research for generating technologies, improving indigenous technologies and adapting foreign technologies in line with the country’s agricultural development strategy is a decisive activity to develop agriculture which forms the basis for the development of Ethiopia’s economy and the social welfare of its people;

WHEREAS, it has been found essential that research shall be undertaken in a systematic and coordinated manner in order to ensure sustainable development in production and productivity of the agricultural economic sector of the country;

WHEREAS, it has become necessary to establish an organization which shall be responsible for generating, improving and adapting technologies and coordinating,
encouraging and assisting research activities in order to fulfill the current and long term agricultural requirements of the country.

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

1. **Short Title**
   
   This Proclamation may be cited as the “Ethiopian Agricultural Research Organization Proclamation No. 79/1997.”

2. **Definition**
   
   In this proclamation, unless the context otherwise requires:
   
   1) “Agricultural Research” means research undertaking aimed at improving the production and productivity of plants, animals and natural resources.
   
   2) “Natural Resource” means soil, forest including water related to agriculture.
   
   3) “Agricultural Research Centre” means an agricultural research organ established or to be established or administered by the Federal or Regional Government.
   
   4) “Person” means a physical or judicial person.

3. **Establishment**
   
   1) The Ethiopian Agricultural Research Organization (hereinafter referred to as “Organization”) is hereby established as an autonomous government body of the Federal Democratic Republic of Ethiopia.

   2) The Organization shall be accountable to the Ministry of Agriculture and Rural Development.

4. **Head office**

   The head office of the Organization shall be in Addis Ababa.

5. **Objectives of the Organization**

   The Organization shall:
   
   1) generate, develop and adapt agricultural technologies that focus on the needs of the over all agricultural development and its beneficiaries;

   2) coordinate research activities of agricultural research centers or higher learning institute and other related establishments which undertake agricultural research on contractual bases;

   3) build up a research capacity and establish a system that will make agricultural research efficient, effective and based on development needs;

   4) Popularize agricultural research results.

6. **Powers and Duties of the Organization**

   The Organization shall have the powers and duties to:
1) formulate agricultural research strategies and determine on research priorities based on the country’s policies for science and technology, agricultural development and research; develop work plans and programmes and implement when approved by the government, and follow up the implementation thereof;

2) follow up the implementation of agricultural research policy, initiate new and improved policy proposals and submit the same to the government and when approved, implement and follow up the implementation thereof;

3) issue guidelines for the proper formulation and preparation of agricultural research programs and projects in line with the country’s development requirements. Where appropriate evaluate whether the proposed projects, programs and budget are in accordance with the guidelines and submit them to the government for approval;

4) undertake or cause the undertaking of agricultural research activities on the bases of the agricultural research policy and strategy;

5) reorganize or dissolve any research center under the Organization and establish new ones in different agroecological zones as deemed necessary;

6) establish a system, in collaboration with appropriate organs to make effective coordination between the Federal agricultural research centers and the end users and implement and follow up the implementation so that useful agricultural research results will be popularized and utilized by the end users;

7) advertize agricultural research results in the languages of the different nations and nationalities using appropriate means in collaboration with relevant organs, in order to widen the agricultural knowledge base of the society;

8) collect, organize and disseminate information on agricultural research activities and results that are available in the country and elsewhere in the world and develop and coordinate information exchange mechanisms;

9) facilitate conditions for mutual support between agricultural education, research, extension and production in cooperation with relevant organs;

10) participate in the development and upgrading of human resources that will take part in agricultural research; formulate and implement strategies to develop and build up the capacity of human resources;

11) establish an award system and/or incentives to individuals or institutions for meritorious achievements in agricultural research;

12) facilities, assist and encourage the organization and development of agricultural research centers;

13) create suitable working conditions to encourage agricultural researchers and support staff; develop and improve a professional career structure for researchers and implement when approved by the government;

14) encourage professional association in the field of agriculture and create enabling conditions to facilitate their contribution for the exchange of agricultural research information;
15) participate and advise the government in all matters related to agricultural research;
16) establish relationships, cooperate and conclude agreements with international and regional agricultural research centers and national organizations having similar objectives, based on the relevant law and implement and follow up the implementation thereof;
17) provide relevant information service to regional agricultural research centers and, upon request, give technical support and assistance to the extent possible;
18) establish a system for research project review, in cooperation with relevant Regional governments, to avoid unnecessary duplication of efforts and subsequent wastage of resources on research projects that are being conducted at Federal and Regional Research Centers;
19) register and maintain the list of any person involved or will be involved in agricultural research;
20) own properties, enter into agreement, sues and be sued;
21) accomplish other tasks related to the above in order to fulfill its objectives.

7. Organizational structure

The Organization shall have:
1) Agricultural Research Advisory Board (hereinafter referred to as “Board”)
2) A Director General to be appointed by the Government.
3) Agricultural Research Centers established or to be established by the Federal Government, and
4) The necessary staff.

8. Members of the Board

The Board shall have a chairperson and members who will be appointed by the government and whose number shall be determined as appropriate.

9. Powers and Duties of the Board

The Board shall deliberate and forward recommendation on:
1) agricultural research proposals, programmes and projects; and
2) other issues that contribute towards achieving the objectives of the Organization.

10. Meeting of the Board

1) The Board shall meet once in three months and may have extraordinary meetings as necessary.
2) There shall be a quorum where a simple majority of the members of the Board are present.
3) Decisions of the Board shall be made by a majority vote. In case of a tie the chairperson shall have a casting vote.
11. **Powers and Duties of the Director General**

1) The director General shall be the chief executive officer of the Organization and shall be responsible for its proper administration and supervision.

2) Without limiting the generality provided in sub-Article (1) of this article, the Director General shall:

   (a) supervise and follow up the implementation of programmes and projects as well as the utilization of finance by the Federal Agricultural Research Centers;

   (b) employ and administer personnel in accordance with the directives approved by the Ministry of Agriculture and Rural Development and other appropriate laws;

   (c) prepare, consolidate and submit the work programme and budget of the Organization to the Ministry of Agriculture and Rural Development and follow up its proper implementation when approved;

   (d) allocate budget to research centers based on the approved budget of the Organization and follow up the utilization of the allocated fund for the intended activity;

   (e) represent the Organization in its relations with third parties;

   (f) prepare and consolidate the performance and financial report of the Organization and submit to the Ministry of Agriculture and Rural Development.

3) The director General may delegate part of his powers and duties to the other officials and staff of the Organization.

12. **Powers and Duties of Federal Agricultural Research Centre**

Federal Agricultural Research Center shall be accountable to the head office of the Organization and shall have the powers and duties to:

1) undertake agricultural research activities in accordance with the national agricultural research policies and strategies as well as programmes designed to be executed by it having internal administrative and technical autonomy.

2) prepare and submit report to the head office concerning the research activities of the Center.

3) prepare detailed research projects and budget based on the programme approved for execution by the centre and implement when approved.

4) submit to the head office the material and man-power requirements of the center based on its identified future direction and development needs.

5) perform other functions based on the directives issued by the head office.

13. **Source of Income**

1) The Organization shall have incomes from the following sources:

   a) budget allocated by the government
b) laboratory service or sale of research by products and,
c) assistance and grants or any other income obtained from other sources.

2) The income obtained from other sources referred to in sub-Article (1) of this Article shall be kept in the Ethiopian National Bank or in a bank designated by the National Bank and shall be utilized, based on the government finance law to achieve the objectives of the Organization.

14. **Book of Accounts**

1) The organization shall keep a complete and an accurate book of accounts.

2) The Organization book of accounts shall be audited at least once a year by the Auditor General or by another auditor designated by him.

15. **Duty to cooperate**

Any person shall have the duty to cooperate in the implementation of this proclamation.

16. **Repealed and Inapplicable Laws**

1) The Institute of Agricultural Research establishment order, ordered No. 42/66 and part of Article 12 (5), of the definition of powers and duties of the executive organs of the Federal Democratic Republic of Ethiopia, proclamation No. 4/1995, which refers to the establishment of research centers are hereby repealed.

2) Any other laws which are in contradiction with this proclamation shall not be applicable with respect to matters provided for in this proclamation.

17. **Transfer of rights and obligations**

1) The rights and obligations of the Institute of Agricultural research established under order No. 42/66.

2) The rights and duties of the Forestry Research, Wood Utilization research and Fishery Research, soil Research Laboratory and National Animal Health Research Institute administrated under the Ministry of Agriculture.

3) The rights and duties of the Deberezeit Research Center administered by Alemaya University of Agriculture are hereby transferred to the Organization established under this proclamation.

18. **Effective Date**

This Proclamation shall enter into force as of the 5th day of June, 1997.

Done at Addis Ababa, this 5th day of June, 1997.

NEGASO GIDADA (DR.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.4.2. PROCLAMATION NO. 137/1998

FERTILIZER MANUFACTURING AND TRADE PROCLAMATION

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BRIEF DESCRIPTION
The Fertilizer Manufacturing and Trade Proclamation applies to a person who is engaged in the business of fertilizer, which includes import, wholesale, retail, export and manufacture of fertilizer, mixture of fertilizer and special mixture of fertilizer. It requires any person who wants to engage in fertilizer business to possess a competence assurance certificate which is valid for one year and may be renewed. Pursuant to Proclamation No. 288/2002, the powers and duties entrusted to the National Fertilizer Industry Agency under this Law are transferred to the National Agricultural Input Authority. The Quality and Standards Authority, the National Agricultural Input Authority and Inspector of fertilizer are the bodies tasked with the responsibility of ensuring the implementation of the Proclamation.
WHEREAS, it is necessary to promote the agricultural sector which is the base of development of the material economy, with modern agricultural science and inputs of manufacture;

WHEREAS, fertilizer is the determining input of the agricultural sector of the economy, it is necessary to follow closely and systematize on time supply, the quality, marketing, distribution and selling of fertilizer to the required quantity;

WHEREAS, fertilizer is a chemical material which needs special care, it is necessary to control and follow up the fertilizer to make sure that it conforms the standard during manufacturing, import, handling and storing;

WHEREAS, it is necessary to appoint governmental bodies which support, advice and control individual organizations engaged in manufacture, import, sale and distribution of fertilizers;

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

SECTION ONE

General

1. *Short Title*
   
   This Proclamation may be cited as the “Fertilizer Manufacturing and Trade Proclamation No. 137/1998.”

2. *Definitions*
   
   Unless the context otherwise requires in this Proclamation:

   1) “Fertilizer” means any man made substance organic or inorganic including mixture of fertilizer physical mixture of fertilizer and granulated mixture of fertilizer that is added to the soil or to the plant to supply those elements required in the nutrition of plants manure, compost, ash, gypsum or refuse are not considered as fertilizer materials when they are used for commercial purpose in their original condition and under these names;

   2) “Dealer” means any person who is engaged in the business of fertilizer;

   3) “Person” means any natural person or juridical organization;

   4) “Sub-Standard Fertilizer” means any fertilizer which does not conform to the quality requirements of the Ethiopian standards;

   5) “Fertilizer Business” means a business dealing that includes import, wholesale, retail, export and manufacture of fertilizer, mixture of fertilizer and special mixture of fertilizer;

   6) “Adulterated Fertilizer” means a fertilizer that contains any foreign substance the addition of which is likely eliminate or decrease the nutrient content of plants;
“Tampered Bag” means a bag which contains fertilizer and its stitching, lead sealing or any other place has been broken and stitched again by the dealer or any person;

“Grade” means available plant nutrient content in a fertilizer expressed in terms of percentage;

“Manufacturer” means a person who produces fertilizer from the original raw material;

“Mixture of fertilizer” means a physical mixture of granulated fertilizer;

“Physical mixture of fertilizer” means mixture of fertilizers made by physical mixing two or more types of fertilizers with or without inert material;

“Granulated mixture of fertilizer” means mixture of fertilizers made by intimately mixing the required amount of fertilizer and granulating them together without involving chemical reaction;

“Granule” means a solid fertilizer with the specified particle size;

“Special Mixture of Fertilizer” means any mixture of fertilizer, outside of those fertilizers that the Agency hold registering, prepared for experimental purposes;

“Composite Fertilizer” means a fertilizer which contains two or more substance and which has a chemical reaction during manufacturing;

“Importer and/or Exporter” means a person who imports and/or exports fertilizer;

“Inspector” means an inspector of fertilizer assigned under Article 24 of this Proclamation.

“Ethiopian Standards” means fertilizer standards formulated by the quality and Standards Authority of Ethiopia;

“Licensing body” means as the condition requires Ministry of Trade and Industry of the Federal Government or the Regional Bureau of Trade and Industry or Bureau of trade and Industry accountable to the Federal Government or other appropriate Federal or Regional Body;

“Board” means as the condition requires, the National Fertilizer Industry Agency Board or the board of Quality and Standards Authority of Ethiopia;

“Agency” means the National Fertilizer Industry Agency;

“Authority” means the Quality and Standards Authority of Ethiopia.

3. **Scope of Application**

The Provisions of this Proclamation shall apply to a person who is engaged in the business of fertilizer.

**SECTION TWO**

**Competence Assurance Certificate**

4. **The Necessity of Competence Assurance Certificate**

Any person who wants to engage in fertilizer business shall possess a competence assurance certificate of the Agency.
5. **Conditions Enabling to Engage in the Fertilizer Business Sector**

1) Any person who wants to engage in fertilizer business shall possess competence assurance certificate, acquired by fulfilling the requirements of the Agency.

2) Notwithstanding sub-Article (1) of this Article
   
   (a) where the applicant is a manufacturer of fertilizer, shall have qualified professional employees who have directly engaged in manufacturing;
   
   (b) where the applicant has established a laboratory wherein he tests the quality and the contents of substance of fertilizer he manufactures.

6. **Application for Competence Assurance**

1) Pursuant to Article 5 of this Proclamation an application to get competence assurance certificate shall be in accordance with the form prepared for this purpose, and shall be given to the Agency.

2) Notwithstanding sub-Article (1) of this Article the Agency shall record in the form designed for this purpose:
   
   (a) Qualification of the professional employees who directly engaged in manufacturing
   
   (b) whether the applicant has established a laboratory wherein he tests the quality and the content of substance of fertilizer he manufactures.

7. **Conditions for Refusal of Certificate of Competence**

The Agency shall not grant certificate of competence to a person:

1) Whose previous certificate of competence has been canceled and the period of cancellation has not elapsed one year;

2) Who has been convicted of an offense under other laws concerning fertilizer business prior to the issuance of this Proclamation;

3) Whose application is incomplete in respect to the provisions of Article 5 and of this Proclamation;

4) Who has been convicted of an offense under this fertilizer proclamation or any other regulations thereunder and who hasn't completed his penalty.

8. **Obtaining Duplicate Copy of Certificate of Competence**

1) Any person whose certificate of competence is lost or deformed, may, on an application to the Agency in writing, can obtain duplicate copy of such certificate.

2) That such certificate is deformed, the deformed certificate should be returned.

3) The Agency subject to provision of sub-Article (1) of this Article upon publishing in newspaper notifies that the applicant certificate of competence is lost and requested duplicate copy of such certificate by the applicant's expense, may grant a duplicate copy within one month after notification, provided that no person has
raised an objection to it.

9. **Period of Validity**

   A certificate of competence granted under the provisions of this Proclamation shall be valid for a period of one year.

10. **Renewal**

    1) Every holder of a certificate of competence desiring to renew the certificate, shall make an application to the Agency in accordance with the form designed for this purpose, within one month before the date of expiry of the said certificate.

    2) On receipt of an application for renewal, and keep in view the performance of the applicant and other relevant circumstances and by charging service fee the Agency may renew the certificate of competence within 15 days period.

11. **Suspension or Cancellation of Certificate of Competence**

    1) The Agency may suspend or cancel a certificate of competence on any of the following grounds:

       (a) That such certificate has been obtained by misrepresentation as to material particulars;

       (b) That such certificate has been passed over to any other person without prior permission of the Agency;

       (c) That such certificate has not been renewed pursuant to Article 10 of this proclamation;

       (d) That the fertilizer does not conform to the quality requirements of Ethiopian Standards on fertilizers;

       (e) That license for fertilizer business dealing has been canceled.

    2) The Agency after having canceled the certificate of competence notify to the licensing Authority to cancel the license.

12. **Duty to Provide Information**

    Any person engaged in the activity of fertilizer sector shall have the duty to provide information relating to fertilizer in accordance with the form designed for collecting information whenever requested by the Agency.

**SECTION THREE**

**Manufacturing, Dealing, Handling Distribution of Fertilizer**

13. **Manufacture, Import and Distribution of Fertilizer**

    Any fertilizer manufactured locally or imported and stocked, which is ready for distribution and sale:

    1) Shall conform to the requirements of Ethiopian Standards,

    2) Shall be registered by the Agency for use in the country as fertilizer.
14. **Restriction**

1) No person shall carry on the activity of preparing any fertilizer, without certificate and outside of the terms and conditions of such certificate of manufacture granted to him by the Agency.

2) No person shall import, manufacture for sale or sell, offer for sale, or exhibit for sale or distribute any fertilizers, mixture or special mixture of fertilizers, which does not conform to the particulars specified in the competence assurance certificate and which does not conform to the Ethiopian standard and in the absence of such standard unless authorized by the Agency.

3) No person shall sell, offer for sale, or exhibit for sale or distribute:
   
   (a) Any fertilizer which is an imitation or a substitute for another fertilizer under the name of which it is sold;
   
   (b) Any fertilizer found to be adulterated,
   
   (c) Any fertilizer, label or container whereof bears the name of any individual firm or company purporting to be manufacturer of the fertilizer, which individual firm or company does not exist.
   
   (d) Any fertilizer label or container whereof bears any statement which makes a false claim or gives misleading information.

4) No person shall import natural fertilizer.

15. **Package, Packing and Labeling of Fertilizer**

1) Packaging materials for fertilizer bags and labels affixed on bags shall comply with the relevant Ethiopian standards.

2) Types of fertilizer locally manufactured or imported, not in accordance with the Ethiopian standards for packaging contained in plastic or tin packages shall bear necessary information.

16. **Selling Unpacked Fertilizer**

Notwithstanding the provisions of this Proclamation:

1) Fertilizer retailer can maintain one bag of unpacked fertilizer of each type of fertilizer at anytime, for sale.

2) Any fertilizer manufacturer and importer can sale unpacked fertilizer only to manufacturers of mixture of fertilizers, special mixture of fertilizer and composite mixture of fertilizers and to large scale farms.

17. **Selling of sub-Standard Fertilizer**

1) Notwithstanding the provisions of this Proclamation, any person, can sell, offer for sale, stock, exhibit for sale or distribute any fertilizer which, not being an adulterated fertilizer, does not confirm to the Ethiopian standard, subject to the condition that:

   (a) the container to such sub-standard fertilizer is conspicuously superscribed in
b) sub-standard fertilizer shall be sold only to the mixture of or special mixture of fertilizers manufacturer, for agricultural research purpose to the Agricultural bureaus, Agricultural research institutes, universities and colleges; and

c) sub-standard fertilizer shall be sold upon prior authorization of the Agency.

2) The Agency, upon receipt of the test result of sub-standard fertilizer, shall fix the prices, as per size of the content of the substance.

18. **Disposal of Adulterated Fertilizer**

Any adulterated fertilizer shall be disposed in accordance with the Agency directives.

19. **Supply and Distribution of Fertilizer**

1) Any importer of fertilizer is liable to notify the Agency the schedule of purchase, freightage at port and transportation of fertilizer from the port.

2) Any importer of fertilizer shall transport fertilizer to the center of the country within the period of notified schedule.

3) Any importer, wholesaler and retailer shall supply the fertilizer to the consumer at the required time and place for sale.

20. **Licensing**

1) The licensing Authority upon receipt of application for license to manufacture, import, wholesale and retail of fertilizer, shall ascertain that the applicant has obtained a competence assurance certificate from the Agency.

2) Research institutes and investors that require to import new types of fertilizer for use respectively in research purposes and in their own farms, shall obtain permission from the Agency, and shall be subject to the specified directive of the Agency.

3) Any person who obtains a permission pursuant to sub-Article (2) of this Article, shall have no right to pass over or sell the fertilizer to any person.

**SECTION FOUR**

**Enforcement Bodies and their Duties**

21. **Duties and Responsibilities of the Authority**

Notwithstanding the powers it is vested with under its establishment proclamation, the Authority, shall have the following powers and duties:

1) The Authority on the basis of the essential type of fertilizers list provided by the Agency shall carry out inspection on imported fertilizers and certify the quality of same;

2) Notwithstanding to the provisions of Article 22(4) of this Proclamation, ensure that locally manufactured fertilizer comply to the quality requirement of the specified
22. **Duties and Responsibilities of the Agency**

Notwithstanding the powers it is vested with under its establishment proclamation, the Agency shall:

1) decide the type of fertilizers to be imported or locally manufactured;
2) enable the issuance of the types of fertilizer in public notification, make follow-up, monitor and periodically notify same to the Authority;
3) grant, refuse, renew, suspend, cancel competence assurance certificate in matters related to manufacture fertilizer, mixture of fertilizer, import, wholesale and retail of fertilizer;
4) establish a team of inspection, assign inspectors, establish, organize and administer laboratories to enforce this proclamation; perform quality control and testing activities on fertilizer;
5) design strategies to establish price, follow-up the enforcement of the strategies and monitor same, whenever required, study appropriate measures to be taken and initiate ideas of the same to the government; and follow-up the practicability, upon decision;
6) follow-up and monitor the supply of fertilizer every cropping season in adequate quantity into the country and its timely distribution to the regions;
7) may delegate its power and decide upon the conditions on how to exercise the delegation to enforce this proclamation;
8) decide upon suspension of fertilizers from sell pursuant to the laboratory test result.

23. **Duties and Responsibilities of the Inspector**

An inspector shall be assigned by the Agency and has the following duties and responsibilities:

1) require any manufacturer, importer, wholesale, or retail dealer involved in fertilizer business to give any information in his possession with respect to manufacture, storage and selling of any fertilizer manufactured or in any manner handled by him;
2) draw fertilizer samples according to procedure described in the relevant Ethiopian standard; provided that inspector shall prepare sampling details together with packed and specially labeled samples in triplicate, and hand over one to the dealer, send one to the laboratory for analysis and the third to his next higher authority.
3) enter and search any premises where any fertilizer is manufactured or being manufactured, sold, offered for sale, stored, exhibited for sale or distributed according to the provisions of this proclamation;
4) seize or detain fertilizer in respect of which he has reason to believe that a contravention of sub-Article (3) of this Article has been, is being or is about to be committed;
5) pursuant to sub-Article (4) of this Article, the Inspector shall give the stop sale notice in writing to the person whose stocks have been detained and initiate appropriate action and notify the Agency;

6) follow-up and monitor every manufacture, importer, wholesaler and retail dealer of fertilizer of his possession, to protect a man-made shortage of fertilizer through hoarding fertilizer stock.

SECTION FIVE
Miscellaneous

24. Duty to Co-operate

Any person, if so required by an Inspector shall be bound to afford all necessary facilities to him for the purpose of enabling him to exercise his duties under this proclamation.

25. Appeal

Any person who is aggrieved by the action taken according to this Proclamation can appeal:

1) in respect of duties of the Agency, to the Management Board of the Agency;

2) in respect of duties of the Authority, to the Management Board of the Authority.

26. Penalties

1) Any person who intentionally offers for sale or sales adulterated or unregistered fertilizers will be punished with imprisonment from 8 years up to 10 years and with fine from Birr 25 thousands up to 35 thousands.

2) Any person who offers for sale or sells sub-standard fertilizer in contravention to Article 17 of this proclamation will be punished with imprisonment from 5 years up to 7 years and with fine from Birr 25 thousands up to 30 thousands.

3) Any person who knowingly offers for sale or sells fertilizers in bags which do not comply with the standard will be punished with imprisonment from 3 years up to 5 years and with fine from Birr 15 thousands up to 25 thousands.

4) Any person who offers for sale or sells fertilizers in bags which do not comply with the standard on labeling and packaging and reduces the required content of the bag, will be punished with imprisonment from 1 year up to 3 years and with fine from Birr 5 thousands to 15 thousands.

5) any person who prohibits document, when requested by an inspector of the Agency or worker in the exercises of his power and duties will be punished with imprisonment up to 1 year and with fine from Birr 5 thousands up to 10 thousands.

6) A person who deceives or misleads the inspector, tampers with an article in a way that a sample of it, taken or submitted for analysis, incorrectly represents the articles, will be punished with imprisonment from 1 year up to 3 years and with fine from Birr 10 thousands up to 15 thousands.

7) A person who intentionally break a sealed store will be punished with imprisonment
up to 1 year and with fine from Birr 5 thousands up to 10 thousands.

27. *Power to Issue Regulations*

The Council of Ministers shall may issue regulations in order to implement this Proclamation.

28. *Directives*

In order to implement this Proclamation the Agency may issue directives.

29. *Laws Consistent to this Proclamation*

1) As the condition requires, the Investment and Commercial Registration and Business Licensing proclamation will be applicable to a person engaged in fertilizer business.

2) Other law or customary practice which is consistent with this Proclamation shall have effect with respect to matters covered by this Proclamation.

30. *Effective Date*

This Proclamation shall enter into force as of the 24th day of November, 1998.

Done at Addis Ababa, this 24th day of November, 1998.

NEGASO GIDADA (DR.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.4.3. PROCLAMATION NO. 481/2006

A PROCLAMATION TO PROVIDE FOR PLANT BREEDERS’ RIGHT

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BRIEF DESCRIPTION

The Plant Breeders’ Right Proclamation governs issues relating to new plant varieties. It applies to new plant varieties of the genera and species which the Ministry of Agriculture and Natural Resources determines by directives and, may be subject to revision from time to time. A breeder will be granted, upon application and subject to the conditions and limitations, a plant breeder’s right in respect of his new plant variety. The Proclamation makes provisions for the transfer, surrender and revocation of a plant breeder’s right, legal action and counter claim in respect of an infringement of a plant breeder’s right. It also provides for the rights of farmers to the use of plant varieties and the limitations thereto. An appeals procedure is also available whereby a party aggrieved by the decision of the Ministry may lodge to the Federal High Court within sixty days from the date of the receipt of the decision.
Plant Breeders’ Right Proclamation No. 481/2006

WHEREAS, the utilization of new plant varieties developed through research play a significant role in improving agricultural production and productivity;

WHEREAS, the development of new plant varieties requires considerable effort and investment;

WHEREAS, it is necessary to provide for recognition and economic reward for those who contribute to such effort and investment so as to encourage their involvement in the sector;

WHEREAS, it is necessary and appropriate to ensure that the farming and pastoral communities of Ethiopia, who have been conserving and continue to do so in the future the agro-biodiversity resource used to develop new plant varieties, continue to their centuries old customary practice of use and exchange of seed;

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

PART ONE
GENERAL PROVISION

1. Short Title

This Proclamation may be cited as the “Plant Breeders’ Right Proclamation No. 481/2006.”

2. Definitions

In this Proclamation unless the context otherwise requires:

1/ "applicant" means a person who has filed an application with the Ministry for a plant breeders’ right;

2/ “Ministry” means the Ministry of Agriculture and Rural Development;

3/ “breeder” means a person who:
   a) has bred and developed a new plant variety; or
   b) has employed or commissioned the work of the person who has bred or developed a new plant variety; or
   c) is a successor in title of the person mentioned in (a) or (b) of this Sub-Article;

4/ “holder” means a person to whom a plant breeders’ right has been granted by the Ministry;

5/ “new plant variety” means a variety that:
   a) by reason of one or more identifiable characteristics, is clearly distinguishable from all other varieties the existence of which is a matter of common knowledge at the date of application for a plant breeders’ right;
b) is stable in its essential characteristics, in that after repeated reproduction or multiplication, at the end of each cycle, remains true to its description;

c) having regard to its particular features of sexual reproduction or vegetative propagation, is sufficiently homogenous or is a well-defined multi-line; and

d) its material has not been sold or otherwise disposed of to others by the breeder for purposes of commercial exploitation of the variety:
   i) in the territory of Ethiopia, earlier than one year before the date of filling of application for plant breeders’ right with the Ministry; or
   ii) in the territory of any other state, earlier than six years in the case of varieties of tree, fruit tree or grape vines, or in the case of other species, earlier than four years before the date of the application.

6/ “Plant” means a living-organism which is not an animal and which can reproduce itself naturally.

7/ “protected variety” means a new plant variety that is protected by a plant breeders’ right granted by the Ministry;

8/ “variety” means a plant grouping within a single botanical taxon of the lowest known rank, which can be:
   a) defined by the expression of the characteristics resulting from a given genotype or combination of genotypes;
   b) distinguished from any other plant grouping by the expression of at least one of said characteristics; and
   c) considered as a unit for being propagated unchanged;

9/ “Farmers variety” means a plant variety having specific attributes and which has been discovered, breed, developed or nurtured by Ethiopian farming communities or a wild relative of variety about which the Ethiopian farming communities have common knowledge;

10/ “Wild relative” means a plant variety which is not domesticated by man and which is found in the wild by nature.

11/ “Propagating material” means any part of a plant which can be propagated.

12/ “Person” means natural person or juridical person.

13/ “Institution” means a state or private organization having juridical personality.

3. Scope of Application

1/ This Proclamation shall apply to new plant varieties of the genera and species, which the Ministry shall determine by directives;

2/ The Ministry may revise, from time to time, as necessary, the list of the plant genera and species to which this Proclamation shall apply.
PART TWO

PLANT BREEDERS’ RIGHT

4. Protection of Right

Subject to the conditions and limitations provided for in this Proclamation, a breeder shall be granted a plant breeders’ right in respect of his new plant variety.

5. Scope of Plant Breeder’s Right

1/ Subject to the exemptions and restrictions provided for in this Proclamation, a plant breeders’ right entitles the holder an exclusive right to:
   a) sell, including the right to license other persons to sell, the seed or propagating material of the protected variety; and
   b) produce, including the right to license other persons to produce, propagating material of the protected variety for sale.

2/ The carrying out of the activities referred to in Sub-Article (1) of this Article by other persons with respect to a protected variety is prohibited unless with the authorization of the holder.

6. Exemptions to Plant Breeders’ Right

1/ Notwithstanding the existence of a plant breeder’s right, any person or farmers’ community may:
   a) propagate, grow and use a protected variety for purposes other than commerce;
   b) sell plants or the propagating material of the protected variety for use as food or for any other use that does not involve growing the plant or the propagating material of the protected variety;
   c) sell plants or propagating material of a protected variety as they are within a farm or any other place where plants of the variety are gown;
   d) use plants or propagating material of a protected variety as an initial source of variation for purpose of developing another new plant variety except where the person makes repeated use of plants or propagating material of the variety for the commercial production of another variety;
   e) sprout a protected variety for use as food for home consumption or for the market;
   f) use a protected variety in further breeding, research or teaching;
   g) obtain, with the conditions of utilization, protected variety from gene banks or plant genetic resources centers.

2/ Notwithstanding the provisions of Sub-Article (1) of this Article, farmers cannot sell farm-saved seed or propagating material of a protected variety in the seed industry on commercial scale.
7. **Restrictions on Plant Breeders’ Right**

1/ The Ministry may, when public interest so requires, due to the following grounds, put restrictions on the exercise of a plant breeders’ right where:
   a) problems arise due to competitive practices of holders;
   b) food security, nutritional or health needs or biological diversity are found adversely affected;
   c) a high proportion of a protected variety offered for sale is being imported;
   d) the requirements of the farming community for prorogating material of a particular protected variety are not met;
   e) it is considered important to promote public interest for socio-economic reasons and for developing indigenous and other technologies.

2/ When the Ministry decides to put restrictions on the exercise of a plant breeders’ right, it shall:
   a) give to the holder the copy of the decision setting out the particulars of the restrictions;
   b) give public notice of the restrictions; and
   c) specify the compensation to be paid to the holder.

3/ where the holder is dissatisfied with the compensation decided to be paid, he may lodge his appeal in accordance with Article 34 of this Proclamation.

8. **Compulsory Licensing**

1/ Without prejudice to the provisions of Article 8 of this Proclamation, the Ministry may, to safeguard public interest, grant a compulsory license upon application by any interested person.

2/ The Ministry may grant a compulsory license only if:
   a) the holder is not producing and selling the propagating material of the protected variety in sufficient amount to meet the needs of the general public and has refused to license other persons to produce and sell the propagating material of the protected variety or is not willing to give such license under reasonable terms; or
   b) there exist no condition under which the holder can be expected to give a permit to use his protected variety.

3/ Where the Ministry grants compulsory license, it shall determine the remuneration the person to whom the compulsory license is granted shall pay to the holder, the duration of the compulsory license and other conditions as necessary. The duration of a compulsory license shall not be shorter than three years and longer than five years; provided, however, that the Ministry may extend the duration if an application for extension is made and the conditions warranting compulsory licensing continue to exist.
4/ A person to whom a compulsory license is granted shall have a non-exclusive right to perform all or any of the activities for which the authorization of the holder would have been required.

5/ Compulsory licensing shall not preclude the holder from using the variety or to grant license to others.

9. **Duration of Plant Breeders’ Right**

Without prejudice to other provisions of this Proclamation, a plant breeders’ right shall exist for a period of 20 years in the case of annual crops, and 25 year in the case of trees, vines and other perennial trees from the date the successful application for a plant breeders’ right was accepted.

10. **Persons Entitled to Plant Breeders Right**

1/ A breeder shall be entitled to a plant breeders’ right in respect of his new plant variety, whether or not the breeder is an Ethiopian national or a foreigner, or is an Ethiopian resident or not, and whether the variety was bred locally or abroad.

2/ Where two or more persons bred the variety jointly or that they are joint successors, they shall jointly be entitled to plant breeders’ right; provided however, that only one or some of such persons may apply for a plant breeders’ right provided that the remaining other persons have given their consent in writing to this effect.

3/ Where the breeder is a public or a private institution, the plant breeders’ right shall be granted in the name of the institution.

4/ Where a variety has been bred by two or more persons independently of each other, the entitlement to plant breeders’ right shall belong to the person who has first filed an application with the Ministry for plant breeders’ right.

5/ Where an application is filed by a person who is not entitled to plant breeders’ right, the person who is entitled to the plant breeders’ right may apply to the Ministry for the assignment of the application to him.

11. **Application**

A breeder who wants to be granted a plant breeders’ right in respect of a new plant variety shall, present written application to the Ministry. The conditions and procedure in accordance with which applications may be lodged, examined and decided shall be specified by regulations.

12. **Provisional Protection**

1/ The applicant shall be deemed to have a plant breeders’ right in respect of the new variety during the period between the date the application for plant breeders’ right is filed and the granting of plant breeders’ right or the final rejection of the application.

2/ The genetic material of the new plant variety under provisional protection shall not be used for non-research purposes. The Ministry shall take the necessary measures to prevent the use of the genetic material of such variety for non-research purposes.
13. **Opposition**

Where an application is lodged for a plant breeders’ right, any person, who considers that the granting of plant breeders’ right will be contrary to public interest, or that the variety does not fulfill the requirements for granting plant breeders’ right, or that the applicant is not entitled to plant breeders’ right, may lodge with the Ministry an opposition to the application setting out the particulars for the opposition. The conditions and procedure pursuant to which opposition shall be lodged, examined and disposed shall be specified by regulations.

14. **Granting of Plant Breeders’ Right**

The Ministry shall grant a plant breeders’ right if it is satisfied that:

1/ the plant variety is new;

2/ there is no ground, as provided for in this Proclamation, to refuse the granting of plant breeders’ right to the applicant;

3/ the breeder has a proof that he has obtained the genetic resource used to develop the variety in accordance with the relevant laws on access to genetic resources;

4/ a plant breeders’ right has not been granted to another person in respect of the variety;

5/ there has been no earlier application, that has not been withdrawn or rejected, for a plant breeders’ right in respect of the new variety in question; and

6/ all fees payable in relation to the granting of plant breeders’ right have been paid.

15. **Register of Plant Breeders’ Right**

The Ministry shall keep a register of plant breeders’ rights. The particulars that may be entered in the register shall be specified by regulations.

16. **Publication of Plant Breeders’ Right**

Where the Ministry grants a plant breeders’ right, it shall give public notice to that effect.

17. **Deposition of Samples**

The Ministry shall, for the purpose of conservation, cause that the holder deposits at the Institute of Biodiversity Conservation sample of the new plant varieties with respect to which a plant breeders’ right have been granted.

18. **Maintenance of Variety**

1/ The holder shall have the obligation to maintain the variety to ensure that all the characteristics of the variety at the date of granting the right are maintained throughout the duration of the plant breeders’ right.

2/ The Ministry may, to ensure that the variety is maintained, require the holder to furnish material of the variety or any other necessary information.
PART THREE
TRANSFER AND REVOCATION OF PLANT BREEDERS’ RIGHT

19. Transfer of Right
   1/ Plant breeders’ right may be transferred to other persons by a contract or by the law.
   2/ A transfer of plant breeders’ right by a contract may have no effect unless entered in the register of plant breeders’ right.

20. Surrender of Plant Breeders’ Right
   1/ A holder may surrender his plant breeders’ right by giving notice to the Ministry.
   2/ Upon receiving notice of surrender, the Ministry shall enter same in the register of plant breeders right and give public notice thereof.
   3/ Where an action in respect of a plant breeders’ right is pending before a court, the Ministry shall not register the surrender except by leave of the court or by consent of the parties in the court proceeding.

21. Plant Breeders’ Right Granted to a Person not Entitled to
   1/ Where a plant breeders’ right has been granted to a person who is not entitled to, the person who is entitled to the plant breeders’ right may apply to the Ministry demanding that the plant breeders’ right be transferred to him.
   2/ The Ministry shall, upon examining the application for the transfer and the response of the holder and ascertaining that the right has wrongly been granted to the holder and that the applicant is entitled thereto, cause the plant breeders’ right to be transferred accordingly.

22. Revocation
   1/ The Ministry shall revoke a plant breeders’ right if;
      a) it is proved that the variety was not new or that facts exist which, if known before the granting of the right, would have resulted in the refusal of the right;
      b) the holder has failed to pay the prescribed fee payable in respect of the plant breeders’ right within 90 days after having been notified that the payment has fallen due; or
      c) the holder has failed to maintain the variety.
   2/ Where the Ministry decides to revoke a plant breeders’ right in accordance with Sub-Article (1) of this Article, it shall give written notice of the revocation to the holder stating the grounds for the decision, and it shall give public notice of the revocation.

23. Application for Revocation
   Any person whose interest is affected by the granting of a plant breeders’ right may apply to the Ministry for the revocation of the plant breeders’ right in accordance with this
Proclamation. The procedure in accordance with which an application for revocation of plant breeders’ right may be examined and decided shall be specified by regulations.

PART FOUR

INFRINGEMENT OF PLANT BREEDERS’ RIGHT

24. Act of Infringement

Any act in respect of a protected variety for which the authorization of the holder is required and which is done without such authorization shall constitute an act of infringement of a plant breeders’ right.

25. Legal Action

1/ A holder whose plant breeders’ right has been infringed may institute an action in court to require the cessation of the act of infringement and claim compensation for damage.

2/ The court shall order the cessation of an act of infringement and the payment of compensation for the damage caused on the holder unless the defendant forthwith proves that the plant breeders’ right alleged to have been infringed has to be revoked in accordance with the provisions of article 23(1) of this Proclamation.

26. Counter Claim

1/ A defendant in an action against infringement may institute a counter claim for the revocation of the plant breeders’ right in question, if it is revocable in accordance with Article 23(1) of this Proclamation.

2/ The court shall order the revocation of the plant breeders’ right in question, if any of the grounds specified in Article 23(1) of this Proclamation is proved to exist by the counterclaim.

3/ Where the court orders the revocation of the plant breeders’ right, the defendant shall serve the copy of the court order to the Ministry. Upon receiving the court order, the Ministry shall register the revocation of the plant breeders’ right and give public notice of the revocation.

PART FIVE

FARMERS’ RIGHT

27. Principle

Farmers’ Right stem from the enormous contributions that local farmers have made and will continue to make in the conservation and sustainable use of plant genetic resources that constitute the basis of breeding for food and agricultural production.

28. Farmers’ Right

1/ In relation to the use of plant varieties, farmers shall have the following rights:

a) to save, use, exchange and sell farm-saved seed or propagating material of farmers’ varieties;
b) to use protected varieties including material obtained from gene banks or plant genetic resource centres to develop farmers’ varieties;

c) to save, use, multiply, exchange and sell farm-saved seed or propagating material of protected varieties.

2/ Notwithstanding the provisions of Sub-Article (1) of this Article, farmers may not sell farm-saved seed or propagating material of a protected variety in the seed industry as a certified seed.

PART SIX
MISCELLANEOUS PROVISIONS

29. Penalty
Any person who infringes a plant breeders’ right shall, in addition to the confiscation of the seed or propagating material of the protected variety which is the proceed of the infringement, be punished with imprisonment not exceeding three years or a fine up to five thousand Birr or with both such imprisonment and fine.

30. Appeals
A party who is aggrieved of a decision on the granting, refusal, revocation or restriction of a plant breeders’ right may lodge an appeal to the federal high court within sixty days from the date of receipt of the decision.

31. Fees
The amount and schedule of payment of fees to be paid in relation to plant breeders’ right shall be determined by regulations to be issued hereunder.

32. Issuance of Regulations
The Council of Ministers may issue regulations for the proper implementation of this Proclamation.

33. Implacable Laws
No law, regulation, directive or practice shall, in so far as it is inconsistent with this Proclamation, have effect in respect of matters provided for by this Proclamation.

34. Effective Date
This Proclamation shall come into force upon publication in the Federal Negarit Gazeta.

Done at Addis Ababa, this 27th day of February, 2006.

GIRMA WOLDEGIORGIS
PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.4.4. PROCLAMATION NO. 488/2006

A PROCLAMATION TO ESTABLISH THE ETHIOPIAN ORGANIC AGRICULTURE SYSTEM

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BRIEF DESCRIPTION

The Organic Agriculture System Proclamation applies with respect to the ‘production, processing, packaging, labeling, storing, transportation, marketing, exportation and importation of agricultural products which carry or are intended to carry labels referring to organic production methods’. It provides for a list of powers and duties of the Ministry of Agriculture and Natural Resources, one of which is the establishment of the Organic Agricultural Production System Council. The Law further requires that detailed rules on organic agricultural production are to be prescribed by regulations to be issued under the Proclamation.

Ethiopian Organic Agriculture System Proclamation No. 488/2006

WHEREAS, consumers’ demand for organically produced agricultural products and foodstuffs is globally increasing and thereby a new market for the country’s organically produced agricultural products is being created;

WHEREAS, the market price for such products is higher, and contributes towards the attainment of better price and economic perspective for the rural population while the way in
which they are produced involves less intensive use of land and the protection of biodiversity and the environment;

WHEREAS, in response to the rising demand, for such agricultural products and foodstuffs are being placed on the market with labels stating or implying to customers that they have been produced organically or without the use of synthetic chemicals. Therefore, it is necessary to show to the customers that proper labeling of organic agricultural products is essential;

WHEREAS, the way in which all agricultural products produced in the country fulfills the requirements of organic agricultural production methods and gives the possibility of easily supplying the products in the international market;

WHEREAS, countries that represent important target markets have already adopted rules and inspection arrangements for the use of such products;

WHEREAS, in the interests of producers and consumers of products bearing labels referring to organic production methods, the country should prescribe the minimum requirements which must be complied therewith;

WHEREAS, it is necessary to adopt this internationally accepted production, processing and distribution system in our country; and all operators using labels referring to organic production should be subjected to regular follow-ups, carried out by accredited inspection and certification bodies, to ensure that they meet the prescribed minimum requirements;

NOW, THEREFORE, in accordance with Article 55 (1) of the Constitution, of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows;

PART ONE
GENERAL

1. Short Title

This Proclamation may be cited as the “Ethiopian Organic Agriculture System Proclamation No. 488/2006.”

2. Definitions

In this Proclamation unless the context requires otherwise:

1/ “Ministry” means the Ministry of Agriculture and Rural Development;

2/ “accreditation” means the procedure by which the Ministry formally recognizes the competence of inspection and certification bodies to provide inspection and certification services;

3/ “agricultural product” means any product or commodity, raw or processed, originating from agricultural activities and marketed for human consumption or animal feed;

4/ “organic agricultural product” means a product which is produced, processed or handled and distributed without the use of synthetic chemicals and genetically modified organism;
“livestock” means any domestic or domesticated animal such as bovine, porcine, caprine, equine, sheep, poultry and bees raised for food or for use in the production of food;

“Inspection and certification systems” means systems, which have been formally approved or recognized by the Ministry;

“Inspection” means the examination of production, processing and distribution of organic agricultural products based on organic agricultural production standards;

“audit” means a systematic and functionally independent examination of organic agriculture system to determine whether activities and related results comply with defined objectives;

“certification” means the procedure by which recognized certification bodies provide written or equivalent assurance that agricultural products’ control systems conform to requirements;

“certification body” means an independent firm having its own logo, which is responsible for verifying that an agricultural product sold or labeled as “organic” is produced, processed, handled, exported or imported according to this Proclamation and regulations as well as directives issued hereunder;

“logo” means a symbol, printed or graphic matter meant for the identification of certification and inspection body which has legal protection and registered under the Ethiopian Intellectual property right protection office; affixed to the package of organic product, or accompanies or is displayed near the product for the purpose of promoting it;

“Operator” means any person who has a certificate issued from the inspection and certification bodies to produce, process, label, export or import with a view to the subsequent marketing of organic agricultural products;

“Organic agricultural product council” is a council which shall be established by the Ministry of Agriculture and Rural development; and the members comprising from inspection and certification bodies and operators; whose function is to resolve issues on certification and inspection operations;

“Organic Agriculture production standard directives” is a standard directive, which shall be prepared by the Ministry on how organic agricultural products are produced, processed and distributed.

3. **Scope of Application**

This Proclamation shall be applicable to the production, processing, packaging, labeling, storing, transportation, marketing, exportation and importation of agricultural products which carry or are intended to carry labels referring to organic production methods.

4. **Objectives**

The objectives of this Proclamation are to:

1/ Facilitate international recognition and acceptance of the Ethiopian organic agriculture system;
2/ Ensure the introduction of Ethiopian organic agriculture products in the relevant international markets;

3/ Protect consumers of Ethiopian organic agricultural products against fraudulent acts to be committed by the use of misleading labels;

4/ Ensure that all stages of production, processing, storage, transport and marketing of organic agricultural products are subject to inspection and comply with the standards specified by regulations and directives issued hereunder; and

5/ Harmonize provisions for the production, certification, and labeling of organic agricultural products for all operators.

**PART TWO**

**INSPECTION AND CERTIFICATION SYSTEM**

5. **Entities Subject to Control**

   Every operator of organic agricultural products shall be obliged to register with an accredited inspection and certification body and to comply with the national organic agricultural product inspection and certification system.

6. **Inspection and Certification Bodies**

   Any accredited inspection and certification body shall be obliged to:

   1/ Ensure the fulfillment of requirements provided for by this Proclamation and regulations and directives issued hereunder as well as the relevant international standards;

   2/ Allow the Ministry access to its offices and facilities as well as to operators registered with it for audit purposes as may be necessary;

   3/ Provide any information required by the Ministry in the course of discharging its duties;

   4/ Submit to the Ministry its annual reports on inspection and certification service render to operators.

**PART THREE**

**ACCREDITATION AND SUPERVISION SYSTEM**

7. **Powers and Duties of the Ministry**

   The Ministry shall have the powers and duties to:

   1/ Issue directives on organic agricultural production standards to be implemented by the accredited inspection and certification bodies;

   2/ Give accreditations to inspection and certification bodies;

   3/ Establish an inspection and certification system, that shall be implemented by accredited inspection and certification bodies and monitor and follow up the implementation;
4/ conduct a study on the conformity and harmony of the countries organic agriculture laws and its implementation with relevant international rules; and implement same upon approval;

5/ establish ways of coordination with national and international institutions and associations with a view to harmonizing the organic agriculture system of the country with international practices;

6/ take all necessary measures so that the countries organic agricultural products gets acceptance in major international market;

7/ advertise the certificate issued by the inspection and certification bodies to be recognized internationally and establish work relationship with international institution carrying out similar activities in the exercise of their function;

8/ delegate its powers and duties to other government organs to the extent necessary for the proper implementation of this Proclamation and regulations and directives issued hereunder;

9/ establish an organic agricultural production council and define its duties and responsibilities;

10/ propose and cause the collection of accreditation service charges rendered by it; upon approval by the council of ministers;

11/ prepare guidelines and directives pertaining to measures to be taken regarding against inspection and certification bodies which do not properly execute their functions;

12/ cause the enhancement of extension services and training programs which can promote the country’s organic agriculture system; and

13/ conduct regularly assessment and evaluation of the Ethiopian organic proclamation system and its implementation.

8. **Organic Agricultural production system council**

The council to be established in accordance with Article 7 Sub Article 9 of this proclamation shall be accountable to the ministry and shall have the following members.

1/ a chairman and secretary designated by the Ministry
2/ a member from Ethiopian Institute of Agricultural research
3/ a member from Ethiopian Institute of biodiversity
4/ a member from Ethiopian Environmental Protection Authority
5/ a member in the appropriate field representing the private agricultural development sector
6/ a representative from the business community
7/ a representative from inspection and certification bodies
9. **Powers and Duties of the council**

The council shall have the following powers and duties to:

1/ carry out technical initial audits on certification and inspection bodies applying for accreditation, and supervision audits on the accredited ones and submit to the ministry for comments;

2/ study and define the conditions of direct auditing and sampling checks;

3/ evaluate the audit reports of organic certification and inspection bodies;

4/ give written warnings to or, upon notifying the Ministry, temporarily suspend the accreditation of inspection and certification bodies which do not properly execute their functions;

5/ propose to the Ministry the cancellation of the accreditation of certification and inspection bodies which do not operate properly;

6/ Prepare manuals and check-lists for operators of organic agriculture;

7/ Submit to the Ministry annual reports on its major activities and achievement.

10. **Powers and duties of the chairman of the council**

The chairman of the council shall subject to the general directives of the ministry;

1. Co-ordinate and administer the activities of the council;

2. Call and preside over meetings of the council;

3. Execute decisions given by the council upon approval by the ministry;

11. **Meeting of the council**

1/ the council shall call or held meeting through the chairman when it is found necessary.

2/ the council shall draw work directives and meetings.

12. **Fees**

The fees to be paid for service rendered by the ministry pursuant to this proclamation shall be fixed by directives issued by the ministry subject to approval by the government.

13. **Detailed Organic Agriculture Rules**

1/ The procedures of organic production at farm level, pest management, permitted biological control, transportation, storage, processing, labelling, advertising and minimum inspection requirements as well as inspection and precautionary measures and accreditation requirements for inspection and certification bodies shall be prescribed by regulations to be issued hereunder.

2/ Where detailed organic production rules for livestock and plant products are not provided for by regulations issued hereunder, the Ministry may cause other relevant internationally accepted standards to be recognized and applied.
14. **The National Brand for Organic Products**

The Ministry shall:

1/ determine the brand of Ethiopian organic products, and alter same when necessary; and

2/ Define the conditions and payments for the use of the brand.

**PART FOUR**

**MISCELLANEOUS PROVISIONS**

15. **Power to Issue Regulations and Directives**

1/ The Council of Ministers may issue regulations necessary for the proper implementation of this Proclamation.

2/ The Ministry may issue directives for the implementation of this Proclamation and regulations issued hereunder.

16. **Inapplicable Laws**

No law, regulation, directive or practice shall, in so far it is inconsistent with this Proclamation, have effect in respect of matters provided for by this Proclamation.

17. **Effective Date**

This Proclamation shall come into force as the date of their publication in the Federal Negarit Gazeta.

Done at Addis Ababa, this 8th day of March 2006.

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.4.5. **PROCLAMATION NO. 660/2009**

A PROCLAMATION TO PROVIDE FOR APICULTURE RESOURCES DEVELOPMENT AND PROTECTION

16th Year No. 6
ADDIS ABABA 24th December, 2009
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**BRIEF DESCRIPTION**

The Apiculture Resources Development and Protection Proclamation governs the development and protection of apiculture resources in the country. It applies to, inter alia, backyard or field beekeeping, natural resource rehabilitation area enclosure, community and state forests, wildlife park, protection area, commercial beekeeping, urban beekeeping, migratory beekeeping, swarming honeybees. It makes provisions for information exchange between the states to the Ministry of Agriculture and Natural Resources and by the Ministry of Agriculture and Natural Resources to the states and other users. Apiculture resources development inspectors assigned by the Ministry of Agriculture and Natural Resources or the appropriate state organ ensure compliance with the provisions of the Proclamation, regulations and directives issued under this Law.

**Apiculture Resources Development and Protection Proclamation No. 660/2009**

**WHEREAS,** it is necessary to promote household and commercial beekeeping development in areas of high apiculture resource potential to realize appropriate contribution of the sub sector in the process of rapid economic development;

**WHEREAS,** it has become necessary to ensure sustainable contribution of honey products in enhancing production and food security and poverty reduction efforts;

**WHEREAS,** proper development of apiculture resources require the conservation of the biodiversity of honey bee races and honey source plants;

**NOW, THEREFORE,** in accordance with Article 55 sub-article (1) of the Constitution of the Federal Democratic Republic of Ethiopia it is hereby proclaimed as follows:

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1. **Short Title**
   This Proclamation may be cited as “Apiculture Resources Development and Protection Proclamation No. 660/2009.”

2. **Definitions**
   In this Proclamation unless the context requires otherwise:
   
   1/ “honeybee” means social insects that can produce honey and other honeybee products and it does not include non-stinging bees and other species of bees;
   
   2/ “honeybee colony” means a group of honeybees nesting in a hive or in its natural habitat with stratified social structure including worker bees, queen bee, drones, eggs and bee broods;
   
   3/ “apiculture resources” means colony of honeybees residing in forests and hives and honey source plant potentials available in nature;
   
   4/ “honeybee products” means honey, bees wax, pollen, royal jelly, propolis, bee broods and bee venom that are naturally produced by honeybees;
   
   5/ “hive” means shelter of colony of honeybees constructed for use in dwelling, reproducing and honey production purpose;
   
   6/ “beekeeping” means the entrepreneurial practice of harvesting honey, beeswax and other honeybee products by keeping a colony of honeybees within hives;
   
   7/ “beekeeper” means a person who is engaged in keeping of honeybee colonies in hives;
   
   8/ “person” means any natural or legal person;
   
   9/ “backyard beekeeping development” means household activity of harvesting produces by keeping honeybee colonies in hives at household or backyard level;
   
   10/ “field beekeeping development” means any beekeeping activities undertaken at or around forest, bush land or farmlands through providing suitable condition for the habitation and operation of colonies of honeybees;
   
   11/ “commercial beekeeping development” means commercial scale development of honey bee products by non-agriculture business person through keeping of honeybee colonies in permanent apiaries or by making use of migratory beekeeping at various locations suitable for the operation of colonies of honeybees;
   
   12/ “migratory beekeeping” means honey harvesting method that employs transportation of colonies of honeybees into high concentration honey source plant sites while keeping them there for a certain period of time following the course of blooming season of honey plants;
   
   13/ “honey” means natural sweet food substance produced by honeybees from the nectar of blossoms which honeybees collect, transform and combine with specific of their own enzyme, store and leave in the honeycomb to ripen and mature, and it may not include honey produced by sting less or honey processed by artificial means;
14/ “honey hunting” means collection of honey after searching and finding the natural nesting sites of honey bee colonies;

15/ “honey harvesting” means removal of honey from bee hives during the honey harvesting season upon determining the honey produced by honeybees is ripe;

16/ “beekeeping equipment” means any type of hives, protective clothing of beekeepers or any beekeeping device for use in producing and processing honey, beeswax or other honeybee products;

17/ “pollination service” means the process of crossing or breeding of honey plant species by honeybees by transferring pollen from the male germplasm of the flower to the female germplasm of the same or different plant species, created while collecting nectar and pollen;

18/ “swarming honeybees” means a phenomenon in which colonies of honeybees set out or leaving their hives, cavity or other location of nesting in part or in all for new living place;

19/ “urban beekeeping” means bee keeping activity that takes place in or around an urban area;

20/ “flight path” means the route taken by worker bees in their outward or inward flight;

21/ “queen bee rearing” means the practice of queen bee raising through various working techniques or artificial methods;

22/ “bee research” means study research undertakings related to beekeeping on characterization of honeybee races, honeybee biology, honeybee pathology, honeybee management and other aspects of honeybees and includes collection of honeybee races for zoological museum purposes;

23/ “Ministry” means Ministry of Agriculture and Rural Development;

24/ “state” means any state referred to in Article 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire Dawa City administrations;

25/ any expression in the masculine gender includes the feminine.

3. **Apiculture Resources Development**

1/ Any person may undertake backyard or field beekeeping development on his own premises or fields under his possession.

2/ Any person who wishes to undertake beekeeping development activities in natural resource rehabilitation area enclosure, community forest, state forest or wildlife park and protection area shall obtain written permit from the body that is authorized for the administration of such land.

3/ Any person who wishes to undertake commercial beekeeping development or commercial queen bee rearing shall obtain a business license issued pursuant to the relevant laws.
4/ Any foreigner who wishes to engage in bee research shall obtain a written permit issued by the Ministry.

5/ Any person who engages in urban beekeeping activities shall:
   a) possess basic beekeeping training certificate or employ persons having such training certificates;
   b) place the colonies of honeybees at locations away from the reach of animals and children; and
   c) build flight path fencing wall or live fencing or tight mesh wire fencing with the height of at least three meters aboveground.

6/ Any person who undertakes migratory beekeeping shall:
   a) obtain a written authorization issued by the possessor of the land to be used for placing the colony of honeybees;
   b) when transporting honeybee colonies, make sure that containers are covered with light mesh wire sheets or woven fabric seal that allows air into the containers and not take a pause on the way or come to a halt at locations of human and animal traffic areas so as to avoid accidental bee sting attack against persons or animals; and
   c) attach distinctive mark on his hives.

7/ Any person may bait and make use of swarming honeybees; provided however, that he may have no title right where the rightful beekeeper is the first to promptly trace and arrive at the location where the swarms which evacuated the hives are landing.

8/ Any beekeeper who leases colonies of honeybees for pollination services shall, when placing the colonies of bees for the anticipated purpose, ensure that care has been taken to prevent accidental bee sting attack against local community members of animals in transit.

4. **Apiculture Resources Protection**

1/ Any beekeeper shall, in the course of his operations, protect and conserve the apiculture resources.

2/ Any person who practices honey hunting from forest, rock or cave nested honeybee colonies shall keep the removal of honey without causing any damage on the honeybee colonies and natural resource ecology of the area.

3/ To protect indigenous honeybee species from communicable honeybee diseases:
   a) importation of live bee species or used beekeeping or processing equipment or materials shall be prohibited;
   b) importation of raw honey, beeswax or other bee product shall be accompanied by hygiene inspection certificate signed by the appropriate authority of the country of origin;
c) hygiene certification may be requested or inspection may be required on any used beekeeping equipment in transit to the country unless the packaging requirement is recognized.

4/ Unless licensed for queen bee rearing activity, no person shall be allowed to export live honeybees for development or research purposes.

5/ Any person engaged in crop protection undertakings shall have the responsibility to take proper precaution to avoid poisoning fatalities that may occur on honeybees due to improper use of pesticide chemicals.

6/ No person shall set fire against colonies of honeybees either intentionally or due to negligence.

5. **Handling of Beekeeping Equipment**

Beekeeping equipment and accessory material inventories shall be kept in warehouses free from chemical exposures.

6. **Information Exchange**

1/ Concerned state bodies shall collect, compile and send apiculture data and information to the Ministry.

2/ The Ministry shall make apiculture data and information and research findings compiled from various sources and their assessment outcomes available to states and other users.

7. **Apiculture Resources Development Inspectors**

1/ Any apiculture resources development inspector assigned by the Ministry or the appropriate state organ shall have the powers and duties to:

   a) enter, during working hours, the premises of a beekeeper and undertake inspection and assessment of bee keeping equipment and beekeeping practices to ensure compliance with the provisions of this Proclamation and regulations and directives issued hereunder;

   b) request any beekeeper to furnish any information related to his operations; and

   c) submit, to the appropriate body, evidences gathered in the course of carrying out inspections and are relevant for prosecuting violations of the provisions of this Proclamation

2/ Any beekeeper shall have the duty to cooperate with the apiculture resources development inspector in providing information and facilitating the conduct of inspection.

8. **Penalty**

Unless it requires higher penalty under the criminal law:

1/ Any person who undertakes commercial beekeeping or queen rearing or who found in act of without written permit from supervising authority in rehabilitation area closure or community forest or state forest or wildlife parks and reserve areas is
punishable with a fine from Birr 2,000 to Birr 5,000 or imprisonment up to one year or both.

2/ Any person who exercise improper handling of data and information on activities related to beekeeping and processing and discourages furnishing of data and information when requested or transport honeybee colonies without covering with mesh wire or kaki fabric and take a stop at locations of human and animal traffic areas is punishable with a fine from Birr 1,500 to Birr 3,000 or imprisonment from six months up to one year or both.

3/ Any person who commits hazard on natural habitat while operating beekeeping or cause to spread honeybee diseases to healthy colonies or induce harm on beekeeping and bee products due to improper use of pesticides or cause damage on the honeybee colonies and ecology of the area due to fire hazard while honey hunting is punishable with a fine from Birr 5,000 to Birr 10,000 or imprisonment from three up to seven years or both.

4/ Any person who defy, threatens or put in danger the supervising authority is punishable with a fine from Birr 2,000 to Birr 5,000 or imprisonment from two up to five years or both.

5/ Any person who found in act of processing, transporting or market supplying to the market place or consumer market sale or transfer of adulterated, contaminated or poisoned bee products is punishable with a fine from Birr 10,000 to Birr 15,000 or imprisonment from five up to ten years or both.

6/ Any person who imports or exports or attempts to import or export live bee species or honeybee races or used beekeeping equipment or goods without the operating permits or contrary to the conditions thereof, or any person who commits or attempts any honeybee races smuggling is punishable with a fine from Birr 15,000 to Birr 20,000 or imprisonment from ten up to fifteen years or both.

7/ Any person who violates the provisions of this Proclamation or any regulations and directives to be issued according to this Proclamation or causes any obstruction in the implementation process is punishable with imprisonment up to five years.

9. **Power to issue Regulation and Directives**

1/ The Council of Ministers may issue regulations necessary for the implementation of this Proclamation.

2/ The Ministry may issue directives necessary for the implementation of this Proclamation and regulations issued pursuant to sub-article (1) of this Article.

10. **Inapplicable Laws**

   No law, regulations, directives or customary practices shall, in so far as they are inconsistent with this Proclamation, be applicable with respect to matters provided for by this Proclamation.
11. **Effective Date**

This Proclamation shall enter into force up on the date of publication in the Federal Negarit Gazeta.

Done at Addis Ababa, this 24th day of December, 2009

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.4.6. PROCLAMATION NO. 782/2013
A PROCLAMATION ON SEED

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BRIEF DESCRIPTION

This Law repeals the Seed Proclamation No. 200/2000. Subject to certain exceptions provided for therein, the Proclamation applies to any seed. It requires any person who intends to engage in commercial seed production to have a certificate of competence. The Proclamation envisages internal seed quality control system, and further requires the Ministry of Agriculture and Natural Resources and regional authorities to undertake seed quality control. With a view to ensuring compliance with the Proclamation, regulations and directives, it requires the Ministry of Agriculture and Natural Resources and the regional authorities to appoint seed inspectors.

Seed Proclamation No. 782/2013

Whereas, Ethiopia’s seed sector is vital to ensure the country’s agricultural economic development and food security;
Whereas, it has become necessary to facilitate the introduction of improved seed varieties to the market;

Whereas, it is essential to ensure that the supply of quality seed is made available to farmers, agro-pastoralists and other seed users;

Now, therefore, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows;

PART ONE

GENERAL

1. **Short Title**
   
   This proclamation may be cited as the “Seed Proclamation No. 782/2013”.

2. **Definitions**
   
   In this Proclamation, unless the context otherwise requires:

   1/ “seed” means true botanical seed, bulbs, tubers, cuttings, rhizomes, roots, seedlings or any other plant propagating material intended for planting;

   2/ “approved seed” means domestically-produced or imported seed certified as conforming to the Ethiopian seed standards”

   3/ “emergency seed” means seed of a known provenance that is intended to meet an acute seed shortage;

   4/ “prescribed seed” means any seed that fulfills the minimum seed standard or to which the necessary quality control is undertaken and supplied to market or determined by directive of the Ministry to be issued hereunder to be supplied to market;

   5/ “Ethiopian seed standards” means the minimum limits of germination, varietal purity, physical purity and other quality attributes of prescribed seed as set by the Ethiopian Standards Agency;

   6/ “generation” means each successive multiplication cycle seed undergoes;

   7/ “breeder seed” means seed of the first generation of seed multiplication, produced under the direct control of the breeder or his assigned representative;

   8/ “pre-basic seed” means seed that has been produced from breeder seed;

   9/ “basic seed” means seed that has been produced from pre-basic seed;

   10/ “certified seed” means a direct descent seed from basic seed or a seed found in first, second and third generation of basic seed;

   11/ “modified organism” means any biological entity which has been artificially synthesized, or in which the genetic material or the expression of any of its traits has been changed by the introduction of any foreign gene or any other chemical whether taken from another organism, from a fossil organism or artificially synthesized;
“quality control” means the process of evaluating the quality of a seed for compliance with Ethiopian seed standards;

“quality declared seed” means seed produced by organized and registered smallholder farmers or registered smallholder farmers, in conformity with the required quality standards;

“restricted seed” means seed prohibited from being marketed in, imported into, or exported from, Ethiopia by directive of the Ministry;

“variety” means plant grouping within a single botanical taxon of the lowest known rank that can be:
   a) defined by the expression of the characteristics of a given genotype or combination of genotypes;
   b) distinguished from any other plant grouping by the expression of at least one of the said characteristics; and
   c) considered as a unity with regard to its suitability for being propagated unchanged;

“Ministry” means the Ministry of Agriculture;

“release of variety” means permission by which a registered seed can be multiplied, produced or supplied to domestic market;

“region” means any state referred to in Article 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire Dawa City Administrations;

“regional authority” means the authority responsible for agriculture at the regional level;

“person” means any natural or juridical person;

any expression in the masculine gender includes the feminine.

3. Scope of Application

1/ Without prejudice to the provision of sub-article (2) of this Article, this Proclamation shall be applicable to any seed.

2/ This Proclamation may not be applicable to:
   a) the use of farm-saved seed by any person;
   b) the exchange or sale of farm-saved seed among smallholder farmers or agro-pastoralists;
   c) seed to be used for research purposes; and
   d) forestry seed.
PART TWO

VARIETY RELEASE AND REGISTRATION

4. Release of Varieties

1/ Any variety intended for domestic or export market shall be released by the Ministry before it is produced locally.

2/ The Ministry shall set up evaluation committees that evaluate from time to time the technical performances of candidate varieties, and a National Variety Release Committee that propose varieties for release based on the reports of the evaluation committees.

3/ The structures and the procedures of operations of the committees shall be prescribed by directive of the Ministry.

5. National Variety Register

1/ The Ministry shall enter varieties released in accordance with Article 4 of this Proclamation in the National Varieties Register.

2/ The National Variety Register shall include a list of other persons appointed by the Ministry to maintain the genetic identity of the varieties and to undertake producing and marketing of breeder seeds in the event the breeders are unable or unwilling to perform those functions.

PART THREE

SEED PRODUCTION AND DISTRIBUTION

6. Seed Production

1/ Any person who intends to engage in commercial seed production shall have a certificate of competence.

2/ Any person engaged in commercial seed production shall establish an internal seed quality control system.

3/ Any seed producer holding a certificate of competence may, subject to any other applicable legislation, access breeder seeds, pre-basic seeds and basic seeds from registered varieties producing institutions.

7. Integrated Production Planning

1/ The production of seeds for domestic consumption shall be executed on the basis of integrated planning.

2/ The Ministry shall keep a seed production database containing:
   a) annual production plan and due responsibilities of actors;
   b) annual production of seeds, by type of seed, by producers and the aggregate;
   c) land, infrastructure and other resources used to produce seed; and
   d) any other information relevant to national seed production.
3/ The seed production database shall be part of, or attached to, the register of seed producers and distributors referred to in Article 9 of this Proclamation.

8. **Distribution**

Any person in order to engage in commercial seed distribution shall have a certificate of competence.

9. **Register of Seed Producers and Distributors**

The Ministry shall maintain a register of seed producers and distributors.

**PART FOUR**

**QUALITY CONTROL AND ASSURANCE**

10. **Standards**

The Ministry shall cooperate with Ethiopian Standard Agency in developing seed standards.

11. **Seed Testing Laboratories**

1/ The Ministry shall:
   a) facilitate the implementation of internationally recognized seed testing procedures by all seed testing laboratories in the country;
   b) establish the accreditation criteria of seed testing laboratories;
   c) establish or designate an internationally recognized seed testing laboratory;
   d) ensure that regional seed testing laboratories are in conformity with the acceptable standard.

2/ The regional authority shall facilitate the accreditation of regional seed testing laboratories.

12. **Seed Quality Control**

1/ The regional authority shall undertake seed quality control on seed produced in the region for domestic market.

2/ The Ministry:
   a) shall formulate procedures for quality control of seed;
   b) shall verify the conformity of imported seeds with the Ethiopian seed standards;
   c) shall verify that the quality of seed produced for export market is in conformity with the standards of the recipient country;
   d) may recognize any foreign competent seed certification agency and the results of its tests when it ascertains that they are in conformity with the Ethiopian seed quality testing system.
13. **Certificates of Seed Quality**

1/ The regional authority shall, after ascertaining that seed produced and processed in the region for supply to the domestic market:

   a) is listed in the National Variety Register;
   b) has been produced and processed by a person holding a certificate of competence;
   c) has been tested in accordance with this Proclamation and found to be in conformity with the applicable Ethiopian seed standards; and
   d) fulfills any other requirement as may be specified by directive of the Ministry;

upon payment of the prescribed fee in accordance with the regulation to be issued hereunder, issue a certificate of seed quality for certified seed or quality declared seed.

2/ The Ministry shall, after ascertaining that an imported seed:

   a) is listed in the National Variety Register;
   b) is imported by a seed importer holding a certificate of competence;
   c) has been tested in accordance with this Proclamation and found to be in conformity with the applicable Ethiopian seed standards; and
   d) fulfills any other requirement as may be specified by directive of the Ministry;

upon payment of the prescribed fee in accordance with the regulation to be issued hereunder, issue a certificate of seed quality with respect to such seed.

3/ The Ministry shall, after ascertaining that seed for export:

   a) is listed in the National Variety Register;
   b) is produced and processed by a person holding a certificate of competence; and
   c) fulfills any other requirement as may be specified by directive of the Ministry;

upon payment of the prescribed fee in accordance with the regulation to be issued hereunder, issue a certificate of seed quality with respect to such seed.

4/ Any certificate of seed quality may be revoked where:

   a) it is found to have been obtained on the basis of false, misleading or incomplete information; or
   b) the seed is found not to meet the applicable Ethiopian seed standards following a post-control conducted under Article 15 of this Proclamation or any re-testing of seed quality.

5/ Prior to revoking a certificate of seed quality, the Ministry or regional authority shall notify the holder of the certificate and give him the opportunity to be heard.
14. **Labeling**

No seed may be supplied to domestic or foreign market unless labeled in accordance with directive of the Ministry.

15. **Post–Control**

Irrespective of the fact that a seed is supplied to market upon obtaining a certificate of seed quality, post distribution samples shall be taken and laboratory test be conducted where there is a reason to suspect the non-conformity of the seed to the required quality standards.

16. **Nonconforming Seed**

1/ Where a seed fails to meet the applicable standards, it shall be downgraded or rejected.

2/ Any person whose seed has been rejected shall be given the option:
   a) use it for re-planting in his own fields; or
   b) supply it for use as food or feed, unless it is found to be contaminated or otherwise unfit for such use.

3/ Where a rejected seed cannot be used pursuant to sub-article (2) of this Article, it shall be disposed of in accordance with directive of the Ministry.

17. **Import and Export of Seed**

1/ No person may import or export seed without an import or export permit issued by the Ministry upon fulfillment of the requirements specified by directive of the Ministry.

2/ Any variety of seed to be imported for multiplication purposes shall be subject to prior verification and adaptation trials as established by the National Variety Release Committee and shall be listed in the National Variety Register in accordance with this Proclamation. Provided, however, that for the purpose of strengthening agricultural export market the Ministry shall determine by directive the exceptional case of supplying to export market unregistered seed by multiplying or producing.

3/ Any seed with genetically modified organisms may be imported if the Ministry receives prior assurance of its compliance with the applicable legislation from the Environmental Protection Authority.

4/ No person may:
   a) import or export restricted seed; or
   b) import any seed containing terminator gene technology.

18. **Supply of Emergency Seed**

In case of an acute seed shortage in Ethiopia, the Ministry shall have the power to announce officially a seed shortage emergency and to authorize the supply of emergency seed to affected areas.
PART FIVE
CERTIFICATE OF COMPETENCE

1/ Any importer or exporter of seed shall obtain a certificate of competence issued by the Ministry.
2/ Any producer, processor, wholesaler, distributor or retailer of seed shall obtain a certificate of competence from:
   a) the regional authority where his business is operated within the region; or
   b) from the Ministry where his business is operated in more than one region.

20. Issuance of Certificate of Competence
1/ The Ministry or the regional authority shall examine an application submitted for obtaining a certificate of competence to ascertain that the applicant satisfies the requirements prescribed by directive of the Ministry and issue, upon payment of the prescribed fee in accordance with the regulation to be issued hereunder, the certificate of competence in question.
2/ When any application for a certificate of competence is rejected, the Ministry or the regional authority shall communicate same to the applicant by stating the reasons thereof.
3/ The duration of validity of certificates of competence and conditions of their renewals shall be prescribed by directive of the Ministry.

21. Suspension and Revocation of Certificate of Competence
1/ Where any person holding a certificate of competence:
   a) fails to maintain the conditions on the basis of which the certificate of competence was issued; or
   b) contravenes any provision of this Proclamation or regulation or directive issued hereunder;
the Ministry or the regional authority may suspend the certificate of competence and instruct the holder to rectify the irregularities within a specified reasonable period of time.
2/ The Ministry or the regional authority may revoke any certificate of competence where the holder of the certificate:
   a) is found to have obtained the certificate of competence upon presentation of false evidence;
   b) in the case of suspension under sub-article (1) of this article, fails to rectify the irregularities within the specified time limit; or
   c) has committed an offence under Article 26 of this Proclamation.
3/ The Ministry or the regional authority, upon revoking a certificate of competence, shall notify same, in writing, to the authority that issued a business license on the basis of the certificate in question.

22. **Records and Access to Information**

Any holder of a certificate of competence shall:

1/ record and keep particulars of each field and seed produced, processed, imported, exported, distributed or retailed, as the case may be;

2/ keep samples of seed on which laboratory test have been made for at least one year; and

3/ furnish such information and samples upon request by an inspector assigned under Article 23 of this Proclamation.

**PART SIX**

**MISCELLANEOUS PROVISIONS**

23. **Seed Inspection**

1/ The Ministry and each regional authority shall appoint seed inspectors to ensure compliance with this Proclamation and regulations and directives issued hereunder.

2/ Any seed inspector assigned pursuant to sub-article (1) of this Article may:

   a) take seed samples to make laboratory test in order to determine that a seed conforms to the applicable Ethiopian seed standards;

   b) require the production of and inspect certificates, permits, records and other documents relevant to ensure compliance with this Proclamation and regulations and directives issued hereunder, and make copies thereof;

   c) enter, at working hours, any field, store or seed processing plant, or at any time stop a vehicle which carries seed, and undertake inspection to verify compliance with this Proclamation and regulations and directives issued hereunder.

3/ Any seed inspector shall show to the concerned person the identity card issued to him by the Ministry or the regional authority to undertake seed inspection pursuant to sub-article (2) of this Article.

4/ The concerned person shall cooperate with a seed inspector in the course of seed inspection undertaken in accordance with sub-article (2) of this Article.

5/ The Ministry shall ensure standardized inspection procedures throughout the country and provide inspection training and support to regional authorities where necessary.

24. **Federal and Regional Governments Cooperation**
The regional authorities shall collaborate with the Ministry and among themselves to ensure uniform application of this Proclamation and regulations and directives issued hereunder.

25. **Grievance Procedure**
   1/ Any person aggrieved by decision made in accordance with the provision of this Proclamation may apply to the Ministry or regional authority within 30 days of knowing such decision.
   2/ Any person who is unsatisfied by the decision of the Ministry or the regional authority may appeal to the concerned justice organ within 30 days.

26. **Offences and Penalties**
   1/ Any person who:
      a) supplies to the domestic market any seed not registered and quality controlled in accordance with this Proclamation, or which does not meet the applicable Ethiopian seed standard; or
      b) gives anything of value to cause the commission of fraudulent act in the course of production, processing, marketing or quality control of seeds;
   shall be guilty of an offence and be punishable with rigorous imprisonment from five to ten years and with a fine from Birr 50,000 to Birr 100,000.
   2/ Any person who:
      a) presents wrong seed sample for testing;
      b) tampers with any sample taken under this Proclamation;
      c) gives false information in making any application under this Proclamation;
      d) fails to observe the labeling provisions under Article 14 of this Proclamation;
      e) alters, defaces, or removes any register, certificate, label, or other official record created or issued under this Proclamation;
   shall be guilty of an offence and be punishable with rigorous imprisonment from three to five years and with a fine from Birr 30,000 to Birr 50,000.
   3/ Any person who:
      a) refuses to cooperate with or obstructs the work of a seed inspector exercising his powers under this Proclamation; or
      b) contravenes other provisions of this Proclamation;
   shall be guilty of an offence and be punishable with imprisonment up to one year and with a fine from Birr 5,000 to Birr 10,000.
   4/ Any official or personnel of the Ministry or a regional authority who in exchange for value or due to kinship or other personal relationship, causes the registration of a variety or the issuance of a certificate or import or export permit while the requirements provided under this Proclamation, or regulations or directives issued
hereunder are not met shall be guilty of an offence and be punishable with rigorous imprisonment from ten to fifteen years and with a fine from Birr 20,000 to Birr 50,000.

27. **Power to Issue Regulation and Directive**
   1/ The council of Ministers may issue regulations necessary for the implementation of this Proclamation.
   2/ The Ministry may issue directives necessary for the implementation of this Proclamation and regulations issued under sub-article (1) of this Article.

28. **Repealed Laws**
   The seed Proclamation No. 206/2000 is hereby repealed.

29. **Effective Date**
   This Proclamation shall enter into force on the date of publication in the Federal Negarit Gazette.

   **Done at Addis Ababa, this 15th day of February, 2013.**

   **GIRMA W/GIORGIS**

   **PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA**
COUNCIL OF MINISTERS REGULATION TO PROVIDE FOR THE
ESTABLISHMENT OF THE ETHIOPIAN HORTICULTURE
DEVELOPMENT AGENCY

14th Year No. 43
ADDIS ABABA 6th June 2008
Pages 4118-4122

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BRIEF DESCRIPTION
This Regulation establishes the Ethiopian Horticulture Development Agency, which is accountable to the Ministry of Agriculture and Natural Resources.

Ethiopian Horticulture Development Agency Establishment
Council of Ministers Regulation No. 152/2008

This Regulation is issued by the Council of Ministers in accordance with Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 471/2005.

1. Short Title
This Regulation may be cited as the “Ethiopian Horticulture Development Agency Establishment Council of Ministers Regulation No. 152/2008”.

2. Definitions
In this Regulation unless the context requires:
1) “Horticulture” includes vegetables, fruits, floriculture and herbs;
2) “Horticulture Association” means the Horticulture Growers and Exporters Association;
3) “Input” means chemicals and materials that help production growth and productivity;
4) “Stakeholders” means government and private organizations, that participate directly or indirectly in horticulture development, non-governmental organizations, associations and other persons;
5) “Trade Infrastructure” means infrastructure facilities required for conducting efficient horticulture trade;
6) “Food Safety Standards” include domestic and foreign standards enacted to ensure the safety of vegetables and fruits for human consumption;
7) “Euro-gap” means European’s quality standard for agriculture produce;
8) “Region” means any region referred to in Article 47 (1) of the Constitution of the Federal Democratic Republic of Ethiopia and includes Addis Ababa and Dire dawa City Administrations;
9) “Ministry” or “Minister” means the Ministry or Minister of Agriculture and Rural Development, respectively;
10) “Person” means any physical or juridical person.

3. Establishment
   1) The Ethiopian Horticulture Development Agency (hereinafter the “Agency”) is hereby established as an autonomous Federal Government Agency having its own legal personality.
   2) The Agency shall be accountable to the Ministry.

4. Objectives
   The Agency shall have the following objectives:
   1) to ensure the fast and sustainable growth of horticulture production and productivity;
   2) to facilitate the export of diversified horticulture products which meet internal food safety standards; and
   3) to coordinate the development of supporting services.

5. Powers and Duties of the Agency
   The Agency shall have the powers and duties to:
   1) prepare and submit to the Ministry a strategy which ensures fast and sustainable growth of horticulture and, upon approval, follow up the implementation of the same;
   2) provide necessary information to investors undertaking horticulture development feasibility studies and, in cooperation with regional administrations, facilitate access to land and acquisition of construction permits and follow up its implementation;
   3) assist investors in the clearance of imported construction materials and the timely acquisition of local construction materials so that they will be able to have, in due time, the necessary infrastructure facilities, and follow up the construction of the same;
   4) undertake, and submit to the Ministry, studies to improve the supply of inputs and related services, and follow up its implementation upon approval;
5) in cooperation with regional administrations and farmers cooperatives, assist investors wishing to engage in horticulture development, through out growers schemes, in selecting and organizing farmers for such scheme; train farmers in Euro-gap, prepare operational manual and follow up its implementation;

6) facilitate the supply of man power in cooperation with regional labor offices;

7) in cooperation with horticulture association, provide to horticultural farms training and advisory services on best agricultural practice, quality and food safety standards and prepare standards and extension packages and manuals based on best practices of other countries in order to ensure price and quality competitive horticulture exports;

8) cooperate with concerned bodies for the development of quality trade infrastructure and the expansion of support services and institutions;

9) undertake studies on vegetables and fruits logistic demand and submit is recommendations to the Ministry, and follow up its implementation upon approval;

10) undertake, and submit to the Ministry, studies on ways and means of attracting horticulture breeders to come to Ethiopia, and follow up its implementation upon approval;

11) undertake horticulture market studies, and collect and disseminate market information; facilitate the participation of horticulture producers and exporters in international trade fairs;

12) establish a forum of consultation with horticulture association and other stakeholders and take measures that provide common support to the horticulture development; coordinate and follow up the implementation of the programs;

13) own properties, enter into contacts, sue and be sued in its own name;

14) undertake other lawful activities that are conducive to the fulfillment of its objectives.

6. Organization of the Agency

The Agency shall have:

1) a Director General to be appointed by the Government upon the recommendation of the Minister; and

2) the necessary staff.

7. Powers and Duties of the Director General

1) The Director General shall be the chief executive officer of the Agency and shall, subject to the general directives of the Ministry, direct administer and control the activities of the agency.

2) Without prejudice to Sub-Article (1) of this Article, the Director General shall:

   (a) exercise the powers and duties of the Agency stated under Article 5 of this Regulation;
(b) employ and administer employees of the Agency in accordance with directives to be approved by the Government following the basic principles of the federal civil service laws;

(c) prepare and submit to the Ministry the work program and budget of the Agency, and implement the same upon approval;

(d) effect expenditures in accordance with approved budget and work program of the Agency;

(e) represent the Agency in all its dealings with third parties;

(f) prepare and submit to the Ministry the activity and financial reports of the Agency;

(g) perform other functions as may be assigned to him by the Ministry.

3) The Director General may delegate part of his powers and duties to other officers and staff of the Agency to the extent necessary for the efficient performance of the activities of the Agency.

8. **Budget**

   The Agency’s budget shall be allocated by the Federal Government.

9. **Books of Accounts**

   1) The Agency shall keep complete and accurate books of accounts.

   2) The books of accounts of the Agency shall be audited annually by the Auditor General or by auditors assigned by the Auditor General.

10. **Effective Date**

    This Regulation shall come into force up on the date of publication in the Federal Negarit Gazeta.

    Done at Addis Ababa this 6th day of June, 2008

    MELES ZENAWI

    PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
BRIEF DESCRIPTION
This Regulation establishes the Agricultural Transformation Council and Agency.

Agricultural Transformation Council and Agency Establishment Council of Ministers Regulation No. 198/2010

This Regulation is issued by the Council of Ministers pursuant to Article 5 and 34 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010.

PART ONE
GENERAL

1. Short Title
   This Regulation may be cited as the “Agricultural Transformation Council and Agency Establishment Council of Ministers Regulation No. 198/2010”.

2. Definitions
   In this Regulation, unless the context otherwise requires:
“region” means any region referred to in Article 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia;

“Ministry” means the Ministry of Agriculture;

any expression in the masculine gender includes the feminine.

PART TWO
THE AGRICULTURAL TRANSFORMATION COUNCIL

3. Establishment
The Agricultural Transformation Council (hereinafter the “Council”) is hereby established.

4. Members of the Council
1/ The Council shall have the following members:
   a) the Prime Minister ......................................................... Chairperson
   b) the Minister of Agriculture ............................................. Deputy Chairperson
   c) Ministers heading relevant Ministries and relevant regional government officials, to be designated by the Chairperson................................. Members
   d) the Director General of the Agency .................................. Secretary

2/ Notwithstanding sub-article (1) of this Article, when deemed necessary, other federal and regional officials as well as professionals, invited to present expert views, may be allowed to participate in sessions of the Council.

5. Powers and Duties of the Council
1/ The Council shall have the powers and duties to:
   a) provide leadership in identifying, designing and effectively implementing solutions to basic hurdles of agricultural development;
   b) provide policy directions and leadership in order to ensure that effective coordination is realized among different actors involved in agricultural development;
   c) approve plans and evaluate performance of the Agency and provide directions as deemed necessary.

2/ The Council may establish various committees as may be necessary.

6. Meetings of the Council
1/ The Council shall hold meetings at any time when called by the Chairperson or the Deputy Chairperson.

2/ There shall be quorum where more than half of the members of the Council are present at a meeting.

3/ The Council may, without prejudice to the provisions of this Article, adopt its own rules of procedure.
PART THREE
THE AGRICULTURAL TRANSFORMATION AGENCY

7. Establishment
1/ The Agricultural Transformation Agency (hereinafter the “Agency”) is hereby established as an autonomous federal organ having its own legal personality.

2/ The Agency shall be accountable to the Ministry.

8. Head Office
The Agency shall have its head office in Addis Ababa and may have branch offices elsewhere, as may be necessary.

9. Objectives of the Agency
The Agency shall have the following objectives:

1/ to identify systemic constraints of agricultural development, through conducting studies, and recommend solutions in order to ensure sustainability and structural transformation, and support the application of same;

2/ to support the establishment of strong linkages among agricultural and related institutions and projects in order to ensure the effectiveness of agricultural development activities.

10. Powers and Duties of the Agency
The Agency shall have the powers and duties to:

1/ serve as Secretariat of the Council;

2/ identify, through study, the basic systemic constraints of input supply and distribution; recommend and follow up implementation of solutions thereof;

3/ conduct studies on input supply system to ensure fundamental improvement in the rapid multiplication and timely supply of proven technologies to farmers in the required quantity and quality; and provide support for implementation of same;

4/ establish effective technology scanning system and facilitate importation, adaptation, verification and multiplication of proven agricultural technologies;

5/ conduct studies to ensure that the agricultural extension system is restructured and provided with capable manpower so that it could support the agricultural transformation; and facilitate implementation of same;

6/ identify the soil fertility constraints that cause yield reduction, design the remedies for the constraints, and support implementation of same;

7/ study constraints and means on how modern agricultural marketing system can be established through bringing all actors from primary market up to the Ethiopia Commodity Exchange, and support in implementing recommended solutions;
8/ devise means on how to enhance the role of cooperatives in agricultural marketing so that they play pivotal role in input and output marketing, and provide support in the implementation of same;

9/ create strong linkages among agricultural and related institutions and projects in order to ensure the effectiveness of agricultural development activities;

10/ own property, enter into contracts, sue and be sued in its own name;

11/ perform other related functions necessary for the implementation of its objectives.

11. **Organization of the Agency**

   The Agency shall have:

   1/ a Director General and Deputy Director General to be appointed by the government, and

   2/ the necessary staff.

12. **Powers and Duties of the Director General**

   1/ The Director General shall be the chief executive officer of the Agency and, as such, shall direct and administer the activities of the Agency.

   2/ Without limiting the generality of sub-article (1) of this Article, the Director General shall:

      a) exercise the powers and duties of the Agency stipulated under Article 10 of this Regulation;

      b) employ and administer employees of the Agency in accordance with the federal civil service laws and, in the case of employees with rare skills, in accordance with directives approved by the government following the basic principles of the federal civil service laws;

      c) prepare annual work plans and budgets of the Agency and implement same upon approval;

      d) effect expenditures based on approved budget and work plan of the Agency;

      e) represent the Agency in all its dealings with third parties;

      f) submit to the Ministry performance and financial reports of the Agency.

   3/ The Director General may delegate part of his powers and duties to the Deputy Director General and employees of the Agency to the extent necessary for the efficient performance of the activities of the Agency.

13. **Powers and Duties of the Deputy Director General**

   The Deputy Director General shall:

   1/ assist the Director General in planning, organizing, directing and coordinating the activities of the Agency;

   2/ perform other duties specifically assigned to him by the Director General;
3/ act on behalf of the Director General in his absence.

14. **Budget**

The budget of the Agency shall be allocated by the government.

15. **Books of Accounts**

1/ The Agency shall keep complete and accurate books of accounts.

2/ The books of accounts and financial documents of the Agency shall be audited annually by the Auditor General or by an auditor designated by him.

16. **Effective Date**

This Regulation shall come into force as of the 31st day of December, 2010.

Done at Addis Ababa, this 1st day of March, 2011.

MELES ZENAWI

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.5 ANIMALS AND FISHERIES

3.1.5.1. PROCLAMATION NO. 267/2002

PROCLAMATION TO PROVIDE FOR THE PREVENTION AND CONTROL OF ANIMAL DISEASES

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BRIEF DESCRIPTION

The Animal Diseases Prevention and Control Proclamation repeals the Animal Diseases Control Proclamation No. 171/1961. It contains detailed rules with regard to the prevention and control of animal diseases. For this purpose, the Ministry of Agriculture and Natural Resources is, among other things, authorized to designate an area as being infected with
animal disease and may also declare the area free of animal disease. It also envisages an animal health officer with a list of powers and duties with a view to prevent and control animal diseases. The Law further incorporates provisions on registration of animal health professionals; animal health services delivery; movement of animals, animal products and by-products (including import and export) and compensation.

**Animal Diseases Prevention and Control Proclamation No. 267/2002**

WHEREAS, taking into consideration that the country’s livestock resource is a source of draft power for agriculture and source of food, raw materials for industries, foreign exchange and is generally considered as one of the important assets for the economic growth of the country;

WHEREAS, it has become decisive to primarily prevent and control animal diseases in order to maximize the benefits to be derived from this extensive livestock resource;

WHEREAS, the control of animal diseases requires the establishment of a system to control the movement of animals, animal products and by-products within, into and out of the country;

WHEREAS, it has become necessary, in general, to promote the export trade of animals, animal products and by products by controlling animal diseases and by observing international agreements on animal health;

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

**PART ONE**

**General Provisions**

1. **Short Title**

   This Proclamation may be cited as the “Animal Diseases Prevention and Control Proclamation No. 267/2002.”

2. **Definition**

   In this Proclamation unless the context requires otherwise:

   1) “Minister” or “Ministry” means the Minister or Ministry of Agriculture, respectively;

   2) “Region” means any of those Regional States specified under Article 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia and for the purpose of this Proclamation includes the Addis Ababa and Dire Dawa Administrations;

   3) “Animal” means for the purpose of this Proclamation domestic and wild animals includes sea animals and bees;
4) “Animal Product” means meat and meat-products, milk products, egg, honey and any other animal products to be designated as animal products by the Ministry for the purpose of this Proclamation;

5) “Animal by-product” means hide, skin, hair, feather, musk, horn wax, hoof, bone, tallow and animal feed derived from these and includes also all other products designated as such by the Ministry for the purpose of this Proclamation;

6) “Disease” means any animal disease registered or to be registered by the Ministry;

7) “Office International des Epizooties (OIE)” means the international animal health organization, established for the purpose of co-ordinating the control of animal disease of which Ethiopia is a member;

8) “Noticeable Disease” means all contagious animal diseases which are characterized by high mortality and/or high morbidity or zoonotic nature or which causes serious socio-economic losses and/or affects international trade of animals, animal-products and by products, and which should be registered and notified immediately;

9) “Vaccine” means a suspension of attenuated or killed pathogenic micro-organisms to be administered to healthy animals for the prevention of animal diseases;

10) “Fomite” means bedding materials, animal feeds or managers, water and watering troughs, stables, utensils, vehicles and other materials which have direct or indirect contact with sick animals and capable of spreading disease;

11) “Biological Product” means regents, sera, attenuated or killed vaccines and microbial genetic material used for the diagnosis, prevention and treatment of animal disease;

12) “Pathological Sample” means Tumor or material obtained from live or dead animals, containing or suspected of containing infectious or parasitic agents, to be sent to a laboratory;

13) “Disinfection” means the application after thorough cleaning, of procedures intended to destroy the infectious or parasitic agents of animal diseases, from fomites which may have been directly or indirectly contaminated;

14) “Administrative Officer” means an administrator appointed for public administration at any level in regional governments;

15) “Animal Health Officer” means an animal health professional assigned and authorized by the Ministry or by Regional Governments to control animal diseases;

16) “Animal Health Professional” means one who has pursued veterinary education and has been awarded degree, diploma or certificate and permitted to practice his profession;

17) “Animal Health Representative” means a person trained in basic animal health care and whose presents a Peasant Association or Co-operative or pastoralist community in animal health;

18) “Custodian” means any person who is an owner of any animal or who is in charge of such animal;
19) “Person” means natural Person or juridical entity having legal personality;

20) “Quarantine Station” means a place where animals are kept isolated for a specified period from other animals, as may be necessary, to follow-up their health, and be given vaccination and examination, as may be necessary;

21) “Entrance or Exit post” means any international airport or any sea port, road or railway station checkpoint, at the boundary demarcation line, open to international traffic;

22) “International Sanitary Certificate” means a certificate issued by the veterinary authority of the exporting country certifying that the products and by-products of animal origin destined for human or animal consumption or other purposes comply with recognized international standards or the interests of the buyer/ importer country for its quality and hygiene;

23) “International Animal Health Certificate” means a certificate issued by the veterinary administration of the exporting country certifying the state of good health of animals, semen, embryo/ova, and hatching-eggs destined for export;

24) “Animal Health Service Administration Office” means an office established, at the Federal and Regional level, for the prevention, control of animal diseases and to carry out vaccination as well as other treatments related to animal diseases.

**PART TWO**

*Prevention and Control of Animal Diseases*

3. **Notification to be given upon outbreak of Animal Disease**

1) The custodian of an animal shall immediately notify verbally or in writing the occurrence of animal disease to the nearest veterinary animal health representative, administrative officer or animal health officer.

2) Every animal health professional, who in the course of his work or practice discovers the existence of a noticeable disease, shall forthwith report the matter to the nearest veterinary administration.

3) The animal health officer after being notified shall take steps as may be necessary for the purpose of ascertaining the existence of the said disease and on being satisfied that such disease exists, shall promptly make a report to the concerned veterinary administration.

4) The region so notified the occurrence of noticeable disease shall forthwith report to the Ministry.

5) The Ministry shall make the information available to other countries through the Office International Des Epizootic (OIE) concerning the occurrence of noticeable disease in the country.

6) The animal health officer shall have the primary responsibility and accountability to follow up the already established reporting system and accordingly to co-ordinate
the measures to be taken whenever animal disease outbreak occurs in his surrounding.

7) The animal health representative and the administrative officer are responsible to carry out the necessary measures for the proper implementation of this proclamation.

8) The list of noticeable animal diseases and the procedure for their notification shall be disclosed by a regulation issued pursuant to this Proclamation.

4. **Authority to Declare Areas Infected with Animal Disease**
   
   1) The Ministry is authorized to declare an area being infected by noticeable animal disease through public media.

   2) The notice shall specifically indicate the infected area, the type of disease and measures to be taken.

   3) The Ministry may extend, diminish or otherwise alter the limit of an area declared as an infected area.

5. **Provisions Applying to Areas Infected by Animal Disease**
   
   1) No animal, animal products and by-products shall be removed from an infected area without the written permission of the animal Health Office.

   2) All animals in such areas shall be herded as far away as possible from public roads.

   3) In an area where animal disease exists, the animal health officer may isolate any animal infected or suspected of being infected with animal disease and brand with marks he deems appropriate.

   4) Ring vaccination shall be carried out as deemed necessary to animals in the infected areas.

   5) The carcasses of animals infected or suspected of being infected with animal disease shall be disposed of in accordance with the instruction given by the animal health officer.

6. **Declaration of an Infected Area Free from Animal Disease**
   
   1) An area which has been declared infected by noticeable disease, shall not be considered free from the disease until it is declared free by the Ministry.

   2) An area which has been declared to be an infected area pursuant to Article 4(1) of this Proclamation would be declared as free by the Ministry in the same manner in which it was declared infected, after the disease has been completely put under control.

7. **Measures for the Prevention and Control of the Spread of Animal Disease**
   
   In order to prevent the occurrence and the spread of animal diseases at any time and place, the Ministry and/or the concerned region, as the situation requires, shall:
1) Prohibit and Control and the importation of animals, animal products, animal by-products, and fomites from areas or countries infected or suspected of being infected by animal disease.

2) Prohibit and Control the movement of animals, animal products, by-products, and fomite from regions infected or suspected of being infected by animal disease to other regions in the country.

3) Control and regulate the movement of, without having fulfilled the required preconditions, animals, animal products and by-products across border in order to prevent the spread of animal diseases.

4) Cause international and regional animal health agreements, to be respected within the country, to which Ethiopia is a signatory.

5) Work in close collaboration with the Ministry of Health in order to control zoonotic diseases.

6) Take necessary preventive measures to control the transmission of noticeable diseases from domestic animals to wild animals and from wild animals to domestic animals.

7) Keep informed, importers, exporters, producers, consumers and the general public, of animals, animal products and by-products about animal disease situation in the country.

8) Establish an emergency preparedness and epidemic surveillance system to contain the spread of animal diseases and avoid the introduction of exotic diseases into the country.

9) Set priorities for the control of animal diseases based on their socio economic and public health impact and implement control programmes.

10) Establish disease free zones with concerned bodies to free the country, step by step, from noticeable diseases and promote the export of animals, animal products and by-products.

8. Powers of Animals Health Officer

In order to prevent and control animal diseases, an animal health officer shall have the power to:

1) inspect animals and apply prophylactic, therapeutic treatments or necessary quarantine measures as required;

2) inspect animals prior to transport, during transport and after transport, limit or prohibit their movement if so required;

3) enter and inspect any premise or area where animals, animal products, animal by-products or animal feed are kept;

4) take samples from any animal, animal products or by-products for the purpose of identifying animal disease;
require at any time, animals to be examined, vaccinated, treated, sprayed with anti
pest or undergo a period of quarantine if he considers it necessary;

order isolation, slaughter or disposal of animals;

7) carry out appropriate inspection at entrance and exit posts;

8) supervise the safe disposal of dead animals, parts thereof, contaminated animal
products, wastes obtained at slaughter, dung, manure and litter;

9) take all other necessary veterinary measures as required, without being restricted to
the abovementioned.

9. *Exchange of Animal Health Information*

1) In order to prevent and control animal diseases, to formulate effective policy and
strategies for disease control and to execute the country’s international obligation
the Ministry shall establish a national animal health information system.

2) The Ministry shall disseminate current animal health scientific findings to those
persons and organizations engaged in animal health activities.

3) In order to prevent and control noticeable animal diseases, each regional
government shall exchange necessary information with neighboring regional
governments and the Ministry.

**PART THREE**

*Movement of Animals, Animal products and By-products*

10. *Establishment and Supervision of Quarantine Stations*

1) A quarantine station shall be established with necessary facilities in an isolated and
suitable area for keeping and transporting animals.

2) Conditions and requirements of quarantine stations shall be determined by
regulations to be issued pursuant to this Proclamation.

3) Pertaining to animal health service, the Ministry shall inspect established quarantine
stations, and if required delegate its power to regions.

11. *Establishment of Entrance and Exit Posts*

1) The Ministry may decide with concerned bodies on the establishment of entrance
and exit posts through which animals, animal products and by-products exit or enter
the country.

2) For the purpose of controlling noticeable diseases and establishment of disease free
zones, the Ministry, as deemed necessary, may decide with the concerned regions to
establish check-posts to control the movement of animals, animal products and by
products from one region to another region.

12. *Export of Animals, Animal Products and By-Products*

1) Animals for export shall be kept in a quarantine station for specified period.
2) Animals kept in a quarantine station for export purpose, must originate from an area free from noticeable animal diseases and must be accompanied by movement permit.

3) Persons who transport export animals, animal products and by-products should comply with transport requirements and use designated exit posts.

13. Importation of Animals, Animal Products and By-Products

1) Any person shall obtain an entrance permit by applying to the Ministry stating the type of product, country of origin, quantity, means of transport, date of arrival, port of entry and transit countries prior to importation of animals, animal products and by-the-products.

2) Animals, animal products and by-products imported in accordance with Sub-Article (1) of this Article shall be checked at the port of entry by the animal health officer.


1) Any animal, semen, embryo, hatching-eggs, animal products, animal by-products, biological products and pathological samples to be exported or imported shall be accompanied by recognized international animal health or sanitary certificate.

2) Details to be included in the certificates shall be determined by the regulations to be issued pursuant to this Proclamation.

15. Animals Movement Permit

1) Any person shall obtain animals movement permit with respect to animal disease, from the animals’ place of origin to transport animals from Woreda to Woreda and/or from region to region.

2) The animals movement permit to be issued shall indicate the animals’ place of origin, destination, route, type and number of animals, health status and other necessary details.

PART FOUR

Registration of Animals Health Professionals and Delivery of Services

16. Registration

1) No animal health professional shall practice veterinary profession unless he is registered and obtained registration certificate.

2) The Ministry shall issue directives concerning animal health interventions which may be performed by unregistered animal health professionals and other non-professional users.

3) A veterinary council shall be established for the registration and licensing of animal health professionals.

4) Conditions for the registration and establishment of the council shall be determined by a regulation to be issued pursuant to this Proclamation.

17. Animal Health Services Delivery
1) Any person may establish animal health station, center or institution upon the fulfillment of the necessary requirements.

2) Any person shall in advance produce a certificate of competence from the Ministry or concerned region in order to obtain a business license of animal health station, center or institution.

3) The Ministry shall create favorable conditions for the promotion of private animal health services delivery.

4) The Ministry shall, based upon the nature of the services, define the role and responsibilities of the public and the private sector in the delivery of animal health services.

**PART FIVE**

*Miscellaneous Provisions*

18. **Compensation**

1) No compensation shall be paid to the custodian if deceased animal is killed or slaughtered for the purpose of prevention and control of the spread of animal disease based on the instruction of the animal health officer.

2) When the carcass of a dead animal is buried or burned upon the instruction of the inspecting officer, no expense of disposal shall be paid to the custodian.

3) Without prejudice to Sub-Articles (1) and (2) of this Article, if the Ministry gives order for the slaughter or removal of animals in order to prevent and control noticeable animal diseases in the whole or part of the country, the Ministry may arrange for compensation as deemed necessary.

4) No compensation shall be paid for animals slaughtered because of occurrence of noticeable animal disease in the quarantine stations.

5) The Council of Ministers may issue a regulation for the implementation of Sub-Article (3) of this Article and having regard to compensation to injuries incurred by professionals engaged in animal health service rendering activities.

19. **Duty to Co-operate**

Any concerned person shall co-operate for the implementation of this Proclamation and regulations and directives to be issued pursuant to it.

20. **Collection of Service Fee**

The Ministry may collect fees for the services rendered in accordance with the regulation to be issued by the Council of Ministers.

21. **Punishment**

Any person who violates the provisions of this Proclamation, regulations and directives issued pursuant to it shall be punished under the provisions of the Penal Code.

22. **Repealed and Non-applicable Laws**
1) Animal Diseases Control Proclamation No 171/1961 is repealed by this Proclamation.

2) No Proclamation, regulations and directives which is inconsistent with this Proclamation shall have no effect with respect to matters governed by this Proclamation.

23. Issuance of Regulations and Directives

1) The Council of Ministers may issue regulations necessary for the proper implementation of this Proclamation.

2) The Ministry may issue directives for the proper implementation of this Proclamation and regulations issued under this Proclamation.

24. Effective Date

This Proclamation shall enter into force as of the 31st day of January, 2002.

Done at Addis Ababa, this 31st day of January, 2002.

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.5.2. PROCLAMATION NO. 315/2003

FISHERIES DEVELOPMENT AND UTILIZATION PROCLAMATION

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BRIEF DESCRIPTION

The Fisheries Development and Utilization Proclamation is applicable to all water bodies found within the boundary of Ethiopia and in places where fish are bred and where fishing, preparing activities and marketing takes place. It governs the utilization of fisheries resources and stipulates certain important principles for fisheries laws to be issued in accordance with it. A Fishery Inspector, duly authorized by the Ministry of Agriculture and Natural Resources, oversees the implementation of the Proclamation, regulations, or directives in accordance with the powers and responsibilities listed down therein. The Council of Ministers, the regions, and the Ministry of Agriculture and Natural Resources may issue regulations, their own laws and directives respectively to implement the Fisheries Proclamation.

Fisheries Development and Utilization Proclamation No.
315/2003

WHEREAS, Ethiopia has fisheries potential which has importance as source of food and provides economic benefits;
WHEREAS, it has become necessary to give attention for the development and rational utilization of this resource;

WHEREAS, it is necessary to establish a fisheries law to enable a sustainable development of the resource and since such law does not exist so far;

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

PART ONE

General

1. Short Title

This proclamation may be cited as the “Fisheries Development and Utilization Proclamation No. 315/2003.”

2. Definition

Unless the context requires otherwise, in this Proclamation:

1) “Fish” means any fish species, crustaceans, mollusks, including their eggs, spawn, fries or fingerlings;

2) “Fisheries Resource” means the fish stocks contained in natural and man-made water bodies;

3) “Aquaculture” means the breeding and/or cultivation of fish, and including other related activities, in natural and man-made water bodies under controlled condition;

4) “Aquaculture Facility” means any specific place or area where aquaculture activity is undertaken but does not include a personal aquarium;

5) “Fishing” means the catching, killing or taking of fish for whatever purpose using any method from any water body;

6) “Subsistence Fishing” means fishing solely for the purpose of self and family consumption;

7) “Commercial Fishing” means fishing for the purpose of commercial or monetary gain where all or part of the catch will be destined for sale or bartering;

8) “Recreational fishing” means fishing solely for the purpose of pleasure using single hood and monofilament nylon line;

9) “Research Fishing” means fishing for the purpose of scientific, experimental, and other studies or for the purpose of stocking fish into any water body including collecting fish for aquarium, museums and zoo;

10) “Person” means any natural person or juridical entity;

11) “Fisher” means a person who physically undertakes fishing;

12) “Protected Fishery Area” means a fully or partially demarcated geographical area of any water body where, except for research, fishing is prohibited for the protection of the inhabiting fish species or for other purposes;
13) “Fishing Boat” means any floating vessel made of steel, timber, wood, bamboo, reed or other similar material used for fishing;

14) “Fishing Gear” means any net, trap, sieve, monofilament nylon line, hook, and any other similar equipment used for fishing;

15) “Ministry” or “Minister” means the Ministry or Minister of Agriculture respectively;

16) “Region” means any Regional Administration specified under Article 47 (1) of the Constitution of the Federal Democratic Republic of Ethiopia and includes, for the purpose of this Proclamation, Addis Ababa City and Dire Dawa Administrations;

17) “Fishery Inspector” means any appropriate person duly authorized by the Ministry or by the concerned Regional Authority to implement this proclamation as well as regulations and directives issued hereunder with respect to its power.

3. **Objective**

   The objectives of this proclamation are:

   1) to conserve fish biodiversity and its environment as well as to prevent and control over-exploitation of the fisheries resource;

   2) to increase the supply of safe and good quality fish and to ensure a sustainable contribution of the fisheries towards food security; and

   3) to expand aquaculture development.

4. **Scope of Application**

   This proclamation shall be applicable to all water bodies found within the boundary of Ethiopia such as lakes, rivers, streams, reservoirs, ponds, and marshy areas where fish are bred and where fishing, preparing, activities and marketing takes place.

**PART TWO**

*Fisheries Resource Utilization*

5. **Capture Fisheries from Natural and Man-made Water Bodies**

   1) Any person who wishes to undertake commercial fishing from natural and man-made water bodies shall do so upon acquisition of a legal fishing permit.

   2) Transferring a fishing license by any means to another person is prohibited.

   3) Any person who undertakes subsistence fishing, commercial fishing or recreational fishing within a national park or a reserved fishery area shall hold a written permit from the authority responsible to administer the parks.

   4) Any person who wishes to undertake subsistence fishing, commercial fishing or recreational fishing within a protected fishery area shall obtain a written permit from the Ministry or concerned Regional Authority.
5) A non-national who wishes to undertake recreational fishing shall do so upon acquisition of a written permit from the Ministry or from the concerned Regional Authority.

6) Any person who wishes to undertake subsistence fishing, commercial fishing, or recreational fishing on a fisheries resource, subject to a concession granted according to Article 7 of this Proclamation, shall do so with permission from the concerned concessionaire.

7) Fishing using illegal fishing materials, and presence near and on the water bodies holding things such as explosives, ammunition, poisons, fish narcotising plant or any device capable of producing electric current is forbidden except for the purpose of research.

8) Fishing from any water body by way of sifting is prohibited.

9) Any person who wishes to undertake fishing research on the water bodies of the country shall do so by obtaining a permit from the authorized Federal or Regional Government organ designated to direct research activities and, as may be necessary, the body authorized to administer water resources.

10) Any person who wishes to import or export any type of exotic live fish species shall have a written permit from the Ministry.

11) Any person who wishes to transfer live fish which has been exported with permit, or an indigenous species from one Regional water body to another Regional water body have to do so with a written permit from the Ministry.

12) Any person who wishes to transfer live fish from one water body fully contained in the region into another water body which is also fully contained in the same region shall do so with a written permit from the Ministry.

6. *Aquaculture*

1) Any person who wishes to establish aquaculture facility or undertake aquaculture for commercial purpose shall do upon acquisition of a permit, as may be appropriate, from the Federal or Regional Authority.

2) A permit shall be issued to any person who wishes to establish an aquaculture facility or practice aquaculture only when it is verified that:

   a) there is sufficient land and surface/ground water and there is a permit from the appropriate federal or regional administrative organ to utilize water that is required for the aquaculture facility or to establish the facility on natural water bodies; and

   b) establishment of the aquaculture facility does not have a negative impact on the surrounding environment or on the fish species inhabiting the water bodies in the basin.

3) The Ministry or the concerned Regional Authority shall take an appropriate measure when it is convinced that there is a risk that a fish disease in the aquaculture facility may spread into the surrounding or into the water basin.
4) The Ministry shall, as may be necessary, issue directives regarding standards for the establishment and operation of aquaculture facilities and aquaculture.

7. **Issuance of Fisheries Resource Concession**

The Council of Ministers or Regional Governments may issue laws regarding the issuance of concession to one or more than one person as well as to regulate the utilization and sustainable development of the fisheries resource of any water body subject to concession.

8. **Environmental Protection**

The concerned organs of the Federal or Regional Governments shall ensure that development programmes and projects are drawn up in such a way that they will not have direct or indirect negative impact on the fisheries resource constituted in the basin where the programmes or projects are intended to be implemented.

9. **Transboundary and Transregional Fisheries Resources**

1) The Ministry may negotiate and enter into agreements with the respective neighboring countries regarding the development of transboundary fisheries resources.

2) Regional Administrations shall co-operate to ensure that fisheries in transregional water bodies are managed according to the principles set out in this Proclamation.

3) The Council of Ministers may issue regulations to appropriately develop transregional fisheries resources when it is verified that the implementation of the agreement entered into between the concerned regions, regarding the development of the fisheries resources shared between them has failed.

10. **Handling of Fish Products**

Fish and fish product handling, processing, storage, transportation and trade shall meet the requirements of fish quality and trade standards procedure. Details shall be determined by regulations issued pursuant to this proclamation.

11. **Fisheries Information Exchange**

1) To assist the implementation of this proclamation, the Regional Administrations shall collect and compute data regarding fisheries and submit same to the Ministry.

2) The Ministry shall, by evaluating and interpreting the fisheries data and research results it collects from different sources, disseminate same to Regional Governments and other users.

12. **Basic Principles of Fisheries Development and Utilization laws**

Any fisheries law that may be issued pursuant to this Proclamation shall clearly stipulate about protected fishery areas, annual fish catch, types and number of fishing gears, fishing seasons, procedures for issuing, renewal and suspension of fishing license, fish transfer, aquaculture fish trade, safety and quality standards of fish products, prohibited activities, community participation, environmental impact assessment and other related matters.
PART THREE

Enforcement of the Proclamation

13. Powers and Responsibilities of a Fishery Inspector

In order to ensure the implementation of this proclamation, regulations and directives issued hereunder, a fisheries inspector having shown authorization to do so may, without a court warrant:

(a) stop and search any fisher found on any water body and inspect the fishing boat and/or gears.

(b) demand any person reasonably suspected of contravening this proclamation and regulations or directives issued pursuant to this proclamation to give their names and addresses and to show or as may be appropriate, to produce their identification cards and any other relevant information.

(c) seize any fish which the inspector has reasonable grounds to believe that the fish has been caught, transported, is being marketed, imported or prepared for export in contravention of this proclamation.

(d) seize any fishing boat and gear which the inspector has reasonable grounds to prove that the same has been used in contravention of this proclamation and regulations or directives issued thereof.

(e) cause, as soon as possible, a legal action to be instituted against any person when the inspector has reasonable grounds to believe that the person has committed an offence by contravening this proclamation.

(f) destroy or otherwise render harmless any fish the inspector has reasonable grounds to prove that it is diseased, contaminated or spoiled.

(g) demand any fisher to provide information regarding the gears used, the type and size of fish caught, and the fishing area from which the fish were caught.

(h) inspect any aquaculture, fish processing, storage, transport and marketing facilities as well as equipment and suspend the permit or close the facilities when they are found to have failed to operate up to the standards.

14. Duty to Cooperate

Any person shall cooperate with the fishery inspector in providing any evidence and information that may be required in relation to his activities.

15. Regarding Seized Fish, Fishing Gears and Other Goods

1) The fishery inspector:

(a) may sell the marketable fish seized, pursuant to this proclamation, in the presence of the person from whom the fish had been seized in order to prevent spoilage.
(b) shall ensure that the fishing gears, transport and other equipment seized, pursuant to this proclamation, are well taken care of until the court passes a decision.

(c) shall give the person, from whom the fish, fishing gears, and other goods were seized, an authenticated receipt stating the date of seizure, sale or disposal, the type and quantity of such goods, and if they are sold, the amount realized from the sale.

2) Without prejudice to the Criminal liability of the person from whom fish has been seized due to illegal fishing, the proceeds of the fish seized shall be confiscated.

PART FOUR

Miscellaneous Provisions

16. Offence and Penalty

Any person who:

1) is convicted of importing and/or introducing live fish into the waters of Ethiopia or same out of the country or transfers same from one water body to another without a permit or in contravention to the terms of the permit shall be punished with imprisonment for not less than a year and not exceeding three years or with a fine up to Birr 10,000 (ten thousand Birr) or with both.

2) commits an offence other than those prescribed in Sub-Article (1) of this Article in contravention to this proclamation as well as regulations and directives issued hereunder shall be punished according to the penal code of Ethiopia.

17. Other Sanctions

1) Where any person is convicted of an offence in contravention of this proclamation the court may, in addition to any other penalty imposed on the accused, order:

(a) the forfeiture of any fishing boat and/or gear used in the commission of the offence.

(b) the forfeiture of any poison, explosives or any other equipment or substance which has been unlawfully used for fishing.

(c) the suspension or cancellation of any fishing or fish trade permit.

2) Where, following a conviction, any goods seized are not ordered to be forfeited and if any fines remain unpaid within 30 days of the conviction, such goods may be sold and the proceeds shall be used to cover the fines.

3) Where, following a prosecution, an accused person is acquitted, any seized fishing gear or other goods shall be returned to the person. If what has been seized is fish, the proceeds that have been realized from the sale shall be given back to the person.

18. Presumptions of Commission of an Offence

1) Any person who, without good cause, is found in possession of explosives, ammunition, devices capable of producing electric shock, poison or fish narcotizing
plants on the waters of Ethiopia, their shores or banks shall be presumed to be undertaking an unlawful activity in contravention to Article 5 sub-Article (7) of this proclamation.

2) Any person found transferring live fish without a permit is presumed to be engaged in an unlawful act in contravention to Article 5 sub Articles (10), (11) and (12) of this proclamation.

19. Relation with Other Laws

Any law, regulation, directive and practice which contravenes this proclamation shall not be applicable on matters provided for in this proclamation.

20. Issuance of Laws to Implement this Proclamation

To facilitate the implementation of this proclamation:

1) The Council of Ministers may issue regulations;

2) The regions may issue their own laws; and

3) The Ministry may issue directives.

21. Effective Date

This proclamation shall enter into force as of the 4th day of February, 2003.

Done at Addis Ababa, this 4th day of February, 2003.

GIRMA WOLDE GEORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.5.3. PROCLAMATION NO. 728/2011

A PROCLAMATION TO PROVIDE FOR VETERINARY DRUG AND FEED ADMINISTRATION AND CONTROL

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BRIEF DESCRIPTION
The Veterinary Drug and Feed Administration and Control Proclamation regulates veterinary drug, which includes pre-clinical and clinical test and post marketing surveillance. It also regulates feed safety and quality control, including the import and export of such feed. The Law envisages the appointment of veterinary drug and feed inspectors as well as the establishment of Veterinary Drug and Feed Administration and Control Authority.
Veterinary Drug and Feed Administration and Control Proclamation No. 728/2011

WHEREAS, it is found necessary to regulate the proper production, distribution and use of veterinary drugs to ensure safety, efficacy and quality of the products and to enhance the productivity and health of the livestock population;

WHEREAS, it is becoming increasingly important to improve the overall performance of the animal health program to remain competitive in the international market for animal and animal products;

WHEREAS, it is found necessary to strengthen the administration of feed to increase the development of the feed industry and animal production and thereby enhance public health safety;

WHEREAS, it is found essential to prevent animal diseases emanating from poor quality and safety of animal feeds to improve the overall productivity and health of the livestock population;

WHEREAS, it is found necessary to prevent and control the illegal production, distribution and use of veterinary drugs and feed;

WHEREAS, to achieve these ends, it is found necessary to establish an effective system of veterinary drug and feed administration and control;

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

PART ONE

GENERAL

1. **Short Title**

This Proclamation may be cited as the “Veterinary Drug and Feed Administration and Control Proclamation No. 728/2011”.

2. **Definitions**

In this Proclamation unless the context otherwise requires:

1/ “animal” means includes domestic and wild animals, birds, aquatic animals, bees and silkworm;

2/ “veterinary drug” means any substance or mixture of substances used in the diagnosis, treatment or prevention of animal disease, and includes products used to treat against internal and external parasites and disease transmitting vectors, biological products, sanitary items and veterinary instruments;

3/ “biological product” means reagents, sera, attenuated or killed vaccines or microbial genetic material used for the diagnosis, prevention or treatment of animal disease;
4/ “veterinary instrument” means any instrument that may be used for diagnosis or treatment of animal disease, and includes laboratory, artificial insemination and castration instruments;

5/ “traditional veterinary drug” means a veterinary drug developed by custom, accepted by the society and its efficacy is tested;

6/ “complementary or alternative veterinary drug” means a veterinary drug which is not associated with traditional or modern veterinary drug and used as complementary or alternative drug;

7/ “germ” means any disease causing agent including virus, bacteria, fungus, protozoa, internal and external parasites;

8/ “pharmacovigilance” means examination of adverse effects of any veterinary drug-related problem based on the collection of information from animal health professionals and animal owners;

9/ “veterinary drug trade” means profit oriented production, repacking, import, export, wholesale or retailing of veterinary drugs and includes veterinary drug quality control laboratory service and acting as commercial agent;

10/ “feed” means material used as animal feed and produced or processed for commercial purpose;

11/ “feed additives” means nutritional or non-nutritional ingredient added in small quantity during feed processing;

12/ “feed trade” means profit oriented processing, packing, import, export, wholesale or retail of feed and includes feed quality control laboratory service and acting as commercial agent;

13/ “certificate of competence” means a certificate issued by the appropriate organ to verify that a person meets the criteria set by the Authority to engage in veterinary drug or feed trade;

14/ “packing material” means any material used for filling, inserting or wrapping veterinary drug or feed;

15/ “label” means any material which is printed or affixed to a packing material which provides the necessary information about a veterinary drug or feed and includes an explanatory note attached therein;

16/ “counterfeiting” means using the packing material, trade name, trademark or any special mark of an authentic product of a manufacturer and presenting such falsely packed and labeled veterinary drug or feed as if it is manufactured by the genuine manufacturer;

17/ “adulteration” means reducing the quality of a veterinary drug or feed by adding to its content a substance other than its content, or by substituting its content in whole or in part by such other substance, or by processing or storing it under unhygienic conditions whereby it is contaminated with any other foreign matter;
“pre-clinical trial” means documentary evaluation, physical inspection and laboratory assessment of veterinary drug, feed or feed additive;

“clinical trial” means testing a veterinary drug on animal to prove its efficacy and safety;

“veterinary drug professional” means a veterinarian or animal health assistant, or a pharmacist, druggist or pharmacy technician engaged in providing professional service in relation to veterinary drugs;

“veterinarian” means a person graduated with doctorate degree or above in veterinarian profession from a recognized university;

“other animal health professionals” means a person graduated with BSc degree or diploma or certificate in veterinarian profession from a recognized institution;

“professional license” means certificate issued by the appropriate organ to veterinary drug professional or to animal feed professional to carry on his profession;

“veterinary pharmacy” means a facility solely used for the sale of veterinary drugs;

“animal feed shop” means a facility solely used for the sale of animal feed, feed additives and forage seeds;

“animal feed professional” means a person graduated with diploma or first degree or above in animal science or animal feed and grazing from a recognized university or institution in addition to taking training on animal feed and nutrition;

“advertisement” includes any notice, circular, label or other document, and any announcement made orally or by means of picture or sound;

“Ministry” means the Ministry of Agriculture;

“Authority” means Veterinary Drug and Feed Administration and Control Authority to be established by the Council of Ministers regulation;

“appropriate organ” means the Authority or a regional government organ authorized to exercise veterinary drug and feed administration and control activities at regional level;

“competent organ” means the Ethiopian Standards Agency;

“regional state” means any state referred to under Article 47 (1) of the Constitution of the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire Dawa city administrations;

“person” means any physical or juridical person;

any expression in the masculine gender includes the feminine.

3. **Scope of Application**

1) This Proclamation shall be applicable to regulatory activities in respect of veterinary drugs, feed and veterinary drug professionals.
2) Without prejudice to sub-article (1) of this Article, the application of this Proclamation at the federal level shall be in respect of:
   a) setting standards in relation to veterinary drugs, feed and veterinary drug professionals; and
   b) regulating trans-regional veterinary drug and feed production, distribution, promotion, storage and quality control and veterinary drugs and feed import and export activities.

3/ Without prejudice to the generality of sub-article (2) of this Article, regulatory activities other than those given to the Authority under Article 20 of this Proclamation shall be carried out by regional state regulatory bodies.

PART TWO

VETERINARY DRUG ADMINISTRATION AND CONTROL

4. Registration
   1/ No veterinary drug may be produced locally or imported and put in use unless it is registered by the Authority after being tested for its safety, efficacy and quality.
   2/ Notwithstanding sub-article (1) of this Article, the Authority may authorize, in compelling circumstances of natural disaster causing high animal migration such as drought, flood and earth quick, or in cases of epidemic of exotic animal disease, or for animal health research, or for pre-registration test.

5. Certificate of Registration
   1/ Certificate of registration of a veterinary drug shall be valid for five years.
   2/ A certificate of registration of a veterinary drug may be renewed every five years where the drug continues to meet the requirements of registration.
   3/ An application for renewal of a certificate of registration shall be submitted three months before the expiry of the validity period.

6. Quality Standards and Use of Veterinary Drugs
   1/ Any veterinary drug or raw material or packing material of veterinary drug shall meet the requirements prescribed in the quality standards issued or adopted by the competent organ.
   2/ Any veterinary drug shall be available for use in accordance with the guidelines issued by the Authority to ensure judicious use of veterinary drugs.

7. Post Marketing Surveillance
   1/ The Authority shall carry out post marketing surveillance with a view to assessing the resulted benefit and damage of registered veterinary drugs.
   2/ The holder of the certificate of registration shall supply to the Authority the pharmacovigilance information that he possesses relating to the veterinary drug during the post market surveillance.
3/ The use of a veterinary drug shall be banned and its registration shall be suspended or revoked where, the findings of a post marketing surveillance proves that:
   a) it lacks the expected safety, efficacy or quality for the intended use;
   b) its risk outweighs its benefit; or
   c) its withdrawal period and residue in the treated animal does not comply with national or international requirements.

8. **Pre-Clinical and Clinical Test**
   1/ The Authority may take sample, peruse document, conduct physical examination and carry on pre-clinical laboratory examination to assess safety, efficacy and quality of any veterinary drug to be produced locally or imported.
   2/ A clinical test on animals shall be conducted on the basis of authorization by the Authority and with the consent of the owner, and on wild animals, when authorization of the Authority and the Ethiopian Wildlife Development and Conservation Authority is obtained.
   3/ Clinical test shall be conducted with due care to animal welfare requirements.

9. **Packaging and Labeling**
   1/ Any producer, importer or distributor of veterinary drug or a veterinary pharmacy may not supply a drug to the market or dispense it otherwise unless it is duly packed and labeled.
   2/ The label of any veterinary drug shall be written either in the Amharic or English language and includes the statement “for veterinary use only” in a conspicuous manner.

10. **Prescription and Dispensing of Veterinary Drugs**
    1/ Veterinary drug shall only be prescribed by a veterinarian. Traditional veterinary drug shall be prescribed and dispensed by traditional veterinary drug practitioner registered and recognized by the Authority.
    2/ A veterinarian shall prescribe veterinary drugs following prescription procedures and on standard prescription paper.
    3/ Veterinary drug shall only be dispensed by a veterinary drug professional holding professional license.
    4/ Any veterinary drug professional shall dispense veterinary drugs with care by providing sufficient information and awareness based on dispensing procedures.
    5/ Notwithstanding the provisions of sub-article (1) and (2) of this Article, the Authority may, by directive, issue the list of veterinary drugs that may also be prescribed by animal health professionals other than veterinarians and those which could be dispensed without prescriptions.
11. **Veterinary Biological Products**

Without prejudice to other provisions of this Proclamation the Authority may ban the production, importation and distribution of a veterinary biological product on the following grounds:

1/ the product contain germ or germ genetic material that causes a disease which is considered exotic to Ethiopia;

2/ the product is derived from infected tissues of animal and suspected to be a significant risk to spread disease in the country;

3/ use of the product may not be in the best interest of or may cause negative impact in veterinary or public health control or survey program of the country; or

4/ use of the product may have negative impact on the country’s export trade in animal, animal products and by-products.

12. **Veterinary Drug Trade**

1/ No person may engage in veterinary drug trade without obtaining a certificate of competence from the appropriate organ.

2/ No person may operate a veterinary pharmacy in the absence of a veterinary drug professional holding a professional license.

13. **Traditional and Complimentary or Alternative Veterinary Drugs**

1/ Any locally produced or imported traditional, complimentary or alternative veterinary drug may not be put into use unless assessed and registered by the appropriate organ.

2/ No person may manufacture, import, export, distribute or sell traditional, complementary or alternative veterinary drug without obtaining a certificate of competence from the appropriate organ.

**PART THREE**

**FEED ADMINISTRATION AND CONTROL**

14. **Feed Quality Standards**

No feed or feed additive may be put into use unless it is ascertained by the appropriate organ that it complies with the quality standards issued or adopted by the competent organ.

15. **Feed Safety Control**

1/ Any feed, feed raw material or additive shall be produced, stored and transported in a manner which prevents contamination and deterioration.

2/ Without limiting the generality of sub-article(1) of this Article:

a) feed and feed raw materials and additives processing plants and storage and transportation facilities shall be kept clean and effective pest control programs shall be implemented;
b) containers and equipments used for processing, storage, transport, handling and weighing feed and feed raw materials and additives shall be kept clean;

c) cleaning programs may be effective and minimize residues of detergents and disinfectants;

d) any feed processing facility may not be close to feedlot or fattening or slaughterhouse;

e) any feed shall be free from minerals, ingredients and pathogens which are dangerous to the health and safety of animals.

16. **Packing and Labeling**

1/ Any producer, importer or distributor of feed or a feed shop may not supply feed to the market or distribute it otherwise unless it is duly packed and labeled.

2/ The label of any feed shall be written conspicuously either in the Amharic or English language.

17. **Record Keeping**

1/ Records shall be maintained and readily be available regarding the inputs, process and distribution of any feed.

2/ The record shall be kept in a manner that facilitates to trace suppliers of the inputs and consumers of the final product when any adverse effect of the product is identified.

18. **Import and Export of Feed**

1/ Any imported feed shall be accompanied with a certificate of quality authenticated by the concerned organ of the country of origin.

2/ Any feed to be exported shall be accompanied with a certificate of quality issued by the Authority.

19. **Feed Trade**

No person may engage in feed trade without obtaining a certificate of competence from the appropriate organ.

**PART FOUR**

**THE AUTHORITY AND INSPECTORS**

20. **Powers and Duties of the Authority**

The Authority shall have the powers and duties to:

1/ prepare and submit to the competent organ standards for the safety, efficacy and quality of veterinary drugs and the safety and quality of feed and feed additives and, upon approval, follow up the implementation and observance of same;

2/ set standards of competence for persons to engage in veterinary drug or feed trade; issue certificates of competence to those referred to in sub-article (2) (b) of Article
3 of this Proclamation; and renew, suspend or revoke certificates in accordance with this Proclamation and regulations and directives issued hereunder;

3/ evaluate and register veterinary drugs and feed additives to be produced in the county or imported; and renew, suspend or revoke a registration in accordance with this Proclamation and regulations and directives issued hereunder;

4/ prepare list of veterinary drugs and feed additives for the country, structure the drugs and feed additives in the list into different categories, revise the list whenever necessary;

5/ formulate policies and legislations governing veterinary drugs and feed and, upon approval by the government, follow up their implementation;

6/ promote and strength the veterinary drug and animal feed sector by monitoring domestic and foreign new scientific inventions and adapting them to the country’s specific conditions;

7/ evaluate laboratory and clinical studies in order to ensure the safety, efficacy and quality of traditional veterinary drugs; and authorize the use of traditional veterinary drugs in the veterinary service;

8/ serve as veterinary drug and feed information center; disseminate veterinary drug and feed information to professionals and the public; ensure the accuracy and relevance of information disseminated by others; and prohibit dissemination of ambiguous or erroneous information;

9/ authorize the conducting of clinical trial of veterinary drugs and monitor the process;

10/ monitor and regulate narcotic and psychotropic drugs used in veterinary practice, and report same to the Ethiopian Food, Medicine and Health Care Administration and Control Authority;

11/ organize quality control laboratories required to carry out its duties;

12/ provide training for the appropriate organs in handling and utilization of veterinary drugs and feed;

13/ register and regulate substances and mixtures used, in accordance with Article 2(2) of this Proclamation, for treatment of animal external parasites and controlling animal disease transmitting vectors; and report same to the organ empowered under Proclamation No. 674/2010; the detail implementation shall be in accordance with the regulation to be issued.

21. **Inspectors**

1/ The appropriate organs shall appoint veterinary drug and feed inspectors to ensure compliance of the provisions of this Proclamation and regulations and directives issued hereunder.

2/ Any inspector appointed in accordance with sub-article (1) of this Article shall have the powers and duties to:
a) enter, during working hours, any premise where veterinary drug or feed trade is carried out or veterinary drug or feed is stored or stop any carrier loaded with veterinary drug or feed and undertake inspection;

b) inspect records, documents, prescriptions, and computers related to veterinary drug and feed and take copies of such documents as may be necessary;

c) take samples of veterinary drugs, feeds or feed additives in accordance with the directives issued by the Authority;

d) subject to quality control veterinary drugs, feeds or feed additives suspected to be adulterated, spoiled, counterfeited, contaminated, or those suspected to be dangerous to users and order quarantine of such items until the results are known;

e) inspect the proper disposal of expired veterinary drugs, feed or feed additives or those determined to be unfit for use in accordance with this Proclamation.

3/ Any inspector conducting inspection activity shall have valid identification card issued by the appropriate organ and shall show it upon request.

PART FIVE

MISCELLANEOUS PROVISIONS

22. Disposal of Veterinary Drug and Feed and Cessation of Business

1/ Any person engaged in veterinary drug or feed trade shall keep deteriorated or expired drug or feed separately until its disposal.

2/ The disposal of veterinary drugs or feed shall be performed in accordance with directive issued by the Authority and with due care to avoid environmental pollution.

3/ When any person issued with a certificate of competence ceases to operate his trade, he shall deal with the stocks of drugs or feed and invoices, registers and prescriptions related to same in accordance with directive to be issued by the Authority.

23. Advertisement and Provision of Information

1/ The conditions of disseminating commercial advertisement of veterinary drug or feed through mass media or other means shall be determined by directive to be issued by the Authority.

2/ Any mass media or advertising body shall be obliged to respect the directive issued by the Authority.

3/ Persons engaged in veterinary drug and feed trades shall submit, periodically, information regarding their businesses in accordance with directive to be issued by the Authority.

4/ The appropriate regional organs shall submit reports to the Authority on certificates of competence and professional licenses they have issued, suspended and revoked.
24. **Administrative Measures**

1/ The appropriate organ may suspend or revoke a certificate of competence or professional license where the holder thereof works in violation of this Proclamation or regulation or directive issued hereunder.

2/ Where the appropriate organ ascertains that any veterinary drug or feed or feed additive is not safe for use, it may seize the veterinary drug or feed or feed additive and may order its disposal at the expense of its owner.

3/ The appropriate organ may seal any veterinary drug or feed trade facility and take appropriate measure when it is operated by a person without having a certificate of competence.

25. **Complaints Handling**

1/ Any person who is aggrieved of the denial, suspension or revocation of a certificate of competence or professional license may lodge his complaint within 30 working days from the date of decision to the complaint handling body established by the appropriate organ.

2/ The body that has received a complaint in accordance with sub-article (1) of this Article shall render its decision within 30 working days.

3/ When the petitioner has not get decision with in the time specified under sub-article (2) of this Article or dissatisfied with the decision, he may submit the case to regular court.

26. **Penalty**

1/ Unless a higher penalty is prescribed in the Criminal Code any person who:

   a) impedes the work of an inspector assigned pursuant to Article 21 of this Proclamation shall be punishable with simple imprisonment of not less than six months and with a fine not exceeding Birr 10,000;

   b) transfers the certificate of competence or professional license issued to him to any person without the permission of the appropriate organ shall be punishable with simple imprisonment of not less than one year and not exceeding three years and with a fine not less than Birr 5,000 and not exceeding Birr 20,000.

2/ Any veterinary drug or feed manufacturer, importer or wholesaler who sales veterinary drugs or feed to a person without a certificate of competence shall be punishable with simple imprisonment of not less than two years and not exceeding five years and with a fine not less than Birr 10,000 and not exceeding Birr 20,000.

3/ Any person, with the exception of small holder farmers and pastoralists who sell their surplus, engages in veterinary drugs or feed trade without a certificate of competence shall be punishable with rigorous imprisonment of not less than five years and not exceeding seven years and with a fine not less than Birr 20,000 and not exceeding Birr 50,000.
4/ Any veterinary drug or feed wholesaler or retailer who purchases veterinary drugs or feed from a person who is not a holder of a certificate of competence shall be punishable with rigorous imprisonment of not less than two years and not exceeding 5 years and with a fine not less than Birr 10,000 and not exceeding Birr 20,000.

5/ Any person who counterfeits or adulterates veterinary drug or feed or supplies substandard or expired drugs or feed to the market shall be punishable with rigorous imprisonment of not less than 10 years and not exceeding 20 years and with a fine of not less than Birr 20,000 and not exceeding Birr 50,000.

6/ Any person who fails to comply with other provisions of this Proclamation, or regulations or directives issued hereunder shall be punishable with simple imprisonment of not exceeding two years and with a fine not exceeding Birr 10,000.

7/ Any employee or official of the appropriate organ who, by taking bribes or through nepotism or other relationships, and in violation of this Proclamation or regulations or directives issued hereunder:
   a) issues or renews or causes the issuance or renewal of a certificate of competence or professional license with respect to veterinary drug or feed trade; or
   b) authorizes or causes the authorization of the use of veterinary drug, feed or feed additives without making adequate evaluation of its quality, safety and, where relevant, its efficacy;

shall be punishable with rigorous imprisonment of not less than 10 years and not exceeding 15 years and with a fine not less than Birr 30,000 and not exceeding Birr 50,000.

8/ The penalty provided for under sub-article (7) of this Article shall also be applicable to a person who has given the bribe.

9/ If a person who participated in the commission of an offence provided for under sub-article (7) of this Article gives, before the case is submitted to a court of law, adequate information on the commission of the offence and the role of the major participants, the Ministry of Justice or the Federal Ethics and Anti-Corruption Commission may exempt the person from prosecution.

27. **Inapplicable Laws**

No law or practice may, in so far as it is inconsistent with the provisions of this Proclamation, be applicable with respect to matters covered by this Proclamation.

28. **Power to Issue Regulations and Directives**

1/ The Council of Ministers may issue regulations necessary for the implementation of this Proclamation.

2/ The Authority may issue directives necessary for the implementation of this Proclamation and regulations issued pursuant to sub-article (1) of this Article.
29. **Effective Date**

This Proclamation shall enter into force on the date of its publication in the Federal Negarit Gazetta.

*Done at Addis Ababa, this 19th day of January, 2012*

**GIRMA WOLDEGIORGIS**

**PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA**
3.1.5.4. COUNCIL OF MINISTERS REGULATION NO. 272/2012

COUNCIL OF MINISTERS REGULATION TO PROVIDE FOR THE ESTABLISHMENT OF VETERINARY DRUG AND ANIMAL FEED ADMINISTRATION AND CONTROL AUTHORITY

CONTENTS

1. Short Title
2. Definitions
3. Establishment
4. Head Office
5. Objective
6. Powers and Duties of the Authority
7. Organization of the Authority
8. Members of the Advisory Board
9. Duties and Responsibilities of the Advisory Board
10. Meetings of the Advisory Board
11. Powers and Duties of the Director General
12. Budget
13. Books of Accounts
14. Effective Date

BRIEF DESCRIPTION

This Regulation establishes the Veterinary Drug and Animal Feed Administration and Control Authority, as envisaged by the Veterinary Drug and Animal Feed Administration and Control Proclamation No. 728/2011. The objective of the Authority is to ensure improvement of animal productivity and availability of wholesome animal products to the consumers.

Veterinary Drug and Animal Feed Administration and Control Authority Establishment Council of Ministers Regulation No. 272/2012

This Regulation is issued by the Council of Ministers pursuant to Article 5 and Article 34 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010.

1. Short Title

This Regulation may be cited as the “Veterinary Drug and Animal Feed Administration and Control Authority Establishment Council of Ministers Regulation No. 272/2012”.

2. Definitions

In this Regulation unless the context otherwise requires:

1/ “Proclamation” means the Veterinary Drug and Animal Feed Administration and Control Proclamation No. 728/2011;
2/ “veterinary drug” “feed” and “feed additives” shall have the meanings assigned to them under Article 2 of the Proclamation;

3/ “Ministry” or “Minister” means the Ministry or Minister of Agriculture, respectively;

4/ “Region” means any region referred to under Article 47 (1) of the Constitution of the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire Dawa city administrations;

5/ “person” means any natural or juridical person;

6/ any expression in the masculine gender includes the feminine.

3. Establishment

1/ The Veterinary Drug and Feed Administration and Control Authority (hereinafter the “Authority”) is hereby established as an autonomous federal government organ having its own legal personality.

2/ The Authority shall be accountable to the Ministry.

4. Head Office

The head office of the Authority shall be in Addis Ababa and it may have branch offices elsewhere, as necessary.

5. Objective

The objective of the Authority shall be to ensure improvement of animal productivity and availability of wholesome animal products to the consumers.

6. Powers and Duties of the Authority

1/ The Authority shall have the powers and duties to:

   a) exercise the powers and duties granted to it by Article 20 and other relevant provisions of the Proclamation;
   
   b) collect service fee in accordance with the rate determined by the government;
   
   c) own property, enter into contracts, sue and be sued in its own name;
   
   d) perform such other related activities as may be necessary for the attainment of its objectives.

2/ The Authority may, where it finds it necessary, delegate part of its powers and duties to appropriate regional organs.

7. Organization of the Authority

The Authority shall have:

1/ an Advisory Board;

2/ a Director General and, as may be necessary, Deputy Director Generals to be appointed by the government; and

3/ the necessary staff.
8. **Members of the Advisory Board**

The Advisory Board shall have the following members:

1/ an officer to be designated by the Minister…………………………Chairperson;

2/ a representative of the Ministry of Health…………………………Member;

3/ persons to be drawn from the appropriate higher education institutions, professional associations and consumers associations and to be designated by the Minister and the number of which shall be determined as may be necessary…………………. Members.

9. **Duties and Responsibilities of the Advisory Board**

The Advisory Board shall have the duties and responsibilities to provide advice on:

1/ the formulation and implementation of policies, strategies and guidelines for ensuring the safety and efficacy of veterinary drugs and quality standards of feed;

2/ proper disposal system of expired and substandard veterinary drugs, feed and feed additives;

3/ the implementation of international agreements concerning veterinary drugs and feed.

10. **Meetings of the Advisory Board**

1/ The Advisory Board shall meet as frequently as its functions require.

2/ There shall be a quorum where more than half of the members of the Advisory Board are present at any meeting.

3/ Decisions of the Advisory Board shall be passed by majority vote; in case of a tie, the Chairperson shall have a casting vote.

4/ Without prejudice to the provisions of this Article, the Advisory Board may adopt its own rules of procedure.

11. **Powers and Duties of the Director General**

1/ The Director General shall be the chief executive officer of the Authority and shall, subject to the general directions of the Ministry, direct and administer the activities of the Authority.

2/ Without limiting the generality of sub-article (1) of this Article, the Director General shall:

   a) exercise the powers and duties of the Authority stated under Article 6 of this Regulation;

   b) employ and administer employees of the Authority in accordance with the federal civil service laws;

   c) prepare and submit to the Ministry the work program and budget of the Authority, and implement same upon approval;
d) effect payments in accordance with the approved budget and work program of the Authority;

e) represent the Authority in its dealings with third parties;

f) prepare and submit to the Ministry the performance and financial reports of the Authority.

3/ The Director General may delegate part of his powers and duties to other officers and staff of the Authority to the extent necessary for the efficient performance of the activities of the Authority.

12. **Budget**

The budget of the Authority shall be allocated by the government.

13. **Books of Accounts**

1/ The Authority shall keep complete and accurate books of accounts.

2/ The books of accounts of the Authority shall be audited annually by the Auditor General or by an auditor assigned by the Auditor General.

14. **Effective Date**

This Regulation shall come into force on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa, this 4th day of December, 2012.

HAILEMARIAM DESSALEGN

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.5.5. COUNCIL OF MINISTERS REGULATIONS NO. 52/1999

COUNCIL OF MINISTERS REGULATIONS TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL VETERINARY INSTITUTE

CONTENTS

| 1. Short Title | 6. Capital |
| 2. Establishment | 7. Liability |
| 3. Supervising Authority | 8. Duration |
| 4. Head Office | 9. Effective Date |
| 5. Purpose |

BRIEF DESCRIPTION

This Regulation establishes the National Veterinary Institute.

National Veterinary Institute Establishment Council of Ministers Regulations No. 52/1999

These Regulations are issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 4/1995 and Article 47(1) (a) of the Public Enterprises Proclamation No. 25/1992.

1. **Short Title**

   These Regulations may be cited as the “National Veterinary Institute Establishment Council of Ministers Regulations No. 52/1999.”

2. **Establishment**

   1) The National Veterinary Institute (hereinafter “the Institute”) is hereby established as a public enterprise.

   2) The Institute shall be governed by the Public Enterprises Proclamation No. 25/1992.

3. **Supervising Authority**

   A body to be designated by the Government shall be the supervising authority of the Enterprise.

4. **Head Office**

   The Institute shall have its head office in Debre Zeit and may have branch offices elsewhere as may be necessary.
5. **Purpose**

The purposes for which the Institute is established are:
1) to produce vaccines of international standard for various animal diseases;
2) to formulate and produce different veterinary drugs;
3) to produce biologicals and reagents to be used for production and research on animal diseases;
4) to sell its products in the local and export markets;
5) to engage in other related activities conducive to the attainment of its purposes.

6. **Capital**

The authorized capital of the Institute shall be Birr 45,737,122 (Forty five million seven hundred thirty seven thousand one hundred twenty two Birr) of which Birr 40,189,122 (Forty million one hundred eighty nine thousand one hundred twenty two Birr) is paid up in cash and in kind.

7. **Liability**

The Institute shall not be liable beyond its total assets.

8. **Duration**

The Institute is established for an indefinite duration.

9. **Effective Date**

These Regulations shall enter into force as of the date of their publication in the Federal Negarit Gazeta.

Done at Addis Ababa, this 30th day of July, 1999.

MELES ZENAWI

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.6. MINERAL RESOURCES

3.1.6.1. PROCLAMATION NO. 194/2000

A PROCLAMATION TO PROVIDE FOR THE ESTABLISHMENT OF GEOLOGICAL SURVEY OF ETHIOPIA

CONTENTS

1. Short Title
2. Definition
3. Establishment
4. Head Office
5. Objective of the Survey
6. Powers and Duties of the Survey
7. Organizational Structure of the Survey
8. Appointment of the General Manager
9. Powers and Duties of the General Manager
10. Powers and Duties of the Chief Geologist
11. Source of Budget
12. Keeping Books of Accounts
13. Repeal
14. Power to Issue Regulations
15. Effective Date

BRIEF DESCRIPTION

This Law repeals the Ethiopian Institute of Geological Survey Establishment Proclamation No.230/1982, and establishes the Geological Survey of Ethiopia, accountable to the Ministry of Mines, Petroleum and Natural Gas. The objective of the Survey is to ‘undertake studies and surveys about the earth’s crust and mineral contained in it, and to prospect for, explore, and, as the case may be, estimate and delineate mineral deposits.

Geological Survey of Ethiopia Establishment Proclamation No. 194/2000

WHEREAS, the collection of earth science information on the earth’s surface and its interior is fundamental and decisive for the development of industry, energy and agriculture;

WHEREAS, prospecting for, exploration and study of mineral resources and collection of geological data is essential for the economic development of the country;

WHEREAS, it is essential to collect, deposit and establish ownership on earth science information;

WHEREAS, in order to fulfill the above objectives, it has become necessary to establish the Geological Survey of Ethiopia;

NOW, THEREFORE, in accordance with Article 55 (1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:
1. **Short Title**

This Proclamation may be cited as the “Geological Survey of Ethiopia Establishment Proclamation No. 194/2000”.

2. **Definition**

In this Proclamation:

1) “earth science” means the science which studies the earth, the rocks of which it is composed, the changes that have undergone or are undergoing and other natural phenomena occurring within the earth, utilizing methods and techniques of geology, geophysics and geochemistry and any other method applicable for the study of the earth;

2) “exploration” means to look for minerals as well as collecting earth science information by applying geological, geophysical, geochemical or any other suitable methods;

3) “grade” means the concentration of mineral contained in a given weight or volume of earth’s crust or part thereof;

4) “information” means all geological hydrogeological, geothermal, geophysical, geochemical and drilling data and includes reports, maps, photographs, plans, charts, graphs; sections, logs, as well as mineral, rock and borehole samples and specimens of all kinds;

5) “mineral” means any naturally occurring mineral substance of economic value forming part of or found on or within the earth’s crust;

6) “mineral deposit” means any concentration of prospective mineral or group or minerals naturally accumulated (deposited) within a specific area of the earth’s crust and which has grade and quantity of mineral in excess of its surrounding;

7) “Minister” and “Ministry” means the Minister and the Ministry of Mines and Energy respectively;

8) “remote sensing” means a method applied to collect information from long distance, as from aircraft or from earth satellites for exploration purposes.

3. **Establishment**

1) The Geological Survey of Ethiopia (hereinafter called “the Survey”) is hereby re-established as an autonomous federal government organ having its own juridical personality.

2) The Survey shall be accountable to the Ministry.

4. **Head Office**

The Survey shall have its Head Office in Addis Ababa and may have branch offices as appropriate.
5. **Objective of the Survey**

The objective of the Survey shall be to undertake studies and surveys about the earth’s crust and mineral contained in it, applying earth science techniques and to prospect for, explore, and, as the case may be, estimate and delineate mineral deposits.

6. **Powers and Duties of the Survey**

The Survey shall have the following powers and duties:

1) carry out geological mapping, prepare and publish geological maps;
2) conduct ground and airborne geophysical surveys and remote sensing studies;
3) carry out exploration and conduct studies on earth and water bodies to collect basic information of minerals, oil and natural gas, hydrogeology engineering geology, and when the circumstances so require, estimate and delineate mineral deposits;
4) investigate volcanic activity, earth-quakes, landslides and meteorites and any other related natural phenomena as may be required for the attainment of its objectives and inform, where appropriate, those concerned of its findings;
5) train its personnel, in accordance with the short and long term needs of the Survey;
6) collect and own information related to earth science studies, and may make it available to users, with or without payment, as the case may be, and also publish and distribute journals;
7) require and obtain any information relevant to its activities from any sources;
8) participate in all meetings, conferences and seminars related to earth sciences representing the government;
9) charge fees for any service it renders in accordance with general government directives;
10) own and transfer property, enter into contracts, sue and be sued in its name and carry out other similar activities necessary for the attainment of its objectives.

7. **Organizational Structure of the Survey**

The Survey shall have:

1) a General manager;
2) a Chief Geologist; and
3) the necessary staff.

8. **Appointment of the General Manager**

The General Manager of the Survey shall be appointed by the Government upon the recommendation of the Minister.

9. **Powers and Duties of the General Manager**
1) The General Manager shall be the chief executive of the Survey and shall, subject to the general directives of the Minister, be responsible for the overall operation and management of the Survey.

2) Without limiting the generality provided in Sub-Article (1) herein above, the General manager shall:
   (a) employ, administer, transfer, promote and dismiss personnel in accordance with Civil Service laws; however, the salary scale and per diem rate of personnel of the survey shall be determined by the directives issued by the government;
   (b) prepare and submit to the Minister short, medium, and long term plans of the Survey;
   (c) prepare and submit to the Minister the annual work programme and budget of the Survey;
   (d) effect expenditure in accordance with the approved annual budget and work programme of the Survey;
   (e) prepare and submit to the Minister operational report on the activities of the Survey;
   (f) select the Chief Geologist and department heads of the Survey and recommend them to the Minister for appointment;
   (g) represent the Survey in all its relations with third parties.

3) The General Manager shall exercise the powers and duties of the Survey referred to under Article 6 of this Proclamation.

4) The General Manager may delegate his powers and duties of the Survey referred to under Article 6 of this Proclamation to the Chief Geologist and to his staff to the extent necessary for the effective management of the Survey.

10. **Powers and Duties of the Chief Geologist**

   The Chief Geologist shall:
   1) be responsible for the geoscience studies and related activities of the Survey; and
   2) act on behalf of the General Manager in his absence.

11. **Source of Budget**

   The sources of the budget of the Survey shall be the following:
   1) a subsidy allotted by the Government;
   2) service charges and other fees to be collected by the Survey;
   3) moneys obtained from other sources.
12. Keeping Books of Accounts

1) The Survey shall keep full and accurate books of accounts and other financial documents.

2) The Survey’s books of accounts and other financial documents shall be audited annually by the Auditor General or by the persons designated by him.

13. Repeal

The Ethiopian Institute of Geological Survey Establishment Proclamation No. 230/1982 is hereby repealed.

14. Power to Issue Regulations

The Council of Ministers may issue regulations for the proper implementation of this Proclamation.

15. Effective Date

This Proclamation shall enter into force as of the 7th day of March, 2000.

Done at Addis Ababa, this 7th day of March, 2000.

NEGASO GIDADA (DR.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.6.2. PROCLAMATION NO. 651/2009

A PROCLAMATION TO PROMOTE AND REGULATE TRANSACTIONS OF PRECIOUS MINERALS

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BRIEF DESCRIPTION

The Transaction of Precious Minerals Proclamation applies to the conduct of all transactions of precious minerals within the territory of Ethiopia. It requires a person to be registered in the appropriate government office and be a holder of an appropriate and valid license or Certificate of Competence to carry out the transaction of precious minerals. All licenses or Certificate of Competence are valid for one year from the date of issuance, with the possibility of renewal. The Law also provides for the types of licenses as well as the types of Certificates of Competence, and the details relating thereto.
Transaction of Precious Minerals Proclamation No. 651/2009

WHEREAS, the promotion and regulation of transactions of precious minerals require a separate legal framework;

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

PART ONE
GENERAL

1. Short Title
This Proclamation may be cited as the “Transaction of Precious Minerals Proclamation No. 651/2009”.

2. Definitions
In this Proclamation unless the context requires otherwise:

1/ “precious minerals” means metals such as gold, platinum and silver and precious and semi-precious stones (gem stones) such as diamond, rubies, emeralds, sapphires, opal, and includes other minerals as the Ministry may, by directives, so designate;

2/ “transaction” means any activity related to the purchase, custody, transport, crafting, refining, sale or export of precious minerals or products of precious minerals for commercial purposes;

3/ “crafting” means the processing of precious minerals into finished products by means of smithery or lapidary;

4/ “smithery” means smelting, molding and other similar activities of metallic precious minerals to the end product for the use of customers;

5/ “lapidary” means the cutting, molding, polishing and any other similar activities carried out on precious stones to shape them to be ready for use;

6/ “refining” means the process of taking out of impurities or separation of different associated metals from any metallic precious minerals to increase their carat amount or purity;

7/ “personal use” means the custody, transport, export or import of precious minerals by individuals for non commercial purposes which are in their final shape ready for ornamental purposes which may not exceed:
   a) 100 grams for gold and other precious metals;
   b) 30 grams for precious stones;
   c) 100 grams for semi precious stones.

8/ “license” means any precious minerals transaction license issued pursuant to the provisions of this Proclamation;
9/ “licensing authority” means the appropriate regional organ with respect to the licenses referred to in sub-article (1) of Article 5 of this Proclamation and the Ministry with respect to the licenses referred to in sub-articles (2) and (3) of the same Article;

10/ “Ministry” means the Ministry of Mines and Energy;

11/ “region” means any Regional State referred to in Article 47 of the Constitution of the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire Dawa city administrations;

12/ “Bank” means the National Bank of Ethiopia;

13/ “budget year” means the budget year commencing from July 1st and ending June 30th according to the Ethiopian Calendar;

14/ “person” means any natural or juridical person;

15/ any expression in the masculine gender includes the feminine;

16/ “Certificate of Competence” means a permit issued by the Ministry to approve the capability of an applicant for trade license.

3. **Scope of Application**

1/ This Proclamation shall apply to govern the conduct of all transactions of precious minerals with in the territory of Ethiopia.

2/ Any person who has been issued a licensee in accordance with the appropriate mining laws is not required to have a certificate of competence or license pursuant to this Proclamation in order to sell locally or export abroad the precious minerals it produces.

**PART TWO**

**PRECIOUS MINERALS TRANSACTION LICENSES AND CERTIFICATE OF COMPETENCES**

4. **Requirement of License and Certificate of Competence**

No person shall carry out the transaction of precious minerals unless he is registered in the appropriate government office and is a holder of an appropriate and valid license or Certificate of Competence as appropriate.

5. **Types of Licenses**

The following licenses may be issued pursuant to this Proclamation:

1/ precious minerals brokerage license;

2/ precious minerals crafting license;

3/ precious minerals refining license.

6. **Types of Certificate of Competence**

The following Certificate of Competence may be issued pursuant to this Proclamation:
1/ Precious Mineral Trade Certificate of competence,
2/ Precious Mineral Export Certificate of Competence.

7. **Precious Minerals Brokerage License**
   A precious minerals brokerage license grants to the holder of the license the right to purchase, hold for sale purposes, transport and forthwith sale precious minerals locally.

8. **Precious Minerals Crafting License**
   A precious minerals crafting license grants to the holder of the license the right to purchase, hold and transport precious minerals in an amount to be specified by directives of the Bank, carry out smothyry or lapidary and sale its product locally or abroad pursuant to the directives of the Bank. The holder of such License may engage in purchase or maintenance of used or broken or damaged jewelleries and report periodically every month about its activities.

9. **Precious Minerals Refining License**
   A precious minerals refining license grants the license holder the right to engage in refining precious metallic minerals produced locally or imported.

10. **Precious Mineral Trade Certificate of Competence**
    A holder of the Precious Mineral Trade Certificate of Competence upon acquiring the proper trade license from the appropriate government body grants to the holder of the License the right to purchase in bulk and retail sale of finished precious minerals locally.

11. **Precious Mineral Export Certificate of Competence**
    A Precious Mineral Export Certificate of Competence upon acquiring the Trade License from the appropriate government body grants to the holder of the Certificate the right to purchase, custody, and Export the following precious minerals pursuant to the directives of the Bank:
        a) gold and silver which are in their final shape,
        b) other precious minerals other than gold and silver in raw, semi processed or in their final shape.

12. **Eligibility for License and Certificate of Competence**
    1/ Any person who qualifies to carry out trade in accordance with the Commercial Code of Ethiopia or a cooperative society established in accordance with the appropriate law and satisfies the requirements of license or Certificate of Competence set out in this Proclamation and regulations and directives issued for the implementation of this Proclamation may acquire any license referred to in Article 5 of this Proclamation or a Certificate of Competence referred to in Article 6 of this Proclamation.
    2/ Notwithstanding the provisions of sub-article (1) of this Article:
the licenses referred to in sub-article (1) of Article 5 and the Certificate of competence referred in sub-article (1) of Article 6 of this Proclamation may not be issued to foreign investors;

b) no person whose license has been revoked pursuant to this Proclamation may hold another license for two years following such revocation;

c) any person who has been granted with Certificate of competence in accordance with Article 6 of this Proclamation may acquire a License from the appropriate government body upon fulfillment of the requirement set for such License.

13. **Application for License**

An application for license shall be made in writing and contain the following.

1/ Where the application is for Precious Mineral Brokerage License:

   a) name, address, and nationality of the applicant,

   b) the type of precious minerals he/she wish to engage,

   c) demonstrate his technical capacity or experience in the area of precious mineral identification,

   d) the location of the areas where he/she would be collecting the precious minerals,

   e) business plan to be performed during the license period.

2/ Where the application is for Crafting License:

   a) items specified under (a) and (b) of sub-article (1) of this Article,

   b) financial and technical preparation as regards the production of jewelers products,

   c) business plan including waste management.

3/ Where the application is for Precious Minerals Refining:

   a) items specified under (a) and (b) of sub-article (1) of this Article,

   b) financial and technical preparation to build a refining facility,

   c) business plan including waste management.

14. **Application for Certificate of Competence**

An application for Certificate of Competence shall be in writing and contain the following.

1/ Where the application is for Precious Mineral Trade Certificate of Competence:

   a) items specified under (a) and (b) of sub-article (1) of Article 13 of this Proclamation,

   b) demonstrates his or his employees technical capacity or experience in the area of precious minerals property identification,
c) shown to have the proper testing machine or mechanism to prove to consumers or customers the quality of the precious minerals he wish to trade,

d) proper business location with the required preparation to trade precious minerals,

e) business plan.

2/ Where the application is for Precious Minerals Export Certificate of Competence:

a) items specified under (a) and (b) of sub-article (1) of Article 13 of this Proclamation,

b) demonstrates his or his employees technical capacity or experience in the area of precious minerals property identification,

c) legal source of the precious minerals he wish to export,

d) if he is engaged in the crafting of precious minerals, shall present his appropriate license number,

e) if known to him at the time of application, his potential markets or any contractual commitment entered,

f) business plan.

15. **Issuance of License and Certificate of Competence**

The licensing authority as appropriate may issue a license or a certificate of competence after ascertaining that the applicant has fulfilled the requirements of the license or the Certificate of Competence and upon payment of the prescribed license fee.

16. **Validity Period of License and Certificate of Competence**

All licenses or Certificate of Competence shall be valid for one year from the date of issuance.

17. **Renewal of License and Certificate of Competence**

1/ All licenses or a Certificate of Competence may be renewed every year for similar periods if the licensee or the holder of the Certificate of Competence as appropriate meets all requirements in connection with the application for renewal and is not in breach of any provision of this Proclamation or regulations or directives issued for the implementation of this Proclamation which constitutes grounds for the revocation and upon the payment of the prescribed fee.

2/ All License or Certificate of Competence shall be renewed at the end of every license period.

3/ Any licensee or holder a Certificate of Competence who wishes to renew his license shall produce tax clearance certificate for the then budget year.

18. **Obligation of Licensees**

1/ Any licensee shall:
a) maintain books and records regarding precious minerals purchased, deposited, processed, sold or exported;
b) report all transactions carried out to the licensing authority within 30 days from the end of each budget year;
c) comply with all operational, safety and health standards set forth by the Ministry or other appropriate government authorities;
d) may not hoard precious minerals more than permitted by directive,

2) The holder of a precious minerals brokerage license:
   a) shall in every budget year, supply gold and silver to the Bank in an amount determined by agreement,
   b) without prejudice to the provisions of paragraph (a) of this sub-article, sell other precious minerals locally to appropriate legally licensed persons,
   c) may not process or carry out smithery or lapidary or export of precious minerals,
   d) shall prove the legal source and area of production of the precious mineral he carries on brokerage.

3) The holder of a precious minerals crafting license may:
   a) not buy raw gold and silver from any source other than the Bank;
   b) not transfer the gold and silver it buys from the Bank to any other person in its raw form;
   c) where the crafting is precious minerals other than gold and silver make sure that the source of the raw precious mineral is legal;
   d) put an identifiable mark of its own on each precious mineral product it produces;
   e) make sure that all customers identify the mark, know or understand the quality and quantity of the product it produces before buying and provide written proof to that effect;
   f) may not engage in the refining of precious minerals;
   g. where it has gold and silver above the amount permitted by directive, it shall have to sell to the Bank.

4) The holder of a Precious Minerals Refining License may not engage in:
   a) carry on smithery of precious minerals;
   b) bulk or retail sale of precious minerals;
   c) communicating wrong information.

19. **Obligation of the Holder of Certificate of Competence**

1/ Any holder of Certificate of Competence may not hoard precious minerals.
2/ The holder of Precious Mineral Trade Certificate of Competence shall:
   a) upon receipt of products for retail make sure that all product it receives has got the proper mark of the Precious Mineral Craft Licensee,
   b) not alter or otherwise blend with other types of mineral the precious mineral brought for retail sale from the Precious Mineral Craft License holder,
   c) make sure that the customer able to understand the quality and quantity of product it sales and provide proof to that effect,
   d) not carry out brokerage, smithery or lapidary.

3) The holder of Precious Mineral Export Certificate of Competence:
   a) when the export is raw precious mineral, shall have to demonstrate the legal source of the raw precious mineral;
   b) when the export is finished or semi finished precious mineral apart from demonstrating the legal source, shall be required to show the name and license number of the licensee who/which processed the minerals;
   c) shall present the laboratory approval on the quality and quantity of the precious mineral to be exported;
   d) shall respect all the Bank laws, regulations and directives upon export of the precious minerals;
   e) may not carry out smithery or lapidary;
   f) where his exports are gold and silver, it shall be processed and in the final shape.

20. Transfer of License

   1/ The business of refining, crafting, license may be transferred or inherited with the prior notification of the licensing authority.
   2/ The business of precious minerals brokerage license may not be transferred or inherited.
   3/ The appropriate trade registration and license law shall be applicable to the transfer of Precious Minerals Trade and Export licenses.

21. Revocation of License and Certificate of Competence

   1) A license issued pursuant to this Proclamation may be revoked where the holder of the license:
      a) obtained the license or the Certificate of Competence on the basis of providing false information;
      b) fails to renew the license or the Certificate of Competence within the prescribed time limit;
c) fails to maintain books and records as required by this Proclamation and regulations and directives issued for the implementation of this Proclamation as well as by other relevant trade and tax laws;

d) engage in activities not specified in the license;

e) contravenes the provisions of this Proclamation or regulations or directives issued for the implementation of this Proclamation or the terms of the license.

2) The conditions of revocations of licenses provided above under this Article mutatis mutandis apply to the revocation of Certificate of Competence.

22. **Holding and Presentation of License and Certificate of Competence**

1) Any person issued with a license or a Certificate of Competence pursuant to this Proclamation shall have the obligation to hold his license or the Certificate of Competence at all times while performing his business.

2) An inspector assigned by the licensing authority or the Ethiopian Revenues and Customs Authority shall have the right to request any licensee at any time to present his license.

23. **Fees**

Fees payable for the issuance and renewal of licenses or Certificate of Competence pursuant to this Proclamation shall be determined in accordance with the regulation to be issued by the Council of Ministers.

**PART THREE**

**MISCELLANEOUS PROVISIONS**

24. **Temporary Export of Samples of Precious Minerals**

1) A holder of a Precious Minerals Crafting License shall have the right to temporarily export samples of gold and silver for the purpose of promotion or semi process or process them to their final shape in accordance with directives of the Bank.

2) The holder of Export Certificate of Competence may temporarily export gold and silver for promotional purposes in accordance with directives of the bank.

3) Notwithstanding the provisions of sub-article (1) and (2) of this Article, the temporary export of other precious minerals for promotion purposes by a holder of a Precious Mineral Export Certificate of Competence or by Precious Minerals Crafting License holder for processing, semi processing or promotion shall be in accordance with the following procedure:

   a) the applicant shall produce a bank guarantee equivalent to twice the amount of their current world market price where they are quoted in the international market or in the absence of such price in an amount to be specified by the Bank;
b) the Ministry shall certify the type, quality and quantity of samples of precious minerals before export and upon their return in accordance with sub-article (2) of this Article;

c) where a licensee fails to return samples of precious minerals exported within 90 days from the date of their export, the bank guarantee provided pursuant to sub-article (1) of this Article shall be forfeited to the Ministry;

d) where upon certification by the Ministry, samples of precious minerals are found to be not identical with the exported samples, the provisions of paragraph (c) of this sub-article shall apply.

25. **Powers and Duties of the Licensing Authority**

1/ The licensing authority shall, in accordance with this Proclamation and the regulation and directives to be issued for the implementation of this Proclamation, as might be appropriate, issue or cancel licenses or certificate of competences and ensure their proper implementation.

2) The Ministry shall:

   a) set and enforce standards in which smithery, lapidary and refining activities are carried out;

   b) conduct laboratory test and inspection on import and export of precious minerals.

3/ The Ministry may delegate any of its powers and duties under this Proclamation to the appropriate federal and regional organs.

26. **Responsibility of the Bank**

The terms and conditions the holder of the precious Mineral Crafting License buys gold and silver shall be as provided in the Bank establishment Proclamation No. 591/2008 and the transaction of gold directives issued in accordance with Proclamation No. 591/2008.

27. **Prohibition**

The following acts are prohibited:

1/ any person conducting transaction of precious minerals without having the appropriate License or Certificate of Competence in accordance with this Proclamation;

2/ any holder of a License or Certificate of Competence undertaking activities not envisaged in the license or Certificate of Competence;

3/ any brokerage licensee selling gold and silver to another person other than the Bank or sales a wrong quality gold and silver to the Bank or in any form mislead the Bank in the sale of precious minerals;

4/ any holder of the Precious Mineral Trade Certificate of Competence selling of precious mineral, not produced in the appropriate craft license holder, blending of craft product with other alloys with a view of compromising the quality or quantity of the product, selling to customers in a way they could not understand or know
they are buying in terms of quality and quantity and not providing written proof of the description;

5) any holders of Crafting License buying raw gold and silver other than from the Bank or transferring the same in raw form to any other person;

6) hoarding of precious minerals by any Licensee or holder of Certificate of Competence more than the amount to be determined by directive;

7) a holder of an Export Certificate of Competence or precious minerals Craft License not returning precious minerals he/she temporarily exported for promotion purpose in violation of the provisions of this Proclamations;

8) any holder of a Precious Mineral Crafting License producing or selling of craft products without having the proper producer mark on it or transferring products without letting customers to clearly understand the quality and quantity of the product and not providing a written proof of the description;

9) any holder of the Export Certificate of Competence exporting precious minerals without having the laboratory result and meeting the proper export standard;

10) undertaking the crafting activity or business without having due technical preparation as required in the nature of the business and according to the appropriate provisions of this Proclamation;

11) violating the various safety and environmental protection operating standards set by the Ministry or other appropriate government bodies;

12) any holder of the Precious Minerals Refining License communicating wrong results of refining or conducting the refining below the required standard.

28. **Penalty**

1) Any person who engages in the transaction of precious mineral without having the proper License or Competence of Certificate his precious minerals and any associated equipment or machine shall be confiscated and unless punishable with greater penalty as per any other relevant law shall be punishable with a fine of 10,000 Birr and an imprisonment of five years.

2) a) Any holder of a License or a Certificate of Competence who engages in a business or activity not envisaged in his License or Certificate of Competence;

b) Violating the various safety and environmental protection operating standards set by the Ministry or other appropriate government bodies;

c) A holder of an Export Certificate of Competence or precious minerals Craft License not returning precious minerals he/she temporarily exported for promotion purpose in violation of the provisions of this Proclamation;

d) A holder of Precious Minerals Craft License not reporting, in accordance with this Proclamation, to the Bank the amount of gold and silver purchased from persons;

e) Any holder of a License or a Certificate of Competence who hoards precious minerals above the amount provided in directive;
unless punishable with greater penalty as per any other relevant law shall be punishable with a fine of 30,000 birr and an imprisonment of seven years.

3) a) Any holder of brokerage licensee selling gold and silver to another person other than the Bank or sales a wrong quality gold and silver to the Bank or in any form mislead the Bank in the sale of precious minerals;

b) Any holder of Crafting License buying gold and silver other than from the Bank or transferring the same in raw form to any other person;

unless punishable with greater penalty as per other appropriate laws his property shall be confiscated and his business shall be closed and he shall be punishable with a fine of 100,000 Birr and an imprisonment of fifteen years.

4) a) Any holder of the Precious Mineral Trade Certificate of competence selling of precious mineral, not produced in the appropriate craft license holder, blending of craft product with other alloys with a view of compromising the quality or quantity of the product, selling to customers in a way they could not understand or know they are buying and not providing written proof of the description;

b) Any holder of a Craft License producing or selling of craft products without having the proper producer mark on it or transferring products without letting customers to clearly understand the quality and quantity of the product and not providing a written proof of the description;

c) Any holder of an Export Certificate of Competence exporting precious minerals without having the laboratory result and meeting the proper export standard;

d) Undertaking the crafting activity without having due technical preparation as required in the nature of the business and according to the appropriate provisions of this Proclamation;

e) Any holder of the Precious Minerals Refining License communicating wrong results of refining or conducting the refining below the required standard;

unless punishable with greater penalty as per other appropriate laws shall be punishable with a fine of 40,000 Birr and an imprisonment not more than ten years.

29. **Transitory Provisions**

Any existing business related to the transaction of precious minerals before the entry in to force of this Proclamation shall continue to operate; provided however, that it shall be required to obtain, upon fulfilling the requirements, the appropriate license or Certificate of Competence from the licensing authority within six months from the effective date of this Proclamation.

30. **Inapplicable Laws**

No law, regulation, directive or established practice shall, in so far as it is inconsistent with the provisions of this Proclamation, have effect with respect to matters provided by this Proclamation.
31. Power to issue Regulation and Directive
   1/ The Council of Ministers may issue regulations necessary for the implementation of this Proclamation.
   2) The Ministry may issue directives necessary for the implementation of this Proclamation and regulations issued pursuant to sub-article (1) of this Article.

32. Effective Date
   This Proclamation shall enter into force up on the date of publication in the Federal Negarit Gazeta.

   Done at Addis Ababa, this 9th day of September, 2009
   GIRMA WOLDEGIORGIS
   PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.6.3. **PROCLAMATION NO. 678/2010**

A PROCLAMATION TO PROMOTE SUSTAINABLE DEVELOPMENT OF MINERAL RESOURCES

16th Year No. 45
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| Part Eight  | Royalty, Income Tax and Other Financial Regime |
BRIEF DESCRIPTION
The Mining Operations Proclamation repeals the Mining Proclamation No. 52/1993, as amended, and maintains the Mining Operations Regulation No. 182/1994 until replaced by new regulations and as far as its provisions are consistent with this Proclamation. It applies to, and governs the conduct of, all mining operations and related activities within the territory of Ethiopia, with the protection and promotion of sustainable development of mineral resources as its main purposes. It gives effect to the provisions of Article 40(3) of the FDRE Constitution, as it confers the ownership of natural resources with the State and the Peoples of Ethiopia. The Proclamation envisages six types of licenses and two types of certificates that can be issued thereunder. Hence, there is a strict requirement of a license to undertake mining operations and to hold, transport or sell any minerals in their natural state.

Mining Operations Proclamation No. 678/2010
(As amended by by Proclamation No. 816/2013)

WHEREAS the Constitution of the Federal Democratic Republic of Ethiopia provides that the right to ownership of all natural resources of Ethiopia is exclusively vested in the Government and in the peoples of Ethiopia and that the Government is the custodian thereof;

WHEREAS minerals are non-renewable natural resources and that the Government shall ensure the conservation and development of these resources to the socio-economic progress of all Ethiopians;
WHEREAS it is the obligation of the Government to protect the environment for the benefit of present and future generations and to ensure ecologically sustainable development of minerals;

WHEREAS to achieve these ends it is essential to promulgate a new law on mining operations;

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

**PART ONE**

**GENERAL**

1. **Short Title**
   
   This Proclamation may be cited as the “Mining Operations Proclamation No. 678/2010”.

2. **Definitions**
   
   In this Proclamation, unless the context otherwise requires:

   1/ “arms length transaction” means the value of any mineral resource at a commercial price that would have been agreed to by unconnected persons for such a resource if those persons were freely negotiating on the open market under similar circumstances taking into account solely the characteristics of quality and quantity of the mineral resource transferred;

   2/ “artisanal mining” means a mining operation carried out by individuals or small and micro enterprises which is mostly of manual nature and does not involve the engagement of employed workers;

   3/ “construction mineral” means any mineral directly or indirectly used as input for construction purposes such as marble, granite, limestone, basalt, sand, aggregate, ignimbrite and clay and includes any other non-metallic mineral designated as such by directives of the Ministry;

   4/ “consumables” means anything needed for mining operations that are expendable and replaced during service including chemicals and those the Ministry may, by directives, designate as consumables;

   5/ “day” means a calendar day and when any particular number of days are prescribed for the doing of any thing in this Proclamation, regulations or directives, those days shall be determined by excluding the first and including the last day, unless the last day falls on a Saturday, a Sunday or any public holiday;

   6/ “directives” means directives issued pursuant to this Proclamation;

   7/ “domestic investor” means an Ethiopian or a foreign national permanently residing in Ethiopia having made an investment, and includes the government, public enterprises as well as a foreign national of Ethiopian origin and desiring to be considered as a domestic investor;
“exploration” means searching for any mineral by means of photographs, images, geological, geochemical, geophysical and drilling methods which disturbs the surface or subsurface of the earth, including any portion of the earth that is under water, or in or on any residue stockpile or residue deposit, in order to establish the existence of any mineral and to determine the extent and economic value;

“foreign investor” means a foreign national or an enterprise owned by foreign nationals, having invested foreign capital in Ethiopia, and includes an Ethiopian permanently residing abroad preferring treatment as a foreign investor;

“government” means the Government of the Federal Democratic Republic of Ethiopia and includes states where appropriate;

“industrial mineral” means any mineral directly or indirectly used as industrial input such as kaolin, bentonite, quartz, coal, limestone, gypsum, pumice, clay and graphite and includes any other mineral the Ministry may, by directives, designate as such, excluding metallic and precious and semi-precious minerals;

“large scale mining” means any mining operation of which the annual run-of-mine ore exceeds the limit stated in sub-article (35) of this Article with the exception of precious and semi-precious stones;

“license” means a reconnaissance license, an exploration license, a retention license or a mining license issued pursuant to this Proclamation;

“license area” means any area which is the subject of a license;

“licensee” means the holder of a reconnaissance license, an exploration license, a retention license or a mining license or any successor thereof;

“licensing authority” means the Ministry of Mines and Energy or a state organ in charge of the mining sector as appropriate;

“metallic mineral” means any mineral such as iron, copper, zinc, lead, chromites, nickel, tantalum and manganese and includes any other mineral the Ministry may, by directives, designate as such excluding precious and semi-precious minerals;

“mining” means any operation or activity directed at extracting minerals from a mineral deposit on or in the earth and water, any residue deposit or residue stockpile by any method, and any operation incidental thereto, such as storage, treatment, processing (excluding smelting and refining), transportation and disposal;

“mineral” means any mineral substance of economic value, whether in solid, liquid or gaseous form, occurring naturally on or within the earth or in or under water and which was formed by or subjected to a geological process, and includes any mineral occurring in residue stockpiles or in residue deposits, but excludes:

a) water other than geothermal water that may be used for bathing, recreational and therapeutic purpose or water used for the extraction of any mineral such as brine;

b) natural gas and petroleum as defined in the relevant petroleum law;

c) top soil and oil shale;
20/ “mining license” means large scale, small scale, special small scale or artisanal mining license issued pursuant to this Proclamation;

21/ “mining operation” means any activity associated with or connected to reconnaissance, exploration, retention or mining;

22/ “mineral right” means any right associated with reconnaissance license, exploration license, retention license or mining license;

23/ “Ministry” means the Ministry of Mines and Energy or any successor thereof;

24/ “precious mineral” means precious metallic mineral such as platinum, gold and silver or precious stone such as diamond, ruby, emerald and sapphire and includes any other mineral the Ministry may, by directives, designate as such;

25/ “person” means any natural or juridical person;

26/ “processing” means winning, extracting, concentrating, calcining, classifying, crushing, screening, washing, reduction, or gasification of a mineral;

27/ “reconnaissance” means any operations carried on in a general search for any mineral;

28/ “register” means the register of mining rights or the electronic mining cadastre provided for in this Proclamation;

29/ “regulation” means regulation issued pursuant to this Proclamation;

30/ “residue deposit” means any residue stockpile remaining at the termination, revocation or expiry of any mining license;

31/ “residue stockpile” means any debris, discard, tailings, slimes, screening, slurry, waste rock, foundry sand, beneficiation plant waste, ash or any other product derived from or incidental to a mining operation and which is stockpiled, stored or accumulated for potential re-use, or which is disposed of, by the holder of a mining license;

32/ “Royalty” means the payment to the government and the peoples’ who are the sole owners of the mineral resources to be made by the licensee for producing minerals from the production site of minerals and the percentage rate of such payment is to be assessed from time to time excluding the price of production and risk expenditures;

33/ “sales price” means the commercial price of minerals at the point of export from Ethiopia (FOB) or, in the case of consumption within Ethiopia, at the point of delivery within Ethiopia, less:
   a) the cost of transportation, including insurance and handling charges, from the mining area to the point of export or delivery; and
   b) the cost of smelting and refining or other processing costs unless such other processing costs relate to processing normally carried out in Ethiopia in the mining area;
“semi-precious mineral” means gem stones that are used for jewellery such as opal, rhodolite, olivine, jadite and lazurite and includes any other mineral the Ministry may, by directives, designate as such, excluding precious minerals;

“small scale mining” means any mining operation of which the annual run-off mine ore does not exceed:

a) regarding gold, platinum, silver and other precious and semiprecious minerals:
   (1) 100,000m³ for placer operation;
   (2) 75,000 tons for primary deposit mining;

b) regarding metallic minerals such as iron, lead, copper and nickel:
   (1) 150,000 tons for open pit mining;
   (2) 75,000 tons for under ground mining operation;

c) 120,000 tones for industrial minerals such as kaolin, bentonite, diatomite, dolomite, quartz and coal;

d) regarding construction minerals:
   (1) 80,000 m³ for sand, gravel, pumice, ignimbrite, clay and the like;
   (2) 10,000m³ for dimension stones such as marble and granite;

e) regarding geothermal deposit:
   (1) 2,000,000m³ for bathing, recreational and medicinal purpose;
   (2) 25 mega watt or geothermal steam capable of generating equivalent power for industrial and other purposes;

f) 14,000 tons for salts extracted from brines;

“state” means any state specified under Article 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia, and includes the Addis Ababa and Dire Dawa city administrations;

“strategic mineral” means any mineral the Ministry may, by directives, designate as such;

“transfer” means a sale, encumbrance, inheritance, assignment or any other transfer;

“work program” means the program of work for exploration or mining, as the case may be, that shows details of the work, the time schedule, the required budget, the organizational structure and its manning;

any expression in the masculine gender includes the feminine.

“effective date of a license” means the date where the applicant for a mining license and the Licensing Authority sign a mining agreement or, where it relates to other mining operation license, the date the Licensing Authority sign the authorization letter;

“extractive industry transparency initiative” means a coalition of government, mining companies and civil societies established to disclose to the public the revenue government received from mining license holders, and the amount of all payments made by the mining license holders to the government;
“mining development period” means the period between the Licensing Authority and the mining license holder sign a mining agreement and the commencement of the mining, during which the construction and development works required to open the mine, extract, crush, concentrate and produce the mineral and other construction works that provide support to the mining are executed depending on the nature and characteristics of the mineral;

“special small scale mining” means mining operation of gemstones or placer resources of gold, silver, platinum or tantalum of which the annual run-of-mine does not exceed the limit stated in paragraph (a) of sub-article (35) of this Article, which is carried out by individuals or small and micro-enterprises who were the holders of artisanal mining license and have sufficient financial capacity to employ modern machineries and equipment in such operation.

3. **Scope of Application**

This Proclamation shall apply to and govern the conduct of all mining operations and related activities within the territory of the Federal Democratic Republic of Ethiopia.

**PART TWO**

**FUNDAMENTAL PRINCIPLES AND GENERAL PROVISIONS**

4. **Objectives**

The objectives of this Proclamation are to:

1/ give effect to the principle of the custodianship of the country’s mineral resources by the Government;

2/ promote socio-economic growth of the country;

3/ promote employment and advance the social and economic welfare of all Ethiopians;

4/ provide for security of tenure for all investors in respect of exploration and mining operations; and

5/ ensure that the country’s mineral resources are developed in an orderly and sustainable manner.

5. **Custodianship of Mineral Resources**

1/ Mineral resources existing in their natural condition on, in, and under the territory of Ethiopia are the property of the Government and all the peoples of Ethiopia.

2/ The Government shall have the duty to hold mineral resources, on behalf of the peoples, and deploy them for the benefit and development of all Ethiopians.

3/ The Government, acting through the Licensing Authority, shall control and administer mineral resources and grant, refuse and manage licenses.

6. **Reservation of Land**

1/ Subject to sub-articles (2) and (3) of this Article, any land in Ethiopia shall be available for mining operations.
2/ Where the Ministry considers it that it is in the best interests of the country, it may, by legal notice, reserve any land from mining operations.

3/ No person shall be granted an exploration license, a retention license or a mining license over an area:

a) reserved for cemeteries and religious sites;
b) containing archaeological remains or national monuments;
c) reserved for physical infrastructure;
d) within areas reserved for natural habitats or national parks;
e) within 500 metres from the boundary of a village, city or water reservoir or dam without the consent of the competent body; or
f) reserved by any other law of the country.

4/ A legal notice issued pursuant to sub-article (2) of this Article, may not affect land which, on the date of the notice is subject to a mineral right.

5/ The Government may, where it is in the national interest of the country, authorize the opening of any reserved area under sub-articles (2) or (3) of this Article for mining operations upon providing appropriate compensatory arrangements.

7. **Requirement of License**

1/ No person may undertake mining operations without having obtained the relevant license under this Proclamation.

2/ No person may hold, transport or sell any minerals in their natural state without having a valid license.

3/ A legitimate occupant of land may produce and use for non commercial purpose, free of charge and without permission of the Licensing Authority, construction minerals from the area he occupies, provided that the area is not excluded or reserved pursuant to the provisions of this Proclamation and provided further that he does not disturb or damage the adjacent occupant’s land or property.

4/ Any person may produce and use for non commercial purpose, without charge and with the permission of the Licensing Authority, construction minerals for the construction and maintenance of roads, dams, airports, schools, hospitals and other public works.

5/ Any Ethiopian may conduct reconnaissance without having license provided that he does not interfere with the rights of a licensee or any other person.

8. **Government Mining Operations**

The Government may undertake mining operations that are vital for the overall economic growth either by itself or in partnership with private investors.

9. **Types of Licenses**

The following licenses may be issued under this Proclamation:

1/ a reconnaissance licence;
2/ an exploration licence;
3/ a retention licence;
4/ artisanal mining license;
5/ special small scale mining license;
6/ small scale mining licence; and
7/ large scale mining licence.

10. **Types of Certificates**

The following certificates may be issued under this Proclamation:

1/ a certificate of discovery;
2/ a certificate of professional competence.

11. **Eligibility for License**

1/ A license may be granted to any person who satisfies the requirements of the relevant license set out in this Proclamation, regulations and directives provided that the applicant is qualified to carry on trade under the provisions of the relevant law and possess or has a confirmed access to financial resources and technical competence.

2/ No person is required to possess financial resources, technical and professional competence in order to acquire artisanal mining operation.

3/ No License may be granted or held by:
   a) A person who is un-rehabilitated insolvent, or is under a scheme of arrangement with creditors;
   b) a business organization which is in liquidation, other than a liquidation which forms a part of a scheme for the reconstruction of the business organization or for its amalgamation with another business organization;
   c) a non-citizen of Ethiopia or a group of persons who are not registered as a small and micro-enterprise in accordance with the relevant law where it is for artisanal or special small scale mining.

4/ A licensee whose license is revoked due to fraudulent misrepresentation or the presentation of a false statement may not be granted another license for five years starting from the date of revocation of the previous license.

12. **Applications for License**

1/ An application to be submitted to the Licensing Authority for the issuance, renewal or transfer of license in accordance with the relevant provisions of this Proclamation shall be in the form prescribed and:
   a) be accompanied by the documentation required by this Proclamation, regulation and directive and with the payment of the prescribed application fee; and
b) in the case where the applicant is a business organization, be accompanied with a documentary proof that it is registered as a business organization in accordance with the relevant law and with other relevant legal documents.

2/ Where the Licensing Authority is satisfied with the application, it shall forthwith register the same and give receipt to the applicant.

13. Order of Processing of Applications

1/ Unless the Licensing Authority determines otherwise on the basis of the economic benefit of the minerals or other appropriate investment objectives:

a) an application submitted for a large scale mining license shall take precedence over applications for small scale and artisanal mining licenses, and an application for small scale mining license shall take precedence over an application for artisanal mining license;

b) if the Licensing Authority receives more than one applications for licenses of the same status covering the same mineral and area, the applications shall be dealt with in the order of receipt;

c) where two or more applicants lodge applications for licenses of the same status at the same time covering the same mineral and area, the Licensing Authority shall constitute a technical team to evaluate the applications and the priority shall be determined on the basis of the evaluation of the technical work plan, the financial proposal, and the technical competency of the applicants;

2/ If two or more applicants submit applications to the Ministry and the licensing authority of a state for licenses covering the same area, the Ministry and the concerned state licensing authority shall appoint a joint technical team to evaluate the applications and the priority shall be determined on the basis of the evaluation of the technical work plan, the financial proposal, and the technical competency of the applicants.

3/ A woman applicant, if any, shall have priority provided that the results of the evaluation conducted pursuant to sub-article (1) or (2) of this Article are equal.

4/ Notwithstanding with the provisions of sub-articles (1), (2) and (3) of this Article, the Licensing Authority may, where it deems appropriate, disregard the applications and opt for bidding for the area in question.

14. Notification of Interested Parties

1/ The Licensing Authority shall, after registering the application, publicise it to third parties through widely accessible mass media.

2/ If any person objects to the granting of the license within seven days from the date of publicity under sub-article (1) of this Article, the Licensing Authority shall initiate negotiations between the concerned parties to resolve the objection.

3/ If the parties fail to resolve the objection, the Licensing Authority shall hear the presentations of both parties and decide on the upholding or rejection of the objection within 15 working days.
15. **Registry of Licenses and Leases**

1/ The Licensing Authority shall establish and maintain a Registry of Licenses and Leases.

2/ The Registry shall contain details of all registered applications for licenses and all details of their granting or refusal, and any other particulars as may be required by the relevant provisions of this Proclamation, regulation and directive.

3/ Every license, lease and instrument under which mining right is transferred, assigned, surrendered, suspended, revoked, encumbered, inherited or otherwise treated shall be registered in the Registry. Each instrument relating to such rights must be presented for registration within 90 days after the date thereof or it shall otherwise be null and void.

4/ The Registry shall be open to the public for inspection.

5/ A copy of every instrument required to be filed with the Licensing Authority for registration, together with the map or other plan necessary for identification of the area concerned, shall be filed with the register of immovable property of the Government pursuant to the applicable laws.

**PART THREE**

**LICENSES**

16. **Granting Reconnaissance License**

The Licensing Authority shall grant a non-exclusive reconnaissance license where the work program does not involve any geological work that would result in the disturbance of the surface of the earth.

17. **Duration of Reconnaissance License**

1/ A reconnaissance license shall be valid for the period specified in the license; provided however, that such period shall not exceed 18 months.

2/ A reconnaissance license shall not be renewable.

18. **Granting Exploration License**

1/ The Licensing Authority shall grant an exclusive exploration license where:

   a) the applicant has demonstrated that it has acquired or has access to the financial resources and the technical ability to conduct the proposed exploration operation in accordance with the work programme;

   b) the estimated exploration expenditure is in accordance with the prescribed minimum exploration expenditure and the exploration work program;

   c) the environmental impact plan is approved; and

   d) the applicant is not in breach of any obligation of his reconnaissance license, if any.

2/ Where the Licensing Authority refuses to grant an exploration license, it shall notify, in writing, the applicant of the decision and the reasons thereof.
19. **Duration of Exploration License and Renewal**

1/ An exploration license shall be valid for an initial period specified in the license; provided however, that such period shall not exceed three years.

2/ An exploration license may be renewed twice for a period not exceeding one year each. The Licensing Authority may further allow extension of renewal to be made on each year where the licensee proves the necessity to undertake exploration activity beyond the initial work programme. Provided however, that such period shall not exceed five years.

3/ The licensee shall have the right to renew the license provided that he has fulfilled the obligations specified in the license, meets all the requirements in connection with the application for the renewal and is not in breach of any provision of this Proclamation, regulations or directives which constitute grounds for suspension or revocation of the license.

20. **Rights and Obligations of the Holder of an Exploration License**

1/ Without prejudice to the appropriate provisions of this proclamation, the holder of an exploration license shall have the rights to:

   a) apply for and be granted a retention license;
   b) apply for and be granted a mining license;
   c) remove and transport minerals or bulk samples found during the course of exploration in such quantities as may be required to conduct tests or other analysis with the prior written permission of the Licensing Authority; provided however that, such minerals shall remain the property of government and the licensee may not sell them without the prior written approval of the Licensing Authority.

2/ Without prejudice to the appropriate provisions of this proclamation, the holder of an exploration license shall have the obligations to:

   a) commence with exploration activities within 60 days from the date on which the exploration license becomes effective;
   b) comply with the terms and conditions of the license;
   c) keep duplicates of samples removed and transported for tests or any other analysis.

21. **Variation of Work Program**

1/ The holder of an exploration license may at any time apply to vary the approved work program.

2/ Any application for variation shall:

   a) demonstrate the events that prevent the licensee from carrying out the approved work program; and
   b) be accompanied with the intended amendments of the work program.

3/ The Licensing Authority shall, after examining the application for variation:
a) approve the variation if it finds it acceptable; or
b) if it rejects the application, it shall notify, in writing, the applicant the reasons for refusal.

22. **Relinquishment of Portion of License Area**

1/ In applying for each renewal of an exploration license, the licensee shall indicate the portion of the license area, to be relinquished which shall not be less than one fourth of the license area.

2/ The form, orientation and other details regarding relinquishment shall be specified by directive.

3/ Notwithstanding sub-article (1) and (2) of this Article, the Licensing Authority may allow renewal of an exploration license without relinquishment of a portion of the license area:

   a) where the licensee applies for and able to prove a discovery of mineral deposits and the need to undertake pre-feasibility or feasibility study to apply for mining license; or

   b) where the licensee is unable to undertake the exploration activity in accordance with the approved work program due to reasons beyond his control as defined by regulation; provided, however, that the licensee shall notify in writing the occurrence of such circumstances and get the acceptance of the Licensing Authority.

4/ The renewal of an exploration license may not be allowed:

   a) more than twice, in the case of paragraph (a) of sub-article (3) of this Article; or

   b) more than once, in the case of paragraph (b) of sub-article (3) of this Article.

23. **Granting Retention License**

1/ The Licensing Authority shall grant an exclusive retention license to the applicant where:

   a) the applicant has demonstrated that the discovery of a mineral deposit within the exploration area which is potentially of commercial significance; and

   b) the mineral deposit cannot be developed immediately because of adverse market conditions, other economic factors, or unavailable processing technologies, which are of a temporary character.

2/ The Licensing Authority may refuse to grant a retention license if it is established that:

   a) the required processing technology is available and the mineral deposit can be mined profitably;

   b) it may prevent fair competition; or
c) it may result in the concentration of mineral resources in the hands of the applicant.

3/ Where the Licensing Authority refuse to grant a retention license, it shall notify, in writing, the applicant of the decision and the reasons for refusal.

24. **Duration and Renewal of Retention License**

1/ A Retention License shall be valid for the period specified in the license, however, that such period shall not exceed three years.

2/ The retention license may be renewed once for a period not exceeding three years where the licensee demonstrates that the conditions specified under sub-article (1) of Article 23 of this Proclamation still prevails.

25. **Rights and Obligations of the Holder of Retention License**

1/ The holder of a retention license shall, subject to sub-article (2) of this Article, have the right to be granted a mining license, in respect of the retention area and mineral in question prior to expiry of the license.

2/ The holder of a retention license shall submit an annual progress report to the Licensing Authority indicating:

   a) the prevailing market conditions and technical factors, the effect thereof and the need to hold such retention license over the mineral and land in question; and

   b) efforts undertaken by it to ensure that mining operations commence before expiry of the duration of the license.

26. **Granting Large Scale Mining License**

1/ The Licensing Authority shall grant an exclusive large scale mining license to an applicant where:

   a) the proposed work program is approved;

   b) the applicant has access to financial resources and technical ability to conduct the proposed mining operations optimally and in a safe manner;

   c) the environmental impact assessment has been approved; and

   d) the applicant is not in contravention of any obligations of the exploration license, if any.

2/ If the Licensing Authority refuses to grant a mining license, it shall notify, in writing, the applicant of the decision and the reasons for refusal.

27. **Duration of Large scale Mining License and Renewal**

1/ A large scale mining license shall be valid for the period specified in the license; provided however, that such period shall not exceed 20 years.

2/ A large scale mining license may be renewed for a period not exceeding 10 years each subject to sub-article (3) of this Article.
3/ The licensee shall have the right to renew the license provided that he can demonstrate the continued economic viability of mining the deposit, has fulfilled the obligations specified in the license, and is not in breach of any provision of this Proclamation, regulations or directives which constitute grounds for suspension or revocation of the license.

28. **Granting Small Scale Mining License**

1/ The Licensing Authority shall grant an exclusive small scale mining license to an applicant where:
   a) the proposed work program is approved;
   b) the applicant has access to financial resources and technical ability to conduct the proposed mining operations optimally and in a safe manner;
   c) the environmental impact assessment has been approved; and
   d) the applicant is not in contravention of any obligations of the exploration license, if any.

2/ If the Licensing Authority refuses to grant a mining license, it shall notify, in writing, the applicant of the decision and the reasons for refusal.

29. **Duration and Renewal of Small Scale Mining License**

1/ A small scale mining license shall be valid for the period specified in the license; provided however, that such period shall not exceed 10 years.

2/ A small scale mining license may be renewed for a period not exceeding five years each subject to sub-article (3) of this Article.

3/ The licensee shall have the right to renew the license provided that he can demonstrate the continued economic viability of mining the deposit, has fulfilled the obligations specified in the license, and is not in breach of any provision of this Proclamation, regulations or directives which constitute grounds for suspension or revocation of the license.

30. **Rights and Obligations of Holders of Small and Large Scale Mining Licenses**

1/ The holder of a small scale or large scale mining license shall have the rights to market and sell minerals produced.

2/ The holder of a small scale or large scale mining license shall:
   a) commence mining within two years from the effective date of the license; and
   b) comply with terms and conditions of the license.

3/ The Licensing Authority may, by taking into account the nature of the mineral, the mineral deposit and the mine site and following the criteria determined by regulation, conclude a mining agreement by extending or shortening the period referred to in sub-article (2)(a) of this Article.
31. **Variation of Work Program**

1/ The holder of a small scale or large scale mining license may at any time apply to vary the approved work program.

2/ Any application for variation shall:
   a) demonstrate the events that prevent the licensee from carrying out the approved work program; and
   b) be accompanied with the intended amendments of the work program.

3/ The Licensing Authority shall, after examining the application for variation:
   a) approve the variation if it finds it acceptable; or
   b) if it rejects the application, it shall notify, in writing, the applicant the reasons for refusal.

32. **Granting Special Small Sale Mining License**

1/ The Licensing Authority shall grant an exclusive special small scale mining license where:
   a) the proposed work program is approved;
   b) the applicant proves that he has financial capacity to conduct the proposed mining operation;
   c) the environmental impact assessment has been approved; and
   d) the applicant was holder of artisanal mining license that engage in the mining of gemstones or placer gold, silver, platinum or tantalum and is not in contravention of any obligations related to it.

33. **Duration and Renewal of Special Small Scale Mining License**

1/ Special small scale mining license shall be valid for the period specified in the license; provided however, that such period may not exceed 10 years.

2/ Special small scale mining license may be renewed for a period not exceeding five years each subject to sub-article (3) of this Article.

3/ Special small scale mining licensee shall have the right to renew the license, provided that he has fulfilled the obligations specified in the license, and is not in breach of any provision of this Proclamation, regulations or directives which constitute grounds for suspension or revocation of the license.

34. **Artisanal Mining License**

1/ The Licensing Authority shall grant an exclusive artisanal mining license where the applicant is eligible for such license.

2/ The holder of an artisanal mining license shall:
   a) be obliged to undertake the mining operations in accordance with the environment, health and safety standards prescribed for artisanal mining in the relevant laws;
b) comply with the terms and obligations of the license.

3/ An artisanal mining license shall be valid for the period specified in the license, provided however, that such period may not exceed two years.

4/ Artisanal mining license shall not be renewed.

5/ The Licensing Authority may, after giving 90 days prior written notice, revoke an artisanal mining license where it is considered that the deposit requires more advanced exploration and mining method for the best development of its economic potential.

6/ The Licensing Authority shall give preferential treatment to the licensee where the latter shows that he has the necessary technical and financial resources to engage in the advanced exploration and mining as prescribed by the Licensing Authority.

7/ Where preferential treatment is not accorded to the licensee, the Licensing Authority shall at the option of the licensee grant him another area of mining operation or determine the amount of compensation which shall be paid to the licensee for the loss incurred due to the revocation of the license. Such compensation shall be paid to the licensee promptly.

35. General Rights of Licensees

1/ In addition to the rights under other provisions of this Proclamation, a licensee shall, as appropriate, have the rights to:

   a) enter the license area and bring to that license area any plant, machinery and equipment, and build and construct any surface or underground infrastructure required for the purposes of his mining operations;

   b) use, subject to the relevant water laws, water from any water body, situated on, or flowing through, such land or sink a well or borehole required for mining operations;

   c) use construction minerals from within the license area and an area adjacent to the license area as required for erecting essential physical infrastructure within the license area;

   d) request the appropriate authority for a lease of land outside of the license area which is required for mining operations; provided however, that the terms and conditions of such lease shall be determined by the appropriate authority and its duration may not in any event exceed the term of the license including any renewal thereof;

   e) subject to the applicable laws regarding the cutting of timber and reforestation, cut and use, within the license area and the area of lease, timber which is necessary for mining operations;

   f) use the existing infrastructure if such use shall not impair the use thereof by other persons;

   g) cut such timber as is strictly necessary for access to the license area;
h) relinquish all or part of the license area by giving prior written notice to the Licensing Authority and upon fulfilment of all obligations of the license;

i) modify his license to include other minerals not specified in the license or to include other areas outside his license area where he believes that the license area does not include the entire deposit of minerals.

2/ Except in the case of fraud, no irregularity in the application for or in the proceedings previous to the grant or extension of term of a license shall affect the rights of the licensee.

36. General Obligations of Licensees

1/ In addition to the obligations under other relevant provisions of this Proclamation, a licensee shall have the obligations to:

a) carry out mining operations in a prudent, diligent, and efficient manner, in accordance with the appropriate laws, technology and good mining operation practices generally accepted in the mineral industry;

b) conduct mining operations in such a manner as to ensure the health and safety of his agents, employees and other persons, and comply with the applicable laws pertaining to environmental protection;

c) ensure that employees get the training and education necessary for mining operations;

d) take proper precautions not to interfere with other legitimate occupants of the license area, the land covered by a lease and adjacent land;

e) cooperate and contribute financially in the construction and maintenance of infrastructure to be used jointly with other licensees or other persons within the license area or lease area;

f) permit other persons to use his infrastructure freely or, when the use is for commercial purpose, upon the payment of the appropriate fee, provided however, that such use does not impair his mining operations;

g) permit other persons or the Government to use temporarily his infrastructure in circumstances of emergency, subject only to the payment of compensation in the event of damage thereto;

h) give preference to the employment of Ethiopian nationals, provided that such persons have the required qualifications;

i) give preference to domestic goods and services, where they are readily available at a competitive price and are of a comparable quality;

j) effect timely all payments required under this Proclamation, regulation and directive;

k) make available all books and records for inspection by the Licensing Authority and other duly authorized officials under the relevant laws;
l) remove constructions in the license area and lease area upon termination of the license or relinquishment of the license area.

m) report to the Licensing Authority the quantity and type of mineral mined each month within 10 days from the end of such month and sell the minerals mined every financial quarter within 30 days from the end of each financial quarter and notify same to the Licensing Authority;

n) in the case of a small scale or large scale mining license holder, be a member of the Ethiopian Extractive Industry Transparency Initiative and to disclose to the public the payments effected to the government.

2/ The allocation of the cost of construction and maintenance of infrastructure under sub-article 1(e) of this Article shall be determined by the Licensing Authority on the basis of proportional use of the infrastructure.

3/ The Government may takeover, free of charge, the constructions not removed by a licensee under sub-article (1)(l) of this Article.

37. **Boundaries of License Area**

A license area shall comprise of:

1/ the land within the boundaries and all sub-soil there under to an indefinite depth within the vertical planes passing through each boundary where the mining involves a primary or placer mining operations;

2/ the depth of the deposit compiled where the mining involves mining operations from stockpile or residue.

38. **Superimposition of Licenses**

The Licensing Authority may, subject to Article 37(1) of this Proclamation, grant licenses for different minerals within the same license area subject to notification of the holder of any existing license in the same area upon assessment of the impact of the superimposed license on existing mining operation.

39. **Precedence of Licenses**

1/ Unless the Licensing Authority determines otherwise on the basis of the economic benefit of the minerals or other appropriate investment objectives:

   a) a large scale mining operations shall take precedence over small scale and artisanal mining operations, and small scale mining operations shall take precedence over that of artisanal mining operations;

   b) if more than one licenses of the same status have been issued covering the same area but for different minerals, the first issued license shall take precedence over mining operations of the other license.

2/ If any area subject to a license is found to be superimposed upon that of another such license for the same minerals, the area in dispute shall be considered to be within the area of the first-issued license.
40. **Transfer of License**

1/ Any license, other than reconnaissance and retention may be transferred with prior consent of the Licensing Authority; provided, however, that artisanal or special small scale mining licenses may only be transferred in the case of inheritance.

2/ No license may be transferred to a person specified under sub-article (3) of Article 11 of this Proclamation.

3/ Any transfer of license shall have no effect unless registered by the Licensing Authority.

41. **Surrender**

1/ The holder of a small-scale or large-scale mining license or a lease may, without prejudice to the rights of persons claiming under the license, surrender any such license or lease by giving to the Licensing Authority, unless otherwise agreed, at least 12 months advance written notice.

2/ Any person who surrenders his license or lease right, pursuant to sub-article (1) of this Article, shall not be released from the liability of performing the duties imposed upon him and due to be performed during the term of the license or lease.

42. **Disclosure of Information**

1/ No information, reports, documents or data submitted to the Licensing Authority or any other government agency under this Proclamation by the licensee shall, for as long as the license remains in effect, be disclosed, except with the consent of the licensee.

2/ Nothing in sub-article (1) of this Article shall operate to prevent the disclosure of information where the disclosure is made:
   a) for the purpose of legal proceedings, an inquiry or investigation conducted by an organ of justice administration;
   b) to any person being a consultant to the government or officer who is authorized by the Licensing Authority to receive such information;
   c) for the preparation by or on behalf of the government of statistics in respect of mining operations, provided such disclosure is no more specific in detail than is necessary for the purpose of the statistics concerned.

43. **Records and Reports**

1/ Any licensee shall maintain, in the country, proper records containing the following information and submit reports to the Licensing Authority:
   a) information pertaining to his mining operations and the results connected therewith, including borehole core and core-log data;
   b) employment, financial, commercial and other relevant information.
2/ The licensee may not dispose of or destroy any record, borehole core or core-log data specified in sub-article (1) of this Article, without the prior written consent of the Licensing Authority.

44. Title to, sale and export of Minerals

1/ The holder of an exploration license shall have the right to remove, transport, analyze and, with the prior consent of the Ministry, export samples of minerals for testing; provided however, that such minerals shall remain the property of the Government, and the licensee shall not dispose of them without the prior consent of the Ministry.

2/ The holder of a mining license shall obtain title to the minerals specified in the license upon their extraction.

3/ The holder of a mining license shall have the right to sell locally or export the minerals referred to in sub-article (2) of this Article; provided, however, that the holder of artisanal and special small scale mining license that has engaged in gold or silver mining shall sell the minerals produced to the National Bank of Ethiopia.

45. Technology Transfer

1/ Where any licensee concludes a technology transfer agreement in connection with his mining operations, he shall submit the same to the Ministry for approval and registration.

2/ Where the Ministry receives a technology transfer agreement pursuant to sub-article (1) of this Article, it shall give its decision thereon subsequent to the necessary evaluation in accordance with the Technology Transfer Council of Ministers Regulations No 121/1993.

46. Suspension and Revocation of Mineral Rights

1/ Subject to sub-articles (3) and (4) of this Article, the Licensing Authority may suspend mineral rights partially or fully where it believes that the activity of the Licensee is likely to become an imminent danger to the local community, the environment or its employees provided that such suspension is the only remedy under the prevailing circumstances. The Licensing Authority shall inform the licensee the date by which the suspension lapses and it may resume operation.

2/ Subject to sub-articles (3) and (4) of this Article, the Licensing Authority may revoke any license if the licensee:

   a) fails to comply with the financial obligations prescribed in this Proclamation, regulation or directive;
   b) conducts mining operations in a grossly negligent or wilfully improper manner;
   c) breaches any material term or condition of his license;
   d) is not conducting his mining operations in accordance with the work programme;
e) is in breach of the approved environmental impact assessment, and safety and health standards;
f) has submitted false or fraudulent information in connection with any matter required to be submitted under this Proclamation, regulation or directive;
g) fails to maintain complete, accurate and current books and records or other documents or materials required or fails to file reports or other documents or fail to give notices required; or
h) fails to grant a duly authorized official of the Licensing Authority access into the license area, the area covered by a lease or to any other site or premises of the mining operations or to his books, records, other documents or materials, or fails to carry out a lawful order or instruction of such official.

3/ Before acting under sub-article (1) or (2) of this Article, the Licensing Authority shall give notice in writing to the Licensee:

a) setting out the grounds for considering the suspension or revocation of the license;
b) directing the licensee to take specified measures to remedy any contravention, breach or failure; and

c) specifying a reasonable date of not less than 5 working days, before which the licensee may, in writing, submits any matter for the Licensing Authority to consider.

4/ The Licensing Authority may lift the notice for suspension or revocation of a mineral right where:

a) the licensee complies with the notice contemplated in sub-article (3)(b) of this Article by rectifying, removing, or as appropriate by mitigating the grounds for suspension or revocation, or by preventing the recurrence of such grounds within the time specified in the notice; or

b) where it accepts the reasons supplied by the licensee in accordance with sub-article (3)(c) of this Article for the lifting of the suspension or revocation.

PART FOUR

CERTIFICATES

47. Application for Certificate of Discovery

1/ Any person who discovers indications or existence of minerals may, free of any charge, apply, in the prescribed form, to the Licensing Authority for a certificate of discovery.

2/ The Licensing Authority shall accept and register the application for a certificate of discovery if the requirements specified in sub-article (1) of this Article are met.

48. Issuance of a Certificate of Discovery

The Licensing Authority shall issue a certificate of discovery to the discoverer within fifteen days from the date of registration of the application if the minerals were not
previously discovered in the area in question, the minerals and the area in question are not subject to an exclusive license or an application thereof or have not been reserved.

49. **Duration and Renewal of a Certificate of Discovery**

1/ A certificate of discovery shall be valid for 18 months.

2/ A certificate of discovery shall not be renewed.

3/ The Maximum area for a certificate of discovery shall not exceed 10 km².

50. **Rights and Obligations of the Holder of a Certificate of Discovery**

1/ The holder of a certificate of discovery shall, prior to the expiry period of the certificate, have the right to apply for an exploration license or a mining license provided that he meets all the requirements pertaining to the relevant application, or transfer his right to another person with the approval of the Licensing Authority.

2/ Without prejudice to the provisions of sub-article (1) of this Article, where the holder of a discovery certificate is a licensee, he shall, alternately, have the right to be granted an amendment to the license to include the discovered minerals or area adjacent to his existing license, provided that the amended license area does not exceed the maximum allowable area.

51. **Application for Certificate of Competence for Consultancy or Technical Services**

1/ Any Ethiopian who wishes to engage in providing consultancy service or technical service such as drilling or laboratory service to the mining sector may apply to the Ministry for a certificate of competence by paying the appropriate application fee and completing the appropriate form.

2/ The Ministry shall accept and register the application for certificate of competence if the requirements specified in sub-article (1) of this Article are met.

52. **Issuance of Certificate of Competence for Consultancy or Technical Services**

1/ The Ministry shall issue a certificate of competence to an applicant where it is satisfied that the applicant has the necessary qualification and experience in the area of consultancy he wishes to engage.

2/ Where the application is submitted to engage in provision of technical services such as drilling or laboratory services, the Ministry shall issue a certificate of competence after confirming that the applicant has the necessary technical staff and equipment for the intended services.

3/ The validity, renewal and revocation of a certificate of competence shall be prescribed by regulation.

53. **Rights and Obligation of a Holder of a Certificate of Competence**

1/ A holder of a certificate of competence granted in accordance with sub-article (1) or (2) of Article 52 of this Proclamation shall have the right to provide the consultancy or technical service in the area of mining operation as specified in the certificate.
2/ The holder of a certificate of competence shall be required to obtain the necessary business license from the appropriate government office in order to provide the consultancy or technical service.

PART FIVE
ADMINISTRATION

54. Powers and Duties of the Licensing Authority

1/ The licensing authority of a state shall have the powers and duties to:
   a) issue artisanal and special small-scale mining license;
   b) issue to domestic investors:
      (1) reconnaissance, exploration and retention licenses with respect to construction and industrial minerals;
      (2) small scale mining licenses for industrial minerals and small and large scale mining licenses for construction minerals;
   c) issue certificate of discovery for minerals other than those specified in sub-article (2)(b) of this Article.

2/ The Ministry shall have the powers and duties to:
   a) issue reconnaissance, exploration, retention and mining licenses other than those to be issued by a Regional State Licensing Authority under paragraph (a) and (b) of sub-article (1) of this Article;
   b) issue a certificate of discovery for strategic minerals;
   c) issue a certificate of professional competence for professionals who wish to engage in consultancy services in the mining sector;
   d) conduct testing and give permission for the export of samples of minerals;

provided however, that it shall obtain the approval of the Council of Ministers in respect of issuing any mining license.

3/ When the ownership of any license issued in accordance with the requirements of sub-article (1) or (2) of this Article changes, the Licensing Authority that issued the license shall transfer the documents relating to the license to appropriate Licensing Authority.

4/ Any Licensing Authority shall have the powers and duties to:
   a) receive, process and reject or approve any application for mining operations submitted in accordance with this Proclamation;
   b) ensure that any licensee has the necessary financial resources and technical competence to fulfill the obligations under the license;
   c) enter into mining agreements on behalf of government either by competitive bidding or direct negotiation;
d) issue, renew, suspend and revoke a license in accordance with this Proclamation, regulation and directive;

e) receive, subject to the provisions of Article 40 of this Proclamation, all information and records specified in Article 41 of this Proclamation;

f) inspect and ensure that mining operations are carried out in accordance with this Proclamation, regulations, directives and the applicable agreements;

g) without prejudice to prior commitments of the licensee, require that the licensee sell locally all or a portion of his minerals to government, public enterprise or any other person subject to the payment of the international market price prevailing at the time of the sales transaction;

h) explore and declare by legal notice areas reserved for conducting artisanal mining;

i) collect and audit royalties, rentals, and other fees payable pursuant to this Proclamations, regulation and directive;

j) ensure that mining operations carried out by licensees take into account the environment and are beneficial to the community in the mining areas.

k) disclose to the public the revenue collected from mining.

55. **Mining Operations Advisory Council**

1/ A Mining Operations Council shall be established to advise the Ministry.

2/ The composition, responsibilities and other particulars of the Mining Operations Advisory Council shall be determined by regulation.

56. **Inspections**

1/ Any authorized inspector of the Licensing Authority may enter, during office hours, any license area and may:

   a) inspect any activity or process carried out in or upon the area in question;

   b) inspect any book, record, statement or other document and make copies or extracts thereof;

   c) examine any material or appliance found in the area;

   d) take samples of any material and test, examine, analyse and classify such samples;

   e) seize any material, appliance, book, record, statement or other document which might be relevant to a legal proceeding involving the violation of this Proclamation, regulation or directive and keep it in the custody of the Licensing Authority; and

   f) require support necessary for the accomplishment of his inspection in accordance with this sub-article.

2/ Where any material, appliance, book, record, statement or other document is put under the custody of the Licensing Authority in accordance with sub-article (1)(e) of this Article:
a) the person from whose possession or control any document is taken shall be allowed, under the supervision of the inspector, to make copies or extracts thereof;

b) if no legal proceedings are instituted in connection with any of the items seized, or if it appears that such item is not required at any trial for the purpose of evidence or upon an order of court, that item shall be returned immediately to the person from whom it was seized.

3/ The inspector shall show his letter of authorization to the appropriate officer of the licensee for conducting inspection under sub-article (1) of this Article.

57. **Prohibition of Occupational Detriment against Employees**

The holder of any license may not subject any of his employees to any occupational detriment on account of any such employee disclosing information to the Licensing Authority or any authorised person regarding the failure by such holder to comply with any provision of this Proclamation, regulation, directive or his license.

58. **Reduction of Profitability and Curtailment of Mining Operations**

1/ The holder of a small scale or large scale mining license shall notify the Licensing Authority if:

a) the prevailing economic conditions cause the profit to revenue ratio of the relevant mine to be less than six per cent on average for a continuous period of 12 months; or

b) if any mining operation is to be scaled down or to cease with the possible effect that 10 per cent or more of the labour force are likely to be retrenched in any 12 months period.

2/ The Licensing Authority may, after consultation with the Ministry of Labour and Social Affairs, direct in writing that the holder of the small scale or large scale mining license in question take appropriate corrective measures.

3/ The holder of the small scale or large scale mining license shall comply with the directive and confirm in writing that the corrective measures have been taken.

**PART SIX**

**COMPENSATION**

59. **Principles of Compensation**

1/ Where it is necessary for the achievement of the objectives of this Proclamation, the Licensing Authority may expropriate any immoveable property on any land and shall cause the payment of fair compensation by the licensee in accordance with the relevant laws. In this connection, mining operations shall be deemed public purpose within the meaning of Article 1460 of the Civil Code.
2/ Without prejudice to the provisions of sub-article (1) of this Article, any licensee shall be liable for any damage caused to property in connection with its mining operations.

60. Compensation Agreements

1/ Where his mining operation requires the expropriation of land, any licensee shall pay compensation to expropriated land user and property in accordance with the appropriate law issued to compensate such expropriation.

2/ As soon as the terms and conditions have been agreed between the licensee and the property owner, the licensee shall provide a copy of the compensation agreement to the Licensing Authority.

3/ Upon receipt of the copy of the concluded compensation agreement, the Licensing Authority shall forthwith register the same.

61. Complaint and Appeal as Regards to Compensation

1/ Any complaint or appeal related to compensation shall be determined in accordance with the appropriate law issued to govern expropriation of land holding for public purposes and payment of compensation.

2/ Where it is required to expropriate land for the purpose of mining operation the Licensing Authority shall facilitate the speedy execution of the process in collaboration with the appropriate authority empowered to expropriate land holding for public purposes and payment of compensation.

PART SEVEN
ENVIRONMENT

62. Environmental Impact Assessment and Rehabilitation

1/ Except for reconnaissance license, retention license or artisanal mining license, any applicant for a license shall submit an environmental impact assessment and obtain all the necessary approvals from the competent authority required by the relevant environmental laws of the country.

2/ Except the holder of reconnaissance licence, retention license or artisanal mining license, any licensee shall allocate funds to cover the costs of rehabilitation of environmental impact.

3/ Any mining licensee other than an artisanal mining licensee and, as appropriate, an exploration licensee shall participate in community development plan, to be determined by the license area and by agreement, and shall allocate money for such expenses.

4/ To be determined by the license area and by agreement, mineral licensee and, as appropriate, exploration licensee shall participate in community development plan of the peoples within the license area, and shall allocate money for such expenses.
63. **Mine Closure**

1/ The holder of special small scale, small scale or large scale mining license shall apply to the Licensing Authority for a mine closure certificate upon:
   a) revocation of the license;
   b) termination of the mining operations;
   c) relinquishment of the whole or any portion of the license area; or
   d) abandonment of the mine.

2/ The application shall be made within 180 days from the occurrence of any of the events specified under sub-article (1) of this Article.

3/ No closure certificate shall be issued until the provisions pertaining to health, safety and the environment have been addressed.

4/ The grant of mine closure certificate in no way relieves the licensee from the responsibility to monitor environmental effects after closure of the mine as required in the environmental impact assessment and shall not release the licensee from the liability of performing the duties imposed upon him and due to be performed during the term of the license.

64. **Remedial Powers of the Licensing Authority**

1/ In the event the holder of a license is deceased, cannot be traced, or in the case a company ceases to exist or has been liquidated, the Licensing Authority may take the necessary measures to prevent further pollution or to make the area safe.

2/ The measures contemplated in sub-article (1) of this Article shall be funded from the financial provision established by the holder of the license or, if there is no such provision or it is inadequate, from money appropriated by government treasury for that purpose.

**PART EIGHT**

**ROYALTY, INCOME TAX AND OTHER FINANCIAL REGIME**

65. **Royalty**

1/ The holder of a mining license shall pay royalty based on the sales price of the commercial transactions of the minerals produced in accordance with sub-article (2) and (3) of this Article.

2/ The amount of royalty payable by holders of large scale mining licenses shall be at the following rate:
   a) precious minerals  7%
   b) semi-precious minerals  6%
   c) metallic minerals  5%
   d) industrial minerals  4%
   e) construction minerals  3%
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f) salt 4%
g) geothermal 2%

3/ The amount of royalty payable by the holders of artisanal, special small scale and small scale mining licenses shall be determined by the laws of the Regional States.

66. Provisional Assessment of Royalty

1/ In the event that it is impractical to assess the amount of any royalty, the licensee shall make a provisional payment of the royalty.

2/ When the amount of the royalty is ascertained, the licensee shall pay any balance or shall be repaid any excess sum paid on such provisional assessment.

3/ Where the Licensing Authority deems it appropriate it may cause the reduction, temporary lifting or waiver of the liability to pay royalty of a licensee of an operating mine by recommending and securing approval from the Council of Ministers or the concerned higher regional authority, as the case may be.

4/ The detailed criteria for reducing, temporary lifting or waiver of royalty in accordance with sub-article (3) of this Article shall be determined by regulation.

67. Income Tax

1/ Any holder of a large scale mining license shall pay income tax in accordance with the Mining Income Tax Proclamation No. 53/1993 (as amended).

2/ Income tax to be paid by holders of artisanal, special small scale and small scale mining licenses shall be determined by the laws of the Regional States.

68. Collection of Information

1/ The Licensing Authority may, by notice in writing, require any licensee to produce or make available any oral, written or electronic information as may be required to ensure the proper adherence to the provisions of this Proclamation with respect to royalty.

2/ The Licensing Authority may issue an order for conducting investigation in accordance with Article 54 of this Proclamation where it believes that information required under sub-article (1) of this Article is being withheld or destroyed.

69. Failure to Pay Royalty and Income Tax

If a licensee fails to pay royalty, income tax or any other payment on the due date, the Licensing Authority may by order prohibit the disposal of any mineral from the mining area concerned, or from any other mining area held by the licensee until all outstanding payments have been paid or until an arrangement has been accepted by the Licensing Authority for the payment thereof.

70. Rentals

1/ Any licensee shall pay annually in advance surface rentals for the license area. The rate of rentals shall be specified by laws to be issued by states and any amendment thereto shall only apply to licenses issued after the date of amendment.
2/ Any licensee shall also pay annually in advance a rental for the area covered by a lease. Such rental shall be fixed in the instrument granting the lease and shall remain fixed during its term, unless the instrument provides otherwise.

71. **License Fees**

License fees shall be paid for the issuance and renewal of licenses in accordance with this Proclamation. The amount and manner of payment of such fees shall be determined by regulation and the laws of states as appropriate.

72. **Government Participation**

1/ Without prejudice to its right to undertake mining operations under Article 8 of this Proclamation, the government shall acquire without cost a participation interest of five percent of any large scale mining investment. An additional equity participation of the government may also be provided by agreement with the licensee, which shall specify the percentage, timing, financing, resulting rights and obligations and other details of such participation.

2/ The rate of government participation interest without cost and concerning additional equity participation in small scale mining shall be determined by laws of Regional States.

73. **Guarantee**

The Licensing Authority may require the applicant for a license or renewal or for the transfer, assignment or encumbrance of a license to provide cash, bank or other guarantee to secure the applicant’s obligations. The conditions of such guarantee shall be determined by directive.

74. **Exchange Control**

1/ A holder of large-scale or small-scale mining license producing exportable minerals may retain a portion of foreign currency earning as may be determined by directives of the National Bank of Ethiopia and use it for settlement of transactions in foreign currencies.

2/ A foreign investor holding a large-scale or small-scale mining license may make the following remittances out of Ethiopia in the currency of investment or in an approved currency at the prevailing rate of exchange on the date of remittance:

   a) profits and dividends accruing from mining investment;  
   b) principal and interest on a foreign loan;  
   c) fees, royalties or other payments accruing pursuant to technology or management agreement relating to the mining investment;  
   d) proceeds from the liquidation of a mining business enterprise;  
   e) payment from the sale or transfer of shares of a mining investment or acquisition in part or in whole of a mining operation by a domestic investor.

3/ Expatriates employed in mining operations may remit salaries and other payments in accordance with the relevant exchange regulations.
75. **Exemption from Customs Duties and Taxes**

1/ Any consumables, equipment, machinery and vehicles that any holder of an exploration license or his contractor may import into Ethiopia and required for its operations in accordance with the approved work program shall be exempted from customs duties and taxes.

2/ Any equipment, machinery, vehicles and consumables that any holder of a special small scale, small or large scale mining license or his contractor may import into Ethiopia and required for mining development period in accordance with the mining agreement and the approved work program shall be exempted from customs duties and taxes; provided, however, that the right to import equipment, machinery and vehicles free of customs duties and tax may not be applicable after five years starting from the date of production.

3/ The holder of a small or large scale mining license may, within the period specified in sub-article (2)(a) of Article 30 of this Proclamation, import free of customs duties consumables required to start and sustain commercial production for the first three months.

4/ The holder of a small scale or large scale mining license who wishes to embark on a major mine production expansion shall have the right to import free of customs duties and taxes equipment and machinery needed for the expansion provided that the Licensing Authority has approved the expansion program.

5/ Except the holder of artisanal mining license or special small scale mining license that produce gold or silver, any holder of mining license shall be entitled to export free of customs duties and taxes minerals produced according to the license.

6/ The holder of artisanal mining license or the holder of any construction minerals mining license issued for the mining of sand or selected materials shall not be entitled to exemptions from customs duties and taxes under sub-articles (1) to (4) of this Article.

7/ Any item imported free of customs duties and taxes into Ethiopia pursuant to the provisions of this Article may not be sold in Ethiopia without having obtained permission from the Licensing Authority and paid the required duties and taxes; provided however, that such item may be re-exported free of customs duties and taxes.

76. **Registration and Representation**

1/ Any licensee shall be registered in the registry of trade with the appropriate authority and shall maintain an office in Ethiopia during the entire term of the license.

2/ A licensee shall not be required to obtain any other authorization or permission from any other government office in order to produce, sell or export minerals covered by the license or to import any goods or enter into contract for the acquisition of license of any intellectual property required for mining operations.
3/ The provisions of sub-article (2) of this Article shall not relieve a licensee from complying with obligations with customs and bank formalities.

77. Government Assistance

1/ The government may provide incentives and assistance to:
   a) mining operations that deemed to be vitally important in addressing the immediate socio-economic problems of the country;
   b) mining operations that promote the domestic utilizations of the resource produced through processing or beneficiation; and
   c) artisanal mining carried out by cooperatives.

2/ The type and mode of incentives and assistance shall depend on the nature of the mining operations and shall be prescribed by regulation.

78. Settlement of Dispute

1/ Any dispute, controversy or claim between the Licensing Authority and a licensee arising out of, or relating to an agreement for reconnaissance, exploration, retention or mining, or the interpretation, breach or termination thereof shall, to the extent possible, be resolved through negotiation.

2/ In the event that agreement cannot be reached through negotiations, the case shall be settled by arbitration in accordance with the procedures specified in the agreement. An arbitral award shall be binding upon the parties.

3/ Any party aggrieved by the decision of the arbitration may lodge an appeal to the concerned court.

79. Termination of Mining Rights

1/ Mining rights shall terminate if:
   a) a licensee relinquishes the whole area or surrenders the license;
   b) a license is revoked by the Licensing Authority pursuant to the provisions of this Proclamation, regulations and directives;
   c) a license expires without being renewed; or
   d) without prejudice to the rights of heirs, a licensee dies, or where the licensee is a juridical person, it is liquidated or declared bankrupt.

2/ Upon termination of mining rights of the holder of a small scale or large scale mining license, the government may, unless an agreement specifies otherwise, acquire all of the immovable and movable property used in the mining operations at a price equal to the then unamortized value of such assets, as shown in the financial book of accounts of the licensee. If the government does not exercise such right, the licensee shall be free to dispose such assets to another person in accordance with the applicable laws, or otherwise he shall be obliged to remove them as required by his environmental obligations.
3/ The licensee shall be required on termination of a small scale or large scale mining license, to fence and safeguard to the satisfaction of the Licensing Authority, any pits and such other works in the license or lease area so that the health, life and property of persons may not be endangered.

PART NINE
MISCELLANEOUS PROVISIONS

80. Penalty

Any person who:

1/ contravenes or fails to comply with an order given under Article 67 of this Proclamation or, while being aware of such order, receives a mineral the disposal of which is prohibited by the order;

2/ contravenes or fails to comply with any provision of this Proclamation, regulation, directive or the terms and conditions of a license; or

3/ submits inaccurate or misleading information in connection with any matter required to be submitted under this Proclamation, regulation or directive;

shall be punished with a fine up to Birr 200,000 or an imprisonment up to five years or both.

4/ Notwithstanding the provisions of sub-article (3) of this Article, the degree of offence and the extent of penalty to each offence shall be determined by regulation to be issued for the implementation of this proclamation.

81. Appeal Procedures

1/ Any person who is aggrieved by any administrative decision of the Licensing Authority pursuant to this Proclamation may apply to the officials of the Licensing Authority hierarchically.

2/ No person may apply to the competent court for the review of an administrative decision contemplated in sub-article (1) of this Article until he has exhausted the administrative remedies with the Licensing Authority.

82. Implementation of the Proclamation

1/ The Council of Ministers may issue regulations necessary for the proper implementation of this Proclamation.

2/ The Ministry may issue directives necessary for the proper implementation of this Proclamation and regulations issued pursuant to sub-article (1) of this Article.

3/ The Licensing Authority may prepare model mining agreements to serve as basis for negotiation.

4/ The Licensing Authority shall have the power to follow up and ensure the proper implementation of the provisions of this Proclamation, regulations and directives.
83. **Transitory Provisions**

1/ Any mining license or mining agreement issued or concluded prior to the coming into effect of this Proclamation shall continue in force for the remaining period of its validity in accordance with the law in force at the time of issuance of the license or conclusion of the agreement; provided, however, that the renewal of the license or agreement, upon expiry of its current term, shall be made in accordance with the provisions of this Proclamation.

2/ Notwithstanding with the provisions of sub-article (1) of this article, according to the appropriate agreement where a party undertaking a mineral activity the benefit of which sustains damage due to this proclamation, upon the request of the other party under damage, both parties may agree to make the necessary correction in good faith mutual discussions.

3/ Any cause of action created or legal proceeding started before the coming into force of this Proclamation shall be dealt with in accordance with the laws in force prior to the effective date of this Proclamation.

84. **Repeal and Savings**

1/ The Mining Proclamation No. 52/1993 (as amended) is hereby repealed.

2/ No law, regulation, directive or practice shall, in so far as they are inconsistent with this Proclamation, be applicable with respect to matters provided for in this Proclamation.

3/ The provisions of the Mining Operations Council of Ministers Regulation No. 182/1994 shall, in so far as they are consistent with this Proclamation, remain in force until replaced by regulation issued pursuant to this Proclamation.

85. **Effective Date**

This Proclamation shall enter into force up on the date of publication in the Federal Negarit Gazeta.

Done at Addis Ababa, this 4th day of August, 2010.

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.6.4. COUNCIL OF MINISTERS REGULATIONS NO. 182/1994

COUNCIL OF MINISTERS REGULATIONS ON MINING OPERATIONS

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BRIEF DESCRIPTION
The Regulation contains provisions pertaining to licenses, discovery, rights and obligations of licensees, different kinds of payments, infractions and sanctions as well as dispute settlement procedures.

Mining Operations Council of Ministers Regulations No. 182/1994
(As amended by Regulation No. 27/1998 and Regulation No. 124/2004)

These Regulations are issued by the Council of Ministers pursuant to Article 4 (2) of the Definition of Powers and duties of the Prime Minister and the Council of Ministers Proclamation No. 2/1991.

PART I
GENERAL

1. Short Title
These Regulations may be cited as the “Mining Operations Council of Ministers Regulations No. 182/1994”.

2. Definitions
In these Regulations, unless the context requires otherwise:

1. definitions provided in the mining Proclamation No. 52/1993 shall supply.

2. “small scale mining operations” means any mining operation of which the annual run-of-mine ore does not exceed;

   a. regarding gold, platinum and silver and other precious and semi-precious minerals;
      1. 100,000m$^3$ for placer operation;
      2. 75,000 tones for primary deposit mining;

   b. regarding metallic minerals such as iron, lead, copper, nickel:
      1. 150,000 tons for open pit mining;
      2. 75,000 tons for under ground mining operation;

   c. 120,000 tones per year for industrial minerals such as kaolin, bentonite, diatomite, dolomite, quartz, and coal;

   d. regarding construction minerals:
      1. 80,000m$^3$ for sand, gravel, pumice, stone clay and the like;
      2. 10,000m$^3$ for dimension stones such as marble and granite;

   e. 20,000m$^3$ for mineral water;

   f. regarding thermal water
      1. 2,000,000m$^3$ for bathing, recreational and medicinal purposes;
2. 25 mega watt or geothermal steam capable of generating equivalent power for industrial and other purposes;

g. 14,000 tons for salts extracted from brines;

3. “Large Scale Mining Operation” means any mining operation of which the annual run-of-mine ore exceeds the limit stated in sub-article (2) of this Article with the exception of precious and semi-precious stones.


5. “industrial minerals” means all naturally existing solid minerals eventually used as raw materials for industrial process to manufacture goods such as glass, paper, cement, fertilizer and edible or other salt and for power generation;

6. “semi precious minerals” means all minerals or naturally existing mineral aggregate, other than those referred to in Article 2(18) of the Proclamation, that possess intrinsic ornamental value such as Opal, Rhodolite Garnet, Olivine and such other Minerals that the Ministry may, by Directive, so designate.”

PART II
MINING LICENSES
CHAPTER I
APPLICATIONS FOR LICENSES

3. Application for Prospecting License

An application for prospecting license shall include the following particulars:

1. where the applicant is a natural person:
   a. his full name, place and date of birth,
   b. profession; and
   c. place of residence and address.

2. where the applicant is a legal person:
   a. its name, nationality, legal form, and capital;
   b. address of its head office, name and address of its representative in Ethiopia;
   c. the following documents duly certified by the appropriate officer of such entity:
      1. copies of its memorandum and articles of association;
      2. copy of the latest annual report of the board of directors, if any;
      3. copies of the balance sheets, profit and loss statements and auditor’s reports for the previous three years, if any;
      4. a list of the names of the board of directors, showing the address and nationality of each, if any; and any other person authorized to sign on behalf of the applicant;
5. the type of mineral and the plan of the proposed area of prospecting as specified by directives;
6. any license, or other mining right the applicant has previously held in Ethiopia;
7. description showing the applicant’s financial situation, technical competence and experience;
8. the work program and expenditure the applicant proposes to carry out and incur during the term of the license; and
9. such other information the Licensing Authority may reasonably request.

4. Application for an Exploration License

An application for an exploration license shall include the following:
1. all information specified under Article 3 of these Regulations;
2. the identity of the applicant’s prospecting license, if any, on which the application is based; and
3. a report summarizing the geological information known to the applicant regarding the minerals and the area for which the license is requested.

5. Application for Mining License

1. An application for a small scale or large scale mining license shall include the following
   a. all information specified under Article 3 of these Regulations;
   b. the identity of the applicant’s exploration license, on which the application is based;
   c. the period for which the license is sought;
   d. details of the deposit, including proved, estimated and inferred reserves, and the physical and chemical, mineralogical and technical characteristics of the minerals;
   e. a plan of the proposed license area, at an appropriate scale, indicating the geographical coordinates of the turning points along its boundaries and the distance between them as defined by an official boundary survey, and showing all important landmarks, buildings and topographic and other physical features, and
   f. proposed development and production program and other information as reasonably required by the Licensing Authority.

2. An application for a large scale mining license shall include all information required to be included under sub-article 1 of this Article and:
   a. Comprehensive feasibility study indicating sales revenues, capital and operating costs, depreciation and other deductions and estimated profits and cash flow;
   b. summary program of employment and training:
c. details of infrastructure requirements; and  
d. environmental impact assessment report.

3. An application for an artisanal mining license shall include the following:  
a. the applicant’s full name, address, date and place of birth;  
b. the minerals and the area for which the license is requested; and  
c. such other information as the Licensing Authority may reasonably request.

CHAPTER II

ISSUING OF LICENSE

6. Registration Notice and Verification of Applications

1. Each application for a license, if complete and in the proper form, shall, in the order received, immediately be noted in the register maintained in the office of the Licensing Authority for such purpose and each applicant shall upon such registration be given a receipt indicating the date and number thereof.

2. Immediately following the registration of each application, the Licensing Authority shall verify all information submitted by the applicant.

3. The licensing Authority shall maintain a register indicating applications and licenses which will be open to the public for inspection.

7. Lodging of Objections

1. Any person may file at the office of the Licensing Authority a written objection to the grant of a license or requesting the suspension or revocation of same.

2. Upon receipt of an objection, the Licensing Authority shall promptly hear and decide upon the objection.

8. Grant and Registration of License

1. If, upon the expiry of the thirty days period specified in Article 6(4) of these Regulations, no objection to the application has been filed at its office, the Licensing Authority shall, following verification of all information submitted in connection with the application and upon payment by the applicant of the prescribed fees and rentals, grant to the applicant the license for the minerals and the area sought, or for that part of the area and the minerals which are not reserved or excluded in accordance with Article 6 of the Proclamation and Article 11 of these Regulation, provided, however, that no license shall be granted unless the applicant:

   a. has demonstrated to the Licensing Authority in the application that he has the necessary financial resources, technical capability and experience to meet the obligations relating to the license requested;  

   b. has proposed or agreed to a work program and expenditure or development and production program, as the case may be, acceptable to the Licensing Authority.
2. Where an objection to the application has been filed pursuant to Article 7 of these Regulations, the granting of the license shall be deferred pending a decision by the Licensing Authority within one hundred twenty days from the registration. If the decision of the Licensing Authority is against the submitted objection then a license shall be issued to the applicant subject to sub-article 1 of the Article.

3. If the Licensing Authority decides to approve the application for a license he shall enter such decision in a register kept for that purpose and the register shall be signed by the applicant.

4. As specified under Article 46(1) of the Proclamation the power to issue artisanal mining license and construction mining license undertaken by domestic investors shall be vested in the Mines and Energy Bureaux of National/Regional self-Governments while other mining operation licenses shall be given by the Ministry of Mines and Energy.

9. Refusal of License

1. If the Licensing Authority determines that the application or the information supplied in connection herewith is materially inadequate, he shall so notify the applicant, setting the reasons for his decision.

2. The applicant shall be permitted to consult with the Licensing Authority in order to provide all evidence in support of his position, shall be afforded a time not lesser than thirty days to overcome the objections of the Licensing Authority and shall be entitled to amend or complete his application.

3. If, following such consultation and the expiry of such time, the Licensing Authority still believes that the application or the information supplied or the qualifications of the applicant are materially insufficient to justify the grant of a license, he shall so notify the applicant.

4. In the event of an adverse decision the applicant shall be entitled to the recourse specified in Article 44(2) of these Regulations.

10. Size of License Area

1. The maximum area to be covered by a single license shall be:
   a. 50 km² for prospecting license;
   b. 20 km² for exploration license;
   c. 5,000 m² for artisanal mining operations;
   d. 20,000 m² for small scale industrial and construction minerals operation;
   e. 200,000 m² for large scale Industrial and construction minerals operation;
   f. 10 km² for all other mining license.

2. An artisanal mining license shall not be the holder of more than two licenses with an area exceeding 10,000 square meters at a time.

3. The Licensing Authority, may be directive revise and fix the maximum and minimum size of the area to be covered by a license specified in this Article.
11. Excluded Areas

1. Unless the Licensing Authority decides otherwise, no license shall be issued for any area which is within 100 meters of a site of archaeological, cultural or religious importance or a public building, railway, highway, airport, dam reservoir, pipeline, factory or other Government installation.

2. Unless the Licensing Authority decides otherwise, no person shall prospect on land which is within 100 meters of a municipal area, village community or burial ground or which is on land actually under cultivation.

3. It is prohibited to undertake mining operations in areas excluded under any other Law.

12. Combined Licenses

1. An applicant for a combined license pursuant to article 34 of the Proclamation shall fulfill the application requirements applicable for each license and shall justify the basis on which the combined application is submitted.

2. If the Licensing Authority is satisfied that the applicant has met the requirements applicable for each license and that the applicant’s justification for applying for the combined license is well-founded and will not be detrimental to the development and production of the deposit, he shall issue the combined license.

13. Replacement and issuance of copies of Licenses

1. The licensee may request from the Licensing Authority one or more copies of the license. Upon receiving such request, the Licensing Authority shall issue and deliver such certified copies to the licensee.

2. The licensee may apply to the Licensing Authority for the replacement of a license which has been lost or destroyed. Upon receiving such request, the Licensing Authority shall issue and deliver replacement of such license to the licensee.

CHAPTER III

RENEWAL, TRANSFER AND REVOCATION OF LICENSE

14. Renewal of an Exploration License

1. An application for the renewal of an exploration license shall be made ninety days before the end of its then-present term, and shall include the following:
   a. any change in the information submitted in applying for the original license or a prior renewal thereof;
   b. annual reports containing the information as specified by directive;
   c. details of the work program and expenditure that the applicant proposes to carry out and incur during each year of the renewal period;
   d. part of the License area to be relinquished in accordance with Article 11 of the Proclamation;
   e. such other information as the Licensing Authority may reasonably request.
2. Unless the Licensing Authority agrees otherwise, an area to be relinquished as stated in sub-article 1 (d) of this Article shall be in a simple geometric form comprised of one square kilometer units as specified by directive.

3. After verifying the documents attached with the application and upon payment of the prescribed renewal fees and rental by the applicant, the Licensing Authority shall renew the exploration License in accordance with Article 10 (1) and (2) of the proclamation.

15. Renewal of an Artisanal Mining License

1. An application for the renewal of an artisanal mining license shall be made thirty days prior to the expiration of the then-present term of the license and shall include the following:
   a. any change in the information submitted in applying for the original license or a prior renewal thereof; and
   b. such other information as the Licensing Authority may reasonably request.

2. After verifying the documents attached with application and upon payment of the prescribed fees and rentals by the applicant, the Licensing Authority shall renew the license in accordance with Article 15(1) of the proclamation.

16. Renewal of a Small and Large Scale Mining License

1. An application for the renewal of a small or large scale mining license shall be made one hundred eighty days prior to the expiry of the then-present term of the license; and shall include the following:
   a. any change in the information submitted in applying for the original license or a prior renewal thereof;
   b. details, including a plan, indicating the remaining proved, estimated and inferred reserves of the deposit;
   c. such other information as the Licensing Authority may reasonably request.

2. After verifying the documents attached with the application and upon payment of the prescribed renewal fees and rentals by the applicant, the Licensing Authority shall as appropriate renew the license in accordance with Article 17 or Article 19 of the proclamation.

17. Transfer, Assignment, Encumbrance and Inheritance

1. An application for the transfer or assignment of an exploration license, the right to obtain a small scale or a large scale mining license in accordance with Article 9(3) of the Proclamation as well as an application to transfer or assign a small scale or a large scale mining license in accordance with Article 16(2) or Article 18(2) of the Proclamation shall include the following
   a. With regard to the proposed transferee or assignee, all information required under Article 3 of these Regulations;
b. An undertaking by the proposed transferee or assignee to comply with all the terms and conditions of the license, including the applicable work program and expenditure or the development and production program and any other undertakings of licensee;

c. All details of the contractual, economic and financial terms and conditions of the proposed transfer or assignment.

2. An application for the encumbrance of a small scale or a large scale mining license in accordance with Articles 16(2) or 18(2) of the Proclamation shall include the following:

a. with regard to the proposed beneficiary of such encumbrance, all information required under Article 3 of these Regulations;

b. the nature, terms and conditions of the security interest proposed to be granted; and

c. the conditions under which the proposed security interest would be realized, including such safeguards as the Licensing Authority may require to assure the financial and technical qualifications of the eventual acquirer of the license and his undertaking to respect the terms and conditions of the license, the development and production program and any other undertaking of the licensee.

3. An application for the proposed transfer of a small scale or a large scale mining license by inheritance in accordance with Article 16 (2) or 18 (2) shall contain the following:

a. the legal proceeding relating to the determination of the heirs of the licensee and, with regard to such heirs, all information required under Article 3 of these Regulations;

b. details of the applicant’s financial situation, technical competence and experience; and

c. An undertaking by the heirs to comply with all the terms and conditions of the license, including the development and production program and any other undertaking of the licensee.

4. In accordance with Article 14 (2) of the Proclamation:

a. an application for transfer, assignment or encumbrance of an artisanal mining license shall include all information with regards to the proposed transferee, assignee or beneficiary of such encumbrance as specified under Article 5 (3) of these Regulations.

b. an application for proposed transfer of an artisanal mining license by inheritance shall contain the legal proceedings relating to the determination of the heirs and, with regard to such heirs, all information required under Article 5 (3) of these Regulations.
18. Revocation and Suspension

1. The Licensing Authority may, in accordance with Article 40 of these Regulations, revoke or suspend any license as a result of wrong doing the licensee.

2. In addition to the provision of sub-article 1 of this Article an artisanal mining license may be revoked pursuant to Article 15(2) of the Proclamation.

**PART III**

**DISCOVERY**

19. Notice of Discovery

1. Any person who makes a discovery of minerals or a deposit shall immediately place a marker at the location of the minerals discovered or shall delimit by marker the presumed area of the deposit, as the case may be. Each marker shall be of the form and nature specified by the Licensing Authority and shall bear the name of the discoverer.

2. Any person who makes a discovery of minerals or a deposit shall submit a notice of discovery to the controller indicating the location and nature of such discovery, and submit samples of the minerals discovered.

3. The Licensing Authority may, where appropriate, cause the award of prizes to a person who filed a notice of discovery.

20. Verification and Certification

1. Upon being notified of the discovery, the Licensing Authority shall verify the nature of the minerals submitted and the location of the markers placed by the discoverer, and shall confirm that the area and the minerals in question are not subject to a license for such minerals or an application therefore, and the area has not been reserved or excluded.

2. In the case where the discovery is verified and in accordance with sub-article (1) of this Article the area is open for license application, the Licensing Authority shall issue a Discovery Certificate to the discoverer valid for twelve months from its date of issue.

21. Rights and Obligations of a holder of a Discovery Certificate

1. A person who holds a Discovery Certificate shall have the right to be granted an exploration license or a mining or combined license if, during the term of validity of such certificate, he files an application for such license which meets the requirements of the application, notably as regards the financial and technical capability to explore and /or mine for the minerals discovered.

2. During the term of validity of the discovery certificate, the discoverer may prospect for the minerals or the deposit he has discovered, but he may not explore nor remove or dispose of such minerals.
PART IV
RIGHTS AND OBLIGATIONS OF LICENSES

CHAPTER I
RIGHTS

22. **Infrastructure and other Construction**
   1. All infrastructure and other facilities of the licensee shall conform to appropriate designs and technical norms and be constructed, maintained and operated in a manner to assure their safe and efficient use, in accordance with applicable directives.
   2. If the licensee constructs infrastructure which is to be used by other licensees for commercial purposes, the licensee may request the Licensing Authority to allocate the cost of the construction and operation of such infrastructure among such users.
   3. The Licensing Authority shall allocate these costs on an equitable basis, taking into account the extent of the use thereof by each such person and shall apportion among them the total annual depreciation and the costs of operation and maintenance of such facilities. The annual depreciation shall be computed by dividing the amount of his undepreciated capital cost of such infrastructure by the numbers of years remaining of the term of the licensee’s license.

23. **Disposal of Minerals Obtained During Prospecting an Exploration**
   1. If the holder of a prospecting or an exploration license desires to retain or dispose of any minerals obtained in the course of operations, he shall so apply to the Licensing Authority.
   2. The Licensing Authority may authorize the removal of minerals from the license area, subject to such conditions as he may impose, and he may authorize the applicant to retain and dispose of the minerals in respect of which application is made on payment of the prescribed fees or royalties, if any.

24. **Aerial Photographs and Data**
   1. If the licensee desires to take aerial photographs, he shall first obtain the permission of the Licensing Authority and other appropriate Government Office as indicated to him by the Licensing Authority.
   2. The licensee shall promptly file with the Licensing Authority prints of all such photographs taken pursuant to sub-article (1) of this Article.
   3. The licensee shall have access, to all available non confidential maps and data within the office of the licensing Authority.

CHAPTER II
OBLIGATIONS

25. **Delimitation of Boundaries**
   1. Prior to applying for a small scale or large scale mining license, the applicant shall delimit the area for which the application is sought. Delimitation shall be by
markers placed at each turning point along the boundary of the area and along each straight segment.

2. Markers placed at each turning point along a boundary shall be of masonry or metal or such other similar materials not less than 25 centimeters in diameter. Markers along each segment of the boundary shall be of masonry or metal or such other similar materials and not less than 10 centimeters in diameter. All markers shall project at least one meter above the ground and be securely fixed into or on the ground.

3. To each marker shall be fixed a sign indicating the name of the applicant and eventually, the registration number of his license.

4. A licensee shall also adjust the delimited boundary of his license area to reflect any change therein, pursuant to Articles 11 or 31 of the proclamation and shall reposition all markers to reflect accurately such change.

5. The Licensing Authority may, cause the delimitation of boundaries of an area subject to an application for a license or a License area to be examined and verified by an official designated for that purpose by the Licensing Authority and may also require that a Government surveyor confirm such boundary

6. The applicant or the licensee, as the case may be, shall assist the Licensing Authority in such verification.

7. If the surveyor determines that the boundaries do not accurately reflect the area requested in an application or specified in the license, such boundaries shall be adjusted accordingly, and the applicant or licensee, as the case may be, shall pay for the cost of the survey.

26. Work Programs and Expenditure

1. The work program and expenditure proposed by the applicant for a prospecting or an exploration license shall correspond to an appropriate level of operations, taking into account the area for which the application is applied, the type of minerals and the potential nature of operations and eventual deposits which may be concerned and meet minimum work and expenditure requirements as specified by directive.

2. If the work program and expenditure proposed meet the specified requirements, as stated in sub-article 1 of this Article the Licensing Authority shall approve them. If the Licensing Authority believes that they are materially inadequate he shall so notify the applicant, stating the reasons for his opinion to improve the work program.

3. If the licensee fails in any year to fulfill the minimum work program or expenditure obligation, an amount equal to such unfulfilled obligation may be immediately paid to the Government in order to satisfy the deficiency as specified by directive. The Licensing Authority may take such amount from any guarantee provided by the licensee.

4. If the licensee performs work or incurs expenditure in any year in excess of that for which he is obligated such excess shall be credited towards these obligations for the
next succeeding annual period, provided that at least a minimum agreed program of work and expenditure is done in the succeeding year, if applicable.

27. Development and Production Programs

1. The development and production program proposed by the applicants for a small scale or a large scale mining license shall specify the manner in which the applicant proposes to equip and mine the deposit.

2. The programs shall be consistent with the objectives specified in Article 26 of the Proclamation, unless a departure therefrom is justified and receives the prior approval of the Licensing Authority, and shall provide for the development and production of minerals at the optimum rate consistent with the nature and characteristics of the deposit, projected market conditions and other economic and technical factors.

3. If the proposed development and production program meets the requirements stated in Sub-Article 2 of this Article the Licensing Authority shall approve them. If the Licensing Authority believes that the program is materially inadequate taking into account all relevant circumstances, he shall so notify the applicant, stating the reasons for his opinion to improve the proposed development and production program.

28. Employment and Training

1. The licensee shall promote the employment of Ethiopian nationals as specified in Article 27(1) of the proclamation. If an Ethiopian national cannot be found to fill a position the licensee may employ a qualified foreign national. The Licensing Authority shall assist the licensee in obtaining all necessary Government permissions for the entry and sojourn of foreign nationals and their dependents in Ethiopia.

2. The level of employment and training shall be commensurate with the nature and extent of operations and shall not impair their efficient and economic conduct.

3. The holder of an exploration license shall submit annually to the Licensing Authority, within thirty days prior to the end of each calendar year, the program for employment and training to be followed during the next such year. Such program shall not, in principle, be extensive, unless provided otherwise by agreement.

4. The holder of a small scale or a large scale mining license shall submit annually to the Licensing Authority within sixty days prior to the end of each calendar year, the proposed program for employment and training to be followed during the next year.

5. The Licensing Authority shall notify the licensee, within thirty days after the receipt of the proposed program, if he believes the program submitted to him pursuant to sub-article 4 of this Article is materially inadequate stating the reasons for his opinion to improve the program.

6. All employment and training programs submitted pursuant to this article shall be detailed by category of employee; unskilled, skilled, clerical, technical and management.
29. Health, Safety and Environmental Protection

1. The licensee shall provide his agents and employees with appropriate clothing and protective equipment and shall ensure that they are properly trained or otherwise qualified for the work.

2. The licensee shall also provide appropriate health and medical facilities, commensurate with the level and nature of operations, and he shall follow all necessary procedures for the safe and prudent transport, storage, handling and use of explosive and chemicals.

3. The licensee shall immediately notify the Licensing Authority of any act or occurrence which has resulted in loss of life or serious injury to any person or which may jeopardize any property, the environment or operations and shall immediately take such steps as are necessary to mitigate the impact of such situation.

4. Prior to expiration or termination of the license, the licensee shall fill, close, block or otherwise render safe all tunnels, pits and other installations of a potentially dangerous nature.

5. The holder of a small scale or large scale mining license shall progressively restore or reclaim the land covered by the license and, if applicable, a lease so that, prior to termination of the license, the area has been completely restored or reclaimed for beneficial future use, unless the Licensing Authority approves otherwise.

6. The holder of an artisanal mining license shall take all environmental protection measures commensurate to his operations in particular he shall fill pits and plant trees and shall not be allowed to use mercury or similar materials in his operation.

30. Books and Records and Reports

1. The licensee shall maintain in Ethiopia during the term of the license:
   a. records with regard to weekly changes pertaining to:
      i. all operations;
      ii. all employees (by category), labour conditions and accidents;
      iii. inventories of all minerals produced, stored, treated, transported, exported and sold; and
      iv. inventories of all equipment, machinery and other material physical assets.
   b. duplicate samples of minerals taken from the license area and copies of all assays, other analyses and technical and other reports relating to the minerals in the license area.

2. The holder of a prospecting license shall submit to the Licensing Authority annually within thirty days after the end of the year a report which documents all information as specified by directives.
3. An exploration licensee shall submit annually, within 30 days after the end of the year, a report which document all information as specified by directive.

4. The holder of a small scale or a large scale mining license shall submit to the Licensing Authority on a calendar-quarter basis, within thirty days after the end of the period to which it relates, a report which summarizes:
   a. all operations, including the nature of geological work and the progress and results thereof, and the conditions relating to production of minerals and any change in the reserves of the deposit;
   b. the total number of working days for each category of employee, as specified in article 28 sub-article 6 of these Regulations, and labour conditions and accidents;
   c. an inventory of all minerals produced, stored, treated, transported, sold and exported (including f.o.b. or other prices obtained) and destination and nationality of buyers for all exports; price received for all sales;
   d. inventory of equipment, machinery or other material physical assets and any change therein; and
   e. such other information as the Licensing Authority may reasonably request.

5. The licensee shall also prepare and submit to the Licensing Authority annually within thirty days after the end of the calendar year to which it relates, a report containing a summary of the same information as required under sub-article 4 of this Article.

31. Presentation of License

The licensee or his agent or employee shall produce the license or a copy thereof certified by the Licensing Authority whenever so required by an appropriate public officer, lawful occupant of the license area or the area covered by a lease or other interested person.

PART V

FEES, RENTALS, ROYALTIES AND OTHER PAYMENTS

32. License Fees

1. The license fees to be paid by and applicant for a license pursuant to Article 39 of the proclamation shall be as follows:
   a. prospecting License................................................................. Birr 100
   b. Exploration License................................................................. Birr 200
   c. Artisanal Mining License........................................................ Birr 10
   d. Small Scale Mining License
      1. Precious Minerals............................................................... Birr 300
      2. Other Minerals................................................................. Birr 200
   e. Large Scale Mining License.................................................. Birr 500
2. The renewal fee to be paid by an applicant for renewal of a license pursuant to Article 39 of the proclamation shall be as follows:
   a. for exploration License................................................................. Birr 100
   b. for artisanal Mining License......................................................... Birr 10
   c. for small Scale Mining License
      1. Precious Minerals................................................................. Birr 200
      2. Other Minerals................................................................. Birr 100
   d. for large Scale Mining License.................................................. Birr 3000

33. **Royalty**

1. The royalty to be paid by a license pursuant to Article 37(1) of the proclamation shall be as follows:
   a. for Precious Minerals................................................................. 5%
   b. for metallic and non-metallic minerals, including construction minerals................................................................. 3%
   c. for geothermal deposits and mineral water................................. 2%
   d. for semi precious minerals....................................................... 4%

2. Royalties payable under sub-article (1) of this Article shall be computed and levied ad valorem at the production cite and shall be paid on a calendar-quarter basis within thirty days after the end of the period to which it relates.

3. Notwithstanding sub-article (1) of this Article, a lesser rate of royalty may be provided by an agreement where it becomes necessary to encourage mining investments in areas given development priority.

4. The Licensing Authority may, in circumstances he deems appropriate, cause the reduction, suspension or waivers of the imposition of royalty by requesting the appropriate government body.

34. **Other Payments**

1/ Birr 50 shall be payable for registration of documents in accordance with Article 49 of the Proclamation.

2/ Birr 25 shall be payable for the issuance of a certificate of professional competence.

3/ Birr 25 shall be payable for copies of records of cases heard in accordance with Article 51 of the Proclamation.

4/ Birr 15 shall be payable for a replacement copy of a license or a certificate of professional competence.

5/ The following fees shall be payable for the testing of Minerals and the issuance of verification certificate on the basis of size of shipment of minerals to be exported:
   a) up to 50 kg................................................................. Birr 20
b) above 50 up to 200 kg ......................................................................................... Birr 30

c) above 200 kg ........................................................................................................ Birr 40

35. Late Payments

Any amount payable in accordance with Article 33 and 34 of these Regulations, which is not paid when due shall be subject to a fine of 2% for each month or part thereof that such amount remains unpaid without prejudice to any other recourse that the Licensing Authority may have for late or non payment under the provision of part VI of these Regulations.

PART VI

INFRACTIONS AND SANCTIONS

36. Primary Infractions

1. Any person who:
   a. undertakes mining operations without having obtained the appropriate license;
   b. makes a false statement or fraudulent misrepresentation in connection with the application relating to a license or fails to give notice of a discovery pursuant to Article 12 of the Proclamation and Article 19(2) of these Regulations; or

2. any licensee who:
   a. conducts mining operations in a reckless, grossly negligent or willfully improper manner;
   b. commits repeated violations of obligations relating to environment, health, safety or other mining operations; or
   c. fails repeatedly and materially to meet administrative and fiscal obligations;

shall be guilty of a primary infraction.

37. Secondary Infractions

A licensee who:

1. fails to maintain books and records or other documents or materials required or maintains books and records which are materially incorrect or incomplete, fails to file reports or other documents or fails to give notices required;

2. conducts mining operations in a negligent manner or in a way which endangers the health or safety of any person, the environment or a deposit, fails to observe good mining practices generally, or fails to observe an obligation of a license;

3. Fails to make any payment when due to the Government; or

4. Fails to grant a duly authorized official of the Licensing Authority entry into the license area, the area covered by a lease or access to any other site or premises of the mining operations or to his books, records, other documents or materials, or fails to carry out a lawful order or instruction of such official;
shall be guilty of a secondary infraction.

38. Administrative Infractions

Any licensee who:

1. fails to maintain his books and records in a complete, accurate and current manner, excluding such deficiencies which are materially incorrect or incomplete;
2. fails in a timely manner to file all reports and other documents or to give notices required; or
3. fails to carry out mining operations in a proper and prudent manner or to observe regulations or directives, but which failure does not endanger the health or safety of any person, the environment or a deposit;

shall be guilty of an administrative infraction.

39. Sanctions

1. The sanction for an act or an omission which constitutes a primary infraction under article 37 of these Regulations may include the immediate revocation of the license to which the infraction is related and a fine not exceeding 5,000 Birr, and if the person commits another act or omission which constitutes a further such infraction, the amount of the fine may be doubled.

2. If the licensee immediately takes remedial action to correct an action or omission which constitutes a secondary infraction under article 38 of these regulations after being given notice of the infraction, the applicable sanction shall be a fine not exceeding 2,000 birr. If, however, the person concerned cannot or does not take remedial action, the amount or the fine may be doubled. In addition, if the licensee does not take remedial action or if the infraction results in an imminent or continuing danger to the health and safety or any person, the environment or a deposit, the Licensing Authority may immediately order the licensee to suspend his mining operations pending correction of the infraction, and the license shall be suspended until such act, omission or conditions is rectified.

3. If the license does not immediately take remedial action after being given notice of an act or omission which constitutes an administrative infraction under article 39 of these Regulations or if the infraction is not capable of remedy, he shall be subject to a fine not exceeding 500 Birr.

4. If any act or omission which constitutes a secondary or an administrative infraction is of a continuing or repeated nature, the Licensing Authority may deem it to constitute a primary or a secondary infraction, respectively, and the licensee concerned shall be subject to the sanctions thus applicable.

5. Any person who violates the provisions of these Regulations other than those stated in this Article shall be subject to the penalties provided for under article 53/5/ of the Proclamation.

PART VII
MISCELLANEOUS

40. Dispute Settlement Procedures

1. The following procedures shall be applicable in hearing and deciding cases falling under the jurisdiction of the Licensing Authority pursuant to Article 51/1/ of the Proclamation;
   a. The person complaining shall file with the Licensing Authority a memorandum summarizing the dispute and supporting his allegations. The memorandum shall state the nature of the complaint and the relief sought.
   b. Upon receipt of the memorandum, the Licensing Authority shall give notice thereof to the adverse party, forwarding a copy of the memorandum received, and he shall indicate to both parties the time and place at which the dispute shall be heard.
   c. At the time and place designated by the Licensing Authority the parties shall attend and state their case before him and submit evidence in support thereof. The Licensing Authority shall take note of all evidence given. The Licensing Authority may adjourn the hearing to any other time and place and may at the original hearing or any adjournment thereof proceed in the absence of either party.
   d. The licensing Authority may, at any time subsequent to the filling of a dispute and prior to his decision thereof, cause to be seized, retained and safeguarded any minerals or other property subject to the dispute or may require a party to provide a guarantee for its value.
   e. The licensing Authority shall inform all parties of his decision regarding the dispute and shall provide each party with a copy of the record of such proceedings.
   f. The Licensing Authority may transmit a copy of his decision and the record regarding the hearing related thereto to the court of competent jurisdiction over the subject matter of the decision, to the extent provided by law.
   g. Fees and costs in connection with any such proceeding may be imposed upon the losing party.
   h. The civil Procedure Code of Ethiopia regulating proceedings before a court of first instance in civil matters shall apply to proceedings before the Licensing Authority without prejudice to the provisions of this sub-article.

2. The Licensing Authority shall keep a record of all disputes, their proceedings and his decisions relating thereto.

41. Reduction or Extension of Time

Notwithstanding any provision of these Regulations which may specify a period of time within which an act is to be performed, the Licensing Authority may for good cause provide for a shorter or longer period, provided that such reduction or extension shall not
jeopardize the rights of a licensee or endanger his ability to perform the duties and obligations pursuant to the license or under the proclamation.

42. Government Assistance to Licensees

The Licensing Authority may, where it deems it appropriate, provide support and assistance to holders of artisanal and small scale mining licensees in the following manner:

1. identify and delimit deposits and reserve the minerals and the areas concerned for operations to be undertaken by such licensees in the following manner;
2. Provide technical and administrative assistance, support and training;
3. assist in obtaining financial support for such operations;
4. assist in the voluntary formation and the functioning of mining cooperatives;
5. advise on the treatment, transportation, storage and marketing of minerals produced by such licensees.

43. Powers and Duties of the Controller

1. The Controller shall have the primary responsibility with regard to the technical and administrative supervision of mining operations in accordance with directives issued by Licensing Authority and such other duties as are specified under the proclamation.

2. Without prejudice to delegations specially given to other officials of the Licensing Authority and the provisions of sub-article 3 of this Article, the Controller is hereby vested with all powers necessary to implement the provisions of these Regulations in accordance with directives issued by the Licensing Authority. However, any complaint against the decision of the controller may be submitted to the head of the Licensing Authority.

3. Except where the Controller or any other officer of the Licensing Authority has been specifically delegated, all disputes submitted in accordance with Article 41 of these Regulations shall be heard and decided by the head of the Licensing Authority.

44. Effective Date

These Regulations shall enter into force on the date of their publication in the Negarit Gazeta.

Done at Addis Ababa, this 20th day of April 1994.

TAMERAT LAYNIE

PRIME MINISTER OF THE TRANSITIONAL GOVERNMENT OF ETHIOPIA
3.1.7. LAND USE AND DEVELOPMENT

3.1.7.1. PROCLAMATION NO. 455/2005

A PROCLAMATION TO PROVIDE FOR THE EXPROPRIATION OF
LAND HOLDINGS FOR PUBLIC AND PAYMENT OF
COMPENSATION

BRIEF DESCRIPTION
This Proclamation repeals the Appropriation of Land for Government Works and Payment of Compensation for Property Proclamation No. 401/2004. It establishes a system whereby landholdings, both rural and urban, may be expropriated and compensation will accordingly be paid. It also stipulates the procedures for the removal of utility lines. The Law further sets forth rules on determination of compensation, and establishes a system of complaints and appeals in respect of the compensation. The Ministry of Federal and Pastoralist Development Affairs is, among other things, mandated to follow up and ensure that the provisions of the Proclamation are complied with in all regions.

Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005

WHEREAS, the government needs to use land for development works it carries out for public services;
WHEREAS, urban centers of the country have, from time to time, been growing and the number of urban dwellers has been increasing and thereby land redevelopment for the construction of dwelling houses, infrastructure, investment and other services has become necessary in accordance with their respective plans as well as preparation and provision of land for development works in rural areas has become necessary;

WHEREAS, it has become necessary to define the basic principles that have to be taken into consideration in determining compensation to a person whose landholding has been expropriated;

WHEREAS, it has become necessary to define organs that shall have the power to determine and the responsibility to pay the compensation;

WHEREAS, Article 51 (5) of the Constitution empowers the Federal Government to enact laws regarding the utilization of land and it is deemed necessary to regulate in detail, based on the requirement of advance payment of compensation for private property expropriated for public purpose as provided for under Article 40(8) of the Constitution.

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

PART ONE
GENERAL

1. Short Title
This Proclamation may be cited as the “Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005.”

2. Definitions
In this Proclamation, unless the context requires otherwise:

1/ “compensation” means payment to be made in cash or in kind or in both to a person for his property situated on his expropriated landholding;

2/ “region” means any region referred to in Article 47 of the Constitution and includes the Addis Ababa and Dire Dawa city administrations;

3/ “landholder” means an individual, government or private organization or any other organ which has legal personality and has lawful possession over the land to be expropriated and owns property situated thereon;

4/ “urban administration” means an organ to which urban administrative powers and duties have been given by law or delegated by the concerned government body to exercise such powers and duties;

5/ “public purpose” means the use of land defined as such by the decision of the appropriate body in conformity with urban structure plan or development plan in order to ensure the interest of the peoples to acquire direct or indirect benefits from the use of the land and to consolidate sustainable socio-economic development;
PART TWO

EXPROPRIATION OF LANDHOLDINGS

3. Power to Expropriate Landholdings

1/ A woreda or an urban administration shall, upon payment in advance of compensation in accordance with this Proclamation, have the power to expropriate rural or urban landholdings for public purpose where it believes that it should be used for a better development project to be carried out by public entities, private investors, cooperative societies or other organs, or where such expropriation has been decided by the appropriate higher regional or federal government organ for the same purpose.

2/ Notwithstanding the provisions of Sub-Article (1) of this Article, no land lease holding may be expropriated unless the lessee has failed to honor the obligations he assumed under the Lease Proclamation and Regulations or the land is required for development works to be undertaken by government.

4. Notification of Expropriation Order

1/ Where a woreda or an urban administration decides to expropriate a landholding in accordance with Article 3 of this Proclamation, it shall notify the landholder, in writing, indicating the time when the land has to be vacated and the amount of compensation to be paid.

2/ The period of notification to be given in accordance with Sub-Article (1) of this Article shall be determined by directives; provided however, that it may not, in any way, be less than ninety days.

3/ Any landholder who has been served with an expropriation order in accordance with Sub-Article (1) of this Article, shall hand over the land to the woreda or urban administration within 90 days from the date of payment of compensation or, if he refuses to receive the payment, from the date of deposit of the compensation in a blocked bank account in the name of the woreda or urban administration as may be appropriate.

4/ Notwithstanding Sub-Article (3) of this Article, where there is no crop, perennial crop or other property on the expropriated, the holder shall hand over the land to the woreda or urban administration within 30 days from the date of receipt of the expropriation order.

5/ Where a landholder who has been served with an expropriation order refuses to handover the land within the period specified in Sub-Article (3) of (4) of this Article, the woreda or urban administration may use police force to takeover the land.
5. **Responsibilities of the Implementing Agency**

The implementing agency shall have responsibilities to:

1/ prepare detail data pertaining to the land needed for its works and send same, at least one year before the commencement of the works, to the organs empowered to expropriate land in accordance with this Proclamation and obtain permission from them; and

2/ pay compensation in accordance with this Proclamation to landholders whose holdings have been expropriated.

6. **Procedures for removal of Utility Lines**

1/ Where land over or under which utility lines, owned by a federal or regional government office or public enterprise, pass is to be expropriated, the body requiring the land shall submit, in writing, its request to the owner by indicating the exact location of the lines to be removed.

2/ The body which has received a request under Sub-Article (1) of this Article shall, within 30 days from receipt of such request, determine a fair compensation required to replace the lines to be removed and send details of its valuation to the requesting body.

3/ The body which requested the removal of utility lines, shall pay compensation to the owner within 30 days from the date of receipt of the valuation under Sub-Article (2) of this Article. The owner shall also remove the utility lines and vacate the land within 60 days from the date of receipt of compensation.

**PART THREE**

**DETERMINATION OF COMPENSATION**

7. **Basis and Amount of Compensation**

1/ A landholder whose holding has been expropriated shall be entitled to payment of compensation for his property situated on the land and for permanent improvements he made to such land.

2/ The amount of compensation for property situated on the expropriated land shall be determined on the basis of replacement cost of the property.

3/ Where the compensation referred to under Sub-Article (2) of this Article is payable to an urban dweller, it may not, in any way, be less than the current cost of constructing a single room low cost house in accordance with the standard set by the concerned region.

4/ Compensation for permanent improvement to land shall be equal to the value of capital and labour expended on the land.

5/ The cost of removal, transportation and erection shall be paid as compensation for a property that could be relocated and continue its service as before.

6/ Valuation formula for determining compensation for various properties and detail prescriptions applicable there to shall be provided for by regulations.
8. **Displacement Compensation**

1/ A rural landholder whose landholding has been permanently expropriated shall, in addition to the compensation payable under Article 7 of this Proclamation, be paid displacement compensation which shall be equivalent to ten times the average annual income he secured during the five years preceding the expropriation of the land.

2/ A rural landholder or holders of common land whose landholding has been provisionally expropriated shall, in addition to the compensation payable under Article 7 of this Proclamation, be paid until repossession of the land, compensation for lost income based on the average annual income secured during the five years preceding the expropriation of the land; provided, however, that such payment shall not exceed the amount of compensation payable under Sub-Article (1) of this Article.

3/ Where the woreda administration confirms that a substitute land which can be easily ploughed and generate comparable income is available for the land holder, the compensation to be paid under Sub-Articles (1) and (2) of this Article shall only be equivalent to the average annual income secured during the five years preceding the expropriation of the land.

4/ An urban landholder whose landholding has been expropriated under this Proclamation shall:

   a/ be provided with a plot of urban land, the size of which shall be determined by the urban administration, to be used for the construction of a dwelling house; and

   b/ be paid a displacement compensation equivalent to the estimated annual rent of the demolished dwelling house or be allowed to reside, force charge, for one year in a comparable dwelling house owned by the urban administration.

5/ Where the house demolished is a business house, the provisions of Sub-Article (4) of this Article shall, mutatis mutandis apply.

6/ When an urban land lease holding is expropriated prior to its expiry date, the lease holder shall, in addition to the compensation referred to under Article 7 of this proclamation and this Article, be provided with a similar plot of land to use it for the remaining lease period. The leaseholder shall also be allowed to use the new plot of land for a longer period if its rent is less than the former land, or the holding did not want take the Land he can take the remain rant payment.

7/ The detail prescriptions applicable to compensation payable under the Article shall be provided for by regulations.

9. **Valuation of Property**

1/ The valuation of property situated on land to be expropriated shall be carried out by certified private or public institutions or individual consultants on the basis of valuation formula adopted at the national level.
2/ Until such time that the Ministry of Federal Affairs, in consultation with the appropriate federal and regional government organs, ascertains the creation of the required capacity to make valuation of property as specified under Sub-Article (1) of this Article, such valuation shall be carried out by committees to be established in accordance with Article (10) of this Proclamation and owners of utility lines in accordance with Article (6) of this Proclamation.

10. **Property Valuation Committees**

1/ Where the land to be expropriated is located in a rural area, the property situated thereon shall be valued by a committee of not more than five experts having the relevant qualification and to be designated by the woreda administration.

2/ Where the land to be expropriated is located in an urban center, the property situated thereon shall be valued by a committee of experts having the relevant qualification and to be designated by the urban administration.

3/ where the property situated on a land to be expropriated requires specialized knowledge and experience, it shall be valued by a separate committee of experts to be designated by the woreda or the urban administration.

4/ The working procedures for the committees established in accordance with this Article shall be determined by directives.

11. **Complaints and Appeals in Relation to Compensation**

1/ In rural areas and in an urban center where an administrative organ to hear grievances related to urban landholding is not yet established, a complaint relating to the amount of compensation shall be submitted to the regular court having jurisdiction.

2/ Where the holder of an expropriated urban landholding is dissatisfied with the amount of compensation, he may lodge his complaint to the administrative organ established by the urban administration to hear grievances related to urban landholdings.

3/ The organ referred to in Sub-Article (2) of this Article shall examine the complaint and give its decision within such short period as specified by directives issued by the region and communicate its decision to the parties in writing.

4/ A party dissatisfied with a decision, rendered in accordance with Sub-Article (1) and (3) of this Article may appeal, as may be appropriate, to the regular appellate court or municipal appellate court within 30 days from the date of the decision. The decision of the court shall be final.

5/ The period specified in Sub-Article (4) of this Article for submitting an appeal shall not include the time taken to provide the appellant with a copy of the decision.

6/ An appeal submitted, pursuant to Sub-Article (4) of this Article, by any landholder served with an expropriation order may be admitted only if it is accompanied with a document that proofs the hand over of the land to the urban or woreda administration.
7/ The execution of an expropriation order may not be delayed due to a complaint regarding the amount of compensation.

PART FOUR

MISCELLANEOUS PROVISIONS

12. Powers and Duties of the Ministry of Federal Affairs

With respect to the implementation of this Proclamation, the Ministry of Federal Affairs shall have the powers and duties to:

1/ follow up and ensure that the provisions of this Proclamation are complied with in all regions;

2/ give technical and capacity building support to regions so that they will be able to implement this Proclamation;

3/ prepare, in collaboration with other relevant organs of the Federal Government, national valuation formula for the determination of compensation payable under this Proclamation and submit same to the Council of Ministers for approval.

13. Responsibilities of Woreda and Urban Administrations

With respect to the implementation of this Proclamation woreda and urban administration shall have the responsibilities and duties to:

1/ pay or cause the payment of compensation to holders of expropriated land in accordance with this Proclamation, and provide them with rehabilitation support to the extent possible.

2/ maintain data of properties removed from expropriated landholdings Particulars and conditions of maintaining such data shall be prescribed by directives.

14. Power to Issue Regulations and Directives

1/ The Council of Ministers may issue regulations necessary for the proper implementation of this Proclamation.

2/ Regions may issue directives necessary for the proper implementation of this Proclamation and regulations issued hereunder.

15. Repelled and Inapplicable Laws

1/ The Appropriation of Land for Government Works and Payment of Compensation for Property Proclamation No. 401/2004 is hereby repealed.

2/ No law, regulation, directive or practice shall, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters provided for by this Proclamation.

16. Effective Date

The Proclamation shall enter into force on the 15th day of July, 2005.

Done at Addis Ababa, the 15th day of July, 2005

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

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BRIEF DESCRIPTION
This Regulation is issued to implement the Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation. It provides for a list of properties that are eligible for compensation and the formula for calculating the amount thereof. It also makes provisions for, among other things, the provision of replacement land and payment of displacement compensation, as well as properties in respect of which no compensation is payable.

Payment of Compensation for Property Situated on Landholdings Expropriated for Public Purposes Council of Ministers Regulations No. 135/2007

These Regulations are issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic
of Ethiopia Proclamation No. 471/2005 and Article 14(1) of the Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005 with a purpose of not only paying compensation but also to assist displaced persons to restore their livelihood.

PART ONE

GENERAL

1. **Short Title**

   These Regulations may be cited as the “Payment of Compensation for Property Situated on Landholdings Expropriated for Public Purposes Council of Ministers Regulations No. 135/2007”.

2. **Definitions**

   In these Regulations unless the context requires otherwise:

   1) “Proclamation” means the Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005;

   2) “committee” means a property valuation committee established pursuant to the Proclamation;

   3) “crops” means any plant sown or planted and harvested in one season;

   4) “ripe crops” means plant sown or planted on a land holding to be expropriated for public purpose and that could be harvested within the notice period given under Article 4 of the Proclamation;

   5) “perennial crops” means species of crops harvested regularly for years;

   6) “building” means any structure constructed or under construction in an urban center or a rural area for residential, manufacturing, commercial, social or any other service;

   7) “formula” means the methodology used for valuating compensation in accordance with these Regulations for Properties Situated on Landholdings Expropriated in Accordance with the Proclamation;

   8) the terms “region”, “compensation”, “public purpose”, “utility lines” and “implementing agency” shall have the meanings given to them under the Proclamation;

   9) “person” means any natural or juridical person.

PART TWO

ASSESSMENT OF COMPENSATION

3. **Compensation for Buildings**

   1. The amount of compensation for a building shall be determined on the basis of the current cost per square meter or unit for constructing a comparable building.

   2. The compensation for a building shall include:
(a) the current cost for constructing floor tiles of the compound, septic tank and other structures attached to the building; and
(b) the estimated cost for demolishing, lifting, reconstructing, installing and connecting utility lines of the building.

3) The owner of a building shall have the right to claim compensation for the entire building by surrounding the total land in his possession where part of the building is ordered to be removed.

4) Compensation shall be paid only for the demolished part of a building where the owner prefers to use the unwanted part of the land; provided, however, that such preference shall be acceptable only where the condition of the partly demolished building conforms with the requirements of the appropriate city plan.

4. Compensation for Fences

The amount of compensation for a fence shall be determined by calculating the current cost per square meter or the unit cost required for constructing a similar fence.

5. Compensation for Crops

1) The amount of compensation for crops shall be calculated by multiplying the amount of yield that would have been collected from the land at maturity by the current market price of the crops.

2) The owner of ripe crops may, in lieu of compensation, harvest and collect the crops within the period fixed pursuant to Article 4 of the Proclamation.

6. Compensation for Perennial Crops

1) The amount of compensation for unripe perennial crops shall be determined by calculating the estimated cost for growing the plant.

2) The amount of compensation for ripe perennial crops shall be determined on the basis of the average annual yield, the current local market price of the crop.

7. Compensation for Trees

1) The amount of compensation for trees shall be determined on the basis of the level of growth of the tree, and the current local price per square meter or per unit.

2) The owner of trees may, in lieu of compensation, cut and collect the trees within the period fixed pursuant Article 4 of the Proclamation.

8. Compensation for Protected Grass

1) The amount of compensation for protected grass shall be determined on the basis of the productivity of the land and the current market price of the grass per square meter.

2) The owner of protected grass may, in lieu of compensation, cut and gather the grass within the period fixed pursuant to Article 4 of the Proclamation.
9. **Compensation for Permanent Improvement on Rural Land**

The amount of compensation for permanent improvement made on a rural land shall be determined by computing the machinery, material and labor costs incurred for clearing, leveling and terracing the land, including the costs of water reservoir and other agricultural infrastructure works.

10. **Compensation for Relocated Property**

The amount of compensation for a relocated property shall be determined by computing the estimated costs of labor, material and transport to be incurred at market value for removing, transferring and installing the property.

11. **Compensation Payable to a Mining Licensee**

Where a mining site is expropriated pursuant to the provisions of the Proclamation, the compensation due to the licensee shall be determined by the relevant mining law.

12. **Compensation for Burial-ground**

1) The amount of compensation for a burial-ground shall be determined on the basis of the estimated costs to be incurred for removing the grave stones, preparing, other burial-ground, transferring and relocating the corpse and for conducting religious and cultural ceremonies in relation thereto.

2. The amount of costs stipulated under Sub-Article (1) this Article shall be determined on the basis of the current local market prices of materials, transport services and labor.

13. **Formula**

The formula for calculating the amount of compensation payable in accordance with the Proclamation and Regulations shall be as follows:

1) Compensation for building = cost of construction (c value).
   + cost of permanent improvement on land
   + the amount refundable money f the remaining term lease contract.

2) Compensation for crops = the total area of the land (in square meters)
   x value of the crop per kilogram
   x the amount of crop to be obtained per square meter
   + cost of permanent improvement on land

3) Compensation for unripe Perennial Crops = number of plants (legs)
   x cost incurred to grow an individual plant
   + cost of permanent improvement on land

4) Compensation for ripe Perennial crops = the annual yield of the Perennial Crops (in K grams)
   x the current price of t produce of the perennial crops
   + cost of permanent improvement on land
5) Compensation for relocated Property = cost of removal + cost of transferring + cost of reinstallation

6) Compensation for protected grass = area covered by the grass per square meter \times \text{the current market price of the grass per square meter}

**PART THREE**

**PROVISION OF REPLACEMENT LAND AND PAYMENT OF DISPLACEMENT COMPENSATION**

14. *Provision of Replacement Urban Land*

The provision of replacement land to an urban dweller whose landholding has been expropriated for public purpose shall be governed by directives issued by Regional States in accordance with Article 14 (2) of the Proclamation.

15. *Provision of Replacement Rural Land*

Where land used for growing crops or a protected grass or pastoral land is expropriated for public purpose, the possessor of such land shall, as much as possible, be provided with a plot of land capable of serving a similar purpose.

16. *Displacement Compensation for Land Used for Crops and Perennial Crops*

1) Where a replacement land has been provided in accordance with Article 15 of these Regulations with respect to expropriated land used for crops or perennial crops, displacement compensation equivalent to the following amounts, shall be paid:
   (a) the price of the annual average yield of crops obtained from the land; or
   (b) the price of the annual average yield of perennial crops multiplied by the number of years required to attain the level of growth of the perennial crops.

2) The amount of displacement compensation payable with respect to land used for growing crops or perennial crops shall, where it is impossible to provide replacement land in accordance with Article 15 of these Regulations, be ten times the price of the average yield of crops or perennial crops obtained from the land.

3. The average annual yield of crops or perennial crops shall be calculated on the basis of:
   a) the yield obtained from the land for the last five years; or
   b) where the land was used for less than five years, the yield obtained for the actual years the land was used; or
   c) where the crops or perennial crops have not yet started giving annual yield, the yield of similar crops or perennial crops obtained from a similar area of land in the locality for the last five years.

17. *Displacement Compensation for Protected Grass or Grazing Land*

1) Where a replacement land is provided in accordance with Article 15 of these regulations with respect to expropriated protected grass or grazing land,
displacement compensation equivalent to the annual average income obtained from the land shall be paid.

2) The amount of displacement compensation payable with respect to the protected grass or grazing land shall, where it is impossible to provide replacement land in accordance with Article 15 of these Regulations, be ten times the annual average income obtained from the land.

3) The provisions of Sub-Article (3) of Article 16 of these Regulations shall, mutatis mutandis, be applicable with respect to calculating the average annual income derived from a protected grass or grazing land.

18. Displacement Compensation for Provisional Expropriation of Rural Land

Where a rural land is expropriated only for a limited period of time, the multiplication factor for calculating the displacement compensation shall be the number of years for which the land is cleared; provided, however, that the compensation obtained by such calculation shall not exceed the amount payable under Article 16 or 17 of these regulations.

PART FOUR

MISCELLANEOUS PROVISIONS

19. Properties for which Compensation is not Payable

There shall be no payment of compensation with respect to any construction or improvement of a building, any crops sown, perennial crops planted or any permanent improvement on land, where such activity is done after the possessor of the land is served with the expropriation order.

20. Furnishing of Data

1) The committee shall request the relevant federal, regional or other bodies to furnish any data necessary for determining the value of a property in accordance with the Proclamation and these Regulations.

2) Any body requested under Sub-Article (1) of this Article shall hand over the data immediately to the Committee.

3) Where the data is not available with the requested bodies, the committee shall conduct its own survey on the local market price of the property.

21. Records of Property

A woreda or a city administration shall, for the purpose of the implementation of the Proclamation and these Regulations, record properties situated on a landholding subjected to an expropriation order.

22. Evidence of Possession and Ownership

Any person who claims for payment of compensation in accordance with the Proclamation and these Regulations shall produce proof of legitimate possession of the expropriated landholding and ownership of the property entitling compensation.
23. **Valuation Costs**

1) Woreda and city administrations shall cover the costs of valuation of properties in accordance with these regulations, including payment of per diem to members of the Committee in accordance with the relevant laws.

2) The costs referred to Sub-Article (1) of this Article shall be covered by the concerned implementing agency where the expropriation is made upon its request.

24. **Effective Date**

These Regulations shall enter into force on the date of their publication in the Federal Negarit Gazeta.

Done at Addis Ababa this 4\textsuperscript{th} day of July 2007.

\textit{MELES ZENAWI}

\textit{PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA}
3.1.7.3. **PROCLAMATION NO. 456/2005**

**FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA RURAL LAND ADMINISTRATION AND USE PROCLAMATION**

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**BRIEF DESCRIPTION**

The Rural Land Administration Proclamation repeals the Federal Government Rural Land Administration Proclamation No. 89/1997. The Proclamation re-affirms the ownership of land enshrined in the Constitution, which is vested in the State and the peoples of Ethiopia. It further reinforces the Constitutional principle that the power given to Regions to administer land and natural resources is to be implemented in accordance with the law to be enacted by the Federal state. The Proclamation, thus, applies to any rural land in Ethiopia. Nonetheless, Regional States are required to enact rural land administration and land use law for the implementation of the Proclamation. The Law also envisages the establishment of a system of study focusing on identification of problems on land administration and use with recommendation.

**Federal Democratic Republic of Ethiopia Rural Land Administration and Use Proclamation No. 456/2005**

**WHEREAS**, it is confirmed in the Constitution of the Federal Democratic Republic of Ethiopia that the right to ownership of land is exclusively vested in the state and in the people;
WHEREAS, it has become necessary to sustainably conserve and develop natural resources and pass over to the coming generation through the development and implementation of a sustainable rural land use planning based on the different agro-ecological zones of the country;

WHEREAS, it has become necessary to establish an information database that enables to identify the size, direction and use rights of the different types of landholdings in the country such as individual and federal and regional states holdings;

WHEREAS, it has become necessary to resolve problems that arise in connection with encouraging individual farmers, pastoralists and agricultural investors and establish a conducive system of rural land administration;

WHEREAS, it is deemed necessary to put in place legal conditions which are conducive to enhance and strengthen the land use right of farmers to encourage them take the necessary conservation measures in areas where mixed farming of crop and animal production is prevalent and where there is threat of soil erosion and forest degradation;

WHEREAS, is has become necessary to establish a conducive system of rural land administration that promotes the conservation and management of natural resources, and encourages private investors in pastoralist areas where there is tribe based communal land holding system;

WHEREAS, Article 52 (2) (d) of the Constitution stipulates that the power entrusted to regions to administer land and natural resources is to be implemented in accordance with the law to be enacted by the federal state;

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

**Part One**

**General**

1. **Short Title**
   
   This Proclamation may be cited as the “Federal Democratic Republic of Ethiopia Rural Land Administration and Land Use Proclamation No. 456/2005.”

2. **Definition**

   In this Proclamation, unless the context requires otherwise:

   1/ “rural land” means any land outside of a municipality holding or a town designated as such by the relevant law;

   2/ “rural land administration” means a process whereby rural land holding security is provided, land use planning is implemented, disputes between rural land holders are resolved and the rights and obligations of any rural land holder are enforced, and information on farm plots and grazing Land holders are gathered analyzed and supplied to users;
3/ “rural land use” means a process whereby rural land is conserved and sustainably used in a manner that give better output;

4/ “holding right” means the right of any peasant farmer or semi-pastoralist and pastoralist shall have to use rural land for purpose of agriculture and natural resource development, lease and bequeath to members of his family or other lawful heirs, and includes the right to acquire property produced on his Land thereon by his labour or capital and to sale, exchange and bequeath same;

5/ “family member” means any person who permanently lives with holder of holding right sharing the livelihood of the later;

6/ “rural land use plan” means a practice whereby the options that give greater economic benefits without causing land degradation and environmental pollution are determined and implemented from among the different use options a rural land can give on the basis of physical, economic and social information;

7/ “peasant” means a member of a rural community who has been given rural land holding right and, the livelihood of his family and himself is based on the income from the land;

8/ “pastoralist” means a member of a rural community that raises cattle by holding rangeland and moving from one place to the other, and the livelihood of himself and his family is based on mainly on the produce from cattle;

9/ “semi pastoralist” means a member of a rural community whose livelihood is based mainly on cattle raising and to some extent on crop farming;

10/ “minimum size holding” means size of rural land holding the productivity of which can ensure the food security of a peasant and semi-pastoralist and pastoralist family, or which suffices for crop farming, perennial crop farming, grazing, house construction and garden;

11/ “minimum private holding” means rural land in the holding of peasants Semi-Pastoralists and Pastoralists other bodies who are entitled by law to use rural land;

12/ “communal holding” means rural land which is given by the government to local residents for common grazing, forestry and other social services;

13/ “state holding” means rural land demarcated and those lands to be demarcated in the future at federal or regional states holding; and includes forestlands, wild life protected areas, state farms, mining lands, lakes, rivers and other rural lands;

14/ “holding certificate” means certificate of title issued by a competent authority as proof of rural land use right;

15/ “land registration” means the process whereby information on the expression of rural land use right and holding is gathered and analyzed;

16/ “land information system” means a system whereby rural land related information is gathered, analysed and distributed to users;
“competent authority” means a body established in accordance with the constitution of a region to ensure that a system of rural land administration and utilization is realized in the region;

“person” means a natural or legal person.

3. Gender Reference

The provisions of this Proclamation that are referring to masculine gender shall also apply to feminine gender.

4. Scope of Application

This Proclamation shall apply to any rural land in Ethiopia.

SECTION TWO

THE RIGHT TO HOLD AND USE RURAL LAND

5. Acquisition and Use of Rural Land

1/ In accordance with land administration law:
   a) Peasant farmers/pastoralists engaged in agriculture for a living shall be given rural land free of charge:
   b) Any citizen of the country who is 18 years of age or above and wants to engage in agriculture for a living shall have the right to use rural land; children who lost their mothers and fathers due to death or other situation shall have the right to use rural land through legal guardians until they attain 18 years of age:
   c) Women who want to engage in agriculture shall have the right to get and use rural land.

2/ Any person who is member of a peasant farmer, Semi pastoralist and pastoralist family having the right to use rural land may get rural land from his family by donation, inheritance or from the competent authority,

3/ Government being the owner of rural land, communal rural land holdings can be changed to private holdings as may be necessary;

4/ Subject to giving priority to peasant farmers/semi pastoralists and pastoralist:
   a) Private investors that engage in agricultural development activities shall have the right to use rural land in accordance with the investment policies and laws at federal and regional levels;
   b) Governmental and non-governmental organizations and social and economic institutions shall have the right to use rural land in line with their development objectives.

6. Rural land Measurement, Registration and Holding Certificate

1/ The sizes of rural lands under the holdings of private persons, communities, governmental and non-governmental organizations shall be measured as appropriate
using cultural and modern measurement equipments; their land use and level of fertility shall be registered as well in the data base center by the competent authorities established at all levels.

2/ Rural land holdings described under Sub-Article 1 of this Article shall be measured by the competent authority and shall be given cadastral maps showing their boundaries.

3/ Any holder of rural land shall be given holding certificate to be prepared by the competent authority and that indicates size of the land, land use type and cover, level of fertility and boarders, as well as the obligation and right of the holder.

4/ Where land is jointly held by husband and wife or by other persons, the holding certificate shall be prepared in the name of all the joint holders.

5/ The information that describes the holder of rural land, the holders of the bordering lands, the types of use, and the rights and obligation of the holder thereof shall be registered in the database and kept by the competent authority.

6/ Any rural land that is held through lease or rental shall be registered by the competent authority.

7. **Duration of Rural Land Use Right**

1/ The Rural land use right of peasant farmers, semi-pastoralists and pastoralists shall have no time limit.

2/ The duration of rural land use right of other holders shall be determined by the rural land administration laws of regions.

3/ Holder of rural land who is evicted for purpose of public use shall be given compensation proportional to the development he has made on the land and the property acquired or shall be given substitute land thereon. Where the rural land holder is evicted by federal government, the rate of compensation would be determined based on the federal land administration law. Where the rural land holder is evicted by regional governments, the rate of compensation would be determined based on the rural land administration laws of regions.

8. **Transfer of Rural Land Use Right**

1/ Peasant farmers, semi pastoralist and pastoralist who are given holding certificates can lease to other farmers or investors land from their holding of a size sufficient for the intended development in a manner that shall not displace them, for a period of time to be determined by rural land administration laws of regions based on particular local conditions.

2/ The rural land lease agreement to be concluded in accordance with Sub-Article (1) of this Article shall secure the consent of all the members who have the right to use the land and be approved and registered by the competent authority.

3/ A landholder may, using his land use right, undertake development activity jointly with an investor in accordance with the contract he concludes. Such contract shall be approved and registered by the competent authority.
4/ An investor who has leased rural land may present his use right as collateral.

5/ Any holder shall have the right to transfer his rural land use right through inheritance to members of his family.

9. **Distribution of Rural Land**

1/ In accordance with land administration laws of the regions farmlands whose holders are deceased and have no heirs or are gone for settlement or left the locality on own wish and stayed over a given period of time shall be distributed to peasant farmers, semi pastoralist and pastoralist who have no land and who have land shortage.

2/ Distribution may be undertaken on irrigable land in order to use irrigable land properly and equitably.

3/ Upon the wish and resolution of peasants farmers, semi pastoralists and pastoralists where land distribution becomes the only alternative, it shall be undertaken in such a way that it shall not be less than the minimum size of holding and in a manner that shall not result in fragmentation of land and degradation of natural resources.

4/ Where peasant farmers, semi pastoralist and pastoralists are evicted from their holdings for purpose of constructing irrigation structure, land distribution shall be undertaken to make them get equitable benefit from the irrigation development to be established.

10. **Obligations of Rural Land Users**

1/ A holder of rural land shall be obliged to use and protect his land. When the land gets damaged, the user of the land shall lose his use right. Particulars shall be given in the land administration laws of the regions.

2/ Where irrigation canals are constructed, the holder shall have the obligation to allow the construction of irrigation lines and other infrastructures if they cross his land holding.

3/ The holder of rural land shall have the obligation to cooperate when requested by the competent authority to measure and survey his land.

4/ Any rural landholder shall have the obligation to notify the competent authority when he abandons at will his land use right.

11. **Determining Minimum Rural Land Holding Size and Encouraging Land Consolidation**

1/ Without prejudice to the former holding or farm plot size of a family, the farm plot to be given in the future shall not be less than the minimum size holding.

2/ Where rural land is transferred by succession, it shall be made in such a way that the size of the land to be transferred is not less than the minimum size holding.

3/ In order to make small farm plots convenient for development, farmers are encouraged to voluntarily exchange farmlands.
4/ The information of the size and level of fertility of the farm plots which farmers intend to exchange holding shall be distributed through kebele administration to let other farmers residing in the kebele know about it.

5/ A settlement and villagization program to be undertaken at the request and participation of the community shall be undertaken taking into account the objective of land consolidation.

12. Dispute Resolutions

Where dispute arises over rural land holding right, effort shall be made to resolve the dispute through discussion and agreement of the concerned parties. Where the dispute could not be resolved through agreement, it shall be decided by an arbitral body to be elected by the parties or be decided in accordance with the rural land administration laws of the region.

PART THREE

RURAL LAND USE RESTRICTIONS

13. Land Use Planning and Proper Use of Sloppy, Gully and Wetlands

1/ A guiding land use master plan, which takes in to account soil type, landform, weather condition, plant cover and socio-economic conditions and which is based on a water shed approach, shall be developed by the competent authority and implemented.

2/ An equitable water use system shall be established between upper and lower watershed communities.

3/ In any type of rural land where soil and water conservation works have been undertaken a system of free grazing shall be prohibited and a system of cut and carry feeding shall be introduced step by step.

4/ The management of rural lands the slope of which is less than 30 percent shall follow the strategy of soil conservation and water harvesting. The details shall be determined by rural land administration laws of regions.

5/ Development of annual crops on rural lands that have slopes between 31-60 percent may be allowed only through making bench terraces.

6/ Rural lands, the slope of which is more than 60 percent, shall not be used for farming and free grazing; they shall be used for development of trees, perennial plants and forage production.

7/ Rural land of any slope which is highly degraded shall be closed from human and animal interference for a given period of time to let it recover, and shall be put to use when ascertained that it has recovered. Unless the degradation is caused by the negligence of the peasant farmers, semi pastoralist and pastoralist the users shall be given compensation or other alternatives for the interim period.
8/ Rural lands that have gullies shall be made to rehabilitate by private and neighbouring holders and, as appropriate, by the local community, using biological and physical works.

9/ Rural lands that have gullies and are located on hilly areas shall be rehabilitated and developed communally and as appropriate by private individuals.

10/ The biodiversity in rural wetland shall be conserved and utilized as necessary, in accordance with a suitable land use strategy.

14. Utilization of Rural Land for Villagization and other Social Services
A strategy of settlement, villagization and development of social services that helps to bring about a better system of rural land utilization shall be formulated.

PART FOUR
MISCELLANEOUS PROVISIONS

15. Rural Land Administration and use Study
A system of study that focuses on identification of problems on land administration and use, and recommends solutions shall be established.

16. Responsibility of Federal Ministry of Agriculture and Rural Development
The Federal Ministry of Agriculture and Rural Development shall:

1/ have the responsibility to implement this Proclamation by providing the necessary professional support and by coordinating the competent authorities;

2/ initiate, on the basis of the information gathered at national level and those to be obtained from time to time through monitoring and evaluation, development of new policy ideas, and the amendment of the existing policy, as necessary;

3/ create the system for the exchange of information between regions and the Federal Government pertaining to rural land administration and use.

17. Responsibility of Regions

1/ Each regional council shall enact rural land administration and Land use law, which consists of detailed provisions necessary to implement this Proclamation,

2/ Regions shall establish institutions at all levels that shall implement rural land administration and Land use systems, and shall strengthen the institutions already established.

18. Obligation to Cooperate
Any person shall have the obligation to cooperate with relevant bodies for the implementation of this proclamation.
19. **Penalty**

Any person who violates this Proclamation or the regulations and directives issued for the implementation of this Proclamation shall be punishable under the applicable criminal law.

20. **Repealed and Inapplicable laws**

1/ The Federal Government Rural Land Administration Proclamation No. 89/1997 is hereby repealed.

2/ No law, regulation, directive or practice shall, in so far as it is inconsistent with this Proclamation, be applicable with respect of matters provided for in this proclamation.

21. **Effective Date**

This Proclamation shall enter into force on this 15th date of July, 2005.

Done at Addis Ababa, this 15th day of July, 2005.

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
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BRIEF DESCRIPTION

The Urban Planning Proclamation repeals the Preparation and Implementation of Urban Plans Proclamation No. 315/1987. While regional states may determine the progressive implementation of this Law depending on their respective local circumstances, it applies to all urban centers throughout Ethiopia. The main objectives of the Law are to establish a legal framework in order to promote planned and well developed urban centers as well as to regulate and facilitate development activities in urban centers and thereby enhance economic development of the country. It ensures public participation through a public hearing on approval of a plan. It further requires chartered cities and administrations to make the approved structure and local development plans known to the public and entitles any interested party to have information as to the development of a plot of land in the jurisdiction of an urban center. Moreover, a development activity may only be carried out in an urban center with a prior development authorization, and the Law sets forth the particulars pertaining to development permit. It further provides for rules pertaining to urban redevelopment and development freeze, and sets out the powers and duties of Ministry of Urban Development and Housing, regional states and cities accountable to the federal government, in the implementation of the Proclamation.

Urban Planning Proclamation No. 574/2008

WHEREAS, the proliferation of unplanned urban centers needs to be regulated and guided by sound and visionary urban plans to bring about balanced and integrated national, regional and local development;

WHEREAS, it is vital to create a favorable condition for public and private stakeholders to fully participate in the process of urban plan initiation, preparation and implementation on the basis of national standards;

WHEREAS, it is necessary to regulate the carrying out of development undertakings in urban centers, contemplated both by public and private actors so that they will not be detrimental to the general well being of the community as well as the protection of natural environment;

WHEREAS, the existing laws on urban planning, due to their enactment by the unitary system of government, lack in conformity with the prevailing spirit of decentralization and therefore it has become necessary to replace them with a comprehensive legislation which takes into account the federal structure of government and the central role of urban centers in urban plan preparation and implementation;
NOW, THEREFORE, in accordance with Article 55 (1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

PART ONE

GENERAL PROVISIONS

1. **Short Title**

   This Proclamation may be cited as the “Urban Planning Proclamation No. 574/2008”.

2. **Definitions**

   In this Proclamation, unless the context otherwise requires:

   1/  “Chartered City” means a city established by a charter issued by either the federal or regional state legislature;

   2/  “Compensation” means payment in cash, in kind or both pursuant to law of compensation to a proprietor who suffers material loss as a result of urban plan implementation and development activities;

   3/  “Development Permit” means a written instrument granted by a chartered city or urban administration upon request of an applicant, whether public or private, authorizing the applicant to carry out development activities or modification thereof, within the boundary of an urban center;

   4/  “Expropriation” means an action exercised by a chartered city or an urban administration to take any property for public purpose up on payment of compensation commensurate to the value of the property;

   5/  “Public Purpose” means, that so determined as “public purpose,” by a chartered city or an urban administration in accordance with this Proclamation, in order to continuously ensure the direct or indirect utilization of land by people and thereby enhance urban development during the implementation of an approved plan;

   6/  “Regional State” means any regional state established pursuant to Sub-Article (1) of Article 47 of the Constitution of the Federal Democratic Republic of Ethiopia;

   7/  “Urban Administration” means an autonomous administrative structure established with a view to rendering services of municipality in urban centers other than chartered cities;

   8/  “Urban Center” means any locality with established municipality or having a population size of 2000 or above inhabitants, of which 50% of its labor force is primarily engaged in non-agricultural activities;

   9/  “Ministry” means the Ministry of Works and Urban Development

10/  “Person” means any natural or juridical person.

3. **Scope of Application**

   1/  This Proclamation shall apply to all urban centers throughout the country.
2/ Notwithstanding the provisions of Sub-Article(1) of this Article, the regional states may determine the progressive implementation of this Proclamation depending on their respective local circumstances.

4. **Objectives**

This Proclamation shall have the following principal objectives:

1/ to establish a legal framework in order to promote planned and well developed urban centers;

2/ to regulate and facilitate development activities in urban centers and thereby enhance economic development of the country;

**PART TWO**

**INITIATION AND PREPARATION OF URBAN PLANS**

5. **Basic Principles**

Any process of urban plan initiation and preparation in accordance with this Proclamation shall comprise the following basic principles;

1/ conformity with the hierarchy of plans;

2/ sharing the national vision and standard as well as capable of being implemented;

3/ consideration of inter-urban and urban-rural linkages;

4/ delineation of spatial frame for urban centers in view of efficient land utilization;

5/ ensuring the satisfaction of the needs of the society through public participation, transparency and accountability;

6/ promotion of balanced and mixed population distribution;

7/ safeguarding the community and the environment;

8/ preservation and restoration of historical and cultural heritages;

9/ balancing public and private interests;

10/ to be found ensuring sustainable development.

6. **Physical Boundaries of Urban Centers**

1/ Urban centers shall have their own distinct boundaries.

2/ The demarcation of boundaries between urban centers shall be made, where necessary, by the concerned regional governments. The boundaries of chartered cities shall be indicated in their respective charters.

3/ An urban center may be preferred and accorded a status of a growth center by the concerned authority with the view to amalgamating its immediate surroundings for a development cause regardless of its physical boundary as prescribed under this Article.
7. **Hierarchy of Plans**

   Based on the national and regional development strategies and schemes the following hierarchy of plans shall be considered:

   1/ National urban development scheme;
   2/ Regional urban development plan;
   3/ Urban plans.

8. **Types of Urban Plans**

   The following types of urban plans are hereby recognized:

   1/ city wide structure plan; and
   2/ local development plan.

9. **Definition and Content of Structure Plan**

   1/ A structure plan is a legally binding plan along with its explanatory texts formulated and drawn at the level of an entire urban boundary that sets out the basic requirements regarding physical development the fulfillment of which could produce a coherent urban development in social, economic and spatial spheres.

   2/ Any structure plan shall indicate mainly the following:

      a) the magnitude and direction of growth of the urban center;
      b) principal land use classes;
      c) housing development;
      d) the layout and organization of major physical and social infrastructure;
      e) urban redevelopment intervention areas of the urban center;
      f) environmental aspects;
      g) industry zone.

   3/ Structure plan shall have an implementation scheme, which comprises the institutional setup, resource and legal framework.

10. **Period of Validity**

    Structure plans shall be valid for a period of 10 years from the date of approval.

11. **Definition and Content of Local Development Plan**

    1/ A local development plan is a legally binding plan depicting medium term, phased and integrated urban upgrading, renewal and expansion activities of an urban area with the view to facilitating the implementation of the structure plan by focusing on strategic areas.

    2/ A local development plan shall prescribe the functions, development objectives, implementation strategies, role of implementing bodies, required institutions, local economic dynamism, urban design principles, concrete standards, spatial framework, budget and time of the implementation of a structure plan.
3/ Any local development plan shall state, as may be appropriate:
   a) zoning of use type, building height and density;
   b) local streets and layout of basic infrastructure;
   c) organization of transport system;
   d) housing typology and neighbourhood organization;
   e) urban renewal, upgrading and reallocation intervention areas;
   f) green areas, open spaces, water bodies, and places that might be utilized for common benefits;
   g) any other locally relevant planning issues.
4/ A local development plan shall have a detailed implementation scheme which specifies the institutional setup, resource and regulatory prescriptions needed for the implementation in a concerned area.

12. **Implementation Period**

   A local development plan shall be implemented within the validity period of the structure plan.

13. **Initiation of Urban Plans**

   1/ No process of urban planning preparation shall commence without prior identification of needs to be addressed.

   2/ Any interested governmental or other nongovernmental body shall have the right to initiate a need to be considered during urban planning in such manners and procedures as may be prescribed by law.

   3/ Without prejudice to the provisions of Sub-Article (2) of this Article, the initiation and authorization of an urban planning process shall be formally made by chartered cities and urban administrations as well as the concerned regional and federal authorities.

14. **Power and Duty to Prepare and Review Urban Plans**

   Urban centers at all levels shall have the power and duty to prepare and review or cause the preparation and review of their respective structure and local development plans by certified private consultants or public institutions. Particulars shall be determined by law.

**PART THREE**

**PLAN APPROVAL, PUBLICITY, IMPLEMENTATION AND REVISION**

15. **Public Hearing**

   1/ The process of plan approval shall be preceded by public hearings to be conducted at a convenient location.

   2/ Such processes and hearings shall be transparent and adequately communicated to the public at large, particularly to the kebele councils and community based organizations.
3/ The relevant suggestions and objections shall be taken up as inputs to rectify the plan. Particulars shall be determined by law.

16. Approval of Urban Plans

1/ The final draft of structure and local development plans of urban centers shall be deliberated upon and approved by their respective councils and communicated to the concerned regional or federal authorities.

2/ Notwithstanding the provision of Sub-Article (1) of this Article, a regional state or the federal government as may be appropriate, shall have the power to suspend an approved plan which does not comply with the basic principles of urban planning stipulated in this Proclamation.

17. Publicity of Approved Plans

1/ Chartered cities and urban administrations shall, by any means of communication, widely familiarize the public with the approved structure and local development plans.

2/ Chartered cities and urban administrations shall also make available approved plans to interested parties.

18. Urban Plan Implementation

There shall be clear strategy, regulations, directives and organized executive organs to support the implementation of urban plans.

19. Responsibilities for the Implementation of Urban Plans

Every chartered city or urban administration shall, in accordance with the regulations to be issued pursuant to this proclamation, be responsible for the implementation of structure and local development plans.

20. Power to Implement Urban Plans

Every chartered city or urban administration shall, in the implementation of urban plans, have the powers to:

1/ inspect and stop any development activities if they are against the structure and local development plans;

2/ disposess urban land holdings against paying compensation;

3/ coordinate, to the extent necessary for the implementation of the plan, the activities of government offices, development enterprises, service rendering institutions, private undertakings and other stakeholders operating within the area.

21. Payment of Compensation

Any urban landholder whose land holding is dispossessed as a result of implementation of urban plans shall be paid compensation, pursuant to the relevant laws.
22. **Revision and Modification of Urban Plans**

1/ Approved urban plans shall be revised upon the expiry of their validity or implementation periods.

2/ Notwithstanding the provision of Sub-Article (1) of this Article, urban plans shall be revised before the period of validity or implementation, if the need arises.

3/ Approved urban plans may be modified with regard to a portion of an urban center where the need arises.

23. **Powers and Duties to Revise and Modify Urban Plans**

Urban centers shall have the power to revise and modify or cause the revision and modification of their respective plans. Particulars shall be determined by law.

**PART FOUR**

**DEVELOPMENT AUTHORIZATION**

24. **Definition**

In this proclamation, except where the context otherwise requires, the term “development” means the carrying out of building, engineering works, mining or other operations on or below ground, or the making of any substantial change in the life of any structures or neighborhoods.

25. **Prohibition**

1/ No development activity may be carried out in an urban center without a prior development authorization.

2/ Chartered cities or urban administrations shall take appropriate measures if a development activity is carried out without development authorization.

26. **Underlying Principles**

The following principles shall be adhered to in any process of development authorization:

1/ ensuring economical and sustainable use of land;

2/ ascertaining the support of environmental impact assessment study with respect to development projects likely to have major environmental repercussions;

3/ provision of basic infrastructure during land allocation for development in conformity with urban plans.

27. **Application for Development Permit**

Any developer desiring to commence a developmental activity in an urban center shall apply for a development permit.

28. **Issuance of Development Permit**

1/ The concerned chartered city or urban administration shall, upon satisfaction of the development principles requirements, issue the development permit.
2/ Development works that may require additional authorization, such as building permit, shall be combined in the permit process and be given to the developer as one permit. Particulars shall be determined by law.

29. **Rejection of Application for Development Permit**

An application for a development permit may be rejected in one of the following reasons:

1/ the proposed development plan is not in harmony with the approved plan of the urban center;

2/ the development is likely to have a negative impact on the environment and generally to the public in the area;

3/ the development is not in accordance with any other condition as may be specified under regulations to be issued pursuant to this Proclamation.

30. **Period of Validity**

Development permit granted in accordance with this Proclamation shall remain valid for a period as may be prescribed by chartered cities and urban administrations.

31. **Suspension of Development Permit**

1/ No development permit granted to a developer may be suspended except by the chartered city or urban administration issuing the permit.

2/ The reasons for and conditions of such suspension shall be determined by law.

32. **Demolition Permit**

1/ Demolition of any structure or neighborhood in an urban area shall require permit.

2/ In the case of distinct and unique structures, no demolition may be authorized unless the action is so approved in writing by the regional or federal authorities concerned.

3/ Detailed conditions, procedures and fees with respect to the issuance or denial of such permit shall be specified by law.

33. **Certificate of Conformity**

1/ The compliance of the development authorization shall be confirmed by a certificate of conformity to be issued by the chartered city or urban administration concerned upon request by the developer.

2/ The conditions and procedures of granting or denying the certificate of conformity shall be specified by law.

34. **Payment of Fees**

The chartered city or urban administration may charge appropriate fees in respect to the issuance of development authorization or demolition permits as well as certificates of conformity. Particulars shall be determined by law.
PART FIVE
LAND INFORMATION

35. **The Right to Land Information**
   Any interested party shall be entitled to have information as to the development of a plot of land in the jurisdiction of an urban center.

36. **Certificate of Land Information**
   1/ Land information certificate may be granted upon request to a plot of land under the jurisdiction of urban centers.
   2/ Any certificate of land information shall contain the following particulars:
      a) the status of a plot sought with reference to urban plan regulations and land use;
      b) the state of existing and proposed public utilities as well as public utility easement obligations;
      c) information related to the tax or rent applicable to the plot;
      d) soil type, seismic as well as flood risks and any other particulars, as deemed necessary, if the required information or data is available;
   3/ Notwithstanding the provision of Sub-Article (1) of this Article, the certificate may not be granted with regard to plots classified under security domain and other areas to be specified by law.

37. **Requirement of Prior Consent**
   No certificate of information regarding urban land involving an airport and other national and international infrastructures, cultural heritage sites as well as archaeological and tourism zones may be issued without having the prior consent, in writing, of the authorities concerned.

38. **Period of Validity**
   The certificate of land information shall remain valid for the period to be specified by law.

39. **Payment of Fees**
   The chartered city or urban administration may charge appropriate fees with respect to the issuance of land information.

PART SIX
URBAN REDEVELOPMENT AND ITS DIMENSIONS

40. **Scope of Redevelopment**
   1/ Urban redevelopment shall, under this Proclamation, encompass urban renewal, upgrading and land reallocation with the view to alleviating urban problems,
improving living standards and bringing about urban dynamism and efficient land utilization.

2/ Urban centers shall be redeveloped and revitalized on the basis of the prescriptions of the structure and local development plans with the initiation of their respective administrations, inhabitants or developers.

41. **Urban Renewal**

Urban renewal shall, pursuant to this Proclamation, be construed as an undertaking aimed at improving the living and working environment in an urban center through fully or partly removing dilapidated, blighted or derelict structures in an urban center.

42. **Carrying out and Administration of Renewal**

1/ Urban renewal shall be planned and executed depending on a specified spatial frame indicated in the structure and local development plans with sufficient justification.

2/ The residents of an area where urban renewal is to be carried out shall be informed and consulted prior to the implementation of the renewal.

3/ Urban renewal shall be executed and administered by the pertinent chartered cities or urban administrations with due care and the necessary support from the regional and federal governments.

4/ The conditions and procedures in which renewal is to be implemented shall be determined by law.

43. **Urban Upgrading**

Urban upgrading shall, pursuant to this Proclamation, consist in an improvement of the living and working environment of slum areas by maintaining and partially removing of structures and through the provision of infrastructures and amenities.

44. **Execution and Administration of Upgrading**

1/ Urban upgrading shall be executed and administered by the concerned chartered cities or urban administrations in conformity with the prescriptions of structure and local development plan.

2/ Urban upgrading shall strive to improve not only the physical environment but also the socio-economic status of the residents.

3/ The conditions and procedures in which upgrading is to be implemented shall be specified by law.

45. **Reallocation of Land**

1/ Reallocation of land shall, under this proclamation, consist in plot sub-division and re-adjustment so as to create plots suitable in terms of accessibility, size, location and provision of basic infrastructure as well as ensure efficient and economical land utilization.
2/ No reallocation shall be executed for the purpose other than optimization of land resource for public purpose in an urban center.

46. **Compatibility**

Any contemplated reallocation scheme shall be compatible with the land use plan of an urban center.

47. **Carrying Out and Administration of Reallocation**

1/ Reallocation of land shall be carried out and administered by the concerned chartered cities or urban administrations.

2/ The specific conditions and procedures of reallocation of land shall be determined by law.

**PART SEVEN**

**DEVELOPMENT FREEZE AND LAND ACQUISITION**

48. **Development Freeze**

Development freeze shall, under this proclamation, constitute a legal instrument by which a chartered city or urban administration may temporarily stop the development of an area or plot of land in case of preparation, revision or modification of urban plans.

49. **Conditions of Development Freeze**

The chartered city or urban administration shall have the power to introduce development freeze under the following conditions:

1/ When development or demolition is likely to impede the implementation of the urban plan being prepared, revised or modified;

2/ When development is likely to increase the value of property, and consequently affect any future action of expropriation in the case of change of land utilization.

50. **Prohibition**

1/ No development or demolition permit may be granted for an activity in an area underdevelopment freeze pursuant to this Proclamation.

2/ Notwithstanding the provisions of Sub-Article (1) of this Article, chartered cities or urban administrations may issue a development permit or authorize the applicability of existing permit for essential development projects if they are of the belief that such development is not to substantially affect the implementation of the plan being prepared, revised or modified thereof. Particulars shall be determined by law.

51. **Period of Application**

Subject to a maximum time frame determined by regulations, development freeze shall apply until such time that the preparation, revision or modification of the urban plan is finalized.

52. **Land Acquisition and Reserve**

Urban centers at all levels shall, under this Proclamation, have the rights and duties to:

1/ land to be used or reserved for development activities of public purpose;
2/ land reserve related to the uncertainty of urban planning and the implementation process.

53. **Categories of Land Reserve**

Land reserved pursuant to this Proclamation shall comprise the following categories:

1/ land to be used or reserved for development activities of public purpose;

2/ land reserve related to the uncertainty of urban planning and the implementation process.

54. **Conditions of Land Acquisition and Reserve**

The right of chartered cities or urban administrations to dispossess holders in case of land acquisition and reserve for public purpose may be exercised in accordance with relevant laws. Particulars shall be determined by law.

**PART EIGHT**

**ALLOCATION OF POWERS AND DUTIES**

55. **Powers and Duties of the Ministry**

The Ministry shall, in the implementation of this Proclamation, have the powers and duties to:

1/ prepare, in collaboration with the concerned federal government organs, the national urban development scheme;

2/ oversee and follow-up as to whether urban plans are in conformity with this Proclamation and thereby ensure balanced and integrated urban development in the country;

3/ provide technical and capacity building support with respect to urban plans for regional urban centers and urban centers accountable to the federal government;

4/ follow up and evaluate at the national level, the over all implementation of development authorization regulations;

5/ collect and organize information relating to urban plans and make the information available to those interested groups;

6/ develop criteria for licensing and grading of consultants and issue certificates of competence to grade one consultants engaged in the preparation of urban plans.

56. **Powers and Duties of Regional States**

The Regional States shall, in the implementation of this Proclamation, have the powers and duties to:

1/ initiate and develop regional urban development plans in conformity with the national urban development scheme;

2/ follow up, evaluate and ensure the proper implementation of urban plans;
coordinate and integrate development efforts involving two or more urban centers having regional impact.

57. **Powers and Duties of Cities Accountable to the Federal Government**

Cities accountable to the Federal Government shall, in the implementation of this Proclamation, have the powers and duties to:

1/ prepare or cause the preparation of and implement structure and local development plans in conformity with the national urban development scheme or regional urban development plans as may be appropriate;

2/ follow-up, evaluate and ensure the proper implementation of urban plans;

3/ guide and regulate development activities in their respective jurisdictions;

4/ establish a reliable and systematized database with regard to urban land and immovable property thereon and make the same available upon request.

58. **Penalty**

1/ Any person who grants permission for a plan which has not been prepared in accordance with this Proclamation; or permits the implementation of any plan which has been ordered to be rectified or to be suspended, before its rectification or approval by the appropriate body to this effect, shall be punished in accordance with the regulation to be issued in accordance with this Proclamation.

2/ Any person who implements a plan which has not been approved by the concerned body or who implements a development plan which is not authorized or whose permit has been suspended or which is ordered to freeze, shall be punishable in accordance with the regulation to be issued pursuant to this Proclamation regardless of other measures to be taken in accordance with this Proclamation.

**PART NINE**

**MISCELLANEOUS PROVISIONS**

59. **Repealed Law**

The Preparation and Implementation of Urban Plans Proclamation No. 315/1987 is hereby repealed.

60. **Inapplicable Laws**

No law, regulation, directive or practice shall, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters provided for under this Proclamation.

61. **Effective Date**

This Proclamation shall enter into force up on the date of publication in the Federal Negarit Gazeta.

*Done at Addis Ababa, this 16th day of May, 2008*

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERALDEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.7.5. **PROCLAMATION NO. 721/2011**

A PROCLAMATION TO PROVIDE FOR LEASE HOLDING OF URBAN LANDS

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BRIEF DESCRIPTION

The Urban Land Lease Proclamation repeals the Re-enactment of Urban Land Lease Holding Proclamation No. 272/2002. It applies to all urban centers within Ethiopia with regard to urban land, defined as land located within an administrative boundary of any urban center. The Law prohibits the possession of urban land other than the lease holding system provided for therein, and provides for the conversion of old possession to lease holding. It further stipulates the rules relating to clearing of urban land, upon payment of commensurate compensation, where it is in the public interest. Urban land clearing and compensation cases
appellate tribunals will be established by regions and city administrations, with the power to confirm, vary or reverse a decision rendered in respect of a grievance by the appropriate body.

**Urban Land Lease Holding Proclamation No. 721/2011**

WHEREAS, it is provided by Article 40 of the Constitution of the Federal Democratic Republic of Ethiopia that land is the property of the State and the peoples of Ethiopia and that its use shall be subject to specific regulations by law;

WHEREAS, the sustainable rapid economic growth registered across all economic sectors and regions in the country has necessitated continuously and increasingly the demand for urban land which requires such an appropriate administration that it is efficient and responsive to land resources demand;

WHEREAS, the prevalence of good governance is a foundational institutional requisite for the development of an efficient, effective, equitable and well functioning land and landed property market, the sustenance of a robust free market economy and for building transparent and accountable land administration system that ensures the rights and obligations of the lessor and the lessee;

NOW, THEREFORE, in accordance with sub-article (2) (a) of Article 55 of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

**PART ONE**

**GENERAL**

1. **Short Title**

This Proclamation may be cited as the “Urban Lands Lease Holding Proclamation No. 721/2011.”

2. **Definitions**

In this Proclamation unless the context otherwise requires:

1/ “lease” means a system of land tenure by which the right of use of urban land is acquired under a contract of a definite period;

2/ “urban land” means land located within an administrative boundary of an urban center;

3/ “urban center” means any locality having a municipal administration or a population size of 2000 or more inhabitants of which at least 50% of its labor force is engaged in non-agricultural activities;

4/ “region” means any state referred to under Article 47 (1) of the Constitution of the Federal Democratic Republic of Ethiopia;

5/ “city administration” means the Addis Ababa City Administration or the Dire Dawa City Administration;
“appropriate body” means a body of a region or a city administration vested with the power to administer and develop urban land;

“public interest” means the use of land defined as such by the decision of the appropriate body in conformity with the urban plan in order to ensure the interest of the people to acquire direct or indirect benefits from the use of the land and to consolidate sustainable socio-economic development;

“urban plan” means structural plan, local development plan or basic plan of an urban center including annexed descriptive documents which are legally endorsed by the authorized body and have legally binding effect;

“tender” means a modality of transferring lease of urban land to a bid winner fulfilling the competition requirements issued based on the rule of market competition of urban land tenure;

“allotment” means a modality applied for providing urban lands by lease to institutions that could not be accommodated by way of tender;

“lease benchmark price” means the threshold price determined by taking into account the cost of infrastructural development, demolition cost as well as compensation to be paid to displaced persons in case of built up areas, and other relevant factors;

“grace period” means a time frame that a lessee is relieved from payment after effecting the advance lease payment and before the commencement of the annual lease payment;

“construction start-up” means the construction of at least the foundation and erection of reinforcement bars to cast columns of the permitted construction or building on the place;

“completion of foundation” means the construction phase based on the plan whereby the building site is dug, reinforcement concrete is filled in and its floor is completed and erection of its first wall is started;

“half-completion of construction” means:

a) in the case of a villa, completion of foundation, columns and top beam; or

b) in the case of a multi-story building, completion of foundation and 50% of the total number of floor slabs; or

c) in the case of a real estate development, completion of the construction phase referred to, as the case may be, in paragraph (a) or (b) of this sub-article relating to the entire blocks.

“completion of construction” means the full completion of a building and make it ready for use by installing basic utilities in accordance with the issued construction permit on a land permitted by lease;
18/ "old possession" means a plot of land legally acquired before the urban center entered into the leasehold system or a land provided as compensation in kind to persons evicted from old possession;

19/ "manufacturing industry premise" means plots of land reserved, developed or allotted, in accordance with the land use plan, for use of manufacturing industry;

20/ "mega real estate" means a housing development involving the construction of at least 1,000 residential units with a view to alleviating the shortage of housing in urban centers by way of sell or rent;

21/ "projects having special national significance" means development projects having outstanding contributions in the success of the country’s growth and transformation, or projects which, in the course of expanding the country’s cooperative relations with other countries, are intended to lay strong foundations for the relations between the countries;

22/ "Ministry" means the Ministry of Urban Development and Construction;

23/ "person" means any natural or juridical person;

24/ any expression in the masculine gender includes the feminine.

3. **Scope of Application**

   This Proclamation shall be applicable to all urban centers with in Ethiopia with regard to urban land.

**PART TWO**

**FUNDAMENTAL PRINCIPLES OF LEASE**

4. **General**

   1/ The right to use of urban land by lease shall be permitted in order to realize the common interest and development of the people.

   2/ The offer of lease tender and land delivery system shall adhere to the principles of transparency and accountability and thereby preventing corrupt practices and abuses to ensure impartiality in the process.

   3/ Tender shall reflect the prevailing transaction value of land.

   4/ The urban land delivery system shall give priority to the interests of the public and urban centers to ensure rapid urban development and equitable benefits of citizens and thereby ensure the sustainability of the country’s development.

5. **Prohibition of Land Possession and Permission other than Lease Holding**

   1/ without prejudice to the provisions of Article 6 of this Proclamation, no person may acquire urban land other than the lease holding system provided under this Proclamation.

   2/ No person may enclose and use any plot of land adjacent to his lawful possession without the permission of the appropriate body.
3/ No region or city administration may permit or transfer urban land in a manner contrary to the provisions of this Proclamation.

4/ Regional cabinets may specify urban centers to which this Proclamation remain inapplicable for a certain period; provided, however, that such transitional period, within which the Proclamation remain inapplicable in any urban center, may not be more than five years starting from the date of the coming into force of this Proclamation.

5/ Urban Centers referred to in sub-article (4) of this Article may, within the transitional period, permit urban land holding through tender. The bid benchmark shall be the annual land use rent of the locality.

6. **Conversion of Old Possession to Lease Holding**

1/ The modality of converting old possessions into lease hold shall be determined by the Council of Ministers on the basis of a detailed study to be submitted by the Ministry; provided however, that the process of such study may not preclude a revision of the existing rental rate applicable to old possessions.

2/ Where parceling of plots of urban land in accordance with the approved national standard and the urban plan, in the course of converting old possessions into lease hold pursuant to sub-article (1) of this Article, results in the reduction or increase of the size of a plot:

   a) compensation shall be paid in accordance with the appropriate law for any property to be removed from the land so reduced; or

   b) the payment to be made for the additional land obtained shall be treated in conformity with the relevant lease principles.

3/ Notwithstanding the provisions of sub-article (1) of this Article, where a property attached on an old possession is transferred to a third party through any modality other than inheritance, the person to whom the property is transferred becomes the possessor through lease holding.

4/ In order to regularize possessions held without the authorization of the appropriate body, the possessions which have found to be acceptable in accordance with urban plans and parceling standard following the regulations to be issued by regions and city administrations shall be administered by lease holding.

5/ The regularization process to be undertaken by regions and city administration in accordance with sub-article (4) of this Article shall only be effective within four years of the coming into force of this Proclamation.

6/ Where an application to merge an old possession with a lease hold is permitted, the entire possession shall be administered as lease hold tenure.

7/ The lease rates applicable to possessions converted into lease hold tenures pursuant to the provisions of this Article shall be the lease benchmark price of the locality.

7. **Leasehold Permit of Urban Land**

An urban land shall be permitted to be held by leasehold:
1/ if its use is in conformity with the urban plan guidelines or, if the urban center does not have such guidelines, as per the regulations issued by the region or the city administration; and
2/ through the modality of tender or allotment.

8. **Urban Lands Prepared for Tender**
   The appropriate body shall ascertain that:
   1/ prior to advertizing urban lands prepared for tender, the lands:
      a) are free from legal claims of any party;
      b) are prepared in conformity with the urban plan;
      c) have access to basic infrastructure;
      d) are parceled, delineated, assigned with unique parcel identification numbers;
      e) have site plans and fulfill other necessary preconditions; and
   2/ the tender process is implemented in a manner that secures the appropriate price of the land following the rules of transparency and accountability.

9. **Information Relating to Urban Lands Prepared for Tender**
   1/ The information relating to urban land prepared for tender shall contain the land grade, the lease benchmark price and other detailed relevant datas.
   2/ Where the urban land prepared for tender requires a special development program and implementation action plan, such development program and action plan shall be included in the information.

10. **Publicity of Urban Land Tender Plans**
    1/ The appropriate bodies shall:
       a) based on the demand for urban land and development priorities, publicize their annual plans indicating the quantity of urban land to be presented for tender; and
       b) make the information referred to in Article 9 of the Proclamation easily accessible to the public.
    2/ The appropriate bodies shall be responsible for ensuring the timely supply of urban land in accordance with the plans publicized pursuant to sub-article (1) of this Article.

11. **Tender Process**
    1/ The appropriate body shall advertize lease tender and forthwith put bid documents on sale.
    2/ The sale of bid documents shall be in a manner accessible to anyone willing to bid; provided, however, that no single bidder may be allowed to buy more than one bid document for the same plot.
3/ The amount of bid bond shall be determined by regulations of regions and city administrations; provided, however, that it may not be less than five percent of the land lease benchmark price.

4/ A bid shall be cancelled if less than three bidders participate in the first round of tender.

5/ The highest bidder shall be declared a winner on the basis of his bid price and the amount of advance payment he offers.

6/ The list of winners with the details of their scores shall be made public on a notice board.

7/ Regions and city administrations shall prepare in advance plots of urban land, to be assigned through tender, for higher education institutions, hospitals, health research institutions, four star and above hotels and mega real estate developments, to be undertaken by the private sector.

8/ Notwithstanding the provisions of sub-article (4) of this Article, land may be assigned, through tender process, even to a sole bidder where his project falls under sub-article (7) of this Article and where his capability to implement the development project is verified by the relevant body.

12. **Allotment of Urban Land**

1/ Allotment of urban lands may, upon decisions of the cabinet of the concerned region or the city administration, be permitted for:
   
   a) Office premises of budgetary government entities;
   
   b) Social service institutions run by government or charitable organizations;
   
   c) Public residential housing construction programs and government approved self-help housing constructions;
   
   d) Places of worship of religious organizations;
   
   e) Manufacturing industries;
   
   f) Use of embassies and international organizations as per agreements entered into with the government;
   
   g) Projects having special national significance and considered by the president of the region or the mayor of the city administration and referred to the cabinet.

2/ A person displaced due to urban renewal program shall be entitled to a substitute plot of land.

3/ A lawful tenant of government or kebele owned residential house in a region or Dire Dawa shall be entitled to allotment of residential plot of land at benchmark lease price if displaced due to urban renewal program and could not be provided with access to substitute housing; provided, however that he shall deposit money, as determined by the appropriate body, in a blocked bank account to show his financial position.
4/ A lawful tenant of government or kebele owned residential house in Addis Ababa shall be entitled for facilitated purchase of condominium housing unit if displaced due to urban renewal program.

5/ A lawful tenant of government or kebele owned business house shall be accommodated as per the decision of the concerned region or city administration if displaced due to urban renewal program.

13. Request for Urban Land Allotment

Request for urban land lease holding through allotment shall be accompanied by:

1/ support letter from the supervising authority of the requesting institution or from pertinent sectoral bodies;

2/ detailed study of the project to be implemented at the requested site; and

3/ evidence showing the budget allocated for implementing the project.

14. Urban Land Lease Price

1/ Every plot of urban land shall have a benchmark lease price. The valuation method shall be determined on the basis of the objective conditions of each urban center in accordance with regulations issued by the respective regions and city administrations.

2/ A price map shall be prepared based on the benchmark prices of different locations computed in accordance with sub-article (1) of this Article.

3/ The benchmark lease price shall be updated at least every two years to reflect current conditions.

15. Grace Period

1/ Any person permitted urban land lease holding may be allowed grace period depending on the type of the intended development or service. The details shall be determined by regulations to be issued by the regions and city administrations.

2/ The grace period shall commence from the date of the conclusion of the lease contract and may not last beyond the date of completion of construction.

PART THREE

ADMINISTRATION OF URBAN LAND LEASEHOLDINGS

16. Lease Contract

1/ Any person permitted urban land lease holding in accordance with this Proclamation shall conclude a contract of lease with the appropriate body.

2/ The lease contract shall include the construction start-up time, completion time, payment schedule, grace period, rights and obligations of the parties as well as other appropriate details.
3/ A person permitted urban land lease holding shall be made aware of the contents of the lease contract and shall effect the down payment of the lease price prior to signing the contract.

4/ A person who has signed a lease contract shall be issued with a lease holding certificate prepared in accordance with Article 17 of this Proclamation and shall receive the plot of land by personally appearing on site.

5/ The appropriate body shall have the responsibility to follow up and ensure that the urban land handed over pursuant to sub-article (4) of this Article is developed in accordance with the lease contract and that the annual lease payment is effected timely.

17. Lease Holding Certificate

1/ Leasehold certificate shall be issued to a person to whom an urban land lease holding is permitted.

2/ The leasehold certificate shall include the following particulars:
   a) full name of the lessee including grand father's name;
   b) size and location of the plot;
   c) the type of service, land grade and plot number;
   d) the total lease amount and down payment;
   e) the amount of the annual lease payment and the time of the final lease payment to be effected;
   f) the lease period.

18. Period of Lease

1/ The period of urban land lease shall vary depending on the level of urban development and sector of development activity or the type of service and shall have the ceiling of:
   a) in any urban center:
      (1) 99 years for residential housing, science and technology, research and study, government offices, charitable organizations, and religious institutions;
      (2) 15 years for urban agriculture;
      (3) As per agreement entered with the government for diplomatic missions and international organizations;
   b) in Addis Ababa:
      (1) 90 years for education, health, culture and sports;
      (2) 70 years for industry;
      (3) 60 years for commerce;
      (4) 60 years for others;
   c) in other urban centers;
(1) 99 years for education, health, culture and sports;
(2) 80 years for industry;
(3) 70 years for commerce;
(4) 70 years for others.

2/ Notwithstanding the provisions of sub-article (1) of this Article:

a) a lease period may be extended for period of time of not more than half of the specified ceiling for a development activity or service requiring an extended period of lease on account of its unique nature;
b) a ceiling of five years of lease period shall be applicable to short-term economic and social activities intended to be carried out on urban lands not designated for immediate development use. Such lease period may be renewed for the same period of time where it is necessary.

19. Renewal of Period of Lease

1/ The period of lease may be renewed upon its expiry on the basis of the prevailing benchmark lease price and other requirements; provided, however, that the lessee may not be entitled to compensation where the lease period could not be renewed.

2/ The period of lease shall be renewed pursuant to sub-article (1) of this Article, only if the lessee applies in writing to the appropriate body within 10 to 2 years before the expiry of the period of lease.

3/ The appropriate body shall notify to the applicant, in writing, its decision within one year from the date of submission of the application, and where it fails to communicate its decision within such period, it shall be deemed as though it has agreed to the renewal request. In such case, the contract shall be renewed on the basis of the prevailing benchmark lease price and for the period pertinent to the type of the service.

4/ The officer or employee who has failed to respond in accordance with sub-article (3) of this Article shall be held accountable for the adverse consequences of the renewal, if any.

20. Period of Payment

1/ A person permitted urban land lease holding may be given a period of lease payment taking into account the payback period of the investment.

2/ The amount of down payment, to be determined in accordance with the prevailing factors of the region or the city administration, may not be less than 10% of the total lease amount of the urban land.

3/ The remaining balance of the lease amount shall be paid on the basis of equal annual installments during the payment term.

4/ Interest shall be paid on the remaining balance as per the prevailing interest rate on loans offered by the Commercial Bank of Ethiopia. The appropriate body shall have the responsibility to follow up the current loan interest rate and to update the applicable interest rate accordingly.
5/ Failure to pay the annual payment in time as originally scheduled shall result in penalty fee equivalent to the rate of penalty fee imposed by the Commercial Bank of Ethiopia on defaulting debtors.

6/ Where a lessee has failed to make payments within the specified time limit and accumulated arrears for three years, the appropriate body shall have the power to seize and sale the property of the lessee to collect the arrears.

7/ The provisions from sub-article (1) to (5) of this Article may not be applicable to urban land holding granted by allotment to a budgetary government entity or a religious institution pursuant to paragraph (a) or (d) of sub article (1) of Article 12 of this Proclamation; provided, however, that the budgetary government entity or the religious institution provided with urban land by allotment shall pay an amount equivalent to the compensation paid in the course of clearing the land.

21. Utilization of Urban Land Leaseholding

1/ A lessee of urban land shall use the land for the prescribed purpose within the period of time stated in the lease contract.

2/ Notwithstanding the provisions of sub-article (1) of this Article, the lessee may apply to the appropriate body to convert the use of the land.

3/ The appropriate body may authorize the proposed land use where it ascertains that it is in conformity with the land use plan of the urban center.

22. Commencement of Construction

1/ Any lessee shall commence construction within the period specified in the lease contract.

2/ Notwithstanding the provisions of sub-article (1) of this Article, the period of commencement of construction may be extended depending on the complexity of the construction and in accordance with regulations to be issued by the concerned region or city administration.

3/ Without prejudice to the provision of sub-article (5) of this Article, where a lessee fails to commence construction within the period specified under sub-article (1) and (2) of this Article, he shall be liable to pay a penalty fee amounting to seven percent of the total lease price in addition to a lease amount that covers the period from the date he took possession of the land; and the appropriate body shall take back the land.

4/ Where a person permitted urban landholding in accordance with sub-article (3) of Article 12 of this Proclamation fails to commence construction within the period specified under sub-article (1) and (2) of this Article, he shall be liable to pay a penalty fee equivalent to three percent of the deposit in his blocked bank account; and the appropriate body shall take back the land.

5/ Where a lessee permitted urban land leasehold in accordance with paragraphs (a), (b), (c), (d) or (f) of sub-article (1) of Article 12 of this Proclamation fails to commence construction within the period specified under sub-article (1) and (2) of
this Article, the leasehold contract shall be terminated; and the appropriate body shall take back the land.

23. **Completion of Construction**

1/ Any lessee shall complete construction within the period specified in the lease contract following the provisions of sub-article (2) and (3) of this Article.

2/ The time limit for completion of construction shall be as follows:
   a) up to 24 months for small construction projects;
   b) up to 36 months for medium construction projects;
   c) up to 48 months for large construction projects.

3/ The classification of construction projects shall be determined by regulations to be issued by regions and city administrations.

4/ Notwithstanding the provisions of sub-article (1) of this Article, the period of completion of construction may be extended depending on the complexity of the construction and in accordance with regulations to be issued by regions or city administrations; provided, however, that the total completion period may not exceed:
   a) two years and six months for small construction projects;
   b) four years for medium construction projects;
   c) five years for large construction projects.

5/ Where a lessee fails to complete construction within the time limit specified under sub-article (1) of this Article, the lease contract shall be terminated and the appropriate body shall take back the land.

6/ The person whose lease contract is terminated shall, at his own cost, remove his property from the land within six months. The appropriate body shall serve a written notice to such person to this effect.

7/ Where a person fails to remove his property in accordance with sub-article (6) of this Article, the appropriate body may:
   a) upon ascertaining the conformity of the incomplete construction with the plan, transfer it, through open tender, to a person who can complete and use the building; or
   b) clear the land at its own cost and recover such cost from the lease down payment or, in the case of a person permitted urban landholding in accordance with sub-article (3) of Article 12 of this Proclamation, from the deposit in his blocked bank account.

8/ The appropriate body shall recover the costs of the sale undertaken pursuant to sub-article 7(a) of this Article from the proceeds of the sale and return the balance, if any, to the owner.
24. **Transferring and Pledging of Leasehold Right**

1/ Without prejudice to the period of lease determined pursuant to sub-article (1) of Article 18 of this Proclamation and the obligation to use the land for the prescribed purpose in accordance with sub-article (1) of Article 21 of this Proclamation, a lessee may transfer his leasehold right or use it as collateral or capital contribution to the extent of the lease amount already paid.

2/ If a lessee, with the exception of inheritance, wishes to transfer his leasehold right prior to commencement or half-completion of construction, he shall be required to follow transparent procedures of sale to be supervised by the appropriate body.

3/ In the event of transfer of leasehold right in accordance with sub-article (2) of this Article:
   a) the effected lease payment including interest thereon, calculated at bank deposit rate;
   b) value of the already executed construction; and
   c) 5% of the transfer lease value;

   shall be retained by the lessee, and the remaining balance shall be paid to the appropriate body.

4/ Notwithstanding the provisions of sub-article (1) of this Article, where a lessee uses his leasehold right as collateral prior to commencement of construction, the collateral value may not exceed the balance of the lease down payment after considering possible deductions to be made pursuant to sub-article (3) of Article 22 of this Proclamation.

5/ Where a lessee who has used his leasehold right as collateral in accordance with sub-article (4) of this Article is in default and a claim, supported by a court execution order, on the collateral is presented, the appropriate body shall, upon terminating the lease contract, take back the land and settle the claim to the extent of the balance of the lease down payment after retaining the deductions to be made pursuant to sub-article (3) of Article 22 of this Proclamation, and return the surplus, if any, to the lessee.

6/ Unless agreed otherwise, a building constructed on a leasehold and its accessories shall be subject to the collateral or transfer where the right to the use of land is made as collateral or transferred. Similarly, the right to the use of land shall be subject to the collateral or the transfer where a building on leasehold and its accessories are used as collateral or transferred.

7/ If any person repeatedly transfers leasehold right, without completion of construction, in anticipation of speculative market benefits, the appropriate body may bar him from participation in future bids.

8/ The transfer of the leasehold right in any circumstance pursuant to the provisions of this Article shall unconditionally transfer all contractual obligations assumed by the lessee to the third party to whom the leasehold right is transferred.
25. **Termination of Leasehold and Payment of Compensation**

1/ The leasehold of urban land shall be terminated where:
   a) the lessee has failed to use the land in accordance with sub-article (1) of Article 21 of this Proclamation;
   b) it is decided to use the land for other purpose due to public interest; or
   c) the lease period is not renewed in accordance with sub-article (1) of Article 19 of this Proclamation;

2/ Notwithstanding the provision of sub-article (1)(a) of this Article, where it is ascertained that the land has not been used for the intended purpose as a result of force majeure as provided for under the civil code, the appropriate body may authorize time extension to compensate time lost due to the force majeure situation.

3/ The lease payment shall be returned subject to the deduction of costs incurred and penalty fee where the leasehold of urban land is terminated in accordance with sub-article (1)(a) of this Article.

4/ Where the leasehold of urban land is terminated in accordance with sub-article (1)(b) of this Article, the lessee shall be paid commensurate compensation in accordance with the relevant law.

5/ Where the leasehold of urban land is terminated in accordance with sub-article (1)(c) of this Article, the lessee shall hand over the land to the appropriate body by removing, within one year, the property situated on the land.

6/ The appropriate body may take over the land together with the property thereon without any payment where the lessee has failed to remove the property within the period of time set forth in sub-article (5) of this Article, and may order the police where it finds it necessary for the enforcement of the takeover.

7/ Where the leasehold of urban land is terminated pursuant to sub-article (1)(b) of this Article, the taking over of the land shall take place in accordance with the provisions of Article 31 of this Proclamation.

**PART FOUR**

**CLEARING URBAN LAND**

26. **Power to Clear Urban Land**

1/ The appropriate body shall have the power, where it is in the public interest, to clear and take over urban land upon payment of commensurate compensation, in advance, for the properties to be removed from the land.

2/ A person displaced due to an action taken pursuant to sub-article (1) of this Article shall be provided with a substitute plot of land within the urban centre the size of which shall be determined by the region or the city administration.

3/ Notwithstanding the provisions of sub-article (1) of this Article, no land leasehold may be cleared, prior to the expiry of the lease period, unless the lessee has
breached the contract of lease, the use of the land is not compatible with the urban plan or the land is required for development activity to be undertaken by government.

4/ The appropriate body shall have the power, without the need to issue a clearance order pursuant to Article 27 of this Proclamation and payment of compensation, to clear an illegally occupied urban land by merely serving a written notice of seven working days to the occupant in person or by affixing it to the property situated on the land.

27. **Clearing Order**

1/ Where urban landholding is decided to be cleared in accordance with sub-article (1) of Article 26 of this Proclamation, the possessor of the land shall be served with a written clearing order stating the time the land has to be vacated, the amount of compensation to be paid and the size and locality of the substitute plot of land to be availed.

2/ The period of notification to be given in accordance with sub-article (1) of this Article shall be determined by regulations to be issued by the regions and the city administrations; provided, however, that it may not, in any way, be less than 90 days.

3/ Where the plot of land to be cleared has a government house on it, the clearing order shall be served to the body administering the house.

4/ If a house subject to a clearing order issued pursuant to sub-article (3) of this Article is rented, the body which received the order shall take the necessary action to terminate the contract of rent prior to the expiry of the notice period.

28. **Grievances Relating to Clearing Order or Notice**

1/ A person served with a clearing order pursuant to sub-article (1) of Article 27 of this Proclamation or any other person alleging infringement of his right or benefit as a result of the order may submit his grievance to the appropriate body, together with evidences substantiating his cause, within 15 working days after receipt of the order.

2/ Any person served with a notice pursuant to sub-article (4) of Article 26 of this Proclamation may submit his grievance to the appropriate body, together with evidences substantiating his cause, within seven working days after receipt of the notice.

3/ The appropriate body shall properly examine a grievance submitted to it in accordance with sub-article (1) or (2) of this Article and notify its decision to the applicant in writing. Where the complaint is found to be unacceptable, the decision shall state the reasons thereof.

29. **Appeals Against Decisions of the Appropriate Body**

1/ An applicant who is aggrieved by the decision of the appropriate body rendered in accordance with sub-article (3) of Article 28 of this Proclamation may appeal to the
Appellate Tribunal established under Article 30 of this Proclamation within 30 days from receipt of the decision.

2/ The Tribunal shall examine the appeal and render its decision within 30 working days from submission of the appeal. It shall notify its decision in writing to the parties.

3/ Decisions of the Tribunal, except relating to compensation, on issues of law and facts including claims for substitute land shall be final.

4/ A person dissatisfied with the decision of the Tribunal on the issue of compensation may appeal, within 30 days from receipt of the decision, to the relevant municipal appellate court or, in the absence of municipal appellate court, to the regular high court.

5/ An appeal under sub-article (4) of this Article may be admitted only if the appellant has handed over the land subject to the clearance order to the appropriate body and attached evidence to this effect.

6/ The appellate court shall decide on an appeal submitted to it in accordance with sub-article (4) of this Article within 30 working days from its submission. The decision of the court shall be final.

30. Appellate Tribunal

1/ Urban land clearing and compensation cases appellate tribunals shall be established by regions and city administrations.

2/ A Tribunal established pursuant to sub-article (1) of this Article shall have the power, upon examining appeals submitted to it, to confirm, vary or reverse a decision rendered in accordance with sub-article (3) of Article 28 of this Proclamation and to enforce its decision.

3/ The Tribunal shall be accountable to the council of the region or the city administration, as the case may be.

4/ The Tribunal shall consist of not less than five members drawn from different relevant bodies.

5/ The Tribunal may, where it finds it necessary, order the relevant bodies to provide expert opinion or to produce evidence pertinent to a case before it.

6/ The tribunal may order and use police force where it finds it necessary to execute its decisions and orders.

7/ The Tribunal shall be free of any influence except the law.

8/ The Tribunal may not be governed by the provisions of the ordinary Civil Procedure Code while conducting its functions. It shall, however, be governed by expedient procedures to be issued by the region or city administration.

9/ The term of office of members of a Tribunal shall be determined by the region or city administration.
31. **Takeover of Land**

1/ Without prejudice to the provisions of sub-article (2) of this Article, the appropriate body shall take over urban land from any person who has been served with a clearing order within 90 days from the date of payment of compensation, or if the person refuses to take the payment, from the date of depositing the compensation in a blocked bank account in the name of the appropriate body; provided, however, that the appropriate body shall pay the deposited amount whenever the entitled person intends to take the payment.

2/ The appropriate body shall take over a land in respect of which a clearing order or notice has been served:
   a) where the person served with the clearing order or notice has not lodged a grievance against the action in accordance with sub-article (1) or (2) of Article 28 of this Proclamation;
   b) where the grievance is dismissed in accordance with sub-article (3) of Article 28 of this Proclamation and no further appeal is made against the decision; or
   c) where an appeal submitted in accordance with sub-article (1) of Article 29 of this Proclamation is dismissed in accordance with sub-article (2) of Article 30 of this Proclamation.

3/ Notwithstanding the provisions sub-article (1) of this Article, where there is no crop, perennial crop or other property on a land in respect of which a clearing or order has been served, the holder shall hand over the land to the appropriate body within 30 days from the date of receipt of the order.

4/ The appropriate body may order police force when it finds it necessary to use force to take over the land.

5/ The appropriate body may not be held responsible for any property situated on illegally held plot of urban land in the course of clearing the land.

**PART FIVE**

**MISCELLANEOUS PROVISIONS**

32. **Powers and Duties of the Ministry**

The Ministry shall have the powers and duties to:

1/ follow up and ensure the proper implementation of this Proclamation in all regions and city administrations;

2/ provide technical and capacity building support to regions and city administrations;

3/ create, with the assistance of technology, a modernized and harmonized real property information system at the national level;

4/ adopt and follow up the implementation of national standards of real properties data base;

5/ prepare model regulations, directives and manuals to be issued for the implementation of this Proclamation.
33. **Powers and Duties of Regions and City Administrations**

Regions and city administrations shall have the powers and duties to:

1/ administer land, in all urban centers, in accordance with this Proclamation;

2/ issue regulations and directives necessary for the implementation of this Proclamation.

34. **Duty to Cooperate**

Any person shall have the duty to cooperate for the implementation of this Proclamation.

35. **Penalty**

1/ Unless the offence is punishable with more severe penalty under the Criminal Code:

   a) any officer or employee who is in charge of implementing this Proclamation and regulations and directives issued hereunder with intent to obtain for himself or to procure for another person undue advantage:

      (1) grants an urban land in contravention of the provisions of this Proclamation is punishable with rigorous imprisonment from 7 to 15 years and with a fine from Birr 40,000 up to Birr 200,000;

      (2) fails to disclose any information pertinent to a tender, restricts the sale of bid documents, distorts the process or reverses the outcome of a tender is punishable with rigorous imprisonment from 5 to 12 years and with a fine from Birr 30,000 up to Birr 150,000;

      (3) acts in violation of the provisions of this Proclamation or fails to take action required under this Proclamation is punishable with rigorous imprisonment from 5 to 12 years and with a fine from Birr 30,000 up to Birr 150,000;

   b) Whosoever in violation of the provisions of this Proclamation or regulations or directives issued hereunder, fences an urban land, undertakes construction on it or encloses it with his adjacent land is punishable with a rigorous imprisonment from 7 to 15 years and with a fine from Birr 40,000 up to Birr 200,000;

   c) any bidder of urban land lease tender who presents a falsified documentary evidence or conceals any evidence which he should have disclosed or connives at an act of fake competition is punishable with a rigorous imprisonment from 5 to 12 years and with a fine from Birr 30,000 up to Birr 150,000.

2/ Where any officer or employee who is in charge of implementing this Proclamation and regulations and directives issued hereunder negligently commits the offence specified under sub-article (1) of this Article, he shall be punishable with imprisonment from 1 to 5 years and with a fine from 10,000 up to Birr 30,000.

3/ Any asset which is the proceed of a crime committed in violation of the provisions of this Article shall be confiscated by a court order and shall be surrendered to the appropriate body.
36. **Repeal and Inapplicable Laws**
   1/ The Re-enactment of Urban lands Lease Holding Proclamation No. 272/2002 is hereby repealed.
   2/ No law or practice shall, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters covered by this Proclamation.

37. **Transitory Provisions**
   1/ Regions and city administrations shall render decisions, within three months after the coming into force of this Proclamation, on pending land holding requests in accordance with the former laws.
   2/ All lease holding contracts which have been concluded with the appropriate body and all activities performed accordingly before the coming into force of this Proclamation shall be valid and remain intact.

38. **Effective Date**
   This Proclamation shall come into force on the date of publication in the Federal Negarit Gazeta.

   Done at Addis Ababa, this 28th day of November, 2011

   **GIRMA WOLDEGIORGIS**
   **PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA**
# PROCLAMATION NO. 818/2014

**A PROCLAMATION TO PROVIDE FOR REGISTRATION OF URBAN LANDHOLDING**

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20th Year No. 25
Addis Ababa 21st February, 2014
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**BRIEF DESCRIPTION**

This Proclamation applies to all urban centers all over the country with regard to urban land. It establishes an updated landholding information system and, subject to prerequisites laid down therein, landholding adjudication system. However, the existing registration system of urban landholding continue to apply until the appropriate registration institutions are established in urban centers pursuant to this Proclamation and become fully operational. The Law further incorporates provisions on cadastral field data, registration procedure and its effects as well as other issues.

**Urban Landholding Registration Proclamation No. 818/2014**

WHEREAS, it is desired to realize, the rights of Ethiopians to immovable property they build on the land as provided under Article 40(7) of the Constitution of the Federal Democratic Republic of Ethiopia, and their right to use land in urbans;

WHEREAS, registration of urban land has become a fundamental institutional requisite to generate reliable information for the country’s economy which will be utilized for the required service, especially, to give security for the possession right of citizens, and thereby accelerate economic, social and environmental development of cities;

WHEREAS, it has become necessary to minimize disputes arised related to land and immovable property, establish transparent and accountable working system and making government services efficient and enable the possessor to enjoy the property he develops in accordance with law;

WHEREAS, it has become necessary to put in place legal framework which is up-to-date, efficient, compatible with market transaction that facilitate registration of rights, restrictions and responsibilities relating to land and immovable property and to enhance the contribution of land and immovable property to the development of free market economic system and to certify land and immovable property right to the possessor, who develops on the land, and to ensure his possession security;

WHEREAS, it has become necessary to implement legal cadastre principles such as registration of possession, getting the consent of the possessor during transaction, making registration of possession open to public, clearly identifying the possession and the possessor through unique identification codes;

NOW, THEREFORE, in accordance with Article 55(2) (a) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:
PART ONE
GENERAL

1. **Short Title**
This Proclamation may be cited as the “Urban Landholding Registration Proclamation No. 818/2014”.

2. **Definitions**
Unless the context otherwise requires, in this Proclamation:

1/ “urban center” means any locality having a municipal administration or designated as an urban center by legally authorized body;

2/ “urban land” means land located within the administrative boundary of an urban center of any region;

3/ “landholding” means a use right on an urban land acquired in accordance with the land lease law or an old urban land possession recognized by the lease law;

4/ “urban administration” means an organ established by law or delegated by appropriate body to exercise the powers and functions of urban administration;

5/ “legal cadastre” means an updated landholding information system containing a record of the rights, restrictions and responsibilities on a defined legal boundary for each landholdings demarcated as parcel on map;

6/ “systematic landholding adjudication” means a process of ascertaining existing rights on landholdings within a defined landholding adjudication neighborhood;

7/ “sporadic landholding adjudication” means a process of ascertaining periodically existing holding right in a landholding adjudication neighborhood based on sequential order of the submission of the request by the holder;

8/ “block partition” means a plan block drawn up in line with roads and line features according to the standard prepared for block partition and containing one or more holdings within the lower administrative unit of an urban center;

9/ “unique parcel identification code” means the unique code or number by which a parcel located in an urban center is uniquely identified;

10/ “cadastre index map” means maps of block partitions prepared for landholding adjudication to be conducted in an urban center or maps of a landholding adjudication neibourhood with serial name and number according to the map naming standard;

11/ “parcel” means an area of land its boundary extent is clearly defined and demarcated on the ground and drawn upon a map with rights having a unique parcel identification code;

12/ “landholding adjudication section” means a landholding adjudication area at a lower level of a urban administration comprising not more than five adjudication
neighborhood with not more than one thousand parcels, recognized by the urban administration and to which a unique section code is assigned;

13/ "landholding adjudication neighborhood" means a landholding adjudication area having clearly identified boundary on the ground and on line map and containing consecutive number and identification name in which systematic adjudication activity is carried out;

14/ "holding right certificate" means a document of title issued by the registering institution confirming holding right that emanate from land use;

15/ "cadastral survey" means a method of measuring landholding boundary on the field using land surveying instrument or through photogrammetric means;

16/ "surveyor with special permit" means a surveyor entrusted by the authorized body of an urban administration with the responsibility to carry out cadastral surveying;

17/ "cadastral surveyor" means a person who is registered and issued a license as a surveying professional by the appropriate organ according to the professional competency standards issued for this purpose;

18/ "registration" means the process by which a landholding right, restriction, and responsibility is registered in the legal cadastre register;

19/ "appropriate body" means the Federal Urban Real Property Registration and Information Agency or an organ established or designated at regional level to supervise urban landholding registration and information registering institutions;

20/ "registering institution" means an organ established or designated by a region at appropriate level to undertake registration of urban land and immovable property information and is accountable to the appropriate body;

21/ "adjudication officer" means a person appointed by the government to verify landholding right during systematic adjudication in an adjudication section and in charge of organizing landholding information in the section;

22/ "registration officer" means a person authorized by a region or by city administration to register landholding right, restriction and responsibilities and issue certificate of title in accordance with this Proclamation;

23/ "cadaster base map" means a map prepared using land surveying or air photograph which shows administrative boundary, fence, road, boundary line of building or house, river, lake, land features, distribution of permanent survey points and similar objects:

24/ "region" means any state referred to in Article 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire Dawa City Administrations;

25/ "Ministry" means the Ministry of Urban Development, Housing and Construction;

26/ "person" means any natural or juridical person;

27/ Any expression in the masculine gender includes the feminine.
3. **Scope of Application**

   This Proclamation shall be applicable to all urban centers all over the country with regard to urban land.

4. **Objectives of Landholding Registration**

   Urban landholding registration shall have the following objectives:

   1/ ensuring uniform protection of landholding rights of private, joint holders, associations, government and non-governmental institutions, by enabling urban centers know the land available at their disposal through inventory and create integrated national landholding system compatible with the rural land administration which supports the building of one economic community; and

   2/ accelerating the economic, social and environmental development of urban centers by ensuring land holders security of landholding right and recognition of title to immovable property by certifying the right through registration.

5. **Prerequisites for Landholding Adjudication**

   In order to carry out adjudication of urban landholding right:

   1/ the administrative boundary of the urban center shall first be defined through line map; and

   2/ the urban center plan with reference to administrative boundary shall be endorsed by the authorized body as having a legally binding effect.

   **PART TWO**

   **LEGAL CADA斯特RE**

6. **Principle**

   1/ A cadastral base map, parcel map and cadastral index map which show features on the surface of the land shall be prepared on paper or paper and digital form on the basis of the national geodetic survey network.

   2/ A document specifying the right, restriction and responsibility of person having a land use right shall be prepared on paper or paper and digital form for each parcel.

   3/ Each parcel of land shall be assigned with a unique identification code and this code shall interrelate the components provided for under sub-article (1) and (2) of this Article.

   4/ Legal cadastre shall be established upon fulfillment of the requirements specified under sub-article (1), (2), and (3) of this Article are verified and registration is undertaken in accordance with this Proclamation.

   5/ The legal cadastré, which shall be organized and kept in the registering institution, constitutes the primary evidence for landholding certification purpose.

7. **Cadastral Map**

   1/ Regions shall cause the preparation of a base map to be used for drawing of a cadastré.
2/ The cadastral map shall be prepared by the registering institution.

3/ The cadastral map shall include administrative boundaries, parcels, roads, unique parcel identification code and block partition based parcel addresses and parcel size.

4/ The cadastral map which shall be prepared on the basis of an urban administrative boundary shall contain respective administrative boundaries, cadastre index maps, parcel boundary and coordinates.

5/ A cadastral map showing verified parcels within a cadastral block shall be prepared according to the national standard in such a manner that it covers the urban administrative boundary and contains leaves assigned with serial name and number.

6/ A cadastral map to be prepared in accordance with this Article shall be prepared on paper or on paper and in digital form only after the legal boundary of a parcel is surveyed and demarcated.

8. **Unique Parcel Identification Code**
   1/ Each parcel shall have a unique parcel identification code prepared in accordance with the national standard which may not be duplicated on another parcel in any urban center.
   2/ No unique parcel identification code other than the identification code applied in accordance with the national standard may be used to identify a parcel.

9. **Parcel Index Map**
   A parcel index map shall show the parcel’s unique identification code, length, width, measurement, position and shape, parcel’s address, neighboring parcels, bordering roads, corner marks, coordinates, northern direction and scale.

**PART THREE**

**LANDHOLDING ADJUDICATION SYSTEM**

10. **Principle**
   1/ Landholding adjudication shall be done through systematic method of landholding adjudication for the first time.
   2/ While a systematic adjudication of landholding is being conducted at landholding adjudication neighborhood a sporadic landholding adjudication may be conducted at another landholding adjudication section.
   3/ Systematic landholding adjudication shall involve the participation of the residents of the selected landholding adjudication neighborhood within an urban administrative boundary.
   4/ The boundary of every landholding shall be fixed by field cadastral surveying.
   5/ The urban land administration organ shall organize and submit to the registering institution, documents evidencing the right it has already granted and the restrictions and responsibilities it has already registered regarding each landholding.
6/ Documents regarding rural landholdings which may be incorporated within the administrative boundary of an urban center shall be submitted to the concerned urban administration by the rural land administration organ formerly administering the land.

7/ An urban administration received documents in accordance with sub-article (6) of this Article shall, upon adjudicating the landholding, transfer the document to the registering institution.

8/ During the adjudication of any right, restriction and responsibility on any landholding, the presence of documentary evidence issued by an organ authorized to permit or transfer a right or to impose restrictions or responsibilities shall be verified.

9/ The result obtained during landholding adjudication shall be organized and sufficient to carry out registration.

10/ Landholding adjudication may be carried out only in landholding adjudication neighborhood having local development plan and in which regularization of illegal holdings are fulfilled and completed.

11/ Landholding adjudication neighborhoods shall be specified sequentially through a public notice to be issued by a region or an urban administration.

11. **Implementation of Landholding Adjudication System**

1/ Systematic landholding adjudication shall be implemented by government expense only for the purpose of establishing a legal cadastre system for the time.

2/ No systematic landholding adjudication may be performed out of the adjudication commune specified by a public notice to be issued by a region or urban administration.

3/ The sporadic landholding adjudication shall be conducted by the application of interested party upon payment of service fee determined by the region.

12. **Landholding Adjudication Neighborhood and Cadastre Index Map**

1/ In the implementation of systematic landholding adjudication, an index map of a landholding adjudication neighborhood designated by the urban administration institution shall be prepared first.

2/ Where the preparation of a map sheet of an adjudication neighborhood is ordered, it shall be prepared sequentially according to the national map design and cadastral index map standard.

13. **Matters to be suspended During Landholding Adjudication**

1/ Transfer of landholding title shall be suspended at any level in an adjudication neighborhood until completion of adjudication is announced.

2/ Any landholding boundary dispute which have been under consideration before the completion of adjudication in an adjudication neighborhood shall be decided by any
organ only after landholding evidence of the disputed boundary is obtained from the registering organ in charge of landholding certification.

3/ The adjudication of landholding right shall be suspended where it is proved that there is an injunction order of a legally authorized body issued before the publication of adjudication in the neighborhood is made public through public notice.

4/ The adjudication process may not be suspended where it is proved that the injunction order referred to in sub-article (3) of this Article is issued after the landholding adjudication activity in the adjudication locality is officially publicized through public notice.

5/ For the purposes of sub-article (1) and (4) of this Article, the respective region or urban administration shall determine the period in which the adjudication officer shall complete the work and leave out of an adjudication neighborhood.

14. **Adjudication of Landholding Right**

1/ Adjudication of landholding right in an adjudication neighborhood shall be done by verifying the consistency of the evidence presented by the person claiming to be the right holder with the evidence of the organ that permitted the right.

2/ Where there is inconsistency between the evidences mentioned under sub-article (1) of this Article, the matter shall be referred to the appropriate organ empowered to permit land use right.

3/ The organ empowered to permit land use right shall notify its decision relating to matters provided under sub-article (2) of this Article to the registering institution within fifteen working days.

4/ Unless proved to the contrary, any parcel of land on which use right is not created shall be presumed to belong to the Government and, upon application, be registered in the name of the organ in charge of administering or developing the land.

5/ Where two or more persons are registered as co-holders of a right on a single landholding, the verifying officer shall, unless proved otherwise, presume that each of the joint holders have equal share on the land and verify the right accordingly.

6/ No adjudication of a landholding right may be undertaken with respect to any person’s landholding held beyond the legally possessed parcel size.

7/ The adjudication of a landholding boundary shall be based on the boundary measurement as agreed upon by the adjacent land holders or, in the absence such agreement, based on the decision of the Landholding Adjudication Grievance Handling Tribunal established under sub-article 17 (1) of this Proclamation.

8/ Landholding issues which have not been settled pursuant to sub-article (3) of this Article shall be registered and retained in the register of landholding disputes.

15. **Obligations During Adjudication**

1/ Any person claiming to have landholding use right shall appear in person or through his legal representative during adjudication where he is requested and has concern;
provided, however, that the adjudication process may not be stopped due to his failure to appear.

2/ An adjudication officer may enter into and carry out his adjudication work pursuant to sub-article (1) of this Article at any time during official working hours on any landholding in an adjudication neighborhood.

16. Adjudication through Public Participation

1/ Before carrying out adjudication in any adjudication neighborhood, the adjudication officer shall notify the holders of land in the selected neighborhood and make them aware of the process.

2/ The registering institution shall cause the participation of public representatives as observers in the adjudication process.

3/ An Adjudication Grievance Handling Tribunal shall be established at each lower level of administration from among representatives of the administration and the community. The organization and working procedures of the grievance handling tribunal shall be determined in the regulations to be issued for the implementation of this Proclamation.

4/ Any person concerned and interested in the adjudication process shall have the right to participate therein; when so ordered, he shall give testimony, present written or any other document or information relating to adjudication.

5/ Where necessary, an advisory commission may be established within the regions at the levels of kebele, wereda, urban center or zone for ensuring the effectiveness of the adjudication process through coordinating and supporting the task. The powers and duties of the commission shall be determined by regulation to be issued to implement this Proclamation.

17. Grievance Procedure and Decision Making

1/ There shall be Adjudication Grievance Handling Tribunal to decide on complaints submitted against adjudication decisions in the neighborhood.

2/ Any person aggrieved by a decision of the registering institution on adjudication matters may appeal to the grievance handling tribunal within fifteen working days from the date of announcement of the completion of adjudication. Following the decision of the Adjudication Grievance Handling Tribunal, the verifying officer shall adjudicate landholdings.

3/ Any person dissatisfied with the decision of the grievance handling tribunal may appeal to the municipal first instance court.

4/ Any person dissatisfied with the decision of the municipal first instance court may appeal to the city appellate court.

5/ Regular courts shall have jurisdiction with respect to matters stated under sub-article (3) and (4) of this Article in urban center where municipal courts are not established. The regular courts shall organize benches for the expeditious decision of such matters.
18. **Announcement of Completion of Adjudication**

1/ Adjudication in an adjudication neighborhood shall be deemed completed where no appeal has been lodged to grievance handling tribunal, the time limit for lodging grievances has been expired or where the tribunal has notified its decisions on all grievances lodged to it.

2/ The completion of adjudication in an adjudication neighborhood shall be announced through public notice.

19. **Landholding Adjudication Register**

1/ A landholding adjudication register is a register of landholdings verified through field adjudication and containing leaves prepared on paper or digital information system for each landholding. The contents of the landholding leaves shall be determined by directives issued hereunder.

2/ The landholding adjudication officer shall, upon completion of adjudication, submit to the registering institution documents of title received from the organ authorized to permit a right, a signed adjudication register, a base map, the responses of the organ authorized to grant a right for the request made pursuant to Article 14(3) of this Proclamation and the leaves corresponding to each parcel.

20. **Transfer of Landholding Adjudication Documents**

1/ All documents by which a landholding is verified shall be organized and transferred for registration of right upon completion of adjudication in an adjudication neighborhood.

2/ The landholding on which injunction order passed pursuant to Article 13(3) of this Proclamation, until its set aside is notified by the appropriate organ, shall be carried forward to the next stage as it is entered in the register of landholding disputes.

21. **Effects of Landholding Adjudication**

1/ All documents by which rights, restrictions, and responsibilities on a parcel, the legal boundary of which is demarcated during landholding adjudication shall serve as conclusive proof for registration.

2/ Any person whose landholding is verified through systematic landholding adjudication has a duty to register his landholding in accordance with this Proclamation.

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**PART FOUR**

**CADASTRAL FIELD DATA**

22. **Surveying and Surveying Equipments**

1/ A cadastral surveyor or a surveyor with special permit shall carry out surveying only through surveying equipments calibrated and checked as to their accuracy. The detail shall be determined by the regulation to be issued for the implementation of this Proclamation.
2/ A field survey of a landholding may be performed only by a surveyor with special permit or a cadastral surveyor.

3/ A field survey shall be made according to the national geodetic network and based on a determination of northern horizontal and eastern horizontal measurements obtained by positioning control point rods or photogrammetric method, or both.

4/ Where a field survey demands the adjustment of size of the parcel, its implementation shall be governed by directives to be issued by regions.

23. **Cadastral Survey Control Points and Boundary Marks**

   1/ The positioning and utilization of cadastral survey control points to be used in cadastral boundary measurement shall be according to the standard issued for this purpose.

   2/ The legal boundary marks of a surveyed parcel shall be based on corner rods or other beacons emplaced on the angles of the parcel. The boundary demarcated on the ground shall conform to the scale equipped with the boundary shown on the cadastral map.

   3/ Cadastral survey control points shall get protection in accordance with regulation to be issued for the implementation of this Proclamation.

24. **Survey Plan and Survey Record**

   Every ground cadastral survey shall describe the plan of the parcel by indicating the boundary measurements. The survey plan shall be accompanied by a field note prepared at the same place and time the survey is carried out.

25. **Cadastre Surveyor**

   1/ A cadastral surveyor or a surveyor with special permit shall submit the survey data to the registering institution in accordance with the job order prescribed by the registering institution.

   2/ A surveyor shall be liable for any damage caused to a land holder or the institution that ordered the work as a result of field survey data collected by using surveying equipments not calibrated, tested or certified.

26. **Landholding Block Bound Book**

   A bound book of parcel index maps, which are prepared according to the landholding adjudication neighborhood standard, falling within a block partition of an adjudication neighborhood shall be organized in paper and digital form and updated with changes.

**PART FIVE**

**REGISTRATION PROCEDURE AND ITS EFFECT**

**SECTION ONE**

**REGISTRATION PROCEDURE AND REGISTRATION**

27. **Application for Landholding Registration**

   1/ Any person claiming to have an interest on a landholding may apply to registering institution for registration.
2/ The application for registration shall be made by filling the forms prepared by the registering institution for this purpose and upon payment the service fee.

3/ An application for registration of a right on a landholding shall clearly indicate the right, restriction and responsibility as to be provided by the regulation to be issued hereunder and shall be accompanied by supporting documents.

4/ A holder of a verified land shall request, to be granted a landholding certificate from the registering institution within 30 working days from the date of receiving the proof that entitles him for registration. If no such claim is made within the specified time, the request for certificate may be made upon payment of service fee and penalty which are to be determined by regions.

28. Receiving Applications for Registration

1/ The registering institution shall, upon receiving a duly completed application form for landholding registration, assign serial number in sequential order to each application to be placed in folder. The registering institution shall give to the applicant the copy of the application with the seal of the institution, date, month, year, hour and minute written on the receipt of the application. The time recorded in this manner shall constitute the basis for establishing the order of registration.

2/ Where two or more incompatible rights, restrictions, and responsibilities on a single landholding are presented to the registering institution at the same time, priority of registration shall be given for the person who has produced judgment of a competent court.

29. Verification of Applications for Registration

1/ The registering institution shall verify that the applicant’s request satisfies formalities required in this Proclamation and the regulations and directives issued for the implementation of this Proclamation.

2/ Where an applicant is aggrieved by a decision of the registering institution that rejects a document presented by him during the adjudication process pursuant to sub-article (1) of this Article, the matter shall be handled by a grievance handling procedure as determined by regulation to be issued to implement this Proclamation.

3/ The mere registration of any document annexed with the application for registration may not constitute proof of its validity.

30. Rights, Restrictions, and Responsibilities Subject to Registration

1/ All rights, restrictions, and responsibilities stipulated in contracts of old possessions and lease holdings concluded with the appropriate government body in the course of creation of landholding right shall be registered.

2/ All rights, restrictions and responsibilities created through total or partial sale, donation, inheritance, assignment of share, contribution in kind, or other act or event as permitted by this Proclamation and regulations and directives to be issued hereunder shall be registered.
3/ All decisions, orders rendered or contracts concluded by a legally authorized organ to extinguish, reduce, expand, modify or amend rights, restrictions or responsibilities stipulated under sub-article (1) and (2) of this Article shall be registered.

4/ A contract of sub-leasing for transferring landholding rights, restrictions and responsibilities, in accordance with the decision of the government, shall be registered.

5/ Any mortgage contract or attachment relating to landholding shall be registered by the registering institution.

6/ Rights, restrictions and responsibilities permitted by the land administration services delivery system shall be registered.

31. **Preparation and Keeping of Registers**

1/ A landholding adjudication register, register of landholding right, register of landholdings in respect of condominium, register of encumbrances, register of farmers rural landholdings incorporated into urban center boundary, other necessary registers shall be prepared for the purpose of effecting registration of landholding right.

2/ The registers stipulated under sub-article (1) of this Article shall be prepared by using paper or on paper and in digital form.

3/ The registering institution shall take due care to safeguard the legal cadastre information register kept on paper or in digital form from information security risk.

4/ The registers stipulated under sub-article (1) of this Article shall be prepared in accordance with a national standard which shall enable to uniquely identify the holder of the right nationwide.

32. **Paper and Digital Registration**

1/ The paper register and the digital register effected in accordance with Article 31 (2) of this Proclamation shall have equal probatory value.

2/ Where there is difference or doubt between the two registrations pursuant to sub-article (1) of this Article, the paper register shall prevail over the digital register.

3/ The paper register shall prevail when the seal of the institution and signature of the authorized officer is affixed on every page.

**SECTION TWO**

**LANDHOLDING RIGHTS REGISTRATION CERTIFICATE AND RESPONSIBILITY OF THE REGISTERING INSTITUTION**

33. **Issuance of Certificate of Landholding Right**

1/ A certificate of landholding right indicating the date and year of its registration signed by the registering officer with the seal of the registering institution affixed thereon shall be given to the person whose landholding is registered by the registering institution.
2/ A certificate of landholding right to be issued pursuant to sub-article (1) of this Article shall be prepared in accordance with the requirements to be prescribed by the Ministry in conformity with this Proclamation.

3/ Any person whose certificate of landholding right is lost, damaged or become useless due to different reasons may be issued with a replacement certificate, upon payment of service fee determined by the region.

34. **Sub-leasing**

Where a land holder sub-leases, as may be decided by the Government, to a third party, part or all of his holding right in respect of the part or the whole of the duration of the lease period, this right, restriction and responsibility shall be registered and certificate shall be given to the person to whom the right is transferred by sub-lease.

35. **Encumbrance and Attachment**

1/ The registering institution shall, upon request, give evidence of proof of registration of the mortgage contract or the attachment relating to landholding registered pursuant to Article 30(5) of this Proclamation.

2/ Any person who has acquired a right in accordance with sub-article (1) of this Article shall submit the documents based on which the transferee acquired the right to be registered while applying for registration.

36. **Publicity of the Legal Cadastre Data**

The registering institution shall make the legal cadastre information public.

37. **Disclosure of Legal Cadastre Information**

1/ The registering institution shall permit in office inspection of archives at its disposal or give a copy of registered documents when so requested by an organ empowered to examine or obtain a copy thereof.

2/ Any copy furnished by the registering institution may not be valid unless it is duly signed by the registering officer or another person empowered to furnish copies affixed with the seal of the registering organ and indicates the date, year and reference number on which it is issued.

3/ The register of legal cadastre may not move from the administrative office of the registering institution by the request of any person.

38. **Updating of Landholding Information**

The registering institution shall record in the register of legal cadastre the services it provides and update the landholding information.

39. **Notice of Registration to the Landholder**

1/ If a person acquired landholding right gets his right registered, he shall notify to the holder, within five working days through the registered address of the landholding, by a verified copy of the registration confirming that the documents entered in the register have been accepted.
2/ Any person who has the duty to notify pursuant to sub-article (1) of this Article shall be liable for the damage that may be caused to the landholder or third parties because of his failure to comply with his registration duty.

40. Liability of the Registering Institution

1/ The registering institution shall be liable for damage caused to third parties who acted in good faith relying on the proof of registration of right, restriction or responsibility on a registered landholding.

2/ Nothing shall affect the right of the registering institution to make a claim against any person who benefited illegally or against his own officers and employees at fault.

41. Establishment of Security Fund

1/ The regions may establish security fund to discharge liability provided for under Article 40(1) of this Proclamation.

2/ For the purpose of establishing the fund, the registering institution may levy a charge not more than one percent of the value of transactions involving landholdings, as may be decided by regions.

3/ Part of the security fund may be utilized for public developmental purposes, as may be determined by the regions.

4/ The commencement, manner of collection or termination of collection of the security fund shall be determined regions.

SECTION THREE

EFFECTS OF REGISTRATION OF LANDHOLDING RIGHT

42. Proof of Landholding Right and Ownership of Immovable Property

Unless proved to the contrary, any person to whom a holding right certificate is issued pursuant to Article 33(1) of this Proclamation shall be deemed to be the possessor of the land indicated in the certificate and owner of the immovable property situated on the land.

43. Prior Right

1/ Where two or more persons have acquired from the same person a right subject to registration, the one whose right is first registered in the register of landholding shall have priority.

2/ The right of the second person shall not be registered in so far as it is in conflict to the right which has been first registered.

3/ Nothing shall affect the rights of such second person against the person from whom he has acquired the landholding right.
4/ Where the rights, restrictions, and responsibilities registered are equally old or the priority of one in relation to the other cannot be established, preference shall be given to that number of the registration which in the register comes before.

44. **Legal Action**

Court judgments, decisions or orders which acknowledge, transfer, modify, extinguish, or restrain a right on a landholding may be set up against the registering institution pursuant to Article 40 of this Proclamation as of the date on which such judgment, decision or order has been registered in the register of urban landholding in the place where the land is situated.

45. **Correction and Cancellation of Registration**

1/ Any entry in a register pursuant to this Proclamation may be corrected based on the request of the person who caused its registration, by the judgment of a court or an appropriate organ or by the agreement of persons interested in the matter subject to correction.

2/ Where the cancellation of registration is ordered by court or appropriate organ, the rights, restrictions and responsibilities entered in the register shall be cancelled therefrom.

3/ A registered right, restriction and responsibilities may be cancelled by the decision of the registering institution of its own motion only where the said right, restriction, and responsibility was created for a definite period and such period has lapsed.

4/ The grounds under which and the manner in which the registering institution may correct or rectify a registration by its own motion shall be determined by regulation.

5/ Any correction and cancellation of a registered right, restriction, and responsibilities shall be effective as of the date of the act.

46. **Ignorance of a Registration**

1/ It shall be inadmissible for any person to claim based on the fact that he did not know of the registration of rights, restriction, and responsibility entered in the registers specified under Article 31 (1) of this Proclamation and made open to the public.

2/ Where the ignorance of registration is resulted by the employee of the institution or registering officer or official of the institution, they shall be liable for the damage resulted to the person referred to under sub-article (1) of this Article.

47. **Effects of Non-registration**

A landholding use right or immovable property ownership right on landholding, unless registered in the register of landholding, may not be set up against any person.

**PART SIX**

**MISCELLANEOUS PROVISIONS**

48. **Penalties**

1/ Any official, registering officer, landholding verifying officer, cadastral surveyor, surveyor with special permit or employee who is in charge of implementing this
Proclamation, and regulations and directives issued hereunder with intent to procure undue advantage for himself or to another person:

a) verifies landholding in contravention of the provisions of this Proclamation or regulations and directives issued hereunder is punishable with rigorous imprisonment from five years to fifteen years and with a fine from Birr 40,000 up to Birr 200,000;

b) registers a landholding in contravention of the provisions of this Proclamation or regulations and directives issued hereunder is punishable with rigorous imprisonment from five years to fifteen years and with a fine from Birr 40,000 up to Birr 200,000.

2/ Whosoever, having been duly summoned, without good cause, fails to cooperate in the implementation of systematic landholding adjudication in an adjudication commune, defaults to submit the required document or refuses to allow entry to his possession shall be punishable with simple imprisonment or fine from Birr 1,000 up to Birr 3,000, or with both.

3/ Whosoever, procures undue advantage for himself or to another person, or injures the possession rights, restrictions or responsibilities of another person by intentionally defrauding the registering organ using illegal or falsified document shall be punishable with rigorous imprisonment from five years to fifteen years and with a fine from Birr 40,000 up to Birr 200,000.

4/ Any person who creates conditions that may risk the safety of records provided by this Proclamation and causes loss or damage to the legal cadastre shall be:

a) punishable with rigorous imprisonment from seven years to twenty years and fine from Birr 100,000 up to Birr One Million; where the crime is committed intentionally;

b) punishable with rigorous imprisonment from three years to 10 years and fine from Birr 20,000 up to Birr 150,000; where the crime is committed negligently.

49. **Powers and Duties of the Ministry**

Without prejudice to the powers and duties provided under other laws, the Ministry shall have the powers and duties to:

1/ follow up and ensure the proper implementation of this Proclamation and regulations, directives and standards issued pursuant to this Proclamation all over the regions; and cause corrective measures to be taken where problems exist;

2/ provide technical support and training assistance to regions on legal framework to build their knowledge and skill capacity;

3/ serve as a national information resource center on urban land registration and related information.

50. **Powers and Duties of Regions**

Without prejudice to the powers and duties provided under other laws, each region shall have the powers and duties to:
1/ Establish or designate, the appropriate body at regional level and landholding registration and information institution at urban level, for the implementation of this Proclamation, and regulations, directives and standards to be issued hereunder;

2/ Ensure the proper enforcement of regulations and directives issued in accordance with this Proclamation;

3/ Direct and coordinate its entire activities in accordance with this Proclamation and regulations, directives and standards issued hereunder;

4/ Determine, step by step, urban centers in which landholding registration may start in accordance with this Proclamation;

5/ Fix the appropriate service fees chargeable for registration and other services it provides.

51. **Powers and Duties of Urban Administration**

Without prejudice to the powers and duties provided under other laws, the urban administrations shall have the powers and duties to:

1/ Serve as the sole information producing center for legal cadastre registration;

2/ Forward registered information to the appropriate regional body and to the Federal Urban Real Property Registration and Information Agency;

3/ Own legal cadastre data; organize and manage the data.

52. **Service Fees**

1/ Without prejudice to Article 11 (1) and Article 50 (5) of this Proclamation the amount of service fees to be determined for a sporadic landholding adjudication shall be based on the principle of cost sharing.

2/ The amount of service fee chargeable for landholding registration shall conform to the formula to be adopted by the federal government.

53. **Duty to Cooperate**

1/ Any person shall have the duty to cooperate for the implementation of this Proclamation and regulations and directives issued hereunder.

2/ Courts, financial institutions, notaries and revenue collecting bodies shall directly submit or allow access to the registering organ all documents they generate that have to do with rights, restrictions, and responsibilities subject to registration in connection with landholding.

54. **Power to Issue Regulations and Directives**

1/ The Council of Ministers may issue regulations necessary for the implementation of this Proclamation.

2/ The Ministry may issue directives necessary for the implementation of regulations issued in accordance with sub-article (1) of this Article.

55. **Transitory Provision**

The existing registration system of urban landholding shall continue to apply until the appropriate registration institutions are established in urban centers pursuant to this Proclamation and become fully operational.
56. **Inapplicable Laws**

   No law or customary practice may, in so far as it is inconsistent with the provisions of this Proclamation, be applicable with respect to matters covered under this Proclamation.

57. **Effective Date**

   This Proclamation may enter into force on the date of publication in the Federal Negarit Gazette.

   Done at Addis Ababa, this 21st day of February, 2014

   MULATU TESHOME (DR.)

   PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
BRIEF DESCRIPTION

This Regulation is issued to establish the Federal Urban Real Property Registration and Information Agency. The primary objective of the Agency is to realize developmental political economy over urban community through the various ways stated under Article 5 of the Regulation.

Establishment of the Federal Urban Real Property Registration and Information Agency Council of Ministers Regulation No. 251/2011

This Regulation is issued by the Council of Ministers in accordance with Article 5 and Article 34 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010.

1. Short Title

This Regulation may be cited as the “Federal Urban Real Property Registration and Information Agency Establishment Council of Ministers Regulation No. 251/2011”.

2. Definitions

In this Regulation, unless the context otherwise requires:

1/ “urban center” means any locality having a municipal administration or a population size of 2,000 or more inhabitants, of which at least 50% of its labour force has, primarily, engaged in non-agricultural activities;

2/ “urban land” means any land situated within the territory of an urban administration of any region;
3/ “possession” means an urban land lease holding authorized by the appropriate body in accordance with the law regulating urban land lease holding system or an old possession having given recognition pursuant to such law;

4/ “real property” means a parcel of land or a parcel of land together with immovable property on the land;

5/ “legal cadaster” means a system of assuring the possessory rights on a parcel of land by collecting and organizing land information and records pertinent to such land;

6/ “urban administration” means an organ to which powers and duties of administering an urban center has been given by law or delegated by the concerned government body;

7/ “region” means any state referred to in Article 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire Dawa city administrations;

8/ “Ministry” means the Ministry of Urban Development and Construction;

9/ “person” mean a natural or juridical person;

10/ any expression in the masculine gender includes the feminine.

3. Establishment

1/ The Federal Real Property Registration and Information Agency (hereinafter the “Agency”) is hereby established as an autonomous federal government organ having its own legal personality.

2/ The Agency shall be accountable to the Ministry.

4. Head Office

The Agency shall have its head office in Addis Ababa.

5. Objectives

The Agency shall have the objectives to realize developmental political economy over urban community through:

1/ establishing a strong system of real property registration to create an integrated and operable national urban legal cadaster database center;

2/ ensuring the proper implementation of the system of real property registration to make any possessory or ownership right on such properties reliable;

3/ creating an efficient real property market condition to enable property owners to draw the best advantage from their property;

4/ causing the organization of information relevant for establishing a conducive system for ensuring the payment of appropriate capital gain tax by a person who possesses land and owns properties in different urban centers; and

5/ establishing a system that could eliminate possibilities of providing cover for illegality and the use of land as a source of undue enrichment.
6. **Powers and Duties of the Agency**

   The Agency shall have the powers and duties to:

   1/ initiate policies and laws, design and implementation methods for registration of urban real properties; and cause registration and legal cadaster standards to be drawn in cooperation with the relevant bodies;

   2/ establish a national real property registration system, introduce a system which has nationally accepted unique real property identification codes; and ensure their uniform implementation in all urban centers;

   3/ follow up the implementation of policies, laws, standards and systems which are designed for the registrations of urban real properties and ensuring possession thereon;

   4/ by coordinating federal and regional urban real property registration institutions, create a uniform database system of urban real properties assisted by technology; establish a sustainable exchange of standardized information among the institutions, and thereby serve as a center of real property database; and disseminate information to users;

   5/ cooperate with the concerned organs to promote training programs and to strengthen the system of accreditation of cadastral professionals;

   6/ identify, through studies, bottlenecks restraining the process of registration of urban real properties, provide solutions, and thereby ensure the effectiveness of the system;

   7/ provide support for the establishment of registration offices in regions and build their capacity to implement the registration of urban real properties in a standardized manner;

   8/ own property, enter into contracts, sue and be sued in its own name;

   9/ undertake such other related activities that are conducive to the attainment of its objectives.

7. **Organization of the Agency**

   The Agency shall have:

   1/ the Federal Urban Real Property Registration and Information Council (hereinafter the “Council”);

   2/ a Director General and, as may be necessary, Deputy Director Generals to be appointed by the government; and

   3/ the necessary staff.

8. **Members of the Council**

   1/ Members of the Council, including the Chairperson, shall be appointed by the government; and their number shall be determined as necessary.
2/ The Director General of the Agency shall act as member and secretary of the Council.

9. **Powers and Duties of the Council**

The Council shall have the powers and duties to:

1/ deliberate on and forward recommendations on major targets initiated to realize the registration of urban real properties;

2/ evaluate the implementation of cadastral information infrastructure development, initiation, production, improvement and management processes designed for the registration of real properties; deliberate on the bottlenecks restraining the effectiveness of the processes identified through studies and feedbacks, and provide solutions; collaborate with the concerned organs in their implementation;

3/ follow up and evaluate the provision of capacity building to all concerned bodies so as to ensure the nationwide implementation of the registration of urban real properties and the system of information exchange;

4/ coordinate the concerned regions to establish inter-regional forums, that ensure the development and growth of peripheries of chartered urban centers to be in conformity with the overall regional plans; follow up and evaluate their performances.

10. **Meetings of the Council**

1/ Ordinary meetings of the Council shall be held every three months; provided; however, that an extra-ordinary meeting may be held whenever necessary.

2/ There shall be quorum where more than half of members of the Council are present at any meeting.

3/ Decisions of the Council shall be passed by majority votes; in case of a tie, the Chairperson shall have a casting vote.

4/ Without prejudice to the provisions of this Article, the Council may adopt its own rules of procedures.

11. **Powers and Duties of the Director General**

1/ The Director General shall be the chief executive officer of the Agency and shall direct and administer the activities of the Agency.

2/ Without limiting the generality of sub-article (1) of this Article, the Director General shall:

   a) exercise the powers and duties of the Agency stated under Article 6 of this Regulation;

   b) employ and administer employees of the Agency in accordance with the federal civil service laws;
c) prepare and submit to the Ministry the long-term and short-term plans, annual work programs and budgets of the Agency, and implement same upon Approval;
d) effect payment in accordance with the approved budget and work program of the Agency;
e) represent the Agency in all its dealings with third parties;
f) prepare and submit to the Ministry the performance and financial reports of the Agency.

3/ The Director General may delegate part of his powers and duties to other officers and staff of the Agency to the extent necessary for the efficient performance of the activities of the Agency.

12. **Budget**
The budget of the Agency shall be allocated by the government.

13. **Books of Accounts**
1/ The Agency shall keep complete and accurate books of accounts.
2/ The books of accounts of the Agency shall be audited annually by the Auditor General or by auditors assigned by the Auditor General.

14. **Effective Date**
This Regulation shall enter into force on the date of publication in the Federal Negarit Gazeta.

Done at Addis Ababa this 20th day of July, 2011.

MELES ZENAWI

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

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**Sub-Section Two**
BRIEF DESCRIPTION
This Regulation is issued to implement the Urban Landholding Registration Proclamation No. 818/2014. It contains detailed provisions on land holding adjudication system; issues to be adjudicated, grievance procedure and completion of adjudication; urban landholding right registration; services provided by the registering institution; issuance of certificate,
Urban Landholding Adjudication and Registration Council of Ministers Regulation No. 324/2014

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definition of the Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010 and Article 54 (1) of the Urban Landholding Registration Proclamation No. 818/2014.

PART ONE
GENERAL

1. **Short Title**
   
   This Regulation may be cited as the “Urban Landholding Adjudication and Registration Council of Ministers Regulation No. 324/2014”.

2. **Definitions**

   In this Regulation, unless the context otherwise requires:
   
   1. “Proclamation” means the Urban Landholding Registration Proclamation No. 818/2014;
   
   2. the definition provided under Article 2 of the Proclamation shall be applicable;
   
   3. “land holding adjudication” means an adjudication of landholding right on a parcel in accordance with the Proclamation and this Regulation;
   
   4. “city block” means an area in a lower level of an urban administration, which is a plan block drawn up in line with surrounding roads and linear features, prepared according to the city block standard and contain one or more landholdings;
   
   5. “landholding right providing institution” means an institution which has or had power in accordance with law to provide a use right on a parcel to be adjudicated;
   
   6. “landholding dispute registry” means a registry whereby document of landholdings which are not yet subject to adjudication are kept temporarily until such documents are ascertained;
   
   7. “landholding adjudication register” means a register prepared on paper or digital register and having a unique parcel identification code on which landholding rights and boundaries can be ascertained and registered;
   
   8. “landholding right register” means a registry prepared on paper or on paper and digital register and having its own unique identification number opened to register each land holders’ rights, restrictions and responsibilities;
   
   9. “immovable property” means urban land and land related properties and includes buildings and permanently planted perennial crops; provided, however, it does not include other removable properties like crops, grass and non-perennial crops;
10. “sub-lease” means leasing wholly or partly a landholding developed for industrial zone through sub-lease in accordance with the lease system;

11. “principal address” means an address where the landholding is located and reference to woreda, sector, neighborhood, city block and house number is specified;

12. “advisory commission” means a commission to be organized pursuant to Article 29 of this Regulation;

13. “security fund” means a charge not more than one percent of the value of transactions involving landholdings and collected from each transaction with the view to compensate damage caused by a mistake of registering institution on the adjudicated and registered landholdings.

3. **Registration Objectives**

The landholding registration shall have the following objectives:

1. to enable urban centers to identify their land resources and to create conducive situation in making decision on land, through having legitimate information in relation to who holds the land, when it is acquired, use of land, form of holding and for how long it has been held;

2. to benefit a person who has landholding right from the economic, social and local development of urban centers by enabling him to mortgage properties built on the land;

3. to create conducive environment in which landholders’ use rights, landholding service type and transaction of immovable property on the landholding is substantiate with acceptable evidence and thereby enable to put in place a working system that is transparent to all persons;

4. to create a conducive environment for the community to ascertain their landholding use rights and to spend their time on development activities by enabling urban centers to provide guarantee for landholding rights, restrictions and responsibilities permitted by organ empowered to permit land use right and to reduce landholding related disputes.

4. **Principles of Landholding Adjudication**

1. The registering institution may not, except the legally authorized organ, modify existing landholding rights or provide new landholding rights during the process of landholding adjudication.

2. The landholders landholding information shall be similar with that of the information kept at the land administration institution since landholding right adjudication is a process by which landholding rights, restriction and responsibilities shall be ascertained and registered in advance.

3. A land for which adjudication is not requested and no immovable property is rested shall be registered in the name of the landholding right providing institution.
4. When supporting documentary evidence submitted with the application for landholding right adjudication is insufficient to carry out the process of adjudication, the legitimacy of landholding right shall be verified by the landholding right providing institution which has jurisdiction.

5. Sufficiently adjudicated landholding rights, restrictions and responsibilities within urban landholding rights and boundaries of a parcel when registered by the registering institution they shall serve as a base for other related tasks or landholding management services.

**PART TWO**

**LAND HOLDING ADJUDICATION SYSTEM**

**SUB-SECTION ONE**

**IMPLEMENTATION OF LANDHOLDING RIGHT AND BOUNDARY ADJUDICATION**

5. **Prerequisite for Landholding Adjudication System**

   1. All parcels located within the landholding adjudication neighborhood shall be assigned with a unique identification code and spotted in the cadastral base map.

   2. In order to conduct boundary measurements within the selected landholding adjudication neighborhood or its adjacent holdings at least two surveying control points shall be established.

   3. Each parcels information indicating the types of rights, restrictions and responsibilities created on the parcel by the organ which is empowered to provide holding rights shall be sent to the registering institution in accordance with the handover document prepared for such purpose.

   4. The registering institution in consultation with the landholding rights providing institutions shall, for the purposes of preparation, identify and inform to land administration organs and other concerned institutions of the areas where the landholding adjudication is to be carried out.

6. **Systematic Landholding Adjudication**

   1. In order to establish the legal cadaster system in short period of time, urban centers shall adjudicate landholding right and boundaries using systematic adjudication.

   2. Any landholder whose landholding is located within the area determined for systematic landholding adjudication neighborhood or section shall have the obligation to apply for adjudication.

7. **Sporadic Landholding Adjudication**

   1. The urban administration shall publicize its decision when it decides to adjudicate landholdings through sporadic landholding adjudication in addition to the systematic landholding adjudication process.

   2. Landholder whose holdings are located outside the landholding adjudication section and neighborhood subjected to systematic landholding adjudication may apply for
their landholdings to be adjudicated through sporadic landholding adjudication process.

3. Any person who requests his landholding to be adjudicated through sporadic landholding adjudication process shall apply by filling the form prepared for this purpose upon payment of the specified service fee.

4. For the purpose of determination of service fees specified under sub-article (3) of this Article the following shall be taken into consideration:
   a/ activities related to document collection and investigation;
   b/ field survey and surveying measurements;
   c/ expenses related to public notice to adjudicate landholding as requested;
   d/ size of the landholding and its estimated market value; and
   e/ extent of possible damage that may be caused to third parties, in case of error.

5. A landholder requested for the sporadic landholding adjudication, after making payment of all fees if declines the service, the requested service shall be stopped; but the service fee paid shall be refunded after deducting expenses incurred for service.

6. The applicant shall produce both the original and copy of his landholding right entitling documents with its application and upon verification the copy with the original, the copy shall be submitted.

7. The transfer of landholding right in the name of the holder shall be verified by the landholding right providing institution if the applicant has acquired his landholding right through sale, donation or by other legitimate means.

8. Holding Adjudication Sector and Neighborhood

1. Pursuant to Article 12 (1) of the Proclamation, the landholding adjudication officer shall accept and put into effect the neighborhood map prepared by the registering institution for the selected landholding adjudicating section and neighborhood when it is signed by the head and sealed with the stamp of the organ.

2. The selected landholding adjudication section and neighborhoods not more than five under it shall have consecutive number and identification names.

3. Without prejudice to the definition provided for under Article 2 (13) of the Proclamation, a woreda consists sections, a section consists a landholding adjudication neighborhood, a landholding adjudication neighborhood consists parcels not more than 200 and each landholding adjudication neighborhood shall consists city block.

9. Landholding Adjudication Neighborhood Map

1. The landholding neighborhood map shall show the surveying control points located in the holding adjudication section and neighborhood.
2. The registering institution shall prepare the landholding adjudication neighborhood map in accordance with the Urban Cadastral Surveying Regulation.

3. The landholding adjudication neighborhood map shall be prepared by incorporating the boundaries of holding adjudication sector and neighborhood based on the cadastral base map.

10. **Adjudication of Farmer's Rural Landholding Incorporated into Urban Center Boundary**

   1. In order to adjudicate farmers rural landholding incorporated into urban center boundary, the detail document identify the size of the holding, holders’ share, rights, restrictions and responsibilities on the holding prepared by the organ that was administering the rural land and submitted to the urban land holding right providing institution shall be presented.

   2. The farmers rural landholding incorporated into urban center boundary shall be adjudicated when the information indicated under sub-article (1) of this Article is fully submitted.

   3. When there is inconsistency between the size of the land indicated in the document sent by the organ pursuant to sub-article (1) of this Article and the size of the land measured, it shall be referred to the appropriate urban landholding right providing institution indicating the inconsistency for decision to be made by the rural land administration organ which previously administered the holding.

   4. The appropriate urban landholding right providing institution shall provide appropriate response within ten days concerning requests raise with respect to document investigation and reconciliation activities of farmers rural landholding right.

11. **Adjudication of a Parcel on Which Condominiums are Built**

    When adjudication of a parcel on which condominiums are built carried out, the following shall be adjudicated:

    1. the proportional parcel share of each person’s unit compared to the total size of the parcel;

    2. the rights, restrictions and responsibilities of each person’s on the joint share;

    3. approved memorandum and article of association, if the condominium is administered by an association;

    4. each unit owner’s share of rights, restrictions and responsibilities in respect of the total parcel size.

12. **Public Participation**

    1. Before starting adjudication works consensus shall be reached upon the significances of urban landholding adjudication and the procedures thereof through public discussion with urban residents, youth and women organizations.
2. While urban centers carry out landholding adjudication works they shall create public awareness with regard to objectives of the adjudication, required procedures, grievance submission and decision making.

3. Awareness creation activities for selected landholding adjudication section and neighborhood shall be carried out in a planned manner.

4. In order to conduct systematic adjudication, three community representative of adjudication neighborhood shall be invited as observer participant, the particulars shall be determined by directive.

SUB-SECTION TWO

APPLICATION FOR LANDHOLDING ADJUDICATION

13. Submission of Application for Landholding Adjudication

1. Any person who has landholding use right may request adjudication of his landholding by himself or through his agent by filling and submitting the application form prepared for this purpose.

2. When the application form is filled and signed by an agent, a copy of power of agency document and its original shall be submitted for verification.

3. When the adjudication application is made in respect of a landholding which is jointly held by two or more share holders, the adjudication application shall be filled and signed by all joint holders.

4. Any person who has interest on the landholding shall submit request for adjudication of his right.

5. When request for adjudication is not submitted in accordance with sub-article (1) of this Article due to force majeure, the land shall be adjudicated based on permit landholding and land lease use rights information, provided by the landholding administration, after recording absence of request for adjudication.

6. A landholding for which request for adjudication is not made or cannot be made due to the age factor or physical disability, but issued with evidence of landholding right by a landholding right providing institution, filling of the request form and the adjudication process shall be carried out on site in the presence of the right holder and the local observers.

14. Submission of Evidence

1. The evidence of rights, restrictions and responsibilities shall be identified, verified and submitted to the registry institution out of the landholding information obtained from the landholding right providing institution.

2. The evidences required to be submitted together with the adjudication request form shall be in accordance with lists to be indicated in the directive.

3. The applicant shall produce copy of the document along with its original so as to verify its correctness.
15. **Verification of Applicant’s Document**

1. All evidences attached with the request made pursuant to Article 13 (1) and (2) of this Regulation shall be verified that they are valid, legible and the seal affixed is visible.

2. The landholding adjudication requests shall be treated in accordance with the priority order of such application when the application for adjudication is accompanied with evidences enabling adjudication and after they are checked and corrected in line with the requirements of the requested adjudication.

3. The adjudication officer shall provide receipt to applicant’s document supported request as an evidence that he received the documents from the applicant. The types of such evidence shall be indicated under the urban land holding adjudication standard.

4. During the verification of landholding document, the community representatives of the adjudication neighborhood assigned in accordance with Article 12 (4) of this Regulation shall put their signature in attesting that they observed the verification process.

16. **Inadmissible Documents**

The adjudication officer shall decline documents submitted as inadmissible when he ascertains the existence of one of the following reasons:

1. when the document submitted by the applicant is found to be forged evidence;
2. when the evidence is illegible;
3. when the evidence has cancellation or erasure.

17. **Issuance of Public Notice**

1. The regional government shall announce in advance through different mass media and public notices accessible the lists of urban centers where the landholding adjudication shall be carried out.

2. The urban administration shall, 15 days before the notice of registration for landholding adjudication is issued, announce through public notice the areas where landholding adjudication commence for conducting adjudication in accordance with the priority order set by the registering institution.

3. The registering institution shall, with regard to the commencement of landholding adjudication activities, announce invitations and boundary demarcation notifications within the adjudication neighborhood using the notice board and any other means necessary.

4. The notice issued by the registering institution for landholding adjudication activities to be carried out in the adjudication section and neighborhood shall contain the place where application for landholding right adjudication is to be
lodged, the date when the adjudication commence and types of evidences required for conducting adjudication of land under holding or vacant. The details shall be specified in the directive to be issued.

PART THREE
ISSUES TO BE ADJUDICATED, GRIEVANCE PROCEDURE AND COMPLETION OF ADJUDICATION
SUB-SECTION ONE
RIGHTS, RESTRICTIONS AND RESPONSIBILITIES TO BE ADJUDICATED

18. Rights to be Adjudicated
   Without prejudice to the provision of Article 29 (1) of the Proclamation:

   1. where there is a contractual agreement between the holder and the organ empowered to permit land use right, the rights, restrictions and responsibilities indicated under the contract shall be adjudicated.

   2. mortgages declared by authorized body, land use rights granted, injunction order, encumbrance and attachment, right of way, change of land use type, historical heritages including restrictions indicated in other laws shall be adjudicated.

19. Field Adjudication
   1. Where there is inconsistency between evidences submitted by the land holder and the evidence obtained from the organ empowered to permit land use right and the results of the holding measurement, such evidences shall be referred back to the latter for investigation.

   2. The field work shall be carried out using the cadastral base map information and whenever necessary by field survey.

   3. All professionals who enter into a holding to determine boundaries of a parcel and for adjudication through field survey shall hold their personal identification card and an identification uniform and show their identification card when requested.

20. Holding Suspended from adjudication
   1. Adjudication of urban landholding shall be suspended temporarily due to the following reasons:
      a. when the injunction order is issued by a legally authorized organ before the adjudication task is announced by a public notice within the landholding adjudication neighborhood and if no evidence is produced indicating the lifting up of such injunction, provided, however, that the parcel boundary information shall be collected;
      b. where there is inconsistency between the holding document sent by the organ empowered to permit land use right and the documents submitted by the person claiming the holding right, as well as due to inconsistency created between the document and the result of parcel measurement and as may be necessary if the organ empowered to permit land use right is requested to make decision on such inconsistency, until such decision is announced to the
registering institution; such condition shall also be registered on the landholding dispute registry;

c. when the person claiming the landholding right has submitted evidences of his holding rights and the organ empowered to permit land use right did not submit the existing document evidencing such right to the registering institution, until the organ empowered to permit land use right announces its decision to the registering institution upon submission of document produced by the holder;

d. when there is inconsistency with regard to the document sent by the previous land administration body and the size obtained through measurement with respect to the rural land incorporated within the administrative boundary of urban center, until the organ empowered to permit land use right gives its decisions on the inconsistency of the land size.

2. There shall be a landholding dispute registry to register parcels which are not adjudicated; but the presence of unadjudicated parcel may not be cause not to adjudicate its neighboring parcels.

21. **Suspending Transfer of Landholding Title**

1. Suspension of transfer of urban landholding title within the adjudication neighborhood pursuant to Article 13 (1) of the Proclamation may not be more than five months for the completion of the landholding adjudication in a neighborhood, provided, however, that the region or the urban administration by considering their local context shall decide and announce the suspension period to the public before commencing the work.

2. In order to adhere to the time determined under sub-article (1) of this Article, the registering institution shall make appropriate preparation considering the adjudication neighborhood’s land scape; settlement patterns and nature of landholding boundaries.

**SUB-SECTION TWO**

**SUBMISSION OF GRIEVANCE AND APPEAL AND, DECISION MAKING**

22. **Urban Landholding Adjudication Grievance Handling Tribunal**

1. Urban Landholding Adjudication Grievance Handling Tribunal (hereinafter the “Tribunal”) having the power to examine and decide on land adjudication related grievances shall be established at kebele or sector administration level.

2. Members of the Tribunal shall be five representatives from each neighborhood and three members from woreda or city administration.

3. The representatives to be assigned from the neighborhood pursuant to sub-article (2) of this Article shall be residents elected from the neighborhood by the community depending on the number of the sectors.
4. The selection criterion and modes of appointment of the members of the Tribunal shall be specified by directive.

5. The working place of the section Tribunal shall be organized at lower level of administrative structure, with a suitable number, as may be necessary.

23. **Powers and Responsibilities of the Tribunal**

1. The Tribunal shall have the following powers and responsibilities:
   a. upon receiving written grievances and evidences, investigate and give its decision within 15 days;
   b. to cause the production of all the necessary evidences by the aggrieved applicant, landholding adjudication officer and other concerned bodies before rendering its decision;
   c. to pass decisions based on the evidence submitted;
   d. to notify its decision in writing to the aggrieved applicant, landholding adjudication officer and other concerned bodies.

2. If the Tribunal fails to give decision within 15 days as provided under sub-article (1) of this Article, the aggrieved person may lodge his grievance to a municipal or regular court having jurisdiction.

3. The registering institution shall take administrative measures on the members of the tribunal failed to pass decision within 15 days.

4. If a member of Tribunal is employee of government, private organization, association or non-governmental organization he shall be entitled to get special leave without affecting his benefits until he finalizes the Tribunal’s work.

24. **Appeal Procedure and Decision Making**

1. Any person aggrieved by the decision of the Tribunal may, lodge appeal within 15 days pursuant to Article 17 (3) of the Proclamation; the decision shall be regarded as accepted if the appeal is not lodged within this specified time.

2. The appellate court shall investigate the matter and make its decision accessible to the appellant and the registering institution. The adjudication process in the land holding adjudication neighborhood may not be suspended due to such appeal, provided, however, that the decision of the court shall be implemented after the completion of the adjudication process.

3. Any appellant dissatisfied with the decision given pursuant to sub-article (2) of this Article may upon receiving such decision appeal to the next level of appellate court. The registering institution shall implement in accordance with the decision of the appellate court which is notified to the appellant and the registering institution.
SUB-SECTION THREE
COMPLETION OF LANDHOLDING ADJUDICATION WORK AND TRANSFER OF RESULTS

25. **Landholding Adjudication Register**
   1. The landholding adjudication register is the base for the record of rights in the legal cadaster and it shall serve as the main source of data when a landholding right certificate is requested and primary landholding rights registration is carried out following systematic landholding adjudication.
   2. The landholding adjudication register shall, subject to details to be determined by directive, contain the following main particulars:
      a. landholders’ detail information;
      b. parcel detail information and use of the parcel;
      c. the rights, restrictions and responsibilities attached to the landholding;
      d. documents submitted by the organ empowered to permit urban land use right and by the land holder.
   3. The data to be gathered and filled by the boundary maker shall, subject to details to be determined by directive, contain the following main particulars:
      a. parcel address;
      b. boundary type (whether fenced with wall, wood, plants, stone maker, bricks or none);
      c. scale indicating boundary size and length;
      d. use of the landholding.

26. **Opening and Keeping of Folder**
   1. A holding folder shall be opened for any person whose holding is adjudicated on the basis of the city block and parcels unique identification code.
   2. The folder shall be organized with paper and digital information system.
   3. During the adjudication process if a parcel is divided or merged by the decision of the organ empowered to permit urban land use right, the folder shall be organized on the basis of the unique identification code of the parcel.
   4. The paper folder prepared for each parcel shall be kept in a safe place where it may not be exposed to damage or the risk of fire.
   5. No folder may be moved from one place to another, unless permitted by the adjudication officer.
   6. Any folder shall be given a unique register identification code.
   7. Any folder shall be organized and kept in a clear and convenient manner for the followup of employees engaged in record keeping.
27. **Completion of Adjudication Work**

1. The adjudication information of the landholdings whose landholding rights and boundary are adjudicated without problem shall be clearly announced to the public pursuant to Article 18 (1) and (2) of the Proclamation.

2. With regard to a landholding which has a problem of adjudication of rights and boundary, such problem and subsequent decisions or change of decision shall be announced to the public by using public notice.

3. When the section landholding adjudication tribunal decide on grievance submitted on the adjudication work and notifies its decision, the adjudication work shall be finalized on the basis of decision made by the tribunal.

4. The registering institution shall announce to the public about the completion of the urban landholding adjudication work by using different mass media having wide coverage and other methods.

28. **Transfer of Document of Adjudicated Landholding Right**

1. Upon completion of an adjudication work in an adjudication neighborhood, the information shall be converted on paper and digital document for registration.

2. The adjudication officer, before sending the document for registration to the head office of the institution, shall ascertain that such documents are complete.

3. The data of a landholding adjudication neighborhood shall have a legal effect only when it contains full name and signature of the sector adjudication officer and seal.

29. **Urban Landholding Adjudication Advisory Commission**

1. An advisory commission (hereinafter the “commission") shall be established in an urban administrative structure level whenever necessary. The commission shall be composed of main stakeholders; the detail shall be determined by regional governments taking into account the status of the urban center.

2. The commission shall be led by higher officials at each levels of the federal, regional, zonal, urban center and woreda administration. The commission is expected to assist for the success of the objectives of urban landholding adjudication through implementing the system developed by the regions.

3. The members of the commission shall be paid per-diem by the rate fixed by the region or the urban administration while providing assistance, evaluation and attending meetings.

4. The commission at urban centers and woreda level shall coordinate tasks to create awareness and motivate the landholders in the adjudication sections and neighborhood to adjudicate their landholding.

5. When assistance is requested by the urban landholding adjudication section and neighborhood adjudicating body, the commission at urban centers and woreda level shall provide such assistance at all level of its structure.
6. The commission shall lead the coordination and follow up its implementation when stakeholders seek coordination assistance.

PART FOUR

URBAN LANDHOLDING RIGHT REGISTRATION

SUB-SECTION ONE

APPLICATION PROCEDURE FOR LANDHOLDING RIGHT REGISTRATION

30. Application for Landholding Right Registration

1. Pursuant to Article 27 of the Proclamation any person claiming to have an interest on the landholding may personally or by his duly authorized agent apply for registration.

2. Application for registration of landholdings under government administration such as land on which public buildings are built, roads, bridges, preserved areas for environmental protection, watersheds, industrial zone prepared by the government, land under development or developed by urban administration and ready for lease shall be made by an organ responsible and authorized by the government.

3. An application for registration of landholding held by two or more persons shall be made by all joint landholders or by their jointly appointed agent.

31. Content of the Application for Landholding Rights Registration

1. The following information shall be filled in the form prepared by the registering institution and annexed with application for registration of landholding rights:
   a. applicants, full name and address;
   b. the unique identification code of the parcel to be registered;
   c. urban landholding map confirming use right, lease certificate, contract of rent or evidence of old possession given by the organ empowered to permit urban land use right.
   d. a receipt form issued by the adjudication officer that indicate the verification of the landholding and produced documents.

2. Any person applying for registration pursuant to sub-article (1) of this Article shall fill and submit his request in the form prepared by the registering institution.

32. Submission of Documents

Application submitted for landholding registration pursuant to Article 31 of this Regulation shall, as the case may be, accompanied at least the following supporting documents:

1/ evidences of agency, if the application is submitted by an agent;

2/ the authenticated copy of contract or document, if a contract or a document is to be registered;
3/ the original or authenticated copy of the court order or decision, if the application is for the registration of a court order or decision;
4/ translation by an authorized body, if any annexes attached and submitted with the registration application is prepared with a language different from the working language of the urban center;
5/ other documents deemed necessary for registration.

33. **Verification for Registration Application**

1/ The registering institution shall ascertain that the application for registration is filled in a proper form and evidences are accompanied with.
2/ The verification of applications for registration shall be carried out in accordance with the sequence of their submission.
3/ The application for registration shall be verified whether it clearly indicates the rights, restrictions and responsibilities on the landholding.

34. **Inadmissible Documents**

1/ The registering institution may reject application for registration when the accompanied documents or evidences:
   a) cannot indicate or ascertain, without doubt, the legitimacy of the applicant landholding use rights;
   b) are contradictory or inconsistent to each other; or
   c) are evidently suspicious or expired.
2/ When the application for registration is regarded as inadequate and rejected, the institution shall notify its reasons in writing to the applicant.

35. **Choosing Permanent Address**

1/ For the purpose of the registration and for any other matters related with registration, the permanent address of a person shall be the location of the landholding registered under his name.
2/ When more than one landholdings are registered under the name of a person in an urban center, unlike the circumstances indicated under sub-article (1) of this Article, the holder’s permanent address shall be the address given to the immovable property located on a parcel where the service is requested thereof.
3/ Whenever electronic address is available, it shall be used to send information, and based on the confirmation found, the address shall be considered as legal.

**SUB-SECTION TWO**

**REGISTRATION, REGISTRATION OF RIGHTS, RESTRICTIONS AND RESPONSIBILITIES**

36. **Principle of Registration**

1/ Any clear landholding rights, and corresponding restrictions and responsibilities of any person shall be registered.
2/ Registrations of landholding rights shall be carried out for landholdings for which rights are created by a legally authorized body.

3/ Unless contrary evidences are produced any registration of landholding shall serve as conclusive evidence for the landholding use right and ownership right of immovable property built on the holding.

4/ Any right, restriction and responsibility and related dealings on the landholding may be invoked against only if they are registered.

5/ No person may benefit from his claim that he is not aware of the rights, restrictions and responsibilities registered under the landholding right register; provided, however, if such lack of awareness is created due to the mistake or fault of the registering institution, the registering institution shall be responsible.

6/ Any rights, restrictions and responsibilities on landholding shall be registered if it successfully passes through the adjudication process.

37. **Registration of User of Landholding**

Landholding rights shall be registered:

1/ in the name of the landholding user, in the case of individual landholding;

2/ in the name of all users, in the case of joint holding;

3/ in the name of the legal person, in the case of an organization or the association having a legal responsibility;

4/ in the name of the urban administration authorized to administer the public landholding, in the case of urban landholding designated for public use;

by the appropriate registering institution.

38. **Rights, Restrictions and Responsibilities subject to Registration**

1/ Any rights, restrictions and responsibilities on urban landholding provided by an organ empowered to permit urban land use right through lease or old possession shall be registered.

2/ Without prejudice to sub-article (1) of this Article agreement document and injunction order on the rights, restrictions and responsibilities on landholdings issued by a legally authorized body, when submitted for registration upon acceptance the registration shall be regarded as a valid landholding contract concluded between the parties.

3/ Without prejudice to sub-article (1) of this Article, although the land lease or land permit contract concluded between the organ empowered to permit urban land use right and any person shall serve as the base for the registration, the rights, restrictions and responsibilities indicated on the contract shall also be registered for the purpose of paper and digital registry and, provision of services.

4/ The registration conducted pursuant to sub-article (3) of this Article shall contain details whether the right to be transferred is with or without restriction, there exists
securities and attachments with regard to restrictions, responsibility for lease rent payments and whether the land is used for the intended purpose.

39. **Registration of Leaseholdings**

1/ Without prejudice to Article 30 (1) of this Proclamation, when landholdings which are permitted to be held in accordance with a lease system by the appropriate organ empowered to permit land use right, the following shall be registered after verification:
   a) the full name of the leaseholder; the area and address of the parcel;
   b) the land use type, grade, city block, and parcel’s unique identification code;
   c) the total lease value of the parcel and amount of advance payment;
   d) amount of annual lease payment;
   e) the duration of the lease period.

2/ The rights, restrictions and responsibilities specified in a contract which is made between the appropriate organ empowered to permit land use right and the user of the landholding right shall be registered as provided under Article 38 (3) of this Regulation.

3/ A lease agreement entered between the appropriate organ empowered to permit land use right and the user of landholding right shall be attached to the landholder’s folder and the date and year of entry of the agreement in the register shall be registered.

40. **Registration of Old Possession**

1/ When a landholding right created by the appropriate organ empowered to give land use permit right administered by old possessions system the following information shall be registered:
   a) the full name of the landholding user;
   b) the size and address of the parcel;
   c) the land use type, grade, city block and parcel’s unique identification code;
   d) amount of annual lease payment.

2/ The rights, restrictions and responsibilities of users of old possessions determined on the contract document and sent by the appropriate organ empowered to permit land use right or, the rights, restrictions and responsibilities specified in the directives issued for this purpose shall be verified and registered.

41. **Registration of Sub-lease of Developed Industrial Zone Landholding**

1/ Where a developed industrial zone landholding is sub-leased to a third party by the decision of government, either partly or wholly for a limited or the whole period of the lease, the following information shall be registered:
   a) the full name of the person sub-leased the parcel;
   b) the size and address of the parcel;
c) the land use type, grade and city block and parcel’s unique identification code;
d) the total sub-lease value of the parcel and the amount of advance payment of the sub-lease;
e) the duration of the sub-lease holding.

2/ Any person who registers and holds certificate of developed industrial zone transferred to him through sub-lease may not have the right to transfer his sub-lease right to other person; provided, however, if he wants to terminate his sub-lease right he shall handover the sub-leased developed industrial zone to the registering institution.

42. Registration of Condominium Landholdings
Where condominiums landholdings are registered the following information shall be verified and registered:

1/ the proportional share of each owner house as compared to the total size of the landholding;

2/ an approved memorandum and article of association, and restrictions and responsibilities specified in same, if there is condominium association established in accordance with relevant law;

3/ the rights, restrictions and responsibilities of each owner of house in respect of his share from the total area of the landholding.

43. Registration of Farmers Rural Landholdings Incorporated into Urban Center Boundary
When farmers’ rural landholding incorporated into urban center boundary is registered, the following information shall be verified and registered:

1/ the full name of the farmer who has holding right and uses the parcel;

2/ the size and address of the parcel;

3/ the land use type of the parcel, parcel unique identification code;

4/ rights, restrictions and responsibilities which were created by a rural or urban land administration which had been administering the land.

44. Registration of Landholding Without Use Right

1/ When an organ empowered to administer or develop urban landholding applies for registration of parcel of landholding for which use right is not created, it shall be verified by the registering institution and be registered in the name of the applicant.

2/ When an application for registration is submitted in accordance with sub-article (1) of this Article by the organ empowered to administer or develop urban land, after verifying that the parcel is vacant and without immovable property thereon, it shall be registered in its name by including the following information:

a) the size and address of the parcel;

b) the unique identification code of the parcel;
c) the land use type, grade and city block of the parcel.

3) When an immovable property is rested on the parcel and it becomes difficult to identify or to find the right holder, upon application by the organ which is empowered to administer or develop urban land, it shall be registered in its name under the custodianship by including the information specified under sub-article (2) of this Article.

4) Based on the relevant laws, if the claimant of the holding right has disappeared or not known for 15 years, the landholding shall be registered in the name of the organ which is empowered to administer or develop urban land.

45. Registration of Changes on the Registered Parcel
1/ Agreements made between contracting parties to reduce, modify, correct or extinguish rights, restrictions and responsibilities specified under Article 30 of the Proclamation and this Regulation as well as the security, attachment orders or decisions given by an authorized body and modification of agreements of the contracting parties shall be registered.

2/ A landholding which is mortgaged as a security may be transferred and be registered in the name of financial institution which registered it as mortgagee when the mortgagor is defaulted because of bankruptcy.

46. Registration of Servitude or Rights of Way
1/ Where an agreement for servitude or right of way is reached in a registration form, the registering institution shall register the following information of servitude or right of way in the book of register:
   (a) the person that benefits from the servitude or right of way obligation or the beneficiary landholder requiring registration;
   (b) the parcel which is encumbered with the obligation to provide the servitude or right of way service;
   (c) other particulars which are considered as appropriate or relevant by registering institution.

2/ A servitude right may be determined if the property has a height above or a depth below the ground or both dimensions.

47. Registration, Transfer and Non-registration of Servitude Right or Right of Way
1/ When a landholding underneath of which a public infrastructure was built transferred from one landholder to another, the previously registered servitude right or right of way may not be affected.

2/ When a servitude right or right of way is transferred from a right holder to another, upon application by the transferee the right shall be registered in his name or in the name of an organ which is designated to continue the service.

3/ A person who has obtained a servitude right or right of way pursuant to sub-article (2) of this Article shall register his right within 30 days from the date of reaching a
transfer agreement; Provided, however, the servitude right may not be registered if a request for transfer of the right was not made by the beneficiary of the servitude.

4/ When an infrastructure underneath ceases to provide service, the registration of servitude right above or below the ground shall remain intact, for such purpose.

5/ The construction and registration of underground public infrastructure shall be executed in a manner that does not damage property of a person or organ who has landholding right.

PART FIVE
SERVICES PROVIDED BY THE REGISTERING INSTITUTION

SUB-SECTION ONE

PROVISION OF SERVICES REQUESTED ON THE RIGHTS, RESTRICTIONS AND RESPONSIBILITIES REGISTERED BY THE REGISTERING INSTITUTION

48. Applications Related to Services on Landholdings

1/ Applications made in relation to services to landholdings shall be made by filling forms prepared for such purpose and by attaching required supporting documents.

2/ The type of services and the contents of the application forms shall be determined by a directive to be issued to implement this regulation.

49. Transfer of Title

Any person may transfer his rights on the registered landholding through inheritance, donation, sale, or other legal means:

1/ if the transfer of his right on the registered landholding is not prohibited;

2/ if particulars registered as restrictions and responsibilities are fulfilled;

3/ if an injunction order is not issued against sale and exchange of the property;

4/ when one of the following documents enabling the transfer of title are submitted:

   a) authenticated contractual agreement or sales agreement if the transfer is made by contract or as a contribution in a share company;

   b) authenticated document of transfer if it is made by donation;

   c) authenticated contract of assignment, if the transfer is made by assigning one’s right;

   d) a lease contractual agreement concluded in accordance with land lease laws, if a landholding is transferred from old possession to a lease system;

   e) evidence entitling transfer of title given by appropriate organ.

5/ When those specified from sub-article (1) to (4) of this Article are fulfilled and upon discharge of required payments.
50. **Registration and Cancellation of Encumbrances**

1/ A registration of encumbrances shall be carried out, when the service is requested by a court, bank, insurance or other legally authorized bodies.

2/ The encumbrances shall be registered based on the application and with reference to lease law when the following conditions are verified:
   a) the landholding had been registered;
   b) a right to execute a juridical act by encumbering or attaching the landholding has been created by an organ empowered to permit land use right; and
   c) fulfillment of requirements of the restrictions and responsibilities registered by the landholder.

3/ The encumbrance registration may be cancelled when an official letter is submitted by an organ that encumbered the landholding to withdraw or cancel the encumbrance.

4/ The registering institution shall cancel the encumbrance on urban landholding on its own initiative, at any time, when the time limit for such encumbrance expires.

51. **Registration of Merging of Landholding**

The registration of merging of two or more adjacent landholdings into one may be possible when the following conditions are verified:

1/ the landholdings to be merged are registered before;

2/ the landholdings to be merged are found adjacent to each other;

3/ where one or both of the landholdings to be merged were acquired through purchase of immovable property, donation or inheritance, the transfer of title has to be completed;

4/ where the landholding registered had been under encumbrance, that the encumbrance has to be cancelled earlier or a written consent of the organ that imposed the encumbrance has to be obtained;

5/ where the landholdings to be merged held on the basis of rental or governed by different legal regimes such as lease landholding system and old possession, the rights, restrictions and responsibilities of the landholding shall be identified and approved by the organ empowered to give land use right.

52. **Registration of Splitting of Landholding**

Splitting a landholding into two or more holdings and registering them may be possible when the following conditions are fulfilled:

1/ the landholding has already been registered;

2/ if there is no registered encumbrance on the landholding or if the written consent of the institution registered the encumbrance of the landholding has been secured;

3/ the possibility of splitting the landholding is verified based on the standards set by the land use supervising body;
when rights, restrictions and responsibilities to be registered on the landholdings are identified and submitted.

53. **Updating Landholding Registration Information**

The registering institution may modify or update and register the landholding information when:

1/ it is proved the landholding in respect of which the information update or modification has been registered;

2/ the legality of the document which is submitted for modification or update of the landholding information is verified;

3/ the requested services on the registered landholding can change the information; and

4/ the correct information submitted, and its attachment to a folder is verified and permitted by the registration officer.

**SUB-SECTION TWO**

**PREPARATION AND KEEPING OF LANDHOLDING REGISTER FOLDER AND PROVISION OF INFORMATION**

54. **Preparation of Landholding Registers**

1/ A register of landholding rights, register of landholdings in respect of condominium, register of farmers rural landholdings incorporated into urban center boundary and register of encumbrances prepared pursuant to Article 31(1) of the Proclamation shall be prepared in paper and digital forms and the rights, restrictions and responsibilities shall be registered in general terms.

2/ The registers specified under sub-article (1) of this Article shall, mainly contain the following:

   a. city block and parcel unique identification code;
   b. name and address of the owner or holder;
   c. rights, restrictions and responsibilities;
   d. the tenure of the landholding;
   e. land use and grade of the parcel;
   f. parcel’s length, area and the landholdings corner coordinates;
   d. other substantial information to be stipulated in the cadastral survey standards and directive.

55. **Register of Encumbrance**

1/ A register of encumbrance shall be prepared pursuant to Article 31 (1) of the Proclamation to register landholding related restrictions issued by court, bank or other organs authorized by law.
2/ The register of encumbrance shall mainly contain the following:
   a. the full name of the user of the landholding;
   b. the city block parcel unique identification code;
   c. the name of the body issued the encumbrance;
   d. the reference number and date of the letter that requested the encumbrance registration;
   e. the reason for the encumbrance;
   f. the amount of money attached;
   g. the date of registration of the encumbrance;
   h. the name and signature of the person who registered the encumbrance;
   i. the reference number and date of the letter that requested the removal of the encumbrance;
   j. the authorized organ that issued the removal of the encumbrance;
   k. the date of the removal of the encumbrance;
   l. the name and signature of the person who registered the cancellation of the encumbrance.

56. **Other Registers**

   The registering institution may prepare other registers necessary for its activities upon permission of the regional government.

57. **Keeping of Registers**

   1. All registers prepared in paper and digital system shall be protected from any natural or man-made damage.
   2. For the protection of the registers prepared in paper and digital forms, subject to specific directive to be issued, a general safety rules and hard or soft copy backup system shall be put in place.

58. **Information Security and Protection**

   1/ The design and implementation of cadastral information security infrastructure at the federal, regional and urban structures shall be based on the national information security policy and standard.
   2/ The regulating and implementing organs of the legal cadaster at federal, regional and urban structures shall have the duty to cause inspection and audit of their information centers and the infrastructures by appropriate organ within reasonable period of time to ensure the safety and quality of the security systems.
   3/ The registering institution shall, before implementing cadaster information infrastructure system, ensure the existence of alternatives to establish a replacement of land information of damage or destruction happens to the system.
4/ The registering institution shall insure the implementation of necessary physical and logical vulnerability control mechanism within the cadaster information infrastructure system.

5/ The legal cadastral information freely released to the public in paper, digital or through world wide web shall be those categorized as “GENERAL INFORMATION”.

6/ The detail and basic cadaster information may be issued in accordance with freedom of the Mass Media and Access to Information Proclamation, and be made available to third parties upon payment of appropriate service fees, provided, however, if it does not violate the right and interest of the holder and does not endanger the safety and security of the country and the public at large.

59. **Organization of Folders**

   1. The landholding information folder shall be opened when the head of the registering institution or his representative gives an order.
   2. Each folder shall be organized in a manner that enables to identify a single parcel at national level following the standard to be adopted.
   3. A landholding folder shall, except for the preservation of backup information in other place outside the registering institution, not be deposited outside the registering institution.

60. **Access to Copy of Legal Cadastre Information**

   1/ Following the accessibility of the legal cadastre information to the public, when an organ authorized by law or a person who has a vested interest on the landholding requests, a varied copies of the registered documents, information attached to the documents, extracts collected from the documents, temporarily attached notes to the owner’s property, or information related to one property or the holder it shall be provided pursuant to the request.

   2/ In accordance with sub-article (1) of this Article copies of the information may be given, upon verification of payment of the service fees or if the service requesting organs are allowed to get copies free of charge.

   3/ Without prejudice to the provtion of Article 37 (3) of the Proclamation, when a request is made concerning the information found in the legal cadastral document, the institution shall provide testimony supported by evidence.

   4/ After properly organizing the legal cadastre information the landholder’s name, the size of the parcel, the land use type and zone, value of the land and the value of the immovable property attached to the land shall be made accessible to the public.

**PART SIX**

**ISSUANCE OF CERTIFICATE, CANCELLATION AND CORRECTION OF CERTIFIED REGISTRATION, AND GRIEVANCE HANDLING PROCEDURE**

**SUB SECTION-ONE**

**ISSUANCE OF CERTIFICATE OF LANDHOLDING RIGHT**

61. **Certificate of Landholding Right**

   1/ The certificate of landholding shall, without prejudice to the requirements to be specified by the Ministry pursuant to Article 33 (2) of the Proclamation, contain the following:
a. the descriptions of markers enabling easily to locate the landholding registered, secret number of the certificate in bar code, registration number, city block, unique parcel identification code, particulars about the landholder, spatial description of the holding, description of the rights of the holding and a section for the signature of the registration officer and seal of the registering institution;

b. the full name of the landholding right holder individual; and in case of association and organization, its registered name and the registration number;

c. the date, month and year of the issuance of the certificate, the signature of the registration officer or a person who is delegated by him and the seal of the registering institution.

2/ A landholding right certificate signed by a registration officer and the seal of registration institution affixed shall serve as proof of landholding right pursuant to Article 42 of the Proclamation.

3/ The registration officer may not be asked to present another verification for the validity of the certificate nor the certificate would be questioned during the implementation of the landholding right because of incomplete application submitted by the landholder or his agent, or error in filling forms, or incomplete legal procedures.

62. **Issuance of Certificate**

1/ Any landholding right holder when applies for a certificate, upon payment of required fees, a certificate shall be issued in respect of a registered landholdings rights, restrictions and responsibilities.

2/ Certificates specified under sub-article (1) of this Article shall be prepared and issued being categorized in the following four areas:

a) landholdings held and registered in accordance with lease system;

b) rights, restrictions and responsibilities of land held through sub-lease;

c) landholdings held and registered in accordance with old possession;

d) rural landholdings incorporated into the urban center boundary;

e) landholdings in respect of condominium and real estates.

63. **Number of Copies of Certificate**

1/ The certificate of landholding right shall be prepared in two copies, the original and copy.

2/ From the two copies, the original shall be given to the landholder and the copy shall be attached and kept with the folder.

64. **Issuance of Replacement Certificate**

1/ Any person whose certificate of landholding right, which has been issued in accordance with this Regulation is lost, damaged, or become useless due to
different reasons, may be issued with a replacement certificate, in the absence of opposition after a declaration in a newspaper having wider circulation and upon payment of the required service fee.

2/ No landholding may be transferred to another person with replacement certificate before the expiry of six months.

3/ The existence of the copy of the certificate of the registering institution attached to the folder shall be verified, before the issuance of the replacement certificate and a note about the issuance of a replacement certificate shall be written on the copy.

4/ Subject to the detail directives to be issued, the registering institution shall, within ten days, declare the issuance of a replacement certificate in a public notice.

**SUB-SECTION TWO**

**CANCELLATION AND CORRECTION OF CERTIFICATE OF LANDHOLDING REGISTRATION, AND GRIEVANCE HANDLING PROCEDURE**

65. Cancellation and Correction of Certified Registration

1/ Without prejudice to the provision of Article 45 (3) of the Proclamation, correction or rectification of registration by the initiative of the registering institution may be conducted when the registering institution confirms the existence of mistake in writing or error in recording committed by its officers.

2/ The registration shall be corrected by the registering institution when contracting parties agree to change their former agreement or agree to correct part of their registered agreement in front of a notary and apply for registration.

3/ When the registration officer decides to correct registration pursuant to sub-article (1) of this Article he shall:

   a) notify through their address those who have vested interest in the registered landholding or who may have affected because of the mistake and implement the correction after 15 days following the notification; and

   b) receive and hear the opinion and objection of the interested person in respect of the correction to be made.

4/ Any interested person who received a notice pursuant to sub-article (3) of this Article may apply to a municipal first instance court or to appropriate regular court of law for an injunction order restraining the registering institution from making the correction.

5/ The registering institution shall implement the correction 15 days after its notification to interested persons if there is no objection from them or there is no injunction order issued from court of law or any other organ.

6/ When correction is made in accordance with sub-article (5) of this Article, for the purpose of reference and to show that correction has been made, the date of the correction shall be written and after the signature of the office is put it shall be deposited as verification.
7/ The registration institute may not make any correction that affects a right which was acquired based on wrongly recorded registration in a register.

8/ When the registration officer is confronted with a problem as indicated under sub-article (7) of this Article, it may apply with a briefing to a municipal first instance court or a regular court having jurisdiction and get legal backing.

9/ The registration officer may change or correct the particulars of the identity of the landholder on the following grounds:
   a) if a person whose name is recorded on the register or his agent applies in writing;
   b) if the registering institution had mistakenly changed or corrected the particulars of the identity of the registered person while organizing or preparing data after the completion of the registration.

10/ Landholding rights, restrictions and responsibilities on which cancellation decision is passed shall be cancelled from the paper register:
   a) by stroking one slant line from the upper left side to the lower right side of the written paper;
   b) the head of the registering institution shall write the date of cancellation and write on the front page of the cancelled paper from left to right the word “CANCELLED”; and
   c) the name of the organ or the court that ordered the cancellation, reference number of the decision and the date of decision shall be written on the register.

66. Grievance Procedure

Any person who has grievance on improper implementation of the provisions of this Regulation, suffer due to poor service, sustained current or future damage may submit his grievance for consideration pursuant to Article 67 of this Regulation.

67. Grievance Submission Procedures and Investigation Methods

1/ Any person has a grievance on the urban landholding registration service rendered to him, may first submit his complaint to the officer who provided the service by filling the form prepared by the registering institution upon receiving evidence of affirmation signed on the remaining copy. The officer provided the service shall, in writing, respond to the grievance within two days.

2/ The applicant who is dissatisfied by the response of the officer may submit his complaint to the immediate superior of the officer; the superior officer shall give an appropriate response in writing within three working days after investigating and examining the matter.

3/ If the applicant is dissatisfied by the response of the immediate superior officer, he may submit his complaint to the head of the registering institution; and the head, after reviewing and investigating the responses of the officer and his superior officer, shall give his response to the applicant in writing within five working days.
4/ The aggrieved person may request in writing the issuance of injunction order restraining any juridical act on his landholding, on which complaint has been made, until it is investigated and final decision is given by the head of the registering institution.

5/ The head of the registering institution may, based on the request for injunction order pursuant to sub-article (4) of this Article, pass an injunction that restrains any juridical act on the landholding for not more than five working days following the submission of the complaint.

6/ The applicant shall be responsible for any damage that may be caused due to the injunction order given pursuant to sub-article (5) of this Article.

PART SEVEN

RESPONSIBILITIES OF THE REGISTERING INSTITUTION AND ESTABLISHMENT OF SECURITY FUND

68. Liability of the Registering Institution
   1/ Without prejudice to the provision of Article 40 (1) and (2) of the Proclamation, the registering institution shall be liable when it is proved that the right holder has sustained damage as a result of transfer, encumbrance and attachment, splitting or merging of a landholding by the officers of the institution by violating the conditions specified under the Proclamation, this Regulation and directives issued hereunder.
   2/ For the purpose of compensation to compute the amount of damage sustained on the registered rights, restrictions and responsibilities on the landholding and the immovable property rested on it the amount calculated pursuant to Article 69 (2) of this Regulation shall be used.

69. Amount of Liability
   1. The liability of the registering institution may not exceed the property value of the landholding and that of the immovable property rested thereon.
   2. The value of the landholding and that of the immovable property rested on it shall be calculated based on the current value of the landholding and the immovable property estimated by the government for the purpose of property tax.
   3. The registering instituting shall have obligation to pursue and take appropriate legal action against the person who illegally benefited from the security fund and reimburse the payment to the security fund.
   4. The appropriate officer who fails to discharge the obligation specified under sub-article (3) of this Article shall be accountable.

70. Registration of Administrative Matters
   1. The registering institution shall prepare registry to register administrative matters and register the following information:
      a. the name of the holder of the matter;
b. the nature of the matter;
c. the date decision given;
d. contents of the decision;
e. the legal basis of the decision.

2. The registering institution shall include the following information in the registry of administrative matters in respect of a parcel:
   a. the name of the landholder when the land is held by lease system;
   b. the address of the parcel;
   c. the woreda, sector, neighborhood and city block where the parcel is located;
   d. others particulars related to the parcel and considered as relevant by the registering institution.

3. The registering institution, provided, however, may not register the information specified under sub-article (2) of this Article if they are additional to the information previously included with respect to that parcel.

71. **Power of Municipal First Instance Court**

The Municipal First Instance Court after hearing appeal may, pursuant to Article 17 (3) of the Proclamation, order the registering institution to adjudicate, to correct its adjudicate or to stop the correction of adjudicate of landholding.

72. **Security Fund**

1. Any person who transacts landholding through transfer landholding rights, subleases of a landholding developed for industrial zone, transfer of landholding right fully or partially on the basis of contract, transfers landholding by inheritance, for registering encumbrance and attachment and effecting compensation payment for expropriation of landholding and immovable property thereon shall make additional payment to the security fund as per the decision of regions in respect of land transaction.

2. Regions shall notify the public through a public notice the annual rate of security fund to be paid.

3. The urban registering institution may conduct a study and submit it to the regional responsible body the rate of additional payment for the amendment of the amount of security fund.

4. The responsible higher body that received the study shall give a decision within one month.

5. The collection of security fund commenced in urban centers may be ceased when a regional responsible body conducts study and submits its findings and decision is passed by the region to cease.
6. The decision to cease collection of security fund, shall be announced to the public in public notice.

**PART EIGHT**

**MISCELLANEOUS PROVISIONS**

73. **Petty Offence**

Any official, registering officer, landholding verifying officer or employee of the registering institution who, with intent to procure undue advantage for himself or to another, acts or causes others to act in contrary to the procedures provided for in this Regulation or a directive to be issued, without prejudice to criminal liability under Article 48 (1) of the Proclamation, shall be subject to disciplinary measure in accordance with professional code of conduct.

74. **Transitory Provision**

1. The existing laws and land administration practice or new arrangement that may be determined by regions shall continue to operate until the urban landholding rights registration process completed at neighborhood, sector, woreda or urban center by an authorized registering institution established in accordance with the Proclamation.

2. The transition period shall be the period that is to be determined by the regional government to apply legal cadastre system taking into account the urban centers’ geographic area, estimated number of landholdings and completion of preparatory works.

75. **Inapplicable laws**

No regulation or customary practice may, in so far as it is inconsistent with the provisions of this Regulation, be applied in respect to matters covered under this Regulation.

76. **Effective Date**

This Regulation shall enter into force on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa, this 25th day of December, 2014.

HAILEMARIAM DESSALEGN

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.8. ENERGY RESOURCES

3.1.8.1. PROCLAMATION NO. 295/1986

A PROCLAMATION TO REGULATE PETROLEUM OPERATIONS

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3. Scope
4. Ownership of petroleum
5. Undertaking of petroleum Operations
6. The Minister to represent the Government
7. Powers of the Minister
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9. Particulars in a petroleum Agreement
10. Areas precluded from Petroleum Operations
11. Duration of petroleum Agreements
12. Preferences and training
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17. Protection of historical sites and other minerals
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20. Supply of domestic market
21. Exemption from customs duties and levies
22. Royalties
23. Income taxes and other payments
24. Exchange regulations
25. Arbitration
26. Applicable law
27. Conflicted with Other Laws
28. Effective date

BRIEF DESCRIPTION

The Petroleum Operations Proclamation applies to petroleum operations undertaken within the territory of Ethiopia. It states that the Government may undertake petroleum operations through contractors and vests the ownership of petroleum in the State. The Law provides for rules on areas precluded from petroleum operations for reasons of national interest and security. It also makes provisions for the protection to be accorded to anthropological, archaeological and historical objects and sites as well as other minerals.

Petroleum Operations Proclamation No. 295/1986

WHEREAS, the exploitation of petroleum resources of the country will greatly contribute to the economic growth and welfare of the Ethiopian broad masses:

WHEREAS, Petroleum Operations should be carried out in accordance with modern technology and sound principles of resource conservation and should provide a better knowledge of the petroleum potential of the nation:
WHEREAS, it is necessary to develop domestic expertise and petroleum infrastructure by fostering the acquisition of Petroleum technology:

WHEREAS, to achieve these ends, it is essential to promulgate a special law on petroleum Operations:

NOW, THEREFORE, in accordance with Article 5(6) of the Redefinition of Powers and Responsibilities of the provisional Military Administrative Council and the Council of Ministers Proclamation No. 110/1977 it is hereby proclaimed as follows:

1. **Short title**
   
   This Proclamation may be cited as the “Petroleum Operations Proclamation No. 295/1986.”

2. **Definitions**

   For the purposes of this proclamation:

   1. “Contractor” means any person with whom the Government establishes a petroleum Agreement;
   
   2. “Crude oil” means all hydrocarbons regardless of specific gravity which are produced at the wellhead in a liquid state at atmospheric pressure, asphalt and ozokerites and the liquid hydrocarbons known as distillate or condensate obtained from natural gas by condensation or extraction;
   
   3. “Government” means the Government of Socialist Ethiopia;
   
   4. “Minister” or “Ministry” means the Minister or Ministry of Mines and Energy, respectively, or any successors in jurisdiction thereto;
   
   5. “Natural Gas” means hydrocarbons that are in a gaseous phase at atmospheric conditions of temperature and pressure, including wet mineral gas, dry mineral gas, casing head gas and residue gas remaining after the extraction or separation of liquid hydrocarbons from wet gas, and non-hydrocarbon gas produced in association with liquid or gaseous hydrocarbons:
   
   6. “Person” means any natural or juridical person:
   
   7. “Petroleum” means crude oil and natural gas and includes hydrocarbons produced from oil shales or tar sands;
   
   8. “Petroleum Agreement” means a contract or other arrangement between the Government and a contractor to conduct petroleum operations:
   
   9. “Petroleum operations” means the operations involving and related to the exploration, development, extraction, production, field separation, treatment (but excluding refining), storage, transportation up to the point of exportation or entry into a system for domestic consumption, and marketing of petroleum, excluding refining of crude oil, but including the processing of natural gas:
10. “Subcontractor” means any person with whom a contractor establishes a contractual relationship for the provision of services required for performance under a petroleum agreement:

11. “Territory of Ethiopia” means its land territory, internal waters, islands, archipelagic waters, territorial sea and its beds and subsoil, exclusive economic zone and continental shelf.

3. **Scope**

1. This proclamation shall govern petroleum operations carried out by a contractor within the Territory of Ethiopia.

2. Any agreement relating to petroleum operations entered into prior to the effective date of this Proclamation shall be governed by the laws existing on the effective date of the agreement unless otherwise mutually agreed to by the parties thereto.

4. **Ownership of Petroleum**

1. Ownership of petroleum existing in its natural condition on, in and under the Territory of Ethiopia is vested in the state.

2. Ownership of petroleum when produced shall be determined in accordance with the provisions of the applicable petroleum agreement.

5. **Undertaking of Petroleum Operations**

The Government may undertake petroleum operations through contractors in accordance with a petroleum agreement.

6. **The Minister to Represent the Government**

1. For purposes of this Proclamation, the Minister shall represent the Government in its dealings with a contractor and shall also be responsible for the effective implementation of this Proclamation.

2. The Minister may delegate in writing any of his powers under this Proclamation, except his powers to issue regulations or to sign or revoke a petroleum agreement.

7. **Powers of the Minister**

The Minister has the power to:

1. issue regulations necessary for the effective implementation of the provisions of this Proclamation;

2. ensure that a contractor has the requisite financial resources, technical competence and professional skills necessary to fulfil his obligations under the applicable petroleum agreement;

3. Prepare model petroleum agreements, including Production Sharing or Modern Concession agreements, which will serve as basis for the negotiation of a petroleum agreement;

4. either by competitive bidding or, subject to the directives of the Council of Ministers, by direct negotiation enter into;
a. an exclusive petroleum agreement which authorizes the contractor to carry out petroleum operations in a particular area; or

b. a non-exclusive petroleum agreement which authorizes the contractor to carry out geological and geophysical surveys in a particular area:

5. inspect and ensure that the activities of the contractor are carried out in accordance with the provisions of the petroleum agreement;

6. grant to a party other than the contractor a permit for the exploration or production of minerals or natural resources other than petroleum within an area subject to the petroleum agreement, provided that such exploration or production activities shall not unreasonably interfere with petroleum operations;

7. Calculate, collect and audit:
   a. royalties;
   b. surface fees;
   c. bonuses;
   d. rentals; or
   e. any other payment;

made or required to be made by contractors pursuant to the petroleum agreement or any regulations issued under this Proclamation.

8. Matters to be dealt with by directives

The Minister may determine by directives:

1. The method and procedure for inviting and evaluating bids for a petroleum agreement;

2. The form and content of application for petroleum operations;

3. The qualifications and experience for persons applying to undertake petroleum operations; and

4. Other similar matters.

9. Particulars in a Petroleum Agreement

Any petroleum agreement shall provide, inter alia, for the following particulars:

1. royalties, surface fees, bonuses, rentals or any other payment to the State, excluding taxes levied pursuant to the Income Tax laws of Ethiopia;

2. safety requirements and programmes and other matters related to the working conditions of employees engaged in petroleum operations;

3. minimum work obligations, minimum expenditures and periodic surrender of areas subject to a petroleum agreement;

4. rights and obligations of the contractor;

5. the Minister’s authority to inspect and control petroleum operations;
6. time, manner and content of reports and information to be submitted to the Minister;
7. procedures for assignment or transfer of rights or obligation of the contractor under a petroleum agreement;
8. conditions for revocation or termination of petroleum agreements and procedures for the settlement of disputes;
9. the terms and conditions of State Participation in some or all phases of petroleum operations;
10. stabilization provision of the rights and obligations of the parties;
11. requirements relating to environmental protection;
12. accounting procedures;
13. sanctions for failure by a contractor to fulfil obligations contained in a petroleum agreement;
14. manner of employment, rights and obligations and, in particular, the training, of Ethiopian nationals; and
15. any other matters of relevance to the proper execution of petroleum operations.

10. Areas precluded from Petroleum Operations
1. The Minister shall, in consultation with the appropriate state organs, determine the areas in which petroleum operations may not be permitted for reasons of national interest and security.
2. The determination made under sub-Article (1) of this Article shall be without prejudice to existing rights in such areas as established by a petroleum agreement.

11. Duration of petroleum Agreement
1. The periods under a petroleum Agreement shall be:
   a. upto two years for activities under non-exclusive petroleum agreements;
   b. upto four years for exploration under exclusive petroleum agreements; and
   c. upto twenty-five years for development and production under exclusive petroleum agreements.
2. The Minister may, where circumstances justify, grant the following maximum extensions to the initial periods set forth in sub-Article (1) of this Article:
   a. two years for activities under non-exclusive petroleum agreements;
   b. four years for exploration under exclusive petroleum agreements; and
   c. ten years for development and production under exclusive petroleum agreements.
3. The Minister may grant a further extension to the periods set forth in sub-Article (2) of this Article for the purpose of allowing a contractor to complete drilling, logging,
testing or plugging of any well which is actually being drilled, logged, tested or plugged at the expiry of the applicable period or for the completion of the appraisal programme of a discovery.

4. In addition to the extension periods set forth above, the Minister may grant a further extension as may be necessary for purposes of evaluating a natural gas discovery.

12. Preferences and training

A contractor shall:

1. give preference to the employment of Ethiopian nationals to the fullest extent possible; provided, such nationals have the required qualifications and experience;

2. give preference to domestic materials, products and services where such materials, products and services are readily available at competitive prices and are of comparable quality;

3. train Ethiopia nationals in petroleum operations in accordance with a petroleum agreement.

13. Transfer and assignment

1. A contractor may transfer, assign or otherwise dispose of all or any part of his rights, obligations and interests under a petroleum agreement only with the prior written consent of the Minister, which consent shall not be unreasonably withheld.

2. Subject to sub-Article (1) of this Article the terms and conditions of said transfer, assignment or disposal shall be governed by the provisions of the petroleum agreement.

14. Operating standards

Contractors shall conduct petroleum operations in accordance with generally accepted international petroleum industry standards and practices and in a manner which is compatible with the conservation of petroleum and other resources and the protection of human life, property and the environment.

15. Disposal of assets

1. The contractor shall transfer, at no cost to the Government, plans, appliances and installations in an area which is subject to surrender or termination pursuant to the terms of a petroleum agreement provided that the said area or part thereof:
   a. has been determined to be capable of commercial production as set forth in the applicable petroleum agreement; or
   b. is currently producing or has previously produced petroleum commercially.

2. The Minister may decline the transfer and may require the contractor to remove all or some of the plants, appliances and installations at no cost to the Government.

16. Access to property

If a contractor requires the use of property in connection with petroleum operations, the Government may acquire the rights or interests thereon necessary for said operations;
provided that the contractor shall pay fair compensation to the person holding such rights or interests.

17. **Protection of historical sites and other minerals**

A contractor shall:

1. conduct petroleum operations in a manner designed to protect anthropological, archaeological and historical objects and sites;
2. notify the Minister, as soon as practicable, in the event of discovery of anthropological, archaeological or historical objects or sites or other minerals;
3. not remove from their locations, any anthropological, archaeological and historical objects or other minerals discovered, without the prior authorization of the Minister.

18. **Books and records**

1. A contractor shall;
   a. keep in Ethiopia complete and accurate books of accounts on petroleum operations:
   b. annually submit to the Minister and other appropriate authorities financial statements, including balance sheets and profit and loss accounts, audited by a recognized, independent auditor acceptable to the Minister.
2. A contractor shall keep records of his petroleum operations, including drilling, geophysical and geological data; and shall submit such data, reports and notices to the Minister in accordance with regulations issued by the Minister or, in the absence of such regulations, in accordance with the petroleum agreement.

19. **Insurance and indemnity**

1. A contractor shall, prior to commencing petroleum operations, obtain and maintain in force workmen’s compensation, property and third party liability insurance in such reasonable amounts and coverage as has been approved in writing by the Minister.
2. A contractor shall indemnify, defend and save the Government harmless against all claims, losses and damage of any nature whatsoever, including without limitation, claims for loss or damage to property, or death of or injury to persons caused by, or resulting from, any operations conducted by, or on behalf of, the contractor under the terms of the applicable petroleum agreement.

20. **Supply of domestic market**

1. The Minister may require the contractor in writing to supply crude oil, for domestic consumption, to the Government from the contractor’s share of production.
2. The price, quantity and any other relevant terms of said supply shall be agreed upon by the two parties.
21. **Exemption from customs duties and levies**

1. A contractor and a subcontractor shall be entitled to import into Ethiopia any and all drilling, geological, geophysical, production, treating, processing, transportation and other machinery and equipment necessary in Petroleum Operations, including aircraft, vessels, vehicles and other transportation equipment and parts therefore (other than sedan car and fuel therefor), fuels, chemicals, lubricants, films, seismic tapes, house trailers, office trailers, disassembled prefabricated structures and other materials necessary for petroleum operations free of import duties, taxes, levies and imposts of any kind.

2. Expatriate employees of a contractor and a subcontractor shall be entitled to import into Ethiopia household goods and personal effects, including one sedan car, free of import duties, taxes, levies and imposts of any kind, in accordance with prevailing regulations.

3. All items imported under sub-Article (1) and (2) of this Article and taken out of Ethiopia shall be exempt from export duties and other taxes levied on exports; provided, however that if these items are disposed of within Ethiopia, the contractor, subcontractor or their expatriate employees, as the case may be, shall pay customs duties and levies in accordance with the applicable laws.

4. The contractor shall be entitled to export petroleum produced free of export duties, taxes or imposts of any kind.

22. **Royalties**

1. A contractor shall pay royalty for Petroleum produced.

2. The petroleum agreement shall fix the amount of royalty and the method of payment.

23. **Income taxes and other payments**

1. A contractor and a subcontractor shall pay income tax in accordance with the applicable Income Tax laws of Ethiopia.

2. The salaries and other benefits in cash or in kind of expatriate employees of a contractor and a subcontractor derived from activities required for performance under a petroleum Agreement shall be exempt from personal income tax.

3. A contractor shall pay any additional payment, whether characterized as tax or otherwise, specified under any applicable petroleum agreement.

24. **Exchange regulations**

1. Contractors and subcontractors shall be subject to the applicable exchange control legislation and directives in effect from time to time in Ethiopia; provided, however, that contractors and subcontractors shall have the following rights after meeting all their respective payments and tax obligations under any applicable petroleum agreement and under the applicable Income Tax laws of Ethiopia:

   a. to retain or dispose of any funds outside Ethiopia including such funds as may result from petroleum operations:
b. to pay foreign subcontractors and expatriate employees of the contractor outside Ethiopia; provided, however, that such foreign subcontractors and expatriate employees shall be required to bring into Ethiopia such foreign exchange as required to meet payment of Ethiopian taxes and living expenses:

c. to export such funds as contractors or subcontractors shall have imported into Ethiopia or derived from petroleum operations or the sale or lease of goods or performance of services under a petroleum agreement.

2. Contractors and subcontractors shall make regular reports to the National Bank of Ethiopia regarding all currency received imported, remitted and maintained abroad. The manner of reporting shall be specified in the applicable petroleum agreement.

25. Arbitration

1. Any dispute, controversy or claim between the Government and the contractor arising out of, or relating to, the petroleum Agreement or the interpretation, breach or termination thereof shall, to the extent possible, be resolved through negotiations.

2. In the event that agreement cannot be reached through negotiations, the case shall be settled by arbitration in accordance with the procedures specified in the petroleum agreement.

26. Applicable law

Without prejudice to Article 25 of this Proclamation, all petroleum agreements and petroleum operations shall be governed by the Laws of Ethiopia.

27. Conflict with Other Laws

No laws or rules, whether written or customary, shall apply to matters expressly provided for in this Proclamation. In particular, the following laws are inapplicable to petroleum operations:

a. Mining Proclamation No. 282/1971;

b. Mining Regulations No. 396/1971; and


28. Effective date

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

Done at Addis Ababa, this 26th day of March, 1986

THE PROVISIONAL MILITARY ADMINISTRATIVE COUNCIL
3.1.8.2. PROCLAMATION NO. 317/2003

A PROCLAMATION PROVIDED FOR THE ESTABLISHMENT OF THE RURAL ELECTRIFICATION FUND

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BRIEF DESCRIPTION

This Law establishes the Rural Electrification Fund as a permanent financial source. The Fund has two objectives: to provide loan and technical services for Rural Electrification Projects particularly those operating on renewable energy sources as well as to encourage the utilization of electricity for production and social welfare purposes in rural areas.

Rural Electrification Fund Establishment Proclamation No. 317/2003

WHEREAS, it is necessary to provide electricity service to improve economic and social development of rural areas;

WHEREAS, it is necessary to promote private and cooperative engagement in rural electrification activities through loan based finance and technical services;
WHEREAS, to achieve this it is important to establish a fund to serve as a source of finance;

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

PART ONE

General

1. Short Title

This Proclamation may be cited as the “Rural Electrification Fund Establishment Proclamation No. 317/2003.”

2. Definitions

Unless the context otherwise requires, in this Proclamation:

1) “Agency” means the Ethiopian Electricity Agency;
2) “Center” means the Ethiopian Energy Development and Promotion Center established by proclamation No. 269/2002;
3) “Corporation” means the Ethiopian Electric Power Corporation;
4) “Director” means the Director General of the Ethiopian Development and Promotion Center;
5) “Executive Secretariat” means the Ethiopian Rural Energy Development and Promotion Center;
6) “Off-grid” means any electric supply not covered by the Ethiopian Electric Power Corporation Electric Supply System;
7) “Rural Area” means any off-grid area;
8) “Government” means the Government of the Federal Democratic Republic of Ethiopia;
9) “Ministry” and “Minister” means the Ministry and Minister of Rural Development respectively;
10) “Operator” means a person who generates, distributes, and sells electricity in off-grid areas for commercial purpose;
11) “Operation” means the activity of generating, distributing and selling in off-grid areas for commercial purposes;
12) “Trust Agent” means any financial institution that keeps the money collected from various sources of the fund as well as renders and collects loan upon the order of the Board;
13) “Region” means a region designated by Article 47 (1) of the Constitution of the Federal Democratic Republic of Ethiopia and, for the purpose of this Proclamation, includes the Addis Ababa and Dire Dawa Administrations;
14) “Renewable Energy Source” means an energy source of nature such as solar, wind, hydro, biomass and the like, which naturally recycles or recycled by man-induced processes useful to man.

15) “Rural Electrification” means all activities of generation, transmission, distribution and other related activities of electricity in off-grid areas;

16) “Rural Electrification Program” means an activity direction approved by the Board that promotes electricity supply in rural areas with the support by the Fund and in respect to the objectives of the Fund;

17) “Rural Electrification Project” means a single activity of designing, constructing, generating, transmitting, and performing other related activities to achieve the distribution of electricity in rural off-grid areas;

18) “Person” means a natural or juridical person;

19) “Uniformity Directive” means a directive issued to maintain co-herence and co-ordination in the activities of various units of the Fund and regional implementing offices.

3. Establishment

The Rural Electrification Fund (hereinafter “the Fund”) is hereby established by this Proclamation as a permanent financial source to be deposited under Special Bank Account to be opened by the Ministry of Finance and Economic Development.

4. Objectives of the Fund

The Fund has the following objectives:

1) To provide loan and technical services for Rural Electrification Projects carried out by private operators, cooperatives and local communities and more specifically for those projects operating on renewable energy sources;

2) To encourage the utilization of electricity for production and social welfare purposes in rural areas.

5. Sources of Fund

The sources of the Fund shall be:

1) Budget allocated by the Government;

2) Loans and grants from other Governments;

3) Loans and grants from International Financial Institutions;

4) Grants from non-Governmental Organizations;

5) Income from other different sources.

PART TWO

Federal Organs of the Fund

6. Organs of the Fund

1) At the Federal level, the Fund shall have:
(a) Rural Electrification Board (hereinafter “the Board”)
(b) an Executive Secretariat.

2) The Board shall be accountable to the Minister.
3) Regional Governments may establish their own Rural Electrification implementing Secretariats.
4) Regional Rural Electrification implementing Secretariats shall follow up and confirm whether the projects in their respective Regions are implemented in conformity with this Proclamation, and programmes and the directives issued by the Board.

7. Members of the Board
   1) The Board shall have members to be designated by the Government.
   2) The term of office of any member of the Board shall be five years, provided, however, that he may be reassigned for additional terms of office by the organ, which nominates him.
   3) The organ, which has assigned a member of the Board, may at any time and for any reason recall and replace him by another.
   4) In case of reduction in the number of Board members due to death or resignation of a member or due to any other reason, the vacant post shall be filled within three months.
   5) Any member of the Board shall not engage in any activity that may be directly or indirectly conflicting with his capacity as a Board member. When the member encounters a conflict of interest, he shall disclose such conflict to the Board and withdraw from all meetings of the Board at which such matters are discussed.

8. Powers and Duties of the Board
   The Board shall have the following powers and duties:
   1) Advise policy issues to the Ministry;
   2) Approve directives, working procedures, standards and project implementation guidelines that serve to implement rural electrification programs;
   3) Approve transparent directives, criteria and appropriate working procedures that enable the issuance of loans;
   4) Set-out compensation criteria to be approved by the Ministry, for those operators whose operations are taken over by the Corporation as specified in Article 16 (4) of this Proclamation;
   5) Receive, and examine reports and approve same when appropriate;
   6) Administer the Fund;
   7) Approve the nomination of a Trust Agent that shall be entrusted with the Fund to be secured from different sources, as presented to it by the Executive Secretariat;
8) Issue detailed directives for the Trust Agent;
9) Delegate, when it deems appropriate, its powers and duties to Regional Rural Electrification Secretariat Office;
10) Engage in other activities that enhance rural electrification;
11) Maintain transparency to the public regarding its decisions, program and leadership;
12) Ensure timely collection of the fund, by the relevant body, from the different sources specified in Article 5 of this Proclamation.

9. Meetings of the Board

1) The Board shall have meetings every three months. Extraordinary meetings may be held at any time when called by the chairperson.
2) There shall be a quorum where more than half of the members of the Board are present at a meeting.
3) Decisions of the Board shall be made valid if more than half of those present voted in favor. In the event of a tie, the chairperson shall have a casting vote.
4) The Board may adopt its own rule of procedures with regard to its meetings.

10. Powers and Duties of the Executive Secretariat

The Executive Secretariat shall have the following powers and duties:

1) prepare annual, and whenever required, report and submit it for the approval of the Board;
2) review applications from rural electrification project sponsors and based on the criteria approved by the Board decide on the applications;
3) set out criteria for the competitive selection of a Trust Agent and submits same to the Board for approval;
4) prepare and submit to the Board, for approval, transparent directives and selection criteria and procedures to be used in the issuance of loans and identification of appropriate rural electrification project;
5) facilitate and submit the co-ordination of the rural electrification program activities with other rural development activities;
6) promote and support access to and productive use of electricity in the Rural area;
7) cooperate with relevant bodies for capacity building regarding Rural electrification project installation, operation and Management;
8) prepare, maintain, issue and disseminate equipment, devices and appliances that meet acceptable safety standards and economy for rural electrification;
9) study additional ways and sources of finance to be used for the Fund;
10) compile and keep the working papers, reports and minutes of the Board, further it follows up and confirm the appropriate implementation of the directives of the Board and its decisions;
11) follow up and ensure the timely collection and deposit of the money from the sources specified in this Proclamation in the account of the Fund;

12) perform such other activities related to its powers and duties;

13) make recommendations to the Board regarding the most effective use of the Fund for the rural electrification program as set out from time to time.

11. **Powers and Duties of the Director**

The Director shall put into practice all the powers and duties of the Executive Secretariat as stated under Article 10 of this Proclamation, and shall be accountable to the Board with regard to the Fund.

**PART THREE**

**Miscellaneous Provisions**

12. **Uniformity of Practice**

1) With a view to ensuring uniformity of practice, the Operational Directive shall govern all operations and activities of the Fund.

2) The Board shall issue Operational Directive.

13. **Responsibility of the Trust Agent**

1) The Trust Agent shall be responsible for the administration of income accrued from various sources of Fund provided in Article 5 of this Proclamation.

2) It shall disburse loans for rural electrification projects upon the order of the Board; and shall collect reimbursement of loans.

3) It shall follow up periodic reimbursement of loans by borrowers.

4) It shall prepare financial document revealing the revenues and expenditure of the Fund; and shall, upon directives to be issued by the Board, submit to the same.

5) It shall carry out other activities pertaining to its responsibility.

14. **Licensing of Rural Electrification Projects**

The Agency shall apply relevant law to issue, renew terminate and revoke licenses for rural electrification project.

15. **Eligibility for Loan**

A person who is interested to engage in rural electrification activities, shall be eligible for loan financing, Provided, however, that he is a legal person and fulfils the criteria required for such financing.

16. **Protection to Rural Electrification Operators**

1) The Corporation shall issue or cause to be issued every 10 years and indicative national rural electrification master plan showing the expansion of the national grid covering the whole country.
2) The rural electrification master plan specified in Sub-Article (1) of this Article shall be made open to the public and due attention shall be given to it in implementing rural electrification project.

3) The Corporation and the Secretariat shall meet each year to delineate their plan in light of the annual indicative national rural electrification plans they shall submit to the Minister and the Agency.

4) In the event that power supply activity of a rural electrification operation is taken over by expansion of the Corporation’s activity, the owner of the rural electrification operation shall be provided with prompt, fair and adequate compensation as set out in the criteria.

17. Protection of Rural Electrification Customers

1) The Operator shall not charge in excess of the electricity tariff pursuant to the law that causes the Agency to set out tariffs.

2) The Operator shall issue prior notice to the customer by an appropriate means where there shall be service interruption.

3) The Operator shall issue prior notice of three months to the Agency where there shall be electricity service termination.

4) Relevant provisions of laws pertaining to the rights of electricity customers shall be applicable for customers of rural electrification.

18. Integration to National Grid

The Executive Secretariat shall plan and advise that rural electrification be designed in view of future interconnection to the national grid.

19. Monitoring and Enforcement of Approved Projects

The Executive Secretariat, may supervise the implementation of approved rural electrification projects and ensure that the projects are executed in accordance with the approved project proposal and take appropriate legal measure pursuant to the project contract,

20. Right of Way and Land Use

Relevant provisions of the Electricity Proclamation No. 86/1997 dealing with Land Use and Right of Way shall apply to rural electrification projects,

21. Environmental Protection

Rural Electrification Project plans, construction, operation and maintenance shall respect environmental protection laws.

22. Safety

1) Operators shall take the necessary precautions to ensure the safety of persons working in the plant, the public and avoid damage to property.
2) Relevant provisions of safety standards and conditions in Electricity Proclamation No. 86/1997 and Electricity Operation Regulations No. 49/1999 shall be applicable for rural electrification standards.

23. **Books of Account**

   The Executive Secretariat shall keep accurate and complete books of account with supporting documents.

24. **Audit**

   1) Without prejudice to the powers given by law to the Auditor General, the Books of Account of the Fund shall be audited annually by an external auditor to be appointed by the Board.

   2) The Books of Account shall be audited in accordance with internationally acceptable principles and procedures, and the Audit report shall be submitted to the Board and the Ministry of Finance for comments.

   3) Technical inspection shall annually be done on selected activities

25. **Duty to Co-operate**

   Any individual, Government organs and private organizations shall have the duty to cooperate in the execution of this Proclamation.

26. **Power to Issue Regulations and Directives**

   1) The Council of Ministers may issue regulations necessary for the implementation of this Proclamation.

   2) The Ministry or the Board, as may be determined by Regulations, may issue directives necessary for the implementation of this Proclamation.

27. **Inapplicable Laws**

   No law shall, in so far as it is inconsistent with this Proclamation, have effect in respect of matters provided for by this Proclamation.

28. **Effective Date**

   This Proclamation shall enter into force as of the 6th day of February, 2003.

   Done at Addis Ababa, this 6th day of February, 2003.

   GIRMA WOLDE GIORGIS

   PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
This Energy Law repeals the Electricity Proclamation No. 86/1997. Energy under this Proclamation is defined as electric power generated from hydropower, solar, wind,
geothermal or other sources. Any person who wants to engage in energy related activities needs to have a license, and the Law provides for some specific rules pertaining to the license. The Law makes provisions for electricity supply activities and use of land for such activities, energy efficiency and conservation, offences and penalties and other provisions.

**Energy Proclamation No. 810/2013**

WHEREAS, energy is one of the indispensable inputs necessary for accelerating the economic and social development of the country;

WHEREAS, the existing Electricity Proclamation needs to be revised based on the current national and regional development of energy regulations and be replaced by a new energy law that include regulations of both electricity and energy efficiency and conservation;

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

**PART ONE**

**GENERAL**

1. **Short Title**

   This Proclamation may be cited as the “Energy Proclamation No. 810/2013”.

2. **Definitions**

   In this Proclamation unless the context otherwise requires:

   1/ “energy” means electric power generated from hydropower, solar, wind, geothermal or other sources;

   2/ “generation” means the production of electricity;

   3/ “transmission” means the transportation of electricity through high voltage lines;

   4/ “distribution” means the supply of electricity services to customers through medium and low voltage lines;

   5/ “grid” means the network of transmission and distribution systems and connection points for the movement and supply of electrical energy from generating stations to customers;

   6/ “low voltage” means a voltage of supply up to 400 volts;

   7/ “medium voltage” means a voltage level above 400 up to 33,000 volts;

   8/ “high voltage” means a voltage level above 33,000 volts;

   9/ “electrical work” means a work of electrical design, installation, maintenance, testing, inspection, contracting or consultancy, electromechanical activity or any other electric related business;
10/ “installation” includes wirings, equipment, fittings and other materials used or intended to be used to convey electricity beyond the point of supply to the point of consumption;

11/ “customer” means a person obtaining electricity services from a licensee;

12/ “code” means an organized set of procedures and practices prescribed by the directive of the Authority to be applicable with respect to electrical works or service level standards;

13/ “energy audit” means a systematic procedure:
   a) to obtain adequate knowledge of the existing energy consumption profile of a customer;
   b) to identify and quantify cost effective energy saving opportunities; and
   c) to report the findings;

14/ “energy conservation” means reduction in the amount of energy consumed in a process or system through elimination of waste and economical and rational use;

15/ “energy efficiency” means the ability to provide the same or higher level of products or services at lower energy consumption;

16/ “energy efficiency label” means label affixed on energy consuming asset to describe the asset’s energy performance in order to provide consumers the data necessary to make informed purchase;

17/ “energy service company” means a company that delivers energy efficiency improvement service with respect to a customer’s facility or premises and accepts payment for the service based, either wholly or in part, on the achievement of energy efficiency improvement;

18/ “voluntary agreement” means a contract between the Authority and any person on agreed targets with commitments and time schedules on the part of all participating parties to improve energy efficiency;

19/ “Fund” means the Energy Efficiency and Conservation Fund established under Article 23 of this Proclamation;

20/ “trust agent” means any represented financial institution that keeps the money collected from various sources of the Fund as well as advances and collects loans upon the order of the Board;

21/ “license” means a license issued pursuant to this Proclamation to generate, transmit, distribute and sale, import or export electricity for commercial purposes; or to undertake energy audit, energy efficiency and conservation contracting or consultancy services;

22/ “licensee” means a person issued with a license pursuant to this Proclamation;

23/ “certificate of competency” means a document issued by the Authority that certify the competency of any person to engage in electrical works;
“tariff” means the list of charges for electricity services;

“Authority” means the Ethiopian Energy Authority to be established by the regulation of the Council of Ministers;

“Board” means the Authority’s Board;

“region” means any state referred to in Article 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire Dawa city administrations;

“person” means a natural or juridical person;

any expression in the masculine gender includes the feminine.

PART TWO
THE ETHIOPIAN ENERGY AUTHORITY

3. Establishment

The Ethiopian Energy Authority shall be established by regulations to be issued by the Council of Ministers.

4. Powers and Duties of the Authority

The Authority shall have the powers and duties to:

1/ issue and renew license and certificate of competency in accordance with this Proclamation and regulations and directives issued hereunder;

2/ supervise the operations of licensees and holders of certificates of competency to ensure compliance with the provisions of this Proclamation and regulations and directives issued hereunder; and in the case of contravention of this Proclamation or regulations or directives issued hereunder, penalize the licensee or the holder of a certificate of competency with fine or suspend or revoke his license or certificate of competency, depending on the gravity of the offence;

3/ review national grid related tariff submitted to it by a licensee and submit its recommendation to the government for approval; and, upon approval, regulate the implementations thereof; issue and regulate the implementation of guidelines for the determination of off-national-grid tariffs;

4/ formulate long-term, medium-term, and short-term energy efficiency and conservation strategy and program at national and sectoral levels and, on the basis of periodic reports to be submitted to it, evaluate the implementations of same;

5/ promote energy efficiency and conservation at national and sectoral levels;

6/ issue energy audit code, energy efficiency standards code, energy efficiency labeling code, grid code, customers’ service code, technical inspection code, quality service standard code, building electrical installation code, technical standard code and other codes; and supervise the implementations of same;

7/ approve electric power purchase and network service agreements;
8/ cooperate with training institutions and regional and international forums for promoting energy efficiency and conservation, energy development and power trade;

9/ establish energy efficiency testing laboratories and issue and implement testing procedures;

10/ promote and coordinate energy efficiency and conservation research, development and demonstration and technology transfer activities;

11/ collect, analyze, organize and disseminate information relating to energy efficiency and conservation;

12/ hear, investigate and, when necessary, mediate or arbitrate disputes between parties with complaint over any matter required to be regulated under this Proclamation;

13/ collect fees for the issuance and renewal of licenses and certificates of competency and for other services it renders and the revenues of the Fund, in accordance with the regulation to be issued hereunder;

14/ where necessary, delegate its powers and duties to the appropriate regional executive organs and provide them with capacity building support.

5. **Powers and Duties of the Board**

Without prejudice to other provisions of this Proclamation, the Board shall have the powers and duties to:

1/ review tariff proposals in relation to the national grid and submit same to the government for approval;

2/ approve off-national-grid tariffs determination guidelines, national energy efficiency and conservation strategy and program, model power purchase and network service agreements;

3/ approve directives of the Authority to be issued pursuant to this Proclamation;

4/ ensure the timely collection of the Fund and its proper utilization;

5/ approve the selection of a trust agent and grants of loans from the Fund.

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**PART THREE**

**LICENSE AND CERTIFICATE OF COMPETENCY**

6. **Requirements of License**

1/ No person may generate, transmit, distribute and sale, import or export electricity for commercial purposes or engage in energy efficiency and conservation consulting, energy service contracting, energy audit or in other related activities without having a license in accordance with this Proclamation and the regulation to be issued hereunder.

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2/ Any person desiring to generate, transmit or distribute electricity for non-commercial purposes shall notify the Authority in advance and produce documents evidencing that he has fulfilled environmental protection and safety conditions.

3/ Any person who has engaged in the generation, transmission, distribution and sale of electricity, energy efficiency and conservation consulting, energy service contracting, energy audit or in any other activities related to this Proclamation prior to the coming into force of this Proclamation shall be required to submit to the Authority an application, along with necessary particulars, and obtain a license.

7. **Eligibility for License**

Any person shall be issued with a license where the Authority is satisfied that he meets the requirements of the license specified in this Proclamation, regulation to be issued hereunder and the investment and other relevant laws, qualifies to carry on trade under the Commercial Code, and has the financial resources, technical competence, professional skill and experience required to fulfill the license obligations.

8. **Renewal, Suspension and Revocation of License**

1/ Any licensee applying for renewal of a license shall fulfill the requirements of this Proclamation and regulations and directives issued hereunder.

2/ The Authority may impose fine or suspend or revoke a license where the licensee fails to comply with obligations specified in this Proclamation, regulations or directives issued hereunder or in the license.

3/ Prior to revocation of a license the Authority shall give the licensee reasonable time as it deems sufficient to remedy failures.

4/ Without prejudice to the rights of heirs, a license may be revoked, as the case may be, upon the death of the licensee or upon liquidation or declaration of bankruptcy under the relevant law, in the case of a juridical person.

9. **Transfer and Replacement of License**

1/ Any license issued by the Authority may be transferred to another person with the written consent of the Authority in accordance with this Proclamation and regulation issued hereunder.

2/ Any change in the control or ownership right of a generation, transmission, distribution and sale, import or export licensee shall be approved by the Authority where that change comes by mortgaging, transferring or merger of the business of the licensee.

3/ A change in control or ownership by sale stated under the provisions of sub-article (2) of this Article shall include a sale of any of the fixed assets or over 25% of the shares of the licensee.

4/ Any licensee whose license has been lost or damaged may be issued with a replacement license upon application and payment of the required fees determined by regulation issued hereunder.
10. **Obligations of Licensee**

1/ Any licensee shall:
   a) keep relevant records of operations, and submit plans, reports, information and supporting documents to the Authority in accordance with regulations and directives issued hereunder;
   b) make books and records of operation available for inspection when requested by duly authorized officials of the Authority.

2/ Any licensee shall carry out his activities in compliance with this Proclamation, regulations and directives issued hereunder and in the relevant environmental protection laws, and safety, quality and performance standards determined by the Authority.

3/ Any licensee engaged in the generation, transmission, distribution and sale, import or export of electricity shall commence operation within twelve months from the date of issuance of license, and report to the Authority about its commencement.

11. **Certificate of Competency**

1/ Any person who wants to undertake electrical work activities shall obtain certificate of competency in accordance with this Proclamation and regulation to be issued hereunder.

2/ Any person which has been issued with a certificate of competency in accordance with sub-article (1) of this Article shall, prior to commencement of operation, obtain the appropriate trade license from the Ministry of Trade or a regional trade bureau as the case may be.

3/ Any individual who wants to renew a certificate of competency issued in accordance with sub-article (1) of this Article shall produce evidence showing the relevant work experience or participation in a continuing education program as specified by regulation to be issued hereunder.

4/ The requirements and conditions for the issuance, renewal, suspension, revocation or replacement of a certificate of competency shall be prescribed by regulation to be issued hereunder.

**PART FOUR**

**PROVISIONS RELATING TO ELECTRICITY SUPPLY ACTIVITIES**

12. **Conditions for Interruption of Electricity Services by the Licensee**

1/ A licensee may not interrupt electricity services except for the following reasons:
   a) to inspect, repair, maintain, adjust or to undertake other necessary works related to electrical equipment or lines;
   b) where natural calamities such as floods, landslides, earthquakes or other events beyond the control of the licensee occur;
   c) where a customer fails to pay charges;
d) where a customer utilizes unauthorized electricity contrary to the terms and conditions agreed upon, or tamper with electricity meter installed.

2/ The licensee shall notify the general public in advance of interrupting electricity services as provided under sub-article (1)(a) of this Article within the time limit specified in regulation to be issued hereunder.

3/ The licensee shall resume supplying electricity services as soon as the conditions stated under sub article (1) (b), (c) and (d) of this Article are rectified.

13. National Grid

1/ The government may, by notification, specify any transmission line as national grid.

2/ Conditions of access to the national grid shall be specified by regulation to be issued hereunder.

14. The Electricity Trade

1/ Conditions of importation or exportation of electricity shall be determined by regulation to be issued hereunder.

2/ Conditions of conducting electricity trade without the need for power purchase agreement shall be determined by regulation to be issued hereunder.

15. Inspection

1/ An officer duly authorized by the Authority may, at all reasonable time, enter premises and inspect or supervise the generation transmission, distribution and sale of electricity or electrical installation without unreasonably impeding or obstructing activities thereof.

2/ No electrical installation may be energized from the supply line of the licensee without being certified for safety compliance by a licensed electrical inspector.

PART FIVE

USE OF LAND FOR ELECTRICITY SUPPLY ACTIVITIES

16. Use of Land

Any generation, transmission or distribution and sale, import or export licensee:

1/ may enter the land or the premises in the holding of any person after securing prior permission from the person to carry out installation of new electricity supply;

2/ may enter the land or premises in the holding of any person after notifying that person to carry out activities required to connect, repair, upgrade, inspect or remove electrical lines;

3/ shall have the right to cut or lop trees or to remove crops, plants or other things that obstruct the construction or operation of electrical works or may cause danger to electrical lines.

17. Compensation

The licensee shall pay compensation, in accordance with the relevant law, for damages caused to the property of a landholder while performing the activities provided under Article 16 of this Proclamation.
18. Expropriation of Land

Where public interest so justifies, any generation, transmission, distribution and sale, import or export licensee may be made the beneficiary of an expropriation measure, taken in accordance with the relevant law, by the government over private land holdings.

PART SIX

PROVISIONS RELATING TO ENERGY EFFICIENCY AND CONSERVATION

19. Regulating Energy Efficiency And Conservation Activities

1/ Energy efficiency and conservation regulatory activities shall be applied to industry and building and technologies related to electrical equipment and appliance.

2/ Energy efficiency and conservation activity may be regulated through the application of anyone or more of the following, as may be appropriate:
   a) minimum energy efficiency standard;
   b) energy efficiency labeling codes;
   c) mandatory energy audit;
   d) voluntary agreement;
   e) mandatory energy saving; or
   f) mandatory installation of energy efficient and conserving equipment.

3/ The Authority may regulate energy efficiency and conservation activities on its own or through licensed energy service company.

4/ The Authority may oblige large energy consumers to establish their own energy management unit and submit periodic reports to the Authority as provided under regulation to be issued hereunder.

5/ The Authority may, in view of achieving higher level of performance in energy efficiency and conservation, enter into a voluntary agreement the result of which shall be measurable and binding with energy utilization equipment producers, importers or large-scale energy users.

20. National Energy Efficiency And Conservation Strategies and Programs

1/ The Authority shall develop and implement national energy efficiency and conservation strategies and programs.

2/ The national energy efficiency and conservation strategies and programs shall be accompanied by detailed economic evaluation objectives and measurable targets.

3/ The Authority shall review periodically the national energy efficiency and conservation strategies and programs mentioned under sub-article (1) of this Article.

21. Reporting

1/ Every energy efficiency and conservation performance report shall follow the necessary standards and contain all the required elements that the energy efficiency
and conservation activity intended to accomplish and follow the reporting procedures as provided under regulation to be issued hereunder.

2/ The report submitted pursuant to sub-article (1) of this Article shall enable the Authority to take due account of the existing practice.

22. Voluntary Agreement

1/ Voluntary agreements shall have clear and unambiguous objectives, and monitoring and reporting requirements linked to procedures that can lead to revised additional measures when the objectives are not achieved or are not likely to be achieved.

2/ With a view to ensure transparency voluntary agreements shall be made available to the public and published prior to application to the extent that applicable confidentiality provisions allow and invite stakeholders comment.

3/ The Authority may devise and implement programs at national level that promote energy efficiency through the application of voluntary agreements.

4/ Any high energy consuming customer who refuses to conclude voluntary agreement and thereby reduce the energy loss based on the obligation and time schedule provided thereunder shall be obliged to pay the consequent energy loss charges as determined by regulation to be issued hereunder.

23. Energy Efficiency and Conservation Fund

1/ Energy Efficiency and Conservation Fund is hereby established.

2/ The Fund shall be utilized for the purpose of providing loans and financial supports to persons involved in energy efficiency and conservation activities.

3/ The sources of the Fund shall be:
   a) budget allocated by the government;
   b) loans and grants from international financial institutions;
   c) grants from non-governmental organizations;
   d) infraction from energy inefficient electrical equipment and appliances, buildings and industries; and
   e) incomes from other sources.

4/ Collection of the Fund as provided under sub-article (3)(d) of this Article shall be determined by regulation to be issued hereunder.

PART SEVEN
CRIMINAL OFFENCES AND PENALTIES

24. Working Without Having License

Without prejudice the privileges provided to cooperative societies by other laws, any person who generates, transmits, distributes and sales, imports or exports electricity for commercial purposes, or perform electrical work, energy audit, energy efficiency and conservation contracting or consultancy service without having license shall be punished with rigorous imprisonment up to ten years or with a fine up to Birr 50,000 or with both, and forfeit his working equipment and appliances to the government.
25. **Certificate of Competency Related Offences**
   Any person failing to comply with the requirements, conditions or obligations of certificate of competency stated under this Proclamation or regulations or directives issued hereunder shall be punished with simple imprisonment up to three years or with a fine not more than Birr 15,000 or with both.

26. **Damages on Electric Plants**
   Any person who causes damage to any generation, transmission or distribution facility shall be punished with rigorous imprisonment from five up to fifteen years or with a fine of up to Birr 50,000 or with both.

27. **Obstruction of the Authority’s Duty**
   Any person who resists, hinders or obstructs any inspector of the Authority acting pursuant to this Proclamation, or who intentionally fails to comply with any instructions duly given by the inspector shall be punished with simple imprisonment not exceeding five years or with a fine of up to Birr 25,000 or with both.

28. **Abstracting Electrical Energy**
   Any person who:
   1/ abstracts, unlawfully connect to other line, obstruct or cause to be abstracted, unlawfully connected to other lines or obstructed any electrical energy; or
   2/ consumes or uses any electrical energy, knowing that it has been abstracted, unlawfully connected to other line or obstructed;
   shall be punished with rigorous imprisonment of up to five years or with a fine of up to Birr 20,000 or with both.

29. **Other Electrical Energy Related Offences**
   Any person who:
   1/ violates any of the conditions of a license issued to him under this Proclamation;
   2/ lays, erects or installs, or permits to be laid, erected or installed, any conductor or electrical equipment and connects it, or permits it to be connected, with any electric supply line through which electrical energy is supplied by a licensee, without the consent of the licensee;
   3/ constructs, plows, digs, grows crops, plants or trees within the restricted areas of electrical installations or refuses to demolish any construction, cut or lop trees or to remove crops, plants or any other things that obstruct the construction or operation of electrical works or may cause danger to electrical installations;
   4/ tampers, permits to be tampered or disables electrical meters installed by a licensee from recording electric consumption or gives assistance thereof;
   5/ disconnects or permits to be disconnected any conductor or electrical equipment from any electric supply line belonging to a licensee, without the consent of the licensee;
6/ makes or permits to be made any alteration in his permanent installation without the previous approval of the licensee;

7/ uses electrical energy where the quantity of the supply of electrical energy is not ascertained by meter or uses any electrical equipments or device other than what he has contracted to pay for, or uses such electrical equipments or device at any other time than the time specified and for which he has contracted to pay;

8/ uses electrical energy supplied to him for purposes other than the purposes for which it is supplied;

9/ supplies to any other person any part of the electrical energy supplied to him by the licensee without the consent of the licensee;

10/ disconnects or abstracts any electric line towers or their parts or gives assistance thereto; or

11/ intentionally or negligently damages or breaks any works related to electricity under the control of a licensee;

shall be punished with up to five years rigorous imprisonment or with a fine not exceeding Birr 25,000 or with both.

30. Energy Efficiency Related Offences

1/ Any person, who manufactures, imports, trades, distributes or uses any product which does not meet the requirements specified in the energy efficiency mandatory standards fixed in accordance with this Proclamation or regulations issued hereunder shall be punished with up to five years rigorous imprisonment or with a fine not exceeding Birr 25,000 or with both.

2/ When the offender is a habitual offender or the offence damages the national economy of the country seriously, the penalty may extend up to fifteen years rigorous imprisonment or a fine of up to Birr 100,000 or with both.

3/ The energy inefficient products related to the commission of the offence referred to in sub-article (1) of this Article shall be forfeited to the government.

31. Reporting and Record Keeping Violations

Any person who:

1/ fails to make a report or files a false report to the Authority as required by this Proclamation or regulations or directives issued hereunder; or

2/ fails to keep records in the form and manner prescribed or approved by the Authority;

shall be punished with up to two years simple imprisonment or with a fine of up to Birr 15,000 or with both.

32. Presenting False or Misleading Statement

Any person who presents a false or misleading statement to the Authority in relation to any information required under this Proclamation shall be punished with simple imprisonment up to five years or with a fine of up to Birr 25,000 or with both.
33. **Penalty on Juridical Persons**

When an offence stated under this Proclamation is committed by a juridical person the penalty shall be determined in accordance with the relevant provisions of the Criminal Code.

**PART EIGHT**

**MISCELLANEOUS PROVISIONS**

34. **Charges**

No licensee may claim charges in excess of the tariff set in accordance with this Proclamation and regulation issued hereunder.

35. **Town Plans**

1/ Any master plan of a town shall clearly demarcate and show the electrical distribution system layout thereof.

2/ Any licensee shall, while installing electrical lines, comply with the master plan of the town.

36. **Other Constructions and Works**

No construction, farming, plantation or any other activity of a permanent nature may be carried out within the clearance zone of electric transmission and distribution stations or lines to be set by regulations or directives to be issued hereunder.

37. **Access to Existing Transmission and Distribution Lines**

The licensee shall allow the use of his transmission and distribution lines to other licensees where their request is without impediment to his undertakings and they pay the tariff to be determined by the Authority.

38. **Settlement of Disputes**

1/ The Authority shall:

   a) hear customer’s complain for noncompliance related to electricity services or energy efficiency and conservation activities by a licensee, provided that the customer has exhausted all complaint hearing procedures arranged by the licensee in accordance with regulation to be issued hereunder;

   b) mediate or arbitrate a dispute between licensees or between a licensee and a customer pertaining to the conditions of supply of electricity, tariff or quality of supply or provision of services, if they agree to submit it to the Authority.

2/ In resolving the dispute the Authority shall give priority for mediation; provided, however, that if the dispute could not be resolved through mediation, arbitrate the dispute and render a final and binding award.

3/ In order to arbitrate disputes pursuant to sub-articles (1)(b) and (2) of this Article, the Authority shall form an arbitration panel.
4/ The members of the arbitration panel and the procedure to be followed for settlement of disputes and complaints under this Article shall be determined by regulation to be issued hereunder.

39. Bankruptcy

1/ When the licensee is declared bankrupt in accordance with the relevant provisions of the Commercial Code, and when a new licensee shows interest to continue the operation, the Authority shall revoke the previous license and do everything at its disposal to transfer the work to the new licensee with a view to safeguard the interests of customers.

2/ When a new licensee takes over the operations of the previous licensee pursuant to sub-article (1) of this Article, the Authority shall cooperate with the relevant bodies in order to effect the transfer of the assets of the previous licensee, partly or wholly, to the new licensee.

40. Power to Issue Regulation and Directive

1/ The Council of Ministers may issue regulations necessary for the proper implementation of this Proclamation.

2/ The Authority may issue directives necessary for the proper implementation of this Proclamation and regulations issued under sub-article (1) of this Article.

41. Issuance and Publication of Directives

1/ The Authority shall, before issuing any directive under Article 40 (2) of this Proclamation, consult such persons as appears to it to be representatives of:
   a) licensees;
   b) users of bulk electricity services;
   c) energy efficiency implementing entities; and
   d) other stakeholders.

2/ The Authority shall have the duty to publish the directives it issues.

3/ The manner of publication of any directive under sub-article (2) of this Article shall be determined by the Authority.

42. Repealed and Inapplicable Laws

1/ The Electricity Proclamation No. 86/1997 is hereby repealed.

2/ No law or practice may, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters provided for by this Proclamation.

43. Transitory Provisions

1/ Notwithstanding the provisions of Article 42(1) of this Proclamation, the Electricity Agency established under Proclamation No. 86/1997 shall retain its legal personality and exercise the powers and duties given to the Authority by this Proclamation until the effective date of the regulation to be issued pursuant to Article 3 of this Proclamation.
2/ Without prejudice to the provisions of Article 42(2) of this Proclamation, regulations, directives and standards issued pursuant to the Electricity Proclamation No. 86/1997 shall remain in force until replaced by regulations, directives and standards issued hereunder.

3/ Licenses and certificates of competency issued pursuant to the Electricity Proclamation No. 86/1997 and regulations and directives issued thereunder shall be deemed to be issued pursuant to this Proclamation and regulations and directives issued hereunder.

44. **Effective Date**

This Proclamation shall enter into force on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa, this 27\textsuperscript{th} day of January, 2014

MULATU TESHOME (DR.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
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BRIEF DESCRIPTION

The Electricity Operations Regulation regulates different kinds of licenses relating to electricity operations. It makes provisions for, inter alia, the rights and obligations of licensees and customers; rules on pricing; safety, technical and quality of service.

Electricity Operations Council of Ministers Regulations No. 49/1999

These Regulations are issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 4/1995 and Article 28 (1) of the Electricity Proclamation No. 86/1997.

PART ONE

General

1. Short Title

These Regulations may be cited as the “Electricity Operations Council of Ministers Regulations No. 49/1999.”
2. **Definitions**

In these Regulations, unless the context requires otherwise:

1) “Proclamation” means the Electricity Proclamation No. 86/1997, and definitions provided therein shall also apply to these Regulations;

2) “Agency” means the Ethiopian Electricity Agency;

3) “Generation facility” means a set of technology used to produce electricity;

4) “Peak demand” means the highest level demand for electricity achieved by electricity users within a defined period of time;

5) “System based load” means a defined amount of demand for electricity continuously available in the supply system;

6) “marginal generation capacity cost” means the cost associated with producing one additional unit of power expressed in kilo watt;

7) “marginal energy cost” means the cost associated with producing one additional unit of energy expressed in kilo watt hour;

8) “system generation price” means a single price of power or energy prevailing in the supply system which in effect consists of different generation technologies bearing different unit cost of generation;

9) “system marginal transmission capacity cost” means the cost associated with transporting and transforming one additional unit of power expressed in kilo watt;

10) “system marginal distribution capacity cost” means the cost associated with distributing and transforming one additional unit of power expressed in kilo watt;

11) “high voltage” means a voltage level above 60,000 volt;

12) “medium voltage” means a voltage level above 1000 but less than 60,000 volt;

13) “low voltage” means a voltage level up to 1000 volt;

14) “person” means a natural or a juridical person.

**PART TWO**

*Electricity Operation Licenses*

**CHAPTER ONE**

*Applications for License*

3. **General Requirement**

1) Any application for a license of generation, transmission, distribution and sale, as well as application for importation or exportation of electricity shall be addressed to the Agency and shall contain:

   (a) identity and address of the applicant;

   (b) feasibility study of the project;
(c) environmental impact assessment;
(d) documents showing the applicant’s financial situation, technical competence and experience;
(e) construction and installation designs, and
(f) such other information the Agency may determine by directives.

2) The feasibility study referred to in sub-article 1 (b) of this Article shall consist of the following components:
   (a) social and economic impacts;
   (b) estimated costs and returns of the project;
   (c) duration of the project;
   (d) construction and installation program and commencement date of operation.

3) The environmental impact assessment referred to in Sub-Article 1 (c) of this Article shall consist of the following components:
   (a) all potential damages to the environment along with mitigation, restoration or reclamation plan including resettlement program for displaced residents;
   (b) the estimated costs of implementation of the plans and programs referred to in paragraph (a) of this Sub-Article.

4) Without prejudice to the provisions of Articles 9 and 10 of these Regulations, information provided to the Agency by any applicant shall be confidential.

4. **Application for Generation License**

Any application for a generation license shall, in addition to the general requirements stated under Article 3 of these Regulations, contain the following:

1) source of electricity;
2) map of the project site at the scale determined by the Agency;
3) total power capacity of the project;
4) power purchase contract where appropriate.

5. **Application for Transmission License**

Application for transmission license shall, in addition to the general requirements stated under Article 3 of these Regulations, contain the following:

1) preliminary route map of proposed main and alternative transmission lines;
2) total length and maximum load of transmission lines,
3) standard of voltage and frequency.

6. **Application for Distribution and Sale of Electricity License**

Application for distribution and sale of electricity license shall, in addition to the general requirements stated under Article 3 of these Regulations, contain the following:

1) the source from which the distribution system draws electricity;
2) estimated number of customers to be benefited from the project and proposed price of each unit of power to be sold;

3) power purchase contract where appropriate.

7. **Application for Importation and Exportation License**

Application for importation or exportation license shall, in addition to the relevant general requirements stated under Article 3 of these Regulations, contain the following:

1) an agreement made with concerned authority of a country from which or to which electricity is imported or exported;

2) standard of voltage and frequency;

3) power purchase contract where appropriate.

**CHAPTER TWO**

**Registration And Advertisement Application**

8. **Registration of Application**

Each application for license, if complete and in the proper form as provided in Chapter One of these Regulations, shall immediately be registered in the register maintained in the office of the Agency for such purpose in the order received, and each applicant shall upon such registration be given a receipt indicating the date and number thereof.

9. **Advertisement of Application**

1) The Agency shall, within three working days after the registration of an application of license, send notice of the application to the concerned publishers for publication on two successive issues of newspapers which have wider circulation in the country.

2) The advertisement shall describe the type, purpose and area of license and shall give the address of the offices where copies of maps may be inspected or purchased, and shall specify the address of the Agency to which an objection or comment may be forwarded by any interested person.

3) Without prejudice to the provisions of Sub-Articles (1) and (2) of this Article, the advertisement shall be announced on the Radio and TV for three consecutive days.

4) The applicant shall bear costs necessary for such an advertisement.

10. **Deposition of Copies of Maps for Public Inspection**

The applicant shall deposit copies of the maps of the proposed area of license for public inspection at the office of the Agency and the municipality of proposed area of license.

11. **Lodging of Objections**

1) Within 60 days from the last publication of the advertisement on the newspaper any interested person may file at the office of the Agency a written objection against the proposed license or may forward any comment stating the reasons thereof.
2) If an objection filed by any person pursuant to Sub-Article (1) of this Article is rejected, the Agency shall so notify the person in writing setting the reasons for decision.

12. Amendment of Application

If an applicant desires to make any amendment to his application, he shall submit a written application to the Agency. Such application shall also be subject to the provisions of this Chapter.

CHAPTER THREE
Issuance and Refusal of License

13. Grant of License

1) If, upon the expiry of the 60 days period specified under Article 11 of these Regulations no objection to the application has been filed at its office, the Agency shall, upon payment by the applicant of the prescribed fees, grant the requested license within 30 days; provided, however, that no license shall be granted unless the Agency is satisfied that the applicant has the necessary financial resource, technical competence and experience to meet the obligations relating to the license requested.

2) Where an objection to the application has been filed pursuant to Article 11 of these Regulations, the granting of license shall be deferred pending a decision by the Agency within 120 days from the registration. If the decision of the Agency is against the submitted objection, then, a license shall be issued to the applicant subject to sub-article (1) of this Article.

3) No license shall be issued under these regulations unless the applicant is eligible to invest in the sector pursuant to the provisions of the relevant investment law.

14. Refusal of License

1) If the Agency determines that the application or the information supplied or the qualifications, experience or financial capacity of the applicant in connection with the proposed license is materially inadequate, it shall so notify the applicant in writing setting the reasons of the decision.

2) The applicant shall be permitted to consult with the Agency in order to provide all evidence in support of his position, shall be afforded a time not less than 30 days to overcome the objection of the Agency, and shall also be entitled to amend or complete his application.

3) If, following such consultation and expiry of such time, the Agency still believes that the application or the information supplied or the qualifications of the applicant are materially inadequate to justify the grant of a license, it shall notify same to the applicant in writing.

15. Replacement and Issuance of Copies of Licenses

1) The licensee may, upon the payment of the prescribed fees, request the Agency to issue one or more copies of his license. Upon receiving such request, the Agency shall issue such certified copies to the licensee.
2) The licensee may, upon the payment of the prescribed fees, apply to the Agency for the replacement of his license which has been lost or destroyed. Upon receiving such application the Agency shall issue replacement of such license to the licensee.

16. Transfer of License
Any licensee may transfer his license pursuant to Article 12 of the Proclamation; provided, however, that the transferee has the required competence to fulfill the obligations of the license.

17. Amendment of License
If a licensee desires any amendment to be made to his license, he shall submit a written application to the Agency. Such application shall also be subject to the provisions of Chapter Two of this Part.

18. Duration and Renewal of License
1) The duration of a license issued pursuant to the provisions of the Proclamation and these Regulations shall be based on the life of the project; provided, however, that the maximum duration shall not exceed the following:
   (a) for, hydro power generation license.............................................. 40 years
   (b) for transmission license................................................................. 50 years
   (c) for distribution and sale license.......................................................... 50 years
   (d) for importation or exportation license........................................... 10 years
2) The maximum duration of license for non-hydro power generation plants shall be determined by directives of the Ministry.
3) A license may be renewed for successive periods if the licensee:
   (a) has made an application to that effect two years prior to the expiry of the license;
   (b) is not in breach of any provisions of the Proclamation, these Regulations and directives issued hereunder which constitutes grounds for revocation of his license; and
   (c) has agreed to upgrade his operations in accordance with latest technology generally accepted in the power industry;
   provided, however, that the duration of each renewal shall not exceed half of the initial period of the license.
4) Renewal shall be subject to the provisions of Chapter Two of this Part.

19. Revocation of License.
Without prejudice to the provisions of Article 14(2) of the Proclamation, a license may be revoked when a licensee commits anyone of the following infractions:
1) failure to comply with technical standards, safety requirements and environmental laws;
2) failure to comply with tariff regulations;
3) repeated interruption, reduction or termination of electricity supply in the absence of force majeure.

20. **Termination of License**

1) A license shall terminate if:
   
   (a) it expires without being renewed pursuant to the provisions of Article 18 of these Regulations;
   
   (b) it is revoked by the Agency pursuant to the provisions of Article 19 of these Regulations;
   
   (c) without prejudice to the right of heirs, the licensee dies or where the licensee is not a natural person, it is liquidated or declared bankrupt.

2) Upon termination of a license, the government may take over, in consideration of compensation on the basis of book value or replacement cost whichever is the lower, the facilities of the licensee which are absolutely necessary to continue, without interruption, the supply of electric power.

3) If the government does not desire to take over the facilities due to their being unoperational, the licensee shall remove such facilities at its own cost.

21. **License Fees**

1) Any applicant for electricity operation license shall, upon the registration of his application, pay in advance 20% of the license fees to be paid under this Article; provided, however, that such payment shall not be refundable upon refusal of license under Article 14 of these Regulations.

2) Fees to be paid for generation license shall be Birr 1.00 per kilowatt; provided, however, that minimum fees shall be Birr 1000.

3) Fees to be paid for transmission license shall be Birr 20 per circuit kilo meter; provided, however, that minimum fees shall be Birr 2000.

4) Fees to be paid for distribution and sale license shall be Birr 2 per kilo volt ampere of transformer capacity; provided, however, that minimum fees shall be Birr 1000.

5) Fees to be paid for import or export of electricity license shall be Birr 1.00 per megawatt hour; provided, however, that minimum fees shall be Birr 2000.

6) The fee to be paid for the amendment or renewal of a license shall be 50% of the fee required for the issuance of such license.

7) The fee to be paid for the transfer of a license shall be 20% of the fee required for the issuance of such license.

8) Fees to be paid for issuance of copies or replacement of license shall be Birr 150.

**PART THREE**

*Rights and Obligations of Licensees and Customers*

22. **Rights of Licensees**

Licensees shall have the following rights:
1) to enter the land covered by the license to undertake electricity operations;
2) to issue warnings and disconnect electricity of customers who violate any provision of these Regulations and directives issued hereunder;
3) to inspect the electricity installations of customers.

23. **Obligations of Licensees**

Licensees shall have the following obligations:
1) to carry out electricity operations in accordance with the provisions of the Proclamation, these Regulations and directives issued thereunder and the terms and conditions of the license;
2) to take proper measures in order to protect human life, property and the environment;
3) to supply electricity to customers on regular basis;
4) to respond promptly to connection demand of new customers within its license area;
5) to give advance notice to customers before each interruption of electric power;
6) to resume electricity service as soon as the reasons for the interruption stated under Article 16 of the Proclamation ceases to exist;
7) to provide customers with the necessary guidance on the use of electricity;
8) to respond promptly to customers’ complaints;
9) to keep all employment, financial, commercial and other books and records as well as records of electricity operations, and submit reports periodically as determined by directives;
10) to make available to the Agency all books and records for inspection;
11) to give employees the training and education necessary for electricity operations
12) to give preference to domestic goods and services, where they are readily available at competitive price and are of comparable quality.

24. **Rights of Customers**

Customers shall have the following rights:
1) to require the provision of regular, safe and quality electricity services from licensees;
2) to submit to the licensee or the Agency, as may be appropriate, any complaints related to electricity services.

25. **Obligations of Customers**

Customers shall have the following obligations:
1) to comply with notices and instructions on the use of electricity;
2) to facilitate the installation, repair, inspection and meter reading of electricity;
3) to promptly notify the licensee of any irregularities of electricity.

PART FOUR

Electricity Price and Tariff

26. General Principles

1) Electricity pricing shall be based on the principle of efficient allocation of resources where customers and producers receive the true costs associated with consuming and producing one additional unit of energy respectively.

2) The price that customers get charged for shall be computed in consideration of the cost incurred by the total system, and the energy consumption shall, as much as possible, be made fair taking the production cost into account.

3) The rate level shall be made sufficient enough to support continuing investments and sustainable services, and shall include a system of pricing that guarantees an improved service efficiency.

4) Tariff structures shall be kept simple enough to avoid or minimize implementation difficulties.

27. General Pricing Approach

1) Price for supplying energy and power to retail or bulk customers shall, subject to adjustments to meet financial requirements to be defined as necessary, be determined on the basis of:
   (a) the system marginal cost; and
   (b) optimum system planning.

2) Where the approach stated under Sub-Article (1) of this Article becomes inapplicable to pricing outside the national grid system due to technical reasons, such pricing shall be based on:
   (a) average cost of supply; and
   (b) an acceptable rate of return on investment.

28. Generation Pricing

1) With regard to generation pricing within the national grid system:
   (a) the most efficient generation facility identified to meet the system’s peak demand shall constitute the base for marginal generation capacity cost;
   (b) the most efficient generation facility identified to meet the system’s base load shall provide the base for computation of energy price;
   (c) marginal energy cost shall, in the case of hydro power plants, be computed on the basis of the cost which is not attributed to capacity;
   (d) generation cost of thermal plants and wholesale purchase price of power and energy shall be computed on the basis of planned generation and shall be distributed on the system generation price.
2) With regard to generation pricing outside the national grid-system:
   (a) the most efficient generation facility used to meet the system demand shall
       constitute the base for determining the marginal generation capacity cost;
   (b) marginal energy cost shall be computed for each generation facility;
   (c) for cases of small hydro power plants similar approach may be used as in the
       case of large hydro power plants in the national grid system;
   (d) generators’ specific prices shall be spread over the system generation price on
       the basis of planned generation within the system; and, where appropriate,
       frequent review of such price by the Agency shall be maintained.
   (e) appropriate incentive and penalty mechanisms shall be incorporated in the
       pricing process for securing a higher level for availability of thermal
       generation facilities.

3) Price of bulk energy and power from private producers shall be determined in
   accordance with power purchase agreements as approved by the Agency, and shall
   be directly transferred to customers.

29. Power Transmission Pricing
   1) The system marginal transmission capacity cost shall form the base for transmission
      pricing within the national grid system.
   2) The system’s transmission capacity cost outside the national grid system shall be
      determined on the basis of estimated or actual accounting costs and an acceptable
      rate of return on investment.

30. Power Distribution Pricing
   1) With regard to power distribution pricing within the national grid system, system
      marginal distribution capacity cost shall form the base for distribution pricing.
   2) With regard to power distribution pricing outside the national grid system, the
      system’s distribution capacity cost shall be determined on the basis of estimated or
      actual accounting costs and an acceptable rate of return on investment.
   3) Generation and transmission costs at the appropriate voltage level shall be added on
      top of the distribution cost to form the tariff applicable to customers.

31. Other Charges
   1) Energy and power metering costs and billing costs shall form the base for
      determining marginal customer related costs.
   2) Payment of connection charges shall be related to additional costs resulting from
      supplying new demand.
   3) Charges on reactive power consumption shall be related to the capacity cost that
      each reactive power consumption entails at the voltage level at which the
      consumption is effected.
4) Other appropriate charges may be effected in accordance with contractual agreements between licensees and customers.

32. **Efficiency Indexes and Pricing Procedures**

1) The Agency shall, in consultation with licensees, determine generation, transmission and distribution efficiency indexes indicating potentials for improving electricity services which would have ultimate bearing on prices.

2) Detailed pricing procedures for applying the provisions of this Part incorporating all appropriate pricing factors shall be determined by the Agency.

33. **Interim Price Adjustments and Studies for Tariff Revisions**

1) Interim adjustments to generation, transmission and distribution prices shall be made on the basis of changes in relevant input prices and efficiency indexes.

2) The frequency of interim adjustments shall be determined by the Agency.

3) Studies on total tariff revisions shall be conducted every four years.

34. **System of Accounts**

1) Uniform system of accounts commensurate with generally accepted accounting principles and designed to support the price regulation efforts, shall be determined by the Agency to be applied by all licensees.

2) Any licensee shall submit audited reports of its accounts to the Agency within six months from the end of the Government’s fiscal year.

**PART FIVE**

*Standards of Safety, Technical and Quality of Service*

Chapter One

**General Safety Requirements**

35. **Safety of Electrical Supply Lines and Apparatus**

All electric supply lines and apparatus shall:

1) be of sufficient ratings for powers, insulation and estimated fault current and of sufficient mechanical strength for the duty which they may be required to perform under the environmental conditions of installation; and

2) be constructed, installed, protected and maintained in such a manner as to ensure safety of human beings, animals and property.

36. **Service Lines and Apparatus in Customers’ Premises**

1) Any licensee shall ensure that all electrical lines, fittings and apparatus belonging to him or under his control which are in customers’ premises are in safe conditions and in all respects fit for supplying power.
2) The customer shall, as far as circumstances permit, take precautions for the safe custody of the equipment in his premises belonging to the licensee.

37. *Towers and Poles Grounding*

1) All metal towers and poles shall have the basic grounding installed on one leg using ground rods with 20mm diameter steel rods.

2) Additional basic grounding shall be installed on other legs where it is required to reduce the tower footing resistance to a maximum of 10 ohms.

3) In exceptional location of rocky soil with very high resistivity the maximum tower footing resistance may reach 20 ohms.

4) All metal supports and reinforced and pre-stressed cement concrete supports of overhead lines, metallic fittings attached thereto, neutral of transformers and control panel of customers shall be permanently and efficiently earthed.

38. *Position of Switches and Cut-out*

No cut-out, link or switch other than a linked switch arranged to operate simultaneously on the earthed or earthed neutral conductor and line conductor shall be inserted or remain inserted, in any earthed or earthed neutral conductor of a two wire system, or in any earthed neutral conductor of a multi-wire system of any conductor connected thereto except in the case of link for testing purpose or a search for use in controlling a generator or transformer.

39. *Guarding*

1) Every guard-wire shall:
   (a) have an actual breaking strength of not less than 635 kg.
   (b) be connected with earth at each point at which its electrical continuity is broken;
   (c) be galvanized if made of iron or steel.

2) Every guard-wire or cross connected system of guard-wires shall have sufficient current carrying capacity to ensure the rendering dead, without risk of the fusing of the guard-wire or wires till the contact of any line wire has been removed.

40. *Color Coding*

Color coding of a permanent nature shall be provided by the licensee on substations, net stations and customers distribution bus bars determined by directives of the Agency to distinguish earthed neutral conductor or the conductor which is to be connected thereto from any live conductor.

41. *Productive Devices and Equipment*

1) Every overhead line erected over any part of a street, or any other public place or in any factory or mine, or in any customer’s premises shall be protected with a device approved by the Agency.
2) Fire buckets filled with clean dry sand, fire extinguishers and first-aid boxes or cupboards shall be conspicuously marked and kept in all generation stations, enclosed substations and switch stations.

3) Adequate number of gas masks shall be kept conspicuously at accessible places in every generation station with capacity of 5 mega watt and above and enclosed substation with transformation capacity of 5 megavolt amper and above for use in the event of fire or smoke.

42. Protection Against Lightening

Any licensee owning overhead line, substation or generation station, which is so exposed as to be liable to injury from lightening shall adapt efficient means for diverting to earth any electrical surges due to lightening.

43. Danger Notice

Any licensee owning high voltage installation shall affix permanently in a conspicuous position a danger notice in English, Amharic and the local language of the area with the sign of skull and bones on generators, transformers, supports of overhead lines which can be easily climbed and other electrical installations as may be required by directives of the Agency.

44. Instructions for Restoration from Electric Shock

1) Instructions in English, Amharic and the local language of the area for the restoration of persons suffering from electric shock shall be affixed by the licensee on a conspicuous place in every generation station, enclosed substation, enclosed switch station and in every factory.

2) Copies of the instructions referred to in sub-article (1) of this Article shall be supplied on demand by any person at a price to be fixed by directives of the Agency.

3) In every manned high voltage generation station, substation or switch station, an artificial respirator shall be provided and kept in good working condition.

45. Accident Report

If any accident occurs in connection with generation, transmission, distribution or use of electrical energy resulting in injury or loss of human or animal life or damage to property, the licensee shall send to the agency a report on the accident within 24 hours of knowledge of its occurrence.

46. Unused Overhead Lines

Where an overhead line ceases to be used as an electrical supply line, the licensee shall maintain it in a safe mechanical condition or remove it.

47. Prohibitions

1) No electrical installation work including additions, alterations, repairs and adjustments to existing installation, except such replacements of lamps, fans, fuses, switches, low voltage domestic appliances and fittings as in no way alter its
capacity or character, shall be carried out in the premises of the customer except by
the licensee or an electrical contractor with the consent of the former.

2) Undertaking any type of construction work or growing trees shall not be allowed
under electric power lines or within the distance of horizontal clearance thereof.

48. Inspection and Testing of Electrical Installation

The Agency may, where it deems it necessary and at any time, inspect and test generation
stations, substations, transmission lines, switch stations and other electrical installations.

CHAPTER TWO

Transmission Lines and Substations

49. Line Route

In the process of line route selection, size and character of load, reliability of power
sources, positions of substations, future expansion possibilities, safety and environmental
impacts as well as construction and operational costs shall be taken into consideration.

50. Conductors and Earth Wires

1) Conductors shall satisfy all electrical, mechanical and economical requirements.

2) The cross section of conductors shall normally be selected from the suitable
national standard ranges or where such standard is not available from that of the

3) The selection under Sub-Article (1) and (2) of this Article shall be carried out in
accordance with guidelines of the Agency and shall be followed by checks for
current carrying capacity, corona and radio noise elimination, mechanical strength,
voltage drop and other factors.

51. Insulators

1) The insulation levels of different devices, equipment or structures shall be selected
and applied taking into account the over voltage magnitudes in the network as well
as the properties of different protective means so that the number of insulation
failures and operational outages are limited on an acceptable economical level.

2) The selection under Sub-Article (1) of this Article shall comply to the national
standard or where such standard is not available with the International Electro-
Technical Commission standards.

52. Fittings

String insulator fittings of ball eye and socket couplings, yokeshackels, clamps, arcing
horns, vibration dampers and armor rods shall be selected according to their voltage in
conformity with the national standard or where such standard is not available with the

53. Line Transposition

The transposition of short lines shall be at intermediate substations and that of long lines
shall be at suitable points along the line for voltage 132 kv and above depending on
circuit arrangements.
54. Designs of Towers

1) Towers shall be designed to withstand the following loads which are assumed to occur during the estimated life time of the line:
   (a) wind loads, weights of conductors, earth-wires and insulator strings and conductor tensions;
   (b) the overturning and torsional movements resulting from the breakdown of anyone of the conductors and earth-wires;
   (c) loads to be caused by erection and maintenance works.

2) The conductor forces shall be calculated in all assumed temperatures and wind velocities.

3) In determining the dimensions of a tower, phase to phase, phase to body and ground clearances, length of insulator strings and maximum sag and shielding angle shall be considered.

4) The designs of foundations shall be checked for uplift and compression forces in each tower footing arising from normal working, loading, and broken wire conditions with the appropriate factor for safety.

5) The designs of towers shall, as may be appropriate, consider future growth in the demand for power transmission.

55. Clearance between Line and unenergized Parts

The minimum distance between the unenergized, earthed, and live parts of the line shall be determined in accordance with directives of the Agency.

56. Clearance between Phases

The minimum spacing between the conductors or earth wires shall be determined by taking into consideration sag of the conductor at maximum temperature, length of the suspension insulator string, and the standard set by the Agency.

57. Clearance from Terrain, Roads and Water Ways

1) The height of conductors, at maximum temperature, above ground or water surface shall be at least 5 meters plus the minimum distance between live and unenergized parts.

2) The height of conductors from the road surface shall be at least:
   (a) 8 meters at maximum temperature; and
   (b) 7 meters with conductor broken in the neighboring span.

3) In canals and other navigable water ways, the height of conductors from the highest mast shall, at the highest water level and at maximum temperature, be at least 1.5 meters plus the minimum distance between live and unenergized parts.

58. Clearance from Buildings and Structures

1) The horizontal distance from conductors to any point of a building or structure shall, with maximum wind, be at least 4.5 meters.
2) If the requirement stated under Sub-Article (1) of this Article cannot be fulfilled, the height of the conductor from the building or structure shall, at maximum temperature and with conductor broken in the neighboring span, be at least 5.5 meters.

59. Clearance from Trees

1) The vertical and horizontal distance of conductors from trees shall, at maximum temperature and with maximum wind, be at least 1.5 meters plus the minimum distance between live and unenergized parts.

2) In the case of fruit trees the distance referred to in Sub-Article (1) of this Article shall be 4 meters plus the minimum distance between live and unenergized parts.

3) The distances stated under Sub-Article (1) and (2) of this Article shall be maintained in accordance with the expected growth of trees.

60. Clearance from Other Lines

1) In the case of parallel lines the horizontal distance from the transmission line to the conductors of another transmission or telecommunication line shall, with maximum wind, be at least 2.5 meters plus the minimum distance between live and unenergized parts.

2) In the case of crossing lines the vertical distance between conductors shall, at maximum temperature and with conductors broken in the neighboring span, be 1.5 meters plus minimum distance between live and unenergized parts.

3) If the lines referred to in Sub-Article (2) of this Article have different voltage, the distance shall be determined according to the higher voltage.

61. Substations

1) Any substation design shall be carried out in such a way as to ensure supply security extendability, maintainability capability of being extended, and safety as well as economical operations.

2) Without limiting the generality of Sub-Article (1) of this Article, any substation shall be designed with at least one low voltage feeder and a five year supply guarantee at the anticipated load growth rate.

3) The selection of equipment shall be based on the national standard or where such standard is not available on the International Electro- Technical Commission standards and shall consider both current and future system requirements and equipment layout standardization adopted by the Agency.

4) Production of electrical components shall be commenced only after the drawings have been approved by the Agency, and any subsequent change on the drawings shall not be made without the approval of the Agency.

5) Substation sites shall be selected with due regard to minimizing costs and satisfying functional requirements such as accessibility, expandability, proximity to load centers, avoidance of pollution and the social and cultural need of operators.
CHAPTER THREE

Distribution

62. General Provisions for Distribution Line Design

1) Distribution network design shall:
   (a) consider provision for future expansion; and
   (b) take into account the predicted load characteristics of the area for the duration
       of the distribution license.

2) Distribution network shall be designed to offer economic benefits by reducing
   electrical losses, black out and operational and maintenance costs.

3) The layout design of a distribution network shall be based on the master plan or
   where a master plan is not available on the plan approved by the Agency.

4) The size of the distribution network components and type of their structure shall be
   in conformity with the requirements of the national standard, or where such
   standard is not available, with that of the International Electro-Technical
   Commission standards.

63. Transformers

   The functional and technical standards of transformers to be used in a distribution
   network and type of their structure shall be

64. Erection of Poles determined in accordance with directives of the Agency.

   1) Erection of poles shall conform with master plans or where such master plans are
      not available with plans approved by the Agency.

   2) The height and the span of electric poles shall be determined in accordance with
      directives of the Agency.

65. Service Lines

   No service line or tapping shall be taken off an overhead line except at a point of support.

66. Distribution System Conductors and Earth Wires

   1) Distribution system conductors and earth wires shall be technically and
      economically feasible.

   2) The cross section of conductors and earth wires shall be selected in compliance with
      the national standard, or where such standard is not available, with the International
      Electro-Technical Commission standards.

67. Clearances

   The distance from medium and low voltage conductors to buildings and structures,
   runways, rail roads, water ways, terrain, communication circuits, airial supply cables
   and lightning protection wires, and as well as clearance of conductors between phases and
   between earthed and live parts shall be determined in accordance with directives of the
   Agency.
68. *Electricity Consumption*

1) Components of electricity consumption meters shall meet all requirements regarding metering performance and efficiency set in the national standard or where such standard is not available in the International Electro-Technical Commission standards.

2) Electricity consumption meters shall be calibrated according to the appropriate load standards prior to their installations in customers premises.

69. *Quality of Distribution Service.*

1) Quality of distribution service shall be measured on the basis of the following parameters as determined by the subsequent Articles and directives of the Agency:

   (a) voltage level;
   (b) balance between phases;
   (c) avoidance of disturbance, rapid voltage oscillation and harmonic distortion;
   (d) non-interference in communication system;
   (e) lower average interruption frequency;
   (f) lower total interruption time; and
   (g) billing service.

2) The licensee shall have the obligation to carry out gathering of information which is necessary to measure quality of service.

70. *Voltage Level*

The voltage supplied by the licensee at the receiving side in the various terminal of premises shall be:

1) in the case of primary distribution at medium voltage:
   (a) 15000 volt plus or minus 10%; and
   (b) 33000 volt plus or minus 10%;

2) in the case of distribution at low voltage:
   (a) 220 volt plus or minus 5%; and
   (b) 380 volt plus or minus 5%.

71. *Frequency and Power Factor*

1) The system frequency shall be 50 hertz plus or minus 1%.

2) The power factor of machinery and equipment installed by customers who use electricity for commercial or industrial purposes shall not be less than 0.9.

72. *Balance between Phases*

1) In facilities of the licensee the load must be distributed among the phases.

2) The ratio of the load in one phase shall not exceed by more than 10% of the load in any other phase.
73. **Invoicing**

1) The licensee shall issue clear and correct invoices for electricity consumption based on actual readings.

2) The following information shall be provided to customers on the invoice;
   (a) the collection place;
   (b) places and schedule of attention to customers;
   (c) phone numbers to receive lack of service complaints and reports of accidents or any other irregularities.

74. **Supply Reinstatement**

In the case of disconnection on the ground of default in payment, the licensee shall reinstate the supply of electricity within 24 hours after the customer had effected payment for owed invoices plus the corresponding overcharges.

75. **Customer's Complaint Book**

1) Every customer's complaint for any deficiency in the service rendered or in any of its features shall be received and recorded by the licensee, taking note of the correlative number and customer's name, date and hour at which the complaint is received and its reason.

2) For the purpose of recording complaints under Sub-Article (1) of this Article, the licensee shall keep customers’ complaints book at each of its commercial attention center.

**PART SIX**

**MISCELLANEOUS PROVISIONS**

76. **Certificate of Professional Competence**

1) Any application for the grant of certificate of professional competence for electrical contractors shall be addressed to the Agency and shall contain the following:
   (a) identity and address of the applicant;
   (b) degree, diploma or certificate acquired, if any;
   (c) work experience, if any;
   (d) any other information the Agency may determine by directives.

2) The Agency may, following verification of all information submitted in connection with the application under Sub-Article(1) of this Article, give a written and performance test, as may be appropriate, to evaluate the professional competence of the applicant and to determine the grade of the certificate.

3) The Agency shall, upon payment by the applicant of the prescribed fees, issue certificate of professional competence within 30 days.

4) Fees to be paid for the issuance of certificate of professional competence shall be as follows:
(a) for grade one Birr 500
(b) for grade two Birr 400
(c) for grade three Birr 300
(d) for lower grades up to grade four Birr 100

5) The Ministry may issue detailed directives regarding examinations and grading of certificates of competence referred to under Sub-Article (2) of this Article.

77. Power to Issue Directives

Without prejudice to the powers given to the Agency under the appropriate provisions of these Regulations the Ministry shall have the power to issue directives necessary for the proper implementation of these Regulations.

78. Transitory Provisions

1) Any person engaged in the operations of electric power generation, transmission or distribution business prior to the coming into force of these regulations shall, within the period to be specified by the Agency, obtain a license to be issued in accordance with these Regulations.

2) Any person engaged in the operations of electric power generation, transmission or distribution activity for non commercial purposes prior to the coming into force of these Regulations shall, within the period to be specified by the Agency, fulfill the requirements of Article 10(2) of the Proclamation.

3) Any electrical contractor’s certificate of professional competence issued by the former Ethiopian Electric Light and Power Authority prior to the coming into force of the Proclamation shall remain valid until replaced by a certificate of professional competence issued pursuant to these Regulations within a period to be specified by the Agency.

79. Effective Date

These Regulations shall enter into force on the date of their publication in the Federal Negarit Gazeta.

Done at Addis Ababa this 20th day of May, 1999.

MELES ZENAWI

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.8.5. PROCLAMATION NO. 838/2014

A PROCLAMATION TO REGULATE PETROLEUM AND PETROLEUM PRODUCTS SUPPLY OPERATION

20th Year No. 64
ADDIS ABABA 15th August, 2014
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BRIEF DESCRIPTION

The Petroleum and Petroleum Products Supply Operation Proclamation applies on any petroleum and petroleum products supply operation in Ethiopia, save certain exceptions. For a person to engage in petroleum supply operation and to undertake construction work of petroleum facility, he/she should first hold a certificate of competence and construction permit respectively. The Law also has provisions on public health and safety and environmental protection and petroleum or petroleum products supply operation. It further sets forth the
powers and duties of the Ministry of Water, Irrigation and Electricity and establishes a Technical Advisory Committee that provides advice regarding petroleum supply operations.

**Petroleum and Petroleum Products Supply Operation Proclamation No. 838/2014**

WHEREAS, it is essential to ensure that the petroleum and petroleum products supply operation carried out in the country comply with accepted international safety and quality standards to safeguard human health, property and the environment;

WHEREAS, to achieve this objective, it has become necessary to ascertain, through follow up and supervision, the required competency, in accordance with the prevailing international practice, of facilities and experts engaged in refining, storing, transporting, distributing and retailing petroleum and petroleum products and in related activities;

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

**PART ONE**

**GENERAL**

1. **Short Title**

This Proclamation may be cited as “Petroleum and Petroleum Products Supply Operation Proclamation No. 838/2014”.

2. **Definitions**

In this Proclamation, unless the context otherwise requires:

1/ “petroleum” includes crude oil and any liquid or gas made from crude oil, coal, schist, shale, peat or any product of crude oil and condensate;

2/ “petroleum product” means organic compounds, pure or blended, which are derived from refining or processing of crude oil, bio-fuel or synthetic fuel and includes:

   a) asphalt, bitumen, petroleum coke, and other residue products;
   
   b) bunker or heavy residual fuel oil for combustion engine or industrial heat process such as burner for boiler or heating furnace;
   
   c) commercial gases such as methane, ethane, propane, butane and other similar petroleum gases, bio gas or mixtures of such gases, whether in gaseous or liquid state;
   
   d) benzene or diesel, bio-diesel, industrial marine diesels or synthetic diesels;
   
   e) bio-ethanol products;
   
   f) kerosene or other similar oils for illumination or combustion applications;
   
   g) lubricants, base oils or refined and blended finished oils;
   
   h) turbo fuels for jet propulsion engines;
i) other products or by-products of petroleum crude processing having a flash point lower than 120 degrees celsius, as determined in a Pensky-Martens closed test apparatus;

3/ “petroleum supply operation” means activities for or in connection with the importation, exportation, refining, blending, transporting, storing, distributing, retailing of petroleum and petroleum products or any other related work including operations of institutions who buy petroleum products for their own consumption directly from wholesalers;

4/ “supply chain” includes activities, operations, installations and equipment directly or indirectly related to petroleum supply operation;

5/ “petroleum facility” means any facility for use in refining, blending, storing, transporting, exporting, importing, distributing or retailing of petroleum and petroleum products and for other related activities;

6/ “refinery” means a distillation plant for refining crude oil to yield petroleum products and liquid petroleum gas;

7/ “pipeline” means a pipeline or a network of pipelines to be used for transporting petroleum or petroleum products, including related works and equipments;

8/ “construction” means the construction of petroleum facility, excluding the construction of buildings related thereto;

9/ “blending” means mixing up of petroleum product with bio-fuel or other technological product at a limited and proportional volume for the purpose of better economic and environmental interest;

10/ “adulteration” means the mixing of high quality grade of petroleum product with one or more lower grade of petroleum product in violation of the provisions of this Proclamation or other relevant law which may endanger human being, other living things, the environment, equipment or machinery;

11/ “storage” means holding petroleum and petroleum products for a limited period of time until delivered to other storage or distribution facilities;

12/ “transportation” means transporting petroleum products from a given depot outside of the country to a depot in Ethiopia or from a local depot to another depot or to a facility from which it will be directly distributed to consumers by using different means of transportation;

13/ “distribution” means the provision of bulk petroleum products to retail petroleum stations or bulk consumers;

14/ “wholesaler” means, without prejudice to the provisions of other law with regard to importation of petroleum and petroleum products, any person who buys petroleum and petroleum products from producer or importer and sales to retailers and where any producer or importer is involved in directly selling petroleum and petroleum products to retailers or wholesalers, he shall be considered as participating in wholesale business;
“retailer” means any person who buys petroleum and petroleum products from wholesaler, importer or producer and sells to end-consumers, and where wholesaler, importer or producer sells petroleum and petroleum products directly to end-consumers, he shall be considered as participating in retail business;

“certificate of competence” means a certificate issued to a person confirming his competence to engage, for commercial or non-commercial purpose, in refining, blending, importing, exporting, storing, transporting, distributing or retailing petroleum and petroleum products and in other related activities;

“follow up” means the process of ensuring that petroleum facilities are working in accordance with the certificate of competence issued to them;

“licensee” means any person who has been issued with a certificate of competence or construction permit, as the case may be, pursuant to this Proclamation;

“Ministry” or “Minister” means the Ministry or the Minister of Water, Irrigation and Energy, respectively;

“region” means any state referred to in Article 47 (1) of the Constitution of the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire Dawa city administrations;

“committee” means a committee referred to in Article 26 of this Proclamation;

“person” means any natural or legal person;

any expression in the masculine gender includes the feminine.

3. **Scope of Application**
   1. This Proclamation shall be applicable on any petroleum and petroleum products supply operation in Ethiopia.
   2. Notwithstanding the provision of sub-article (1) of this Article, this Proclamation may not apply to the exploration, development and extraction of petroleum and transportation and storage of such petroleum within the development area as well as on petroleum supply operation for military purpose.

**PART TWO**

**CERTIFICATE OF COMPETENCE AND CONSTRUCTION PERMIT**

4. **Certificate of Competence**
   No person may engage in petroleum supply operation without having a certificate of competence pursuant to this Proclamation.

5. **Application for Certificate of Competence**
   1. Any person who wants to engage in petroleum supply operation shall apply for certificate of competence to the Ministry.
   2. The procedure for applying, evaluation and approval of the application, preconditions to be fulfilled and information and other documents to be submitted shall be determined by directive to be issued for the implementation of this
Proclamation.

6. **Issuance of Certificate of Competence**

1/ The Ministry shall evaluate the application filed in accordance with Article 5 of this Proclamation in terms of the conditions enumerated under sub-article (2) of this Article and issue or deny the requested certificate of competence.

2/ The Ministry, before issuing the certificate of competence, shall take the following conditions into consideration:
   
a) the contribution to be made in meeting the future petroleum products demand of the end-users;

b) compliance with the national energy plan and strategies;

c) the contribution it may provide to create the spirit of competition in the petroleum and petroleum products supply industry;

d) the impact it may cause in terms of social and environmental protection;

e) the impact it may cause to the public health and safety as well as employees of the organization;

f) the legal, technical and financial capacity and competence of the applicant;

g) any request or opinion of the local community on the proposed activity; and

h) other public interests that may be affected due to the proposed activity.

3/ Where the application for certificate of competence is refused by the Ministry pursuant to this Article, the reason for such refusal shall be notified to the applicant in writing, within the time limit determined by regulation to be issued for the implementation of this Proclamation.

7. **Duration and Renewal of Certificate of Competence**

1/ The duration and the time limit for renewal of the certificate of competence issued pursuant to this Proclamation shall be determined by regulation to be issued for the implementation of this Proclamation.

2/ The Ministry shall renew the certificate of competence, having ascertained that the certificate holder has observed the conditions provided for in this Proclamation, as well as regulation and directive to be issued hereunder.

3/ A certificate of competence shall be presumed to have been canceled if it is not renewed within the time limit determined pursuant to sub-article (1) of this Article.

8. **Service Charge**

The service charge that shall be paid by applicants for the issuance and renewal of certificate of competence shall be prescribed by regulation to be issued for the implementation of this Proclamation.

9. **Transfer of Certificate of Competence**

Unless the Ministry approves in writing, certificate of competence may not be transferred to another person.
10. **Suspension or Revocation of Certificate of Competence**

A certificate of competence issued in accordance with this Proclamation may be suspended or revoked where the certificate holder:

1/ violates the provisions of this Proclamation or other law regarding environmental protection, community safety, the capacity to store the minimum volume of petroleum products as distributor, number of retail facilities under it, quality of petroleum products, adulteration of petroleum products, illegal trade of petroleum products or tax evasion;

2/ fails to correct within the time limit determined by regulation to be issued for the implementation of this Proclamation after receiving a written notice with regard to the standards and requirements to be met with respect to a petroleum facility.

11. **Petroleum Facility Construction Permit**

No one can undertake construction work of petroleum facility without having construction permit issued in accordance with this Proclamation, except regular repair works and pipeline construction in an existing petroleum facility.

12. **Application for Construction Permit**

Any application to be filed in request of construction permit shall contain the following information:

1/ name and address of the applicant;

2/ type of the proposed construction work;

3/ significance and economic feasibility of the proposed construction work;

4/ the approved plan and specification of the proposed construction work in three copies;

5/ if the proposed work is fuel pipeline layout, the full delineation of points between which the proposed pipeline is intended to run and the written confirmation of its right of way from the appropriate body;

6/ other particulars specified in the regulations and directives issued for the implementation of this Proclamation.

13. **Validity Period of Construction Permit**

Unless the proposed construction work is commenced within 12 months after issuance of a petroleum facility construction permit, the permit shall be considered as cancelled.

14. **Suspension or Revocation of Construction Permit**

1/ The Ministry may, by giving a one month notice, suspend a construction permit issued pursuant to this Proclamation if any term or condition thereof has not been complied with.
2/ The Ministry shall revoke a suspension of construction permit under sub-article (1) of this Article if the licensee has rectified the reason for the suspension within the one month notice period.

3/ Where the licensee fails to rectify the reason for suspension of the permit within the one month notice period, the Ministry shall revoke the permit.

15. Usage of Permitted Construction Works

No petroleum facility constructed pursuant to a permit given in accordance with this Proclamation shall become operational unless the Ministry has confirmed, in writing, that the preconditions set by a directive issued under this Proclamation are being satisfied.

16. Compliance with the Laws

1/ Any licensee shall comply with all relevant laws, standards and technical specifications relating to petroleum facility with respect to occupational health, public safety and environmental protection.

2/ Any licensee shall have the duty to keep registers and records relating to his operation and submit reports when requested by the Ministry.

3/ Any licensee shall have the duty to cooperate with any inspector assigned by the Ministry to get access to any petroleum facility or petroleum facility construction site to carry out inspection and monitoring activity.

PART THREE

PUBLIC HEALTH AND SAFETY AND PROTECTION OF THE ENVIRONMENT

17. Standards and Specifications

The Ministry shall cooperate with the concerned bodies in the adaptation of standards and specifications as well as code of conduct of the petroleum supply chain infrastructure and the quality of petroleum products and services.

18. Environmental Impact Assessment

The Ministry, in consultation with the appropriate body, shall define petroleum supply operations that require environmental impact assessment by directive to be issued for the implementation of this Proclamation as a precondition for issuing certificate of competence pursuant to this Proclamation.

19. Petroleum and Petroleum Products Spill

1/ Where there is more than 500 liters of petroleum or petroleum products spill, the custodian of the product shall report the incident to the Ministry or to the organ delegated by the Ministry within 24 hours after the incident.

2/ The custodian or the owner of the product shall immediately take appropriate measures to clean-up the spill to prevent the occurrence of any damage to the environment.

3/ Where the person referred to in sub-article (1) or (2) of this Article fails to discharge its obligation and the Ministry or the delegated organ incurs expense to clean up the spill, such person shall be liable to reimburse the cost.
PART FOUR
PETROLEUM OR PETROLEUM PRODUCTS SUPPLY OPERATION

20. Complying with Standards
Petroleum or petroleum product to be distributed to end-users shall comply with the country’s standards and specifications.

21. Transportation of Petroleum and Petroleum Products
Any tanker or pipe line used for petroleum or petroleum products transportation shall comply with the standards and specifications set out for such purpose.

22. Utilization of Petroleum or Petroleum Products
Any petroleum or petroleum product shall be used for the intended purpose only.

23. Blending
The Ministry may issue a directive on blending petroleum product with bio-fuel or other technological product.

24. Keeping Reserve Petroleum Products
Any distributor shall keep reserve stock of not less than 500m³ so as to have a reliable supply of petroleum products in the country.

PART FIVE
POWERS AND DUTIES OF THE MINISTRY AND ESTABLISHMENT OF TECHNICAL ADVISORY COMMITTEE

25. Powers and Duties of the Ministry
The Ministry shall have the powers and duties to:

1/ advise the Government on petroleum and petroleum products supply policy and strategy matters;

2/ coordinate all legislative and regulatory proposals relating to petroleum and petroleum products supply chain operations;

3/ in consultation with the appropriate body, cause the issuance of technical specifications and quality control system regarding petroleum and petroleum products imported or produced locally, and monitor the enforcement of same;

4/ evaluate and approve applications submitted pursuant to this Proclamation in consultation with the pertinent bodies to maintain public health and safety and environmental protection and ensure safety of supply chain operations;

5/ ensure the availability of sufficient petroleum and petroleum products for emergency supply in the facilities of the authorized body, and the supply of petroleum and petroleum products in the market in sufficient quantity;

6/ conduct or cause to be conducted studies necessary for administrative and regulatory activities in relation with the supply of petroleum and petroleum products;
7/ issue, renew, suspend or revoke construction permit and certificate of competence in accordance with this Proclamation and regulations to be issued hereunder;
8/ undertake the necessary monitoring and inspection activities in relation to technical, economic, environmental and safety impacts of petroleum supply operations;
9/ charge service fees for permits and certificates of competence it issues at the rate to be determined by regulation to be issued hereunder;
10/ issue code of conduct in respect of persons providing services under this Proclamation, and ensure its compliance;
11/ perform other related functions;
12/ where necessary, gives power of delegation to the appropriate regional organs.

26. Establishment of Technical Advisory Committee
1/ A Technical Advisory Committee (hereinafter the “Committee”) is hereby established to provide advice regarding petroleum supply operations.
2/ The “Committee” shall be accountable to the Minister.

27. Members of the Committee
Members of the Committee, including the chairperson, shall be drawn from the relevant government organs and the private sector and be appointed by the Government; and their number shall be determined as necessary.

28. Functions of the Committee
The Committee shall:
1/ examine and enrich, through deliberations, policies, draft laws and strategies that are studied, prepared and presented to it by the Ministry in relation with petroleum supply operations and related issues, and submit its recommendation to the Minister;
2/ advise the Minister regarding measures that it deems constructive and necessary to be taken in relation with petroleum supply operations and other related issues.

29. Meetings of the Committee
1/ The Committee shall meet twice a year; provided, however, that it may hold an extraordinary meeting at any time when necessary.
2/ The presence of the majority of the members shall constitute a quorum.
3/ Decisions of the Committee shall be passed when supported by majority vote; provided, however, that the chairperson shall have a casting vote in case of a tie.
4/ Without prejudice to the provisions of this Article, the Committee may adopt its own rules of procedure for conducting meetings.
PART SIX
MISCELLANEOUS PROVISIONS

30. Penalty
Any person engaged in petroleum supply chain operation who adulterate petroleum product under his possession with any lower grade petroleum product or any other solid or liquid matter in order to get unlawful benefit shall be punishable in accordance with the relevant provisions of the Trade Competition and Consumers Protection Proclamation No. 813/2013.

31. Power to Issue Regulation and Directive
1/ The Council of Ministers may issue regulations necessary for the implementation of this Proclamation.
2/ The Ministry may issue directives necessary for the implementation of this Proclamation and regulations issued under sub-article (1) of this Article.

32. Inapplicable Laws
No law or practice shall, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters covered by this Proclamation.

33. Transitional Provisions
Any person who has engaged in petroleum products supply chain before the effective date of this Proclamation shall make the necessary arrangements with respect to his petroleum facility and its practices to comply with the provisions of this Proclamation and regulations and directives to be issued for the implementation of this Proclamation within the time limit determined by the Ministry.

34. Effective Date
This Proclamation shall enter into force on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa, this 15th day of August, 2014.

MULATU TESHOME (DR.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
BRIEF DESCRIPTION

This Regulation repeals the Ethiopian Petroleum Enterprise Establishment Council of Ministers Regulation No. 210/1995 and establishes the Ethiopian Petroleum Supply Enterprise. The National Petroleum Reserve Depots Administration established under Proclamation No. 82/1997 is also dissolved pursuant to the Regulation by making reference to the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010.

Ethiopian Petroleum Supply Enterprise Establishment Council of Ministers Regulation No. 265/2012

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010 and Article 47(1) (a) of the Public Enterprises Proclamation No. 25/1992.

1. **Short Title**
   
   This Regulation may be cited as the “Ethiopian Petroleum Supply Enterprise Establishment Council of Ministers Regulation No. 265/2012”.

2. **Establishment**
   
   1/ The Ethiopian Petroleum Supply Enterprise (hereinafter the “Enterprise”) is hereby established as a public enterprise.
2/ The Enterprise shall be governed by the Public Enterprises Proclamation No. 25/1992.

3. **Supervising Authority**
   
   A body to be designated by the government shall be the supervising authority of the Enterprise.

4. **Head Office**
   
   The Enterprise shall have its head office in Addis Ababa and may have branch offices elsewhere as may be necessary.

5. **Objectives**
   
   The objectives for which the Enterprise is established are:
   
   1/ on the basis of assessment of the country’s demand, to supply petroleum to distribution companies by importing clean products and by importing and processing crude oil;
   
   2/ to forecast, maintain and administer the required national petroleum reserve and, based on instructions of the government, supply petroleum products from the reserve;
   
   3/ to build its own petroleum depots within the country and, as may be necessary, in neighboring countries; and to invest in companies operating petroleum depot facilities;
   
   4/ to engage in any other related activities necessary for the attainment of its objectives.

6. **Capital**
   
   The authorized capital of the Enterprise is Birr 2,000,000,000 (two billion Birr) of which Birr 500,000,000 (five hundred million Birr) is paid up in cash and in kind.

7. **Liability**
   
   The Enterprise may not be held liable beyond its total assets.

8. **Duration**
   
   The Enterprise is established for an indefinite duration.

9. **Repealed Regulation**
   
   The Ethiopian Petroleum Enterprise Establishment Council of Ministers Regulation No. 210/1995 is hereby repealed.

10. **Dissolution of the National Petroleum Reserve Depots Administration**
   
   The National Petroleum Reserve Depots Administration established under Proclamation No. 82/1997 is hereby dissolved pursuant to Article 34 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010.
11. **Transfer of Rights and Obligations**

   The rights and obligations of the Ethiopian Petroleum Enterprise established under the Council of Ministers Regulation No. 210/1995 and the National Petroleum Reserve Depots Administration established under Proclamation No. 82/1997 are hereby transferred to the Enterprise.

12. **Effective Date**

   This Regulation shall come into force on the date of publication in the Federal Negarit Gazeta.

   Done at Addis Ababa, this 26th day of June, 2012.

   MELES ZENAWI

   PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
COUNCIL OF MINISTERS REGULATION TO PROVIDE FOR THE
ESTABLISHMENT OF THE ETHIOPIAN ELECTRIC POWER

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10. Effective Date

BRIEF DESCRIPTION

This Regulation establishes the Ethiopian Electric Power. The Enterprise takes over the rights and obligations of the Ethiopian Electric Power Corporation re-established under Regulation No. 170/2009 which is directly related to its power generation, transmission and substation activities.

Ethiopian Electric Power Establishment Council of Ministers
Regulation No. 302/2013

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010 and Article 47(1)(a) of the Public Enterprises Proclamation No. 25/1992.

1. Short Title
   This Regulation may be cited as the “Ethiopian Electric Power Establishment Council of Ministers Regulation No. 302/2013”.

2. Establishment
   1/ The Ethiopian Electric Power (hereinafter the “Enterprise”) is hereby established as a public enterprise.
   2/ The Enterprise shall be governed by the Public Enterprises Proclamation No. 25/1992.

3. Supervising Authority
   The Ministry of Water, Irrigation and Energy shall be the supervising authority of the Enterprise.

4. Head Office
   The Enterprise shall have its head office in Addis Ababa and may have branch offices elsewhere, as may be necessary.
5. **Purposes**
The purposes for which the Enterprise is established are:

1/ to undertake feasibility studies, design and survey of electricity generation, transmission and substation; to contract out such activities to consultants as required;

2/ to undertake electricity generation, transmission and substation construction and upgrading; to contract out such works to contractors as required;

3/ to handle electricity generation and transmission operational and maintenance activities;

4/ to lease electricity transmission lines as required;

5/ to sell bulk electric power;

6/ to undertake universal electric access works;

7/ in line with directives and policy guidelines issued by the Ministry of Finance and Economic Development, to sell and pledge bonds and to negotiate and sign loan agreements with local and international financial sources;

8/ to undertake any other related activities necessary for the attainment of its purposes.

6. **Capital**
The authorized capital of the Enterprise is Birr 139,074,764,567.32 (One Hundred Thirty Nine Billion Seventy Four Million Seven Hundred Sixty Four Thousand Five Hundred Sixty Seven Birr and Thirty Two Cents) of which Birr 34,768,691,141.83 (Thirty Four Billion Seven Hundred Sixty Eight Million Six Hundred Ninety One Thousand One Hundred Forty One Birr and Eighty Three Cents) is paid up in cash and in kind.

7. **Liability**
The Enterprise may not be held liable beyond its total asset.

8. **Duration**
The Enterprise is established for an indefinite duration.

9. **Transfer of Rights and Obligations**
The rights and obligations of the Ethiopian Electric Power Corporation re-established under Council of Ministers Regulation No. 170/2009 which is directly related to its power generation, transmission and substation activities are hereby transferred to the Enterprise.

10. **Effective Date**
This Regulation shall come into force as of the 9th day of December, 2013.

Done at Addis Ababa, this 27th day of December, 2013

HAILEMARIAM DESSALEGN

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
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11. Effective Date

BRIEF DESCRIPTION

This Regulation establishes the Ethiopian Electric Utility which is governed by the Public Enterprises Proclamation No. 25/1992.

Ethiopian Electric Utility Establishment Council of Ministers Regulation No. 303/2013

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010 and Article 47(l) (a) of the Public Enterprises Proclamation No. 25/1992.

1. Short Title

This Regulation may be cited as the “Ethiopian Electric Utility Establishment Council of Ministers Regulation No. 303/2013”.

2. Establishment

1/ The Ethiopian Electric Utility (hereinafter the “Enterprise”) is hereby established as a public enterprise.

2/ The Enterprise shall be governed by the Public Enterprises Proclamation No. 25/1992.

3. Supervising Authority

The Ministry of Water, Irrigation and Energy shall be the supervising authority of the Enterprise.

4. Head Office

The Enterprise shall have its head office in Addis Ababa and may have branch offices elsewhere, as may be necessary.
5. **Purpose**

The purposes for which the Enterprise is established are:

1/ to construct and maintain electric distribution networks; to contract out the distribution networks construction to contractors as required;

2/ to administer electric distribution networks, to purchase bulk electric power and sell electric energy to customers;

3/ to initiate electric tariff amendments and, upon approval, to implement same;

4/ in line with directives and policy guidelines issued by the Ministry of Finance and Economic Development, to sell and pledge bonds and to negotiate and sign loan agreements with local and international financial sources;

5/ to undertake any other related activities necessary for the attainment of its purposes.

6. **Capital**

The authorized capital of the Enterprise is Birr 64,715,822,693.20 (Sixty Four Billion Seven Hundred Fifteen Million Eight Hundred Twenty Two Thousand Six Hundred Ninety Three Birr and Twenty Cents) of which Birr 16,178,955,673.30 (Sixteen Billion One Hundred Seventy Eight Million Nine Hundred Fifty Five Thousand Six Hundred Seventy Three Birr and Thirty Cents) is paid up in cash and in kind.

7. **Liability**

The Enterprise may not be held liable beyond its total asset.

8. **Duration**

The Enterprise is established for an indefinite duration.

9. **Repealed Regulation**

The Ethiopian Electric Power Corporation Re-Establishment Council of Ministers Regulation No. 170/2009 is hereby repealed.

10. **Transfer of Rights and Obligations**

The rights and obligations of the Ethiopian Electric Power Corporation re-established under the Council of Ministers Regulation No. 170/2009, other than those rights and obligations directly related to its power generation, transmission and substation activities, are hereby transferred to the Enterprise.

11. **Effective Date**

This Regulation shall come into force as of the 9th day of December, 2013.

Done at Addis Ababa, this 27th day of December, 2013.

HAILEMARIAM DESSALEGN

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.8.9. COUNCIL OF MINISTERS REGULATIONS NO. 367/2015

COUNCIL OF MINISTERS REGULATION TO ESTABLISH THE ETHIOPIAN MINERAL, PETROLEUM AND BIO-FUEL CORPORATION

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BRIEF DESCRIPTION

This Regulation repeals the Ethiopian Petroleum and Natural Gas Development Enterprise Establishment Council of Ministers Regulation No. 264/2012 and establishes the Ethiopian Mineral, Petroleum and Bio-fuel Corporation. The Ministry of Public Enterprise is the supervising Authority of the Corporation.

Ethiopian Mineral, Petroleum and Bio-fuel Corporation Establishment Council of Ministers Regulations No. 367/2015

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 916/2015 and Article 47(1) of the Public Enterprises Proclamation No. 25/1992.

1. Short Title

This Regulation may be cited as the “Ethiopian Mineral, Petroleum and Bio-fuel Corporation Establishment Council of Ministers Regulations No. 367/2015”.

2. Definition

1/ “petroleum” means crude oil and natural gas and includes hydrocarbons produced from oil shale and tar sands; it shall also encompass similar products produced from shale gas, coal and bio-fuel operations;

2/ “petroleum operations” means the operations involving and related to the crude oil and natural gas exploration, development, extraction, production, field separation, treatment, storage, transportation up to the point of exportation or entry into a system for domestic consumption, and marketing of petroleum, including processing of natural gas and refining of crude oil;

3/ “mineral “means any mineral substance of economic value, whether in solid, liquid or gaseous form, occurring naturally on or within the earth or in or under water and
which was formed by or subjected to an ecological process, and includes any mineral occurring in residue stockpiles or in residue deposits, but excludes:

a) water, other than geothermal water that may be used for bathing, recreational and therapeutic purpose or water used for the extraction of any mineral such as brine;

b) natural gas and petroleum as defined in the relevant petroleum law;

c) top soil and oil shale;

4/ “mining operations” means any activity associated with or connected to reconnaissance, exploration, retention, or mining and includes engaging in transaction in accordance with the Transaction of Precious Minerals Proclamation No. 651/2009;

5/ “bio-fuel operations” means activities related to the production of fuels from various feed stocks including molasses, plants and animal fats.

3. **Establishment**

1/ The Ethiopian Mineral, Petroleum and Bio-fuel Corporation (here in after referred as the “Corporation”) is hereby established as a Federal Government Public Enterprise.


4. **Supervising Authority**

The Ministry of Public Enterprise shall be the supervising Authority of the Corporation.

5. **Head Office**

The Corporation shall have its Head Office in Addis Ababa and may have branch offices elsewhere in the country as may be necessary.

6. **Objective of the Corporation**

The objectives for which the Corporation is established are:

1/ to ensure that the country benefits from its natural resources by developing and directly engaging itself in the mining, petroleum and bio-fuel sectors;

2/ to ensure the benefit of the country by building the local capacity of the sector and assisting others engaged in the sector;

3/ to fill the gap in the areas of investment which have strategic importance but are not addressed by the private sector;

4/ to contribute to the national economy upon being competent public enterprise;

5/ to engage in the investment, development and production of the mineral, petroleum and bio-fuel operations on its own or in association with others as appropriate;

6/ to invest in petroleum, mining and bio-fuel operations carried out by other investors;
7/ to sell or buy shares in accordance with the policy directions given by the Ministry of Public Enterprise;

8/ to sell and pledge bonds, to negotiate and sign loan agreements with local and international financial sources in accordance with the directives issued by the Ministry of Finance and Economic Cooperation and in line with the policy direction given by Ministry of Public Enterprises;

9/ to engage in the provision of services like consultancy, drilling, laboratory, data acquisition, processing and interpretation, feasibility study and training in the field of mining, petroleum and bio-fuel operations;

10/ to conduct study and implement when approved mechanisms that can equip the Corporation with the financing, technology and modern administrative inputs (including attracting or engaging in investments) which can help it to be competitive and profitable within the country or abroad;

11/ to engage in any other related activities necessary to attain its objectives in accordance with the direction of the Ministry of Public Enterprise.

7. Capital

The authorized capital of the Corporation is BIRR 15,267,000,000 (Fifteen Billion Two Hundred Sixty Seven Million Birr) out of which BIRR 4,017,000,000 (Four Billion Seventeen Million Birr) is paid up in cash and in kind.

8. Liability

The Corporation shall not be liable beyond its assets.

9. Duration of the Corporation

The Corporation is established for unlimited period.

10. Repealed Regulations

The Ethiopian Petroleum and Natural Gas Development Enterprise Establishment Council of Ministers Regulation No. 264/2012 is hereby repealed.

11. Transfer of Rights and Liabilities

The rights and liabilities of the following public enterprises are hereby transferred to the Corporation:

1/ the Ethiopian Petroleum and Natural Gas Development Enterprise established under the Council of Ministers Regulations No. 264/2012;

2/ the Ethiopian Mineral Development Share Company.

12. Effective date

This Regulation shall enter into force on this 18th day of December, 2015.

Done at Addis Ababa this 18th day of December 2015.

HAILEMARIAM DESSALEGN

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
# A Proclamation to Provide for Research and Conservation of Cultural Heritage

## 3.1.9. CONSERVATION OF CULTURAL HERITAGE

### 3.1.9.1. PROCLAMATION NO. 209/2000

A PROCLAMATION TO PROVIDE FOR RESEARCH AND CONSERVATION OF CULTURAL HERITAGE

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The Research and Conservation of Cultural Heritage Proclamation repeals the Study and Protection of Cultural Heritage Proclamation No. 36/1989. It establishes the Authority for Research and Conservation of Cultural Heritage, accountable to the Ministry of Culture and Tourism. The objectives of the Authority are to carry out a scientific registration and supervision of Cultural Heritage, protect Cultural Heritage against man-made and natural disasters, enable the benefits of Cultural Heritage assist in the economic and social development of the country and discover and study Cultural Heritage. The Law states that Cultural Heritage may be owned by the state or by any person, and provides for provisions on the management of Cultural Heritage. It further states that exploration, discovery and study of Cultural Heritage may not be undertaken without obtaining a prior written permit from the Authority.

Research and Conservation of Cultural Heritage Proclamation No. 209/2000

WHEREAS, Cultural Heritage constitutes the imprints of a people’s age-old way of life, labour and creativity;

WHEREAS, Cultural Heritage constitutes an indispensable source of information for the purpose of study and research regarding the origin and evolution of man and other forms of life and thereby for the better understanding of nature and environment;

WHEREAS, Cultural Heritage makes a major and universal contribution to the development of science and regarding the whole gamut of human knowledge generally;

WHEREAS, Ethiopia, a country of nations, nationalities and peoples with history and culture of their own, has through the course of its long history acquire numerous cultural heritage including those which have been registered in the World Cultural Heritage List;

WHEREAS, Cultural Heritage plays a major role in enabling the next generation to acquire profound and extensive awareness about its culture and history, which is the expression of its identity, and hence the protection and preservation of cultural heritage has been made the responsibility of each citizen, the society and the state;

WHEREAS, it has become necessary to devise ways and means for the full protection and preservation of cultural heritage and to ensure that the research of Cultural Heritage at all stages is carried out in a way consonant with the national interest and the rights of the people;

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

PART ONE

General

1. Short Title

This Proclamation may be cited as the “Research and Conservation of Cultural Heritage, Proclamation No. 209/2000.”
2. **Establishment**

1) The Authority for Research and Conservation of Cultural Heritage (Hereinafter referred to as “the Authority”) is hereby established as a government institution with a juridical personality.

2) The Authority is accountable to the Minister of Information and Culture.

3. **Definition**

In this proclamation, unless the context requires otherwise:

1) “Minister” means the Minister of Information and Culture;

2) “Authority” means the Authority for Research and Conservation of Cultural Heritage established under Article 2 of this Proclamation;

3) “Advisory Council” means the Council referred to in Article 8 of this Proclamation;

4) “Cultural Heritage” means anything tangible or intangible which is the product of creativity and labour of man in the pre-history and history times, that describes and witnesses to the evolution of nature and which has a major value in its scientific, historical, cultural, artistic and handicraft content;

5) “Intangible Cultural Heritage” means any Cultural Heritage that cannot be felt by hands but can be seen or heard and includes different kinds of performances and show, folklore, religious, belief, wedding and mourning ceremonies, music, drama, literature and similar other cultural values, traditions and customs of nations, nationalities and peoples;

6) “Tangible Cultural Heritage” means Cultural Heritage that can be seen and felt and includes immovable or moveable historical, and manmade cultural heritage;

7) “Immovable Cultural Heritage” means Cultural Heritage attached to the ground with a foundation and which can be moved only by dismantling and shall include:
   (a) sites where Cultural Heritage have been discovered, palaeontological historic and pre-historic archeological places.
   (b) buildings, memorial places, monuments and palaces;
   (c) remains of ancient towns, burial places, cave paintings, and inscriptions;
   (d) church, monastery, mosque or any other places of worship.

8) “Movable Cultural Heritage” means Cultural Heritage not attached to the foundation and that can be moved from place to place easily and which are handed down from the past generation and shall include:
   (a) parchment manuscripts, stone paintings and implements, sculptures and statues made of gold, silver, bronze, iron, copper or of any other mineral or wood, stone, inscriptions of skin, ivory, horn, archaeological and bone or earth or of any other material, and also Palaeontological remains;
   (b) written and graphic documents or cinematographic and photographic documents or sound and video recordings;
(c) coins made of gold, silver, bronze, copper or of any other materials;
(d) ethnographic implement, ornament or any other cultural object of nations, nationalities and peoples.

9) “Cultural Heritage Registration” means registration in the form prepared to collect wide information of Cultural Heritage, which shall include photographing, recording in film or video, as appropriate, so as to put in place the means to catalogue, inspect, study, protect and conserve cultural heritage and facilitate utilization of same for the purpose of recreation and education;

10) “Conservation” means a general protection and preservation activity carried on a Cultural Heritage without changing its antique content;

11) “Excavation” means the activity of systematic digging up any Cultural Heritage situated underground with manpower or machine in order to conduct a study on such Cultural Heritage;

12) “Museum” means a non-profitable organization which collects, preserves and repairs Cultural Heritage renders service to the public by preparing and organizing collections for their use in research, study, education and entertainment;

13) “Person” means a physical or juridical person.

4. Objectives

The Authority shall have the following objectives:

1) carry out a scientific registration and supervision of Cultural Heritage so that, Cultural Heritage, as bearing witnesses to history, may be handed down from generation to generation;

2) protect Cultural Heritage against man-made and natural disasters;

3) enable the benefits of Cultural Heritage assist in the economic and social development of the country; and

4) discover and study Cultural Heritage.

5. Head Office

The Authority shall have its head office in Addis Ababa and may have branch offices elsewhere, as may be necessary.

6. Powers and Duties of the Authority

The Authority shall have the following powers and duties:

1) registers Cultural Heritage in cooperation with the appropriate body;

2) protects and supervises Cultural Heritage; collects information on Cultural Heritage, define the nature and classify the standards of same.

3) give the necessary education and advice on the content, benefit and preservation of Cultural Heritage;
4) collects Cultural Heritage in museum and makes available same to visitors and researchers; organizes exhibition to be held and displayed in the country or abroad;
5) carries out study and research on cultural heritage, issues permit for study and research, and supervises same;
6) gives a professional qualification certificate for any person who establishes a museum and a certificate of registration of Cultural Heritage;
7) gives permission for Cultural Heritage restoration and conservation works;
8) controls illicit trafficking and looting of Cultural Heritage. Take all the necessary measures and devises, ways for the repatriation of Cultural Heritage which have been taken out illegally and held in foreign countries;
9) creates a system which warrants an efficient controlling mechanism with regard to clearance of souvenirs; grants permit for archaeological samples, and casts that are sent abroad for study and research; controls and forbids their use for commercial purposes;
10) provides professional and technical support for preservation and protection of Cultural Heritage as well as for study and research activities conducted on same in Regional Administrations;
11) trains experts for the accomplishment of the objectives of the Authority;
12) implements international agreements regarding Cultural Heritage which have been ratified by the country;
13) sets standards for exhibitions regarding Ethiopia to be staged at the international, national, and regional levels; issues permit for same;
14) ascertains that commercial and another marks that bear the names and pictures of Cultural Heritage do not damage its values.
15) charge fees for license it issues and service it renders;
16) owns property, enters into contract, sue and be sued in its own name;
17) performs such other activities to attain its objective.

7. **Organization of the Authority**

The Authority shall have:
1) Advisory Council;
2) a General manager; and
3) the necessary staff.

8. **The Advisory Council**

1) The Advisory council shall be composed of 13 members who are to be recommended by the minister and designated by the government.
2) The Advisory council shall be accountable to the minister.
9. **Powers and Duties of the Advisory Council**

The Advisory Council shall have the following powers and duties:

1) Study and submit to the minister proposals relating to the powers and duties of the Authority;

2) Provide advice to enable the Authority carry out its duties and responsibilities;

3) Evaluate periodically the activities on the study and conservation of Cultural Heritage;

4) Evaluate preservation projects and programme of Cultural Heritage undertaken by the Authority and provides advice.

10. **Meetings of the Advisory Council**

1) The Council shall meet twice a year; provided, however, that it may meet at any time at the request of the Chairperson or one third of its members.

2) There shall be a quorum where the majority of the members are present.

3) Decision of the Council shall be passed by majority vote; provided, however, that the Chairperson shall have a casting vote in case of a tie.

4) The Council shall draw up its own rules of procedure.

11. **Powers and Duties of the General Manager**

1) The General Manager shall, on recommendation of the Minister, be appointed by Government.

2) The General Manager shall be the Chief executive officer of the Authority and shall direct and administer the Authority.

3) Without prejudice to Sub-Article (2) of this Article, the General Manager shall:

   a) implement the powers and duties of the Authority as provided for under Article 6 of this proclamation;

   b) prepare the work plan and program as well as the annual budget proposal of the Authority: and implement same upon approval;

   c) employ and administer the personnel of the Authority in accordance with Federal Civil Service laws;

   d) Submit to the Minister the overall activities report and the work description of the Authority;

   e) open bank accounts and effect expenditure on the basis of the approved budget and work program of the Authority;

   f) represent the Authority in all its dealings with third parties.

4) The General Manager may delegate his powers and duties to officials and employees of the Authority to the extent necessary for the efficient management of the Authority.
12. **Budget**

The budget of the Authority shall be drawn from the following sources:

(a) Budget allocated to it by the Government;
(b) Income from service and permit fees; and
(c) Other sources.

13. **Books of Account**

1) The Authority shall keep complete and accurate books of accounts and documents.
2) The books of accounts and other financial documents of the Authority shall be audited annually by the Auditor General, or by other auditors designated by him.

**PART TWO**

*Management of Cultural Heritage*

14. **Ownership of Cultural Heritage**

1) Cultural Heritage may be owned by the state or by any person.
2) Notwithstanding the provisions of Sub-Article (1) of this Article, Cultural Heritage discovered in accordance with the provisions of Part Three herein may be held in ownership only of the state.

15. **Establishment of Museums**

Any person, whose professional qualification has been certified by the Authority may establish a museum. The implementation and execution of same shall be determined by the regulation and directives to be issued.

16. **Classification of Cultural Heritage**

The classification of Cultural Heritage at National and Regional level shall be determined by law.

17. **Registration of Cultural Heritage**

1) Any person who holds Cultural Heritage in ownership shall get registered same in accordance with the directives issued by the minister.
2) The Authority shall register Cultural Heritage using codes appropriate for their custody and preservation.
3) A certificate of registration shall be issued to the person for the Cultural Heritage he has got registered.
4) Expenses incurred in connection with the registration of Cultural Heritage pursuant to this Article shall be borne by the Authority.

18. **Duties of Owners of Cultural Heritage**

Any person who possesses a Cultural Heritage shall have the following duties:

1) to preserve and protect properly the Cultural Heritage on his own expense;
2) to allow, upon the request of the Authority, the use of Cultural Heritage for exhibition or public display;

3) respect the provisions of this proclamation dealing with the handling and use of the Cultural Heritage and of the regulations and directives issued pursuant to same proclamation.

19. Conservation and Restoration of Cultural Heritage

1) Any conservation and restoration work on Cultural Heritage shall be carried out with the prior approval of the Authority.

2) Where the expenses required for the conservation and restoration are beyond the means of the owner, the government may grant the necessary assistance to cover part of such expenses.

20. Preservation of Cultural Heritage Situated on Land Given in Usufruct

Any person shall ensure the preservation of Cultural Heritage situated on land which is given to him in usufruct.

21. Removal of Cultural Heritage

1) An immovable Cultural Heritage may not be removed from its original site without the prior written approval of the Authority.

2) Any person shall notify the Authority before removing registered movable Cultural Heritage from its original site.

22. The Use of Cultural Heritage

1) Cultural Heritage shall be used for the purpose of promoting the development of science, education, culture and fine arts.

2) The use of Cultural Heritage for economic and other purposes may only be allowed if such use is not detrimental to its preservation and does not impair its historical, scientific and artistic values.

3) The use of Cultural Heritage shall be in accordance with the directives to be issued under this proclamation.

23. Transfer of Ownership of Cultural Heritage

1) Where any holder of Cultural Heritage transfers it to another, both parties shall submit, in advance, a written notification to the Authority.

2) The authority shall enjoy a right of preemption over the sale of Cultural Heritage.

24. Trading in Cultural Heritage

1) No person may engage in the purchase and sale of Cultural Heritage for commercial purposes.

2) Any person may record Cultural Heritage on film or cast or reproduce them in any manner for commercial purposes in accordance with the regulations or directives to be issued.
25. *Expropriation of Cultural Heritage*

Any Cultural Heritage:

1) which is not properly protected, repaired and restored; or, which is exposed to decay, contrary to the provisions of this proclamation, regulations and directives to be issued for the implementation of this proclamation; or, which is exposed to damage or decay due to its use contrary to the manner prescribed in Article 22 (3); or

2) whose custody in a museum is deemed necessary, and compensation thereof is decided by the Council of Ministers;

3) which has been detained while being taken out of the country illegally, may be confiscated by the Authority.

26. *Repatriation of Cultural Heritage*

1) Cultural Heritage illegally held in other countries shall be repatriated.

2) Data on Cultural Heritage held in other countries shall be collected and publicized.

27. *Cultural Heritage Outside the Country*

Exporting Cultural Heritage is prohibited; however, it may be temporarily taken out of the country for scientific study, cultural exchange or exhibition upon the approval of the Minister.

28. *Foreign Cultural Heritage Brought into Ethiopia*

Foreign Cultural Heritage, which is brought into Ethiopia for the purpose of cultural exchange, or exhibition, or other purposes shall be accorded government protection as necessary.

**PART THREE**

*Exploration, Discovery and Study of Cultural Heritage*

29. *Exploration, Discovery and Study of Cultural Heritage*

Exploration discovery & study of cultural Heritage shall be conducted on Palaeontology, Archaeology, Anthropology and related fields.

30. *Requirement of Permit*

1) No person may conduct exploration, discovery, and study of Cultural Heritage without obtaining a prior written permit from the Authority.

2) The Authority shall, before granting the permit ensure that the applicant is professionally competent and has adequate financial resources to carry out the exploration, discovery, and study work.

31. *Particulars of the Application*

An application submitted to the Authority to conduct exploration, discovery and study of Cultural Heritage shall be prepared in accordance with the regulations or directives issued for the implementation of this proclamation.
32. **Particulars of the Permit**

The particulars of a permit granted for exploration, discovery, and study of Cultural Heritage shall be provided in the regulations and directives issued for the implementation of this proclamation.

33. **Duration of Validity of the Permit**

1) Cultural Heritage exploration, discovery and study permit may be granted for a period not exceeding three years.

2) The Authority may renew the permit for a period of not more than two years where the period of its validity expires before the work is completed.

3) The Authority, upon reception of a new application, may grant the permit as necessary in addition to the time provided in Sub-Articles (1) and (2) of this Article.

34. **Fees for the Issuance and Renewal of Permit**

Fees for the issuance and renewal of permit shall be determined by the regulations to be issued for the implementation of this proclamation.

35. **Duties of Permit Holder**

Every permit holder shall have the following duties:

1) submit periodically, to the Authority, progress reports on the exploration, discovery and study works.

2) keep a special register with complete description of each exploration, discovery and study.

3) properly preserve every exploration, discovery and study and hand over same to the Authority.

4) keep every exploration, discovery and study in secret in accordance with the terms of the agreement concluded with the Authority;

5) not to explore or study beyond the kind of study and the site permitted;

6) carry out the study in a manner that may not damage the culture, belief and psychology of the peoples inhabiting in the area where the study is conducted.

7) restore the site to its original state at the completion of the exploration work.

8) ensure the participation and training of Ethiopians in the exploration, discovery and study of Cultural Heritage;

9) provide insurance coverage for Ethiopian participants in field activities;

10) fulfill such other duties as are required by the profession; and

11) respect and implement this proclamation and the regulations and directives to be issued thereunder.
36. **Suspension and Revocation of Permit**

1) In the event a permit holder violates the provision of Article 35 of this Proclamation, the Authority may suspend the permit until it gives a decision on the case.

2) The Authority may revoke the permit where the holder fails to comply with the requirements of this proclamation, and the regulations and directives issued for the implementation of this proclamation.

3) Any person whose license is revoked pursuant to this Article may appeal to the Minister within 30 days of receipt of such decision. The Minister’s decision on the Case shall be final.

37. **Supervision**

1) The Authority shall assign an official to represent it in matters relating to the exploration project.

2) The official assigned pursuant to Sub-Article (1) of this Article shall supervise the proper carrying out of the exploration, discovery and study work in accordance with the provisions of this proclamation and regulations and directives issued for the implementation of this proclamation.

38. **Publicizing Discoveries**

Any field discovery shall be first publicized, through National media by the Authority.

39. **Publication of Reports and Result of Studies**

1) The permit holder shall have the exclusive right to publish the exploration reports and the results of these studies for five years period following the completion of the field work, provided; however, that, he shall give notice to the Authority prior to the publication of same.

2) The permit holder shall provide the Authority, free of charge, with five copies of each such publication.

3) In case of failure by the permit holder to publish the reports and results of his studies within the period specified under Sub-Article (1) of this Article, the Authority may itself publish them fully or partly or authorize their publication by any other person.

40. **Ownership over Result of Studies**

Without prejudice to the provisions of Sub-Article (3) of Article 35, the ownership right of the permit holder over documents bearing the results of his studies shall be protected in accordance with the relevant provisions of the Ethiopian Civil Code.

41. **Fortuitous Discovery of Cultural Heritage**

1) Any person who discovers any Cultural Heritage in the course of an excavation connected with mining explorations, building works, road construction or other similar activities or in the course of any other fortuitous event, shall forthwith report
same to the Authority, and shall protect and keep same intact, until the Authority takes delivery thereof.

2) The Authority shall, upon receipt of a report submitted pursuant to Sub-Article (1) hereof, take all appropriate measures to examine, take delivery of, and register the Cultural Heritage so discovered.

3) Where the Authority fails to take an appropriate measures within six month in accordance with Sub-Article (2) of this Article, the person who has discovered the Cultural Heritage may be released from his responsibility by submitting, a written notification with a full description of the situation, to the Regional government official.

4) The Authority shall ensure that the appropriate reward is granted to the person who has handed over a Cultural Heritage discovered fortuitously in accordance with sub-Articles (1) and (2) of this Article. And such person shall be entitled to reimbursement of expenses, if any, incurred in the course of discharging his duties under this Article.

PART FOUR
Miscellaneous Provisions

42. Reserved Areas

1) The Council of Ministers may, upon the recommendation of the Minister, declare any area as a reserved area and publish same in the Negarit Gazeta, where an assemblage of immovable Cultural Heritage is situated or where such an area is deemed to be an archaeological site.

2) Unless otherwise specifically decided by the Council of Ministers, no person may, without a permit issued by the Authority, carry out building or road construction, excavations of any type or any operation that may cause ground disturbance in an area declared reserved pursuant to Sub-Article (1) of this Article.

3) Any person who holds permit to conduct construction works in a reserved area and who discovers Cultural Heritage in the course of construction activities shall stop construction and shall forthwith report same in writing to the Authority.

43. Inspection

1) An inspector authorized by the Authority may, in accordance with the directives issued by the Minister, enter at reasonable hours, any place where there is any Cultural Heritage and conduct inspection to ensure that the Cultural Heritage is properly maintained and protected.

2) The owner of Cultural Heritage shall have the duty to allow any inspector of the Authority carrying proper identification to enter any place where the Cultural Heritage is found and to inspect same in accordance with Sub-Article (1) of this Article.

44. Duty to Cooperate

Every person shall have the duty to cooperate in matters relating to the regulations and directives issued for the implementation of this proclamation.
45. **Penalty**

1) Unless the Penal Code provides for a more severe penalty, any person who:

(a) violates the provisions of Articles 18, 20, 23 (1) or 44 (2) of this proclamation shall be punished with imprisonment of not exceeding six months or with fine of up to Birr 1500 or with both;

(b) violates the provisions of Articles 19(1), 21, 22(2) or 35 of this proclamation shall be punished with imprisonment of not exceeding one year or with fine not exceeding Birr 3000 or with both;

(c) violates Articles 24 or 27 or 30(1) 42(1) or 43(2) of this proclamation shall be punished with rigorous imprisonment from three to five years or with fine from Birr 10,000 to 15,000 or with both.

2) Unless the Penal Code provides for a more severe penalty, any person who:

   a) commits theft on Cultural Heritage shall be punished with rigorous imprisonment of not less than seven years and not exceeding ten years;

   b) destroys or damages Cultural Heritage intentionally shall be punished with rigorous imprisonment not less than ten years and not exceeding twenty years;

   c) in the exercise of his official duty destroys or damages or abstracts Cultural Heritage or causes them to be abstracted, in order to obtain an unlawful enrichment shall be punished with rigorous imprisonment of not less than fifteen years and not exceeding twenty years.

46. **Power to Issue Regulations and Directives**

1) The Council of Ministers has the power to issue Regulations for the implementation of this proclamation.

2) The Minister shall have the power to issue directives for the implementation of this proclamation.

47. **Repealed and Inapplicable laws**

1) Study and Protection of Cultural Heritage proclamation No. 36/1989 is hereby repealed.

2) Any law or practice shall, in so far as it is inconsistent with the provisions of this proclamation, have no force or effect in relation to matters provided for in this proclamation.

48. **Effective Date**

This Proclamation shall enter into force as of the 27th day of June, 2000.

Done at Addis Ababa this 27th day of June, 2000.

   NEGASO GIDADA (DR.)

   PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.1.9.2. PROCLAMATION NO. 839/2014

A PROCLAMATION TO PROVIDE FOR THE CLASSIFICATION OF CULTURAL HERITAGES INTO NATIONAL AND REGIONAL CULTURAL HERITAGES PROCLAMATION

(contents)

BRIEF DESCRIPTION

This Proclamation is enacted in accordance with the Research and Conservation of Cultural Heritage Proclamation No. 209/2000, which states that ‘classification of cultural heritages at national and regional levels shall be determined by law’. It contains provisions pertaining to the classification of cultural heritage and the procedure for classification of cultural heritage. The Authority for Research and Conservation of Cultural Heritage, along with its other responsibilities, manages cultural heritages registered as national cultural heritages. Concerned regional organs are responsible for managing, in accordance with the relevant provisions of the Research and Conservation of Cultural Heritage Proclamation, cultural heritages classified as regional cultural heritages. The Cultural Heritages Classification Council having the responsibility to examine nominations and submit recommendations on the classification of cultural heritages as national cultural heritages is established by the Proclamation. Regions may also establish their own regional cultural heritage classification council.

CLASSIFICATION OF CULTURAL HERITAGES INTO NATIONAL AND REGIONAL CULTURAL HERITAGES PROCLAMATION

WHEREAS, cultural heritage is a testimony of human civilization, culture and history, it has become necessary to define, by law, the body responsible for safeguarding its sustainable continuity;

WHEREAS, it has become necessary to establish a participatory cultural heritage management system, so that cultural heritages provide sustainable social and economic development to the local community, in particular, and to the country, in general;
WHEREAS, the prior classification of cultural heritages has become necessary to undertake background works for the nomination of additional cultural heritages of the country for inscription in the World Heritage List;

WHEREAS, it has become essential to define the role of Federal and Regional organs in the administration of cultural heritages to avoid responsibility overlaps and wastages of resources and to establish speedy administrative and procedural system;

WHEREAS, it is also stipulated, under Article 16 of the Research and Conservation of Cultural Heritage Proclamation No. 209/2000, that classification of cultural heritages at national and regional levels shall be determined by law;

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

1. **Short Title**
   This Proclamation may be cited as the “Classification of Cultural Heritages into National and Regional Cultural Heritages Proclamation No. 839/2014”.

2. **Definition**
   In this Proclamation, unless the context otherwise requires:

   1/ “cultural heritage” means any thing tangible or intangible which is the product of creativity and labor of man in the prehistory and history times that describes and witnesses to the evolution of nature and which has a major value in its scientific, historical, cultural, artistic, and handcraft content.

   2/ “oral tradition” means traditional knowledge such as folklore, narration or song that is transmitted from individuals to individuals and from generations to generations by means of oral communication and manifest the culture, history, ideology, philosophy and identity of the community who created it;

   3/ “performing art” means traditional dance, drama or song performed on cultural occasions;

   4/ “social practice or festivity” means a social practice or festivity performed individually or in groups on holidays, festivals or rituals to express the social, religious or economic interests of the community that created it;

   5/ “festival” means public celebrations or holidays;

   6/ “knowledge about nature and its practices” means an indigenous knowledge and skill created, shared and transmitted from generation to generation as the result of the interactions between humans and nature;

   7/ “traditional craftsmanship” means indigenous knowledge and skill acquired through practices with traditional tools and means of production to address the secular and spiritual needs of the society that created them;

   8/ “region” means any state referred to in Article 47(1) of the Constitution the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire-Dawa city administrations;
9/ “Ministry or Minister” means the Ministry or Minister of Culture and Tourism;
10/ “Authority” means the Authority for Research and Conservation of Cultural Heritage;
11/ “Paleontology” means part of a scientific research and study in the field of biology;
12/ “archaeology” means the study of human prehistory and history;
13/ “cultural heritage site” means a place where one or collective cultural heritage found or kept;
14/ “discovery” means remains of pre human or human or animal or tool or structure or other building fossils related to human being;
15/ “memorial stelae” means a material prepared or stand or set upright in the ground for the purpose of monument or commemorative to a person or group or people or an event;
16/ “structure” means any building or part of a building or fortress or part of a fortress or foundation purposely built by human;
17/ “endangered unique cultural heritage” means cultural heritage which is on risk of disappearing or decreasing or exposed for danger in case of natural or man made activities;
18/ “person” means any natural or legal person;
19/ any expression in the masculine gender includes the feminine.

3. **Classification of Cultural Heritages**

1/ Cultural heritage that satisfies one or more of the following criteria shall be classified as national cultural heritage:

a) cultural heritage inscribed in the World Heritage List prior to the coming into force of this Proclamation and be inscribe in the World Heritage List here after;

b) paleontological and archaeological site or discovery that represents an evidence of human evolution or lifestyle of ancient human or the process of tool production;

c) archaeological site or discovery that contain evidence resulting from the interaction between humankind and nature having paramount significance for education, history, tourism or scientific research and have outstanding national or universal value;

d) movable heritage associated with the common history and culture of the Ethiopians and having significance to the development of science, technology, literature or arts;

e) place, memorial stelae, structure or other infrastructure associated with major historical or cultural event that represent the Ethiopian peoples;
f) cultural heritage that is associated with the history of a prominent individual, group or institution that made significant contribution in the history of the peoples of Ethiopia;

g) cultural heritage site located in the landscapes of two or more than two regions;

h) oral tradition, performing art, social practice and festivity, knowledge about nature and its practice, or traditional craftsmanship, and the manifestation thereof, that is shared by two or more nations, nationalities and peoples of Ethiopia;

i) oral tradition, performing art, social practice and festivity, knowledge about nature and its practice, or traditional craftsmanship, and the manifestation thereof that represents each nationality and shows cultural diversity;

j) endangered unique cultural heritage.

2/ Cultural heritage not classified as national cultural heritage pursuant to sub-article (1) of this Article shall be classified as regional cultural heritage.

3/ Cultural heritages, which were abroad, shall be classified in accordance with Article 4 of this Proclamation after they have been returned to the country.

4. Procedure of Classification of Cultural Heritages

1/ A cultural heritage falling under the provisions of paragraph (a) of sub-article (l) of Article 3 of this Proclamation shall, without any additional formality, be registered as national cultural heritage.

2/ The Authority shall, on its own initiative or based on the proposal of the concerned regional organ, governmental or non-governmental organization, religious institution or individual, undertake studies regarding a cultural heritage satisfying one or more of the criteria stipulated under paragraphs (b) to (j) of sub-article (l) of Article 3 of this Proclamation and submit the study report to the Cultural Heritages Classification Council established pursuant to Article 6 of this Proclamation.

3/ If the Cultural Heritages Classification Council, upon examining the study report submitted to it by the Authority pursuant to sub-article (2) of this Article, believes that the cultural heritage be classified as national cultural heritage, it shall submit its recommendation to the Ministry.

4/ If the recommendation submitted pursuant to sub-article (3) of this Article is approved by the Ministry, the Authority shall register the cultural heritage as national cultural heritage.

5. Management of National and Regional Cultural Heritages

1/ The Authority:

a) shall manage cultural heritages registered as national cultural heritages in accordance with the provisions of the Research and Conservation of Cultural Heritage Proclamation No. 209/2000;
b) may open branch office at a place where national cultural heritage is located or gives power of delegation to the relevant regional organ, as may be necessary;

c) shall, in collaboration with the concerned bodies, undertake studies and submit to the World Heritage Committee the nomination of national cultural heritages to be inscribed in the World Heritage List;

d) shall provide professional and technical support with respect to research and conservation of regional cultural heritages as may be necessary.

2/ Cultural heritages classified as regional cultural heritages shall be managed by the concerned regional organs in accordance with the relevant provisions of the Research and Conservation of Cultural Heritage Proclamation No. 209/2000. Regions can establish their own regional cultural heritage classification council.

3/ For the purpose of sub-article (2) of this Article, the powers and duties given to the Authority, the Ministry and the Council of Ministers by the provisions of the Research and Conservation of Cultural Heritage Proclamation No. 209/2000 shall, with respect to regional cultural heritages, be deemed to have been given to the appropriate organs in the corresponding hierarchy of regional governments.

4/ The Authority shall, where it opens a branch office pursuant to paragraph (b) of sub-article (1) of this Article, organize a committee composed of members drawn from the concerned regional government organs and public associations that shall participate in the management of the national cultural heritage in accordance with a directive to be issued by the Ministry.

6. Establishment of Cultural Heritages Classification Council

1/ The Cultural Heritages Classification Council (hereinafter the “Council”) having the responsibility to examine nominations and submit recommendations on the classification of cultural heritages as national cultural heritages is hereby established.

2/ The Council shall be accountable to the Ministry.

7. Members of the Council

The Council shall have the following members:

1/ a representative of the Ministry of Culture and Tourism……………………chairman;

2/ a representative of each regional organ in charge of the administration of cultural heritages………………………………………………………………member;

3/ a representative of Cultural Heritage Associations……………………member;

4/ possessor of the cultural heritage under consideration for classification…………………………………………………………..member;

5/ Director General of the Authority……………………………member and secretary.

8. Duties and Responsibilities of Members of the Council

Members of the Council shall have the following duties and responsibilities:

1. to be present on meetings of the council;
2. exert the necessary effort for success of the Council’s objective;
3. perform other duties and responsibilities in matters relating to the regulations and directives to be issued for the implementation of this Proclamation.

9. Meetings of the Council
   1/ The Council shall meet as frequently as its function requires.
   2/ There shall be a quorum where more than half of the members are present at a meeting of the Council.
   3/ decisions of the council shall be passed by majority votes, and in case of tie, the chairperson shall have a casting vote.
   4/ without prejudice to the provisions of this Article, the council may adopt its own rules of meeting procedures.

10. Duty to Cooperate
    Any person shall have the duty to cooperate in the implementation of this Proclamation and the regulations and directives issued under this Proclamation.

11. Power to Issue Regulation and Directive
    1/ The Council of Ministers may issue regulations necessary for the proper implementation of this Proclamation.
    2/ The Ministry may issue directives necessary for the proper implementation of this Proclamation and regulations issued pursuant to sub-article (1) of this Article.

12. Inapplicable Laws
    No law or practice shall, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters provided for by this Proclamation.

13. Effective Date
    This Proclamation shall enter into force on the date of publication in the Federal Negarit Gazette.

    Done at Addis Ababa, this 21st day of August 2014.

    MULATU TESHOME (DR.)
    PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.2. POLLUTION PREVENTION AND CONTROL OF HAZARDOUS SUBSTANCES

3.2.1. PROCLAMATION NO. 300/2002

ENVIRONMENTAL POLLUTION CONTROL PROCLAMATION

9th Year No. 12
ADDIS ABABA 3rd December, 2002
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BRIEF DESCRIPTION

The preamble to this Proclamation acknowledges that some activities may harm the environment and that pollution should be eliminated or, when not possible, mitigated. The Ministry of Environment, Forest and Climate Change is to formulate, in consultation with competent agencies, practicable environmental standards based on scientific and environmental principles, which, among others, should include standards relating to water, air quality, soil, noise and waste. Polluting or causing the environment to be polluted in violation of the relevant environmental standard is prohibited. The Proclamation has provisions on the management of hazardous wastes, chemical and radioactive substance as well as of municipal waste. Environmental inspectors are to be assigned by the Ministry of Environment, Forest and Climate Change or the relevant regional environmental agency. The Law envisages the issuance of Regulations for its effective implementation as well as to determine the manner in which existing undertakings are to comply with it.
Environmental Pollution Control Proclamation No. 300/2002

WHEREAS, some social and economic development endeavors may inflict environmental harm that could make the endeavors counter-productive;

WHEREAS, the protection of the environment, in general, and the safeguarding of human health and well-being, as well as the maintaining of the biota and the aesthetic value of nature, in particular, are the duty and responsibility of all;

WHEREAS, it is appropriate to eliminate or, when not possible, to mitigate pollution as an undesirable consequence or social and economic development activities;

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

PART ONE

1. Short Title
   This Proclamation may be cited as the “Environmental Pollution Control Proclamation No. 300/2002”.

2. Definitions
   In this Proclamation:
   1) “Authority” means the Environmental Protection Authority;
   2) “Chemical” means an element or a compound whether by itself, or in a mixture or a preparation, whether manufactured or obtained from nature;
   3) “Competent Agency” means any Federal or Regional Government organ entrusted by law with a responsibility related to the specified subject where the term is used;
   4) “Competent Court” means, in the case of the Federal Government, a first instance court and in the case of a national regional state, a court designated on the basis of the law of that state;
   5) “Effluent” means waste water, gas or other fluid, treated or untreated, discharged directly or indirectly into the environment;
   6) “Environment” means the totality of all materials whether in their natural state or modified or changed by humans, their external spaces and the interactions which affect their quality or quantity and the welfare of human or other living beings, including but not restricted to, land, atmosphere, weather and climate, water, living things, sound, odour, taste, social factors, and aesthetics;
   7) “Environmental Inspector or Inspectors” means the body designated under Article 7(1) of this Proclamation;
   8) “Hazardous material” means any substance in solid, liquid or gaseous state, or any plant, animal or micro organism that is injurious to human health or the environment;
9) “Hazardous Waste” means any unwanted material that is believed to be deleterious to human safety or health or the environment;

10) “Person” means any natural or juridical person;

11) “Pollutant” means any substance whether liquid, solid, or gas which directly or indirectly:
   (a) alters the quality of any part of the receiving environment so as to effect its beneficial use adversely; or
   (b) produces toxic substances, diseases, objectionable odour, radioactivity, noise, vibration, heat, or any other phenomenon that is hazardous or potentially hazardous to human health or to other living things;

12) “Pollution” means any condition which is hazardous or potentially hazardous to human health, safety, or welfare or to living things created by altering any physical, radioactive, thermal, chemical, biological or other property of any part of the environment in contravention of any condition, limitation or restriction made under this Proclamation or under any other relevant law;

13) “Region” means any of those parts of Ethiopia specified as such under Article 47 (1) of the Constitution of the Federal Democratic Republic of Ethiopia and, for the purpose of this Proclamation, includes the Addis Ababa and Dire Dawa Administrations;

14) “Regional Environmental Agency” means any regional government organ entrusted, by the government of that region, with responsibility for the protection or regulation of the environment and natural resources;

15) “Release” means placing any pollutant in the environment in any way be it intentionally or otherwise.

PART TWO

Control of Pollution

3. Control of Pollution

1) No person shall pollute or cause any other person to pollute the environment by violating the relevant environmental standard.

2) The Authority or the relevant Regional environmental agency may take an administrative or legal measure against a person who, in violation of law, release any pollutant to the environment.

3) Any person engaged in any field of activity which is likely which is to cause pollution or any other environmental hazard shall, when the Authority or the relevant regional environmental agency so decides, install a sound technology that avoids or reduces, to the required minimum, the generation of waste and, when feasible, apply methods for the recycling of waste.

4) Any person who causes any pollution shall be required to clean up or pay the cost of cleaning up the polluted environment in such a manner and within such a period
as shall be determined by the Authority or by the relevant regional environmental agency.

5) When any activity poses a risk to human health or to the environment, the Authority or the relevant regional environmental agency shall take any necessary measure up to the closure or relocation of any enterprise in order to prevent harm.

4. Management of Hazardous Waste, Chemical and Radioactive Substance

1) The generation, keeping, storage, transportation, treatment or disposal of any hazardous waste without a permit from the Authority or the relevant regional environmental agency is prohibited.

2) Any person engaged in the collection, recycling, transportation, treatment or disposal of any hazardous waste shall take appropriate precaution to prevent any damage to the environment or to human health or well-being.

3) The importation, mining, processing, keeping, distribution, storage, transportation or use of radioactive substances shall be subject to a permit from the competent agency.

4) The importation, preparation, keeping, distribution, storage, transportation or use of a chemical categorized as hazardous or of restricted use, shall be subject to a permit from the Authority or the relevant regional environmental agency or from any other competent agency.

5) Any person engaged in the preparation, production, manufacturing or transportation or in trading in any hazardous or restricted chemical may ensure that the chemical is registered, packed and labeled as per the applicable standards.

5. Management of Municipal Waste

1) All urban administrations shall ensure the collection, transportation, and, as appropriate, the recycling, treatment or safe disposal of municipal waste through the institution of an integrated municipal waste management system.

2) In collaboration with the relevant regional environmental agency, the Authority shall monitor and evaluate the adequacy of municipal waste management systems and ensure the effectiveness of their implementation.

3) Any person responsible for the maintenance of any premise to which the public has access shall, at all times, ensure that adequate and suitable toilets and containers and other required facilities are provided for the disposal of waste.

4) The Authority shall, in collaboration with the relevant regional environmental agencies and any other competent agencies, monitor the situation with regard to the availability of waste disposal facilities and take the necessary measures to ensure that their availability is satisfactory.
PART THREE
Environmental Standards

6. Environmental Standards

1) In consultation with competent agencies, the Authority shall formulate practicable environmental standards based on scientific and environmental principles. The sectors that require standards shall include at least the following:

   (a) Standards for the discharge of effluents into water bodies and sewage systems.
   (b) Air quality standards that specify the ambient air quality and give the allowable amounts of emission for both stationary and mobile air pollution sources.
   (c) Standards for the types and amounts of substances that can be applied to the soil or be disposed of on or in it.
   (d) Standards for noise providing for the maximum allowable noise level taking into account the settlement patterns and the availability of scientific and technological capacity in the country.
   (e) Waste management standards specifying the levels allowed and the methods to be used in the generation, handling, storage, treatment, transport and disposal of the various types of waste.

2) Sources of noxious odour shall be regulated so that the nuisance they cause is prevented.

3) The Authority may prescribe different environmental standards for different areas as it may find necessary to protect or rehabilitate the environment.

4) National regional states may, based on their specific situation, adopt environmental standards that are more stringent than those determined at the Federal level. However, they shall not adopt standards which are less rigorous than those determined at the Federal level.

5) The Authority may, for a fixed period of time, authorize the waiver of the duty to comply with some requirements of specified environmental standards in order to promote public benefit.

PART FOUR
Environmental Inspectors

7. Environmental Inspectors

1) Environmental inspectors (hereinafter referred to as “inspectors”) shall be assigned by the Authority or by the relevant regional environmental agency.

2) Inspectors shall exercise due diligence and impartiality in the discharge of their powers and duties under this Proclamation.

8. Powers and Duties of Inspectors

1) Inspectors shall have the following powers and duties:

   (a) ensure compliance with environmental standards and related requirements;
(b) without prejudice to Sub-Articles (3) and (6) of this Article, enter any land or premises at any time which seems appropriate to them without prior notice or court order;

(c) question any person alone or in the presence of witnesses;

(d) check, copy or extract any paper, file or any other document related to pollution;

(e) take, free of charge, samples of any material as required and carry out or cause to be carried out tests to determine whether or not it causes harm to the environment or to life;

(f) take photographs, measure, draw, or examine any commodity, process or facility in order to ensure compliance with this Proclamation and with any other relevant law;

(g) seize any equipment or any other object which is believed to have been used in the commission of an offence under this Proclamation or any other relevant law.

2) When a person contravenes any of the provisions of this Proclamation or of any other relevant law, the inspector on duty shall specify the matter constituting the contravention and may also specify the measures that shall be taken to remedy the contravention within a given period of time.

3) When an inspector on duty suspects that any activity may cause damage to the environment, he shall order the taking of corrective measures up to the immediate cessation of the activity.

4) Every inspector shall have an identity card issued by the Authority or by the relevant regional environmental agency, bearing its official seal and show it when requested;

5) Whenever a sample is to be taken, the proprietor has the right to be present or to send his representative and he shall be informed accordingly.

6) When an inspector on duty visits an undertaking, he shall notify the proprietor unless he considers that such notification may be prejudicial to the efficient performance of his duty.

9. **Right to Appeal**

1) Any person dissatisfied with any of the measures taken by the inspector may appeal to the Head of the Authority or the relevant regional environmental agency, as the case may be, within ten days from the date on which the measure was taken.

2) Any person dissatisfied because no decision has been given as provided under Sub-Article (1) of this Article, or feels that the decision given is inappropriate, may institute a court case within thirty days from the date on which the decision was given or the deadline for decision has elapsed.
10. **Incentives**

1) Incentives for the introduction of methods that enable the prevention or minimization of pollution into an existing undertaking shall be determined by regulations issued hereunder.

2) Importation of new equipment that is destined to control pollution shall, upon verification by the Authority, be exempted from payment of custom duty.

11. **Right to standing**

1) Any person shall have, without the need to show any vested interest, the right to lodge a complaint at the Authority or the relevant regional environmental agency against any person allegedly causing actual or potential damage to the environment.

2) When the Authority or regional environmental agency fails to give a decision within thirty days or when the person who has lodged the complaint is dissatisfied with the decision, he may institute a court case with in sixty days from the date the decision was given or the deadline for decision has elapsed.

**PART FIVE**

**Offences and Penalties**

12. **General**

1) A person who, under this Proclamation or under any other relevant law, commits an offence for which no penalty is provided for either in the Penal Code or under this Proclamation, is liable on conviction:

   (a) in the case of a natural person, to a fine of not less than five thousand Birr and not more than ten thousand Birr or an imprisonment of not more than one year or both;

   (b) in the case of a juridical person, to a fine of not less than ten thousand Birr and not more than twenty thousand Birr.

2) Where a juridical person is convicted pursuant to Sub-Article (1) of this Article, the officer in charge who should have known the commission of the offence, and who failed to fulfill his duty appropriately shall be liable to a fine of not less than five thousand Birr and not more than ten thousand Birr or an imprisonment of not more than two years or both.

3) Unless the provisions of the Penal Code provide more severe penalties, the penalties laid down under this Proclamation shall be applicable.

13. **Offences Relating to Inspectors**

1) A person commits an offence if he hinders or obstructs an inspector on duty in the execution of his duty, fails to comply with a lawful order or requirement made by an inspector, impersonates an inspector, or refuses an inspector entry into any land or premise or hinders an inspector from getting access to records, prevents an inspector from checking, copying or extracting any paper, file or any other document, withholds, misleads or gives wrong information to an inspector.
2) A natural person who commits an offence under Sub-Article (1) of this Article is liable, on conviction, to a fine of not less than three thousand Birr and not more than ten thousand Birr, and, in the case of a juridical person, to a fine of not less than ten thousand Birr and not more than twenty thousand Birr, and imprisonment of the officer in charge for a term of not less than one year and not more than two years or a fine of not less than five thousand Birr and not more than ten thousand Birr or both.

14. Offences Relating to Records

A person commits an offence if he fails to comply with this Proclamation or any regulations issued hereunder to keep records of activities or products or of the types, characteristics or amounts of waste or of any other information, or if he alters any record shall be liable, on conviction, to a fine of not less than ten thousand Birr and not more than twenty thousand Birr.

15. Offences Relating to Wastes and Other Materials that are Hazardous

1) A person commits an offence if he fails to manage a hazardous waste or another substance according to the relevant laws, mislabels or fails to label or in any way withholds information about any hazardous waste or other material or attempts to take part or takes part or attempts to aid or aids in the illegal traffic of any hazardous waste or other material.

2) A natural person who commits an offence under Sub Article (1) of this Article is liable, on conviction, to a fine of not less than twenty thousand Birr and not more than fifty thousand Birr and in the case of a juridical person to a fine of not less than fifty thousand Birr and not more than one hundred thousand Birr, and to a term of imprisonment of the officer in charge of not less than five years and not more than ten years, or a fine of not less than five thousand Birr and not more than ten thousand Birr of both.

16. Offences Relating to Pollution

A natural person commits an offence if he discharges any pollutant contrary to the provisions of this Proclamation or regulations issued hereunder and is liable, on conviction, to a fine of not less than one thousand Birr and not more than five thousand Birr or to an imprisonment of not less than one year and not more than ten years or both and, in the case of a juridical person, to a fine of not less than five thousand Birr and not more than twenty five thousand Birr and an imprisonment of the officer in charge for a term of not less than five years and not more than ten years, or a fine of not less than five thousand Birr and not more than ten thousand Birr or both.

17. Forfeiture and Restoration

The court, before which a person is prosecuted for an offence under this Proclamation or regulations issued hereunder, may, in addition to any penalty it impose upon the convicted person, order:

(a) the confiscation of anything used in the commission of the offence in favor of the state or to dispose of it in any other way;
(b) that the cost of cleaning up and the disposing of the substance, chemical or equipment seized be borne by the convicted person; and

(c) the convicted person to restore to the state in which the environment was prior to the infliction of the damage, and when such restoration is not possible to pay appropriate compensation.

PART SIX

Miscellaneous Provisions

18. Transitory Provision

Regulations to be issued hereunder shall determine the manner in which existing undertakings shall comply with this Proclamation.

19. Duty to Provide Information

1) Any person engaged in an activity pertaining to any of the provisions of this proclamation or any other related law shall provide any information on his activity as required by the Authority or the relevant regional environmental agency.

2) The Authority shall have access to all environmental data and information.

20. Power to Issue Regulations

The Council of Ministers may issue Regulations necessary for the effective implementation of this Proclamation.

21. Inapplicable Laws

Any law or practice inconsistent with this Proclamation is inapplicable regarding matters provided herein.

22. Effective Date

This Proclamation shall come into force as of the 3rd day of December, 2002.

Done at Addis Ababa, this 3rd day of December, 2002.

GIRMA WOLDE GIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
BRIEF DESCRIPTION

The Regulation applies in respect of a factory which is in an industrial sector listed in a directive issued under this Regulation. It also applies in respect of a factory not subject to the Regulation where it is notified by the competent environmental organ. The Regulation states that a license may be granted to a factory after verifying that the effluent is not a pollutant or will not exceed the limit set under the relevant environmental standard and it will not entail damage if released into the environment. It sets forth conditions in respect of which a license may be suspended or cancelled. It further requires any factory to prepare and implement an emergency response system; and to prepare and implement its own internal environmental monitoring system. A public complaints procedure is envisaged by the Regulation. Moreover, factories are required to keep written information on issues of pollution management. The Ministry of Environment, Forest and Climate Change and Regional Environmental Organs are entrusted with the responsibility to enforce the Regulation with respect to a factory licensed by the Federal Government and by a regional government respectively.

Prevention of Industrial Pollution Council of Ministers Regulation No. 159/2008

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 471/2005 and Article 20 of the Environmental Pollution Control Proclamation No. 300/2002.

1. Short Title

This Regulation may be cited as the “Prevention of Industrial Pollution Council of Ministers Regulation No. 159/2008”
2. **Definitions**

In this Regulation unless the context otherwise requires:

1. “competent licensing agency” means any federal or regional government organ empowered by law to issue business license;
2. “competent environmental organ” means any federal or regional environmental protection agency;
3. “Authority” means the Environmental Protection Authority established pursuant to Proclamation No. 295/2002;
4. “region” means any region referred to in Article 47 of the Constitution of the Federal Democratic Republic of Ethiopia and, for the purpose of this Regulation, includes the Addis Ababa and Dire Dawa city administrations;
5. “existing factory” means a factory that is under operation or a project to which an application to obtain a license to establish a factory has been submitted before or on the date of entry into force of this Regulation;
6. “pollution” means any condition which is hazardous or potentially hazardous to human health, safety or welfare or to living things created by altering any physical, radioactive, thermal chemical, biological or other property of any part of the environment in contravention of any condition, limitation or restriction made under this Regulation, the relevant environmental standard or under any other relevant law;
7. “person” means a natural or juridical person;
8. Under this Regulation any expression in the masculine gender shall also include the feminine gender.

3. **Scope of Application**

The provisions of this Regulation shall apply to a factory which is in an industrial sector listed in a directive issued under this Regulation or has been notified by the competent environmental organ in accordance with sub-article (5) of Article 4 of this Regulation, until it ceases to operate or until such additional time as has been determined by the competent environmental organ.

4. **General Obligations**

1. A factory subject to this Regulation shall prevent or, if that is not possible, shall minimize the generation of every pollutant to an amount not exceeding the limit set by the relevant environmental standard and dispose of it in an environmentally sound manner.
2. Every factory shall have the obligation to handle equipment, inputs and products in a manner that prevents damage to the environment and to human and animal health.
3. Every factory shall notify the competent environmental organ any potentially pollutant, input or product under its possession.
4. If any factory loses a potentially pollutant, input or product it shall immediately notify the competent environmental organ.

5. Even if a factory is not subject to the provisions of this Regulation, the competent environmental organ may require it to take appropriate measures in order to eliminate any risk that might emanate from its operation.

6. The competent environmental organ shall issue a written order to a factory that it believes will entail substantial damage by transgressing the limit set by the environmental standard to take measures to remove the risk.

5. Licensing

The competent licensing agency can grant a license to a factory after verifying that the effluent is not a pollutant or will not exceed the limit set under the relevant environmental standard and it will not entail damage if released into the environment.

6. Varying Licensing Requirements

1. The competent environmental organ may order a variation of the conditions of a license that has been granted whenever:
   a) the factory introduces change in its operational technique or undertakes an expansion;
   b) the factory does not commence its operations within the set time limit; or
   c) an unforeseen fact of serious implication is realized.

2. Any order issued pursuant to sub-article (1) of this Article shall state the reason for the issuance of the order and the time limit within which it shall be implemented.

3. The owner or legal representative of any factory who challenges the appropriateness of the order issued pursuant to sub-article (2) of this Article may, within 30 days from receipt of the order, submit a written complaint to the competent environmental organ.

4. The competent environmental organ shall. Within 30 days, issue its decision on the complaint submitted to it in accordance with sub-article (3) of this Article.

7. Suspension or Cancellation of License

1. The competent environmental organ shall suspend or cancel the license of a factory whenever it finds out that the conditions of the license set in accordance with this Regulation have not been complied with.

2. The competent environmental organ shall, despite the factory’s observance of the requirements set under the provisions of this Regulation, suspend or cancel a license if it has reason to believe that the continuation in operation of the factory may entail serious pollution.

3. The competent environmental organ shall, when it decides to suspend cancel a license in accordance with sub-article (1) or (2) of this Article, notify the competent licensing agency its reason and the time when it shall be implemented. The licensing agency shall ensure the enforcement of the decision accordingly.
4. The owner or legal representative of any factory who challenges the appropriateness of the decision issued pursuant to sub-article (3) of this Article may, within 30 days from receipt of the decision, submit a written complaint to the competent environmental organ.

5. Within 30 working days from the date of receipt of any challenge submitted to it in accordance with sub-article (4) of this Article, the competent environmental organ shall amend, cancel or uphold its decision.

8. *Emergency Responses system*
   1. Any factory subject to the provisions of this Regulation shall prepare and implement an emergency response system.
   2. The emergency response system prepared pursuant to sub-article (1) of this Article shall be notified to the competent environmental organ by the factory.

9. *Monitoring of Environmental Safety*
   1. A factory subject to the provisions of these Regulation shall, with a view to ensuring its compliance with this Regulation, prepare and implement its own internal environmental monitoring system.
   2. The competent environmental organ may, if it deems it necessary, apply the provisions of sub-article (1) of this Article even if the industrial sector of the factory is not listed in a directive issued pursuant to Article 3 of this Regulation.

10. *Public complaints*
    1. The competent environmental organ shall prepare a mechanism to respond to any person who complains concerning pollution without requiring him to prove vested interest.
    2. The competent environmental organ to which a complaint on pollution has been submitted shall investigate the case and take measures and notify to the complainant within 90 days.
    3. Any person dissatisfied by the measure taken in accordance with sub-article (2) of this Article may submit a complain notice to the head of the competent environmental organ in writing within 30 days of the issuance of the decision. The head of the competent environmental organ shall issue his decision within 30 days following the receipt of the complain notice.

11. *Information on Pollution Management*
    1. Any factory subject to this Regulation shall keep written information describing the equipment and input it has used, the product it has produced, the pollutant it has generated, and the disposal mechanisms it has used to dispose of the pollutant and other related matters.
    2. Every factory shall submit to the competent environmental organ an annual report describing how it is complying with the provisions of this Regulation.
3. The Authority shall issue a report on the amount, source, movement and disposal of pollutants in Ethiopia at least every five years.

12. Existing Factories

1. An existing factory that is in an industrial sector listed in a directive issued pursuant to this Regulation shall, within a maximum of 5 years, fully comply with the provisions of this Regulation.

2. Every existing factory that is in industrial sector subject to this Regulation shall, with a view to complying with this Regulation, undertake environmental audit, and prepare and implement an environmental management plan.

3. The competent environmental organ shall, if it is not possible to avoid the adverse impacts likely to emanate from the operation of the factory within the time limit specified in sub-article (1) of this Article take any measure it deems appropriate to avoid the adverse impacts. The decision may include either the relocation or closure of the factory.

13. Responsibility

1. It shall be the responsibility of the Authority to enforce this Regulation with respect to a factory licensed by the Federal Government.

2. It shall be the responsibility of the regional competent environmental organ to enforce this Regulation with respect to a factory licensed by a regional government.

14. Penalties

The provisions of the Criminal Code on environmental pollution shall apply for the enforcement of this Regulation.

15. Effective Date

This Regulation shall come into force up on the date of publication in the Federal Negarit Gazeta.

Done at Addis Ababa this 7th Day of January, 2009.

MELES ZENAWI

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.2.3. COUNCIL OF MINISTERS REGULATION NO. 207/2011

COUNCIL OF MINISTERS REGULATION TO PROVIDE THE CODE OF PRACTICE OF THE FLORICULTURE SECTOR

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BRIEF DESCRIPTION

The Floriculture Sector Code of Practice Regulation is issued to implement the Environmental Pollution Control Proclamation. The Regulation applies on a farm engaged in the production of cut flowers, other ornamental plants or flower seedlings. Its objective is to improve the performance and market competitiveness of farms through the realization of environmental and social sustainability requirements. Bronze, silver and gold levels of excellence are set forth by the Regulation as the three kinds of social and environmental compliance. The Ministry of Environment, Forest and Climate Change may designate inspectors to ensure compliance of persons with the Regulation.

Code of Practice of the Floriculture Sector Council of Ministers Regulation No. 207/2011

WHEREAS, the implementation of good agricultural practices in the floriculture sector is necessary to avoid undesirable environmental and social impacts;

WHEREAS, it is necessary to define and regulate the essential elements of environmentally sustainable and socially acceptable agricultural practices to enhance the sustainability of the floriculture industry;

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WHEREAS, the need to enhance the reputation of the Ethiopian floriculture industry calls for the issuance of a certification system that determines the level of compliance with the requirements of environmental and social responsibility;

NOW, THEREFORE, this Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010 and Article 20 of the Environmental Pollution Control Proclamation No. 300/2002.

PART ONE
GENERAL

1. Short Title
   This Regulation may be cited as “Code of Practice of the Floriculture Sector Council of Ministers Regulation No. 207/2011”.

2. Definition
   In this Regulation unless the context otherwise requires:
   1. “Authority” means the Environmental Protection Authority established pursuant to Proclamation No. 295/2002;
   2. “certificate” means a document granted by the Authority attesting the level of social and environmental compliance of a farm with the provisions of this Regulation and consists of a Bronze, a Silver or a Gold level of excellence.
   3. “farm” means a company engaged in the production of cut flowers, ornamental plants or flower seedling.
   4. “person” means any natural or juridical person.
   5. any expression in the masculine gender includes the feminine.

3. Objective
   The objective of this Regulation is to realize environmental and social sustainability and to improve the performance and market competitiveness of farms.

4. Scope of Application
   1. Any farm that has not obtained a certificate regarding its compliance with environmental and social responsibilities under this Regulation shall not engage in farming.
   2. This Regulation shall apply on a farm engaged in the production of cut flowers, including other ornamental plants or flower seedlings.

PART TWO
COMPLIANCE LEVELS OF SOCIAL AND ENVIRONMENTAL RESPONSIBILITY

5. Bronze Level
   Farms intending to obtain a certification of social and environmental compliance at a Bronze Level, which is the minimum standard for allowing production to continue under this Regulation, shall:
1. use neither banned nor un-registered agro-chemicals;
2. put in place environmentally sound waste management practices;
3. assess risks related to environment and occupational safety;
4. ensure safe agrochemical storage and use;
5. ensure the provision of medical services at the farm or in cooperation with local service providers as well as maintain good occupational health;
6. ensure good labour conditions, including the right of workers to organize, engage in collective bargaining and other work-related rights;
7. ensure that personnel working on pest control activities are trained on the safe handling of agrochemicals and the use of appropriate protective devices and washing facilities;
8. put in place its own system of monitoring in order to ensure its compliance with environmental, social and health requirements;
9. measure, evaluate and report on its performance relating to its consumption of water, use of agrochemicals, management of waste and consumption of energy;
10. put in place and ensure the implementation of accident and emergency procedures,
11. undertake the required remedial action indicated by the monitoring and evaluation report provided for under sub-Articles 3, 8, 9 and 10 of this Article;
12. provide training to its employees on environmental and social sustainability issues;
13. fulfill any additional environmental, social and health requirements issued by the appropriate government agencies.

6. **Silver Level**

1. Farms wishing to achieve compliance at the Silver Level are required to demonstrate compliance with all the requirements at the Bronze Level at the time of auditing for the Silver Level.

2. Compliance with the Silver Level ensure that the social and environmental management plan of the farm complies with the following requirements in addition to those specified for the Bronze Level:
   a) meet good agricultural practices required by the prevailing international market;
   b) put in place an acceptable auditing system that allows periodic evaluation of its social and environmental management practices;
   c) comply with good practices that ensure efficiency of water use;
   d) comply with good practices on post harvest practices and accepted pesticide residue levels;
   e) put in place a complaint and response procedure including for visitors and other stakeholders.
7. **Gold Level**

1. Farms wishing to achieve compliance at the Gold Level are required to demonstrate compliance with all the requirements of the Silver Level at the time of auditing for the Gold Level.

2. Compliance with the Gold Level ensures that the social and environmental management plan of the farm complies with the following requirements in addition to those specified for the Silver Level:
   a) support urban or rural local communities through financing demand driven skill enhancement programmes;
   b) finance community, school environment clubs and other initiatives that are designed to prevent soil erosion, to enhance vegetation cover and carrying capacity of lakes and wetlands, to conserve biodiversity and to improve the quality of rivers, groundwater and air.

**PART THREE**

**Designation of Validators**

8. **Application to Obtain the Status of a Validator**

Any firm that intends to be a validator shall provide documents substantiating the following to enable the Authority to issue it with a certificate upon assessing its competence:

1. have the required employees that have the necessary competence to perform the tasks required under this Regulation;

2. prepare internal procedures for carrying out its functions;

3. demonstrate that it has no conflict of interest with the activities for which it has been selected to carry out;

4. express its consent to provide any service without exceeding the cap on the service fee that shall be determined by the Authority in consultation with the concerned entities.

9. **Functions of a Validator**

A validator that has been registered by the Authority pursuant to this Regulation is entitled to perform the following functions:

a) examine and validate the environmental sustainability and social acceptability of the activities described in the documents submitted for certification;

b) examine the social and environmental management plan and validate the level of social and environmental compliance proposed by the applicant;

c) verify the capacity of an applicant to implement activities specified in the social and environmental management plan;

d) propose to the Authority the level of social and environmental compliance that should be awarded to the applicant;
e) submit an annual performance report to the Authority.

2. The validator shall maintain records and documents pertaining to the implementation of this Regulation for a minimum of two years.

PART FOUR
Certification of Farms

10. Application for Certification

1. Any farm is entitled to obtain a certificate if it is in compliance with the relevant requirements under this Regulation.

2. A farm that applies for any certificate under this Regulation shall fill in an application form prepared by the Authority and submit it to the Authority together with its social and environmental management plan prepared by qualified experts as well as its financial audit report verified by a recognized independent auditor.

3. A farm shall submit a new application to the Authority for the determination of its level of social and environmental compliance when it changes its location or processing facility or if it intends to modify the level of compliance previously awarded.

4. Any cost incurred in association with certification under this Regulation shall be borne by the applicant.

11. Decision to Grant Certification

1. The Authority shall, upon receipt of an application for certification pursuant to Article 10 of this Regulation, assign a validator to commence document review, undertake on-site inspection and product testing as appropriate.

2. The Authority shall grant a certificate if the farm is in compliance with the requirements of this Regulation.

3. When a farm is granted a certificate, the Authority shall write a letter that specifies its level of social and environmental compliance.

4. The evidence of certification, under sub-Article 3 of this Article, shall state the name and address of the farm, the name and address of the contact person of the farm and the validity date of the certificate.

5. The Authority shall reject an application when it is convinced that the farm does not comply with the requirements of the certification.

6. A farm whose certification is withdrawn by the Authority shall not be allowed to make applications for certification within six months following the date of rejection under sub-Article 5 of this Article.

12. Modification of a Certificate

1. Any farm shall inform the Authority when it changes its or the name of its principal manager or when it reduces or expands the scope of a certified farm or product item or when it modifies or changes the approved social and environmental management plan.
2. The Authority shall issue a replacement certificate with the same period of validity as the original certificate if it determines that the proposed changes would not reduce the quality of implementation of the terms and conditions set under the certificate issued to it previously.

13. **Period of Validity of the Certificate**
   1. A certificate attesting to the level of social and environmental compliance of a farm shall have a two-year period of validity.
   2. A farm holding a certificate shall submit a renewal application before three months from the date of expiry of the certificate.
   3. Every two years, farms shall be reevaluated by validators and rated by the Authority to re-verify their state of social and environmental compliance.
   4. A certificate shall be renewed after the renewal applications under sub-Article 2 of this Article have been re-assessed and approved.

14. **Obligations of Certified Farms**
   1. Farms shall undertake their internal audits on the basis of environmental and social requirements set under these Regulations and under other pertinent laws.
   2. Each farm shall conduct a full internal audit at the initial stage of validation and every two years thereafter.

15. **Role of the Authority**
   1. The Authority shall, within five working days, issue the appropriate social and environmental compliance level and certify farms based on reports submitted by the validator.
   2. Notwithstanding the provisions of sub-Article 1 of this Article, the Authority may take on-site inspections before issuing a certificate of social and environmental compliance level to the farm.
   3. The Authority shall inform the Ethiopian Horticulture Development Agency established by Council of Ministers Regulations No 152/2008 to take appropriate actions on farms that fall below the Bronze Level Certification.
   4. The Authority shall issue a certificate of competence to firms that wish to engage in rendering validation services under these Regulations.
   5. The Authority shall notify any farm that asks for environmental, social and health requirements that must be fulfilled.
   6. The Authority shall keep a roster of validators that qualify for the provision of services under these Regulations.
   7. The Authority, in consultation with the Ministry of Labour and Social Affairs, Ethiopian Horticulture Development Agency and other relevant government agencies, shall take all the necessary actions to ensure implementation and effectiveness of these Regulations.
16. **Inspectors**

1. The Authority may designate inspectors to ensure compliance with these Regulations.

2. Every inspector designated pursuant to sub-article 1 of this Article shall be given an identity card signed by the head of the Authority stating that he or she has been appointed as inspector.

3. The inspector shall exercise due diligence and impartiality in the discharge of his powers and duties.

4. The inspector may, without obtaining a court order:
   a) enter any place or facility in which he/she has reason to believe that a contravention of any provision of these Regulations is taking place,
   b) inspect and order that corrective measures are taken as appropriate,
   c) request to obtain information from any person in charge of the farm,
   d) seize appliances, records, statements or other documents which may provide proof of contravention of any provision of these Regulations,
   e) take free of charge samples of any material or substance as required and carry out or cause to be carried out tests as appropriate.

**PART SIX
MISCELLANEOUS PROVISIONS**

17. **Documentation**

1. Farms shall document all relevant reports on their state of compliance with environmental, social and health requirements; and shall provide an annual report based on the format prepared by the Authority.

2. Farms shall place documents referred to under sub-Article 1 of this Article at their respective sites for at least 5 years and make them available to inspectors.

3. Failure to provide documents or attempts to obstruct the undertakings of inspectors designated under these Regulations shall entail civil and criminal liability under the appropriate laws.

18. **Power to Issue Directives**

The Environmental Council established by Proclamation No. 295/2002 may issue directives for the implementation of these Regulations.

19. **Effective Date**

This Regulation shall enter into force on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa this 7th day of June 2011

MELES ZENAWI

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.2.4. PROCLAMATION NO. 513/2007

SOLD WASTE MANAGEMENT PROCLAMATION

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BRIEF DESCRIPTION

This Law governs the management of solid wastes. Its objective is to enhance at all levels capacities to prevent the possible adverse impacts while creating economically and socially beneficial assets out of solid waste. The Law requires urban administrations to, among other things, promote investment on the provision of solid waste management services and to ensure the participation of the lowest administrative levels and their respective local communities in designing and implementing solid waste management plans. It also makes provisions for the movement of solid waste from one Regional State or urban administration to another Regional State or urban administration. It further incorporates provisions on transportation as well as construction of solid waste disposal sites and the undertaking of an environmental audit of the sites. The Solid Waste Management Proclamation also contains provisions on civil liability.

Solid Waste Management Proclamation No. 513/2007

WHEREAS, it is essential to promote community participation in order to prevent the adverse effects and to enhance the benefits resulting from solid wastes;

WHEREAS, solid waste management action plans designed by, and implemented at, the lowest administrative units of urban administrations can ensure community participation;
NOW, THEREFORE, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

PART ONE
GENERAL

1. Short Title
This Proclamation may be cited as “Solid Waste Management Proclamation No. 513/2007.”

2. Definition
In this Proclamation:
1) “Environmental Protection Agency” means the Authority or the environmental protection organ of a Regional State;
2) “Authority” means the Environmental Protection Authority established pursuant to Proclamation No. 295/2002;
3) “Litter” means anything that may or may not have any value, including glass, metal, cigarette butts, paper fabric, food, garden remnants or other materials that in any way spoil the aesthetics of the place or make it unhygienic;
4) “person” means any natural or juridical person;
5) “State” means regions states enumerated under Article 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia; for the application of this proclamation State includes Addis Ababa and Diredawa Administrations;
6) “Solid Waste” means anything that is neither liquid nor gas and is discarded as unwanted;
7) “Solid Waste Management” means the collection, transportation, storage, recycling or disposal of solid waste, or the subsequent use of a disposal site that is no longer operational.

3. Objective of the Proclamation
The objective of this Proclamation is to enhance at all levels capacities to prevent the possible adverse impacts while creating economically and socially beneficial assets out of solid waste.

PART TWO
SOLID WASTE MANAGEMENT

4. General Obligations of Urban Administrations
1) Urban administrations shall create enabling conditions to promote investment on the provision of solid waste management services.
2) Any person shall obtain a permit from the concerned body of an urban administration prior to his engagement in the collection, transportation, use or disposal of solid waste.

5. **Solid Waste Management Planning**

1) Urban Administrations shall ensure the participation of the lowest administrative levels and their respective local communities in designing and implementing their respective solid waste management plans.

2) Each Region or urban administration shall set its own schedule and, based on that, prepare its solid waste management plan and report of implementation.

3) The plan and report referred to under Sub-Article (2) of this Article shall be consolidated based on the solid waste management plans and implementation reports of the lowest administrative units.

4) Urban administrations may transfer the following responsibilities to their lowest administrative units:
   a) the formulation and implementation of action plans on solid waste management;
   b) ensuring the installation of marked waste bins by streets and in other public places;
   c) ensuring the collection of solid wastes from waste bins with sufficient frequency to prevent overflow;
   d) planning and carrying out public awareness raising activities;
   e) ensuring that measures are taken to prevent pollution arising from the mishandling of solid wastes.

6. **Inter-Regional Movement of Solid Wastes**

1) Each Regional State shall keep the shipment of solid waste to other regions for final disposal at the minimum possible.

2) Regional States may require any transit of solid waste through their region to be packaged and transported in conformity with the directives and standards issued by the concerned environmental agency.

3) Solid waste may be transported from one Regional State or urban administration to another Regional State or urban administration only if the recipient Regional State or urban administration has notified the sender in writing of its capacity to recycle or dispose of it in an environmentally sound manner.

**PART THREE**

7. **Glass Containers and Tin Cans**

1) The manufacturer or importer of glass containers or tin cans shall develop and implement a system that enables it, on its own or through other persons, to collect and recycle used glass containers or tin cans.
2) For the implementation of Sub-Article (1) of this Article urban administrations shall ensure that pre-collection sites are designated to collect used glass containers and tin cans, and emptied periodically.

8. Plastic Bags

1) As of the date fixed under a directive to be issued by the Authority, it shall be unlawful to put on the market any plastic bag that is not labeled to how whether it is biodegradable or not.

2) It is prohibited to grant permit for the manufacture or importation of any non-biodegradable plastic bags with a wall thickness of 0.03 millimeters and less than 0.03 millimeters.

3) Without prejudice to Sub-Article (2) of this Article, the Authority shall, through the issuance of a directive, determine the conditions under which plastic bags with wall thickness of 0.03 millimeters and less than 0.03 millimeters may be imported or manufactured locally for specified purposes.

9. Used Tires

1) The importation of used tires into Ethiopian territory for the purpose of disposal is prohibited.

2) The importation of used tires for environmentally acceptable use shall be determined by directives issued by the Authority.

10. Food Related Solid Wastes

1) Food industries and restaurants shall collect, store and dispose of the food related solid wastes they generate in an environmentally sound manner.

2) Restaurants shall design and implement solid waste management systems in accordance with directives issued by the concerned environmental agency.

3) Existing restaurants shall undertake environmental audit and prepare and implement solid waste management plans.

11. Management of Household Solid Wastes

1) The head of each household shall ensure that recyclable solid wastes are segregated from those that are destined for final disposal and are taken to the collection site designated for such wastes.

2) Urban administrations shall, in the residential areas designated pursuant to Sub-Article (4) of this Article, ensure that adequate household solid waste collection facilities are in place.

3) It is prohibited to dispose of litter on streets, waterways, parks, bus stops, train stations, sport fields, water bodies in urban areas or in other public places while litter bins are available.

4) Each urban administration shall delineate residential areas wherein the provisions of this Article shall have compulsory application.
12. Construction Debris and Demolition Wastes

1) Urban administrations may themselves undertake or enter into agreements with construction enterprises to refill solid waste disposal sites or quarry pits with pebbles or gravel from demolished buildings or with excavated earth.

2) Construction permits shall be issued only when the building contractor deposits a legally valid bond or any other instrument to ensure the environmentally sound disposal of construction debris or excavated earth.

3) Urban administrations shall, before the commencement of any construction of residential houses, ensure the availability of adequate facility for an environmentally sound solid waste management.

PART FOUR

13. Transportation of Solid Waste

1) Without prejudice to the mandate of the appropriate agency to register, undertake annual registration and technical inspection of motor vehicles as well as to issue a driving license, the conformity of any vehicle or equipment with the specification set by the concerned environmental agency shall be ascertained by the relevant urban administration prior to its use for solid waste management.

2) Each urban administration shall, without prejudice to the weight and size of vehicles determined under the relevant law, set standards to determine the skills of drivers and equipment operators and to prevent overloads of solid wastes.

14. Construction of Solid Waste Disposal Sites

1) Each urban administration shall, in conformity with the relevant federal environmental standard, ensure that solid waste disposal sites are constructed and properly used.

2) Urban administrations shall ensure that a solid waste disposal site that was under construction or was constructed prior to the coming into force of this Proclamation is subjected to environmental auditing as per the relevant law.

3) Urban administrations shall ensure that any new solid waste disposal site being constructed or an existing solid waste disposal site undergoing any modification has had an environmental impact assessment according to the relevant law.

15. Auditing Existing Solid Waste Disposal Sites

1) Each urban administration is responsible for ensuring that an environmental audit is carried out on every existing solid waste disposal site.

2) The owner of any solid waste disposal site shall make the necessary modifications if the environmental audit made under Sub-Article (1) of this Article shows that its continued operation poses a risk to public health or the environment.

3) The Authority may prescribe environmental criteria to determine the alternative use of a solid waste disposal site that has ceased operation or is abandoned.
PART FIVE
MISCELLANEOUS PROVISIONS

16. Civil Liability

1) The owner of any solid waste disposal site shall, regardless of fault, be liable for any damage caused to the environment, human health or property in the course of its operation and after its closure.

2) Without prejudice to Sub-Article (1) of this Article, exemption from liability shall be granted only when verified that it is the victim himself or a third party for whom the owner of the solid waste disposal site is not responsible that has caused the damage.

3) Any claim for damage under Sub-Article (1) of this Article shall be barred by a period of limitation unless brought within two years from the date on which the occurrence of the damage was known.

17. Penalty

1) Without obtaining authorization, a person who implements a solid waste management project that requires special permit before its implementation as determined in a directive issued by the relevant environmental agency commits an offence and shall be liable according to the relevant provision of the Criminal Code.

2) The granting of authorization pursuant to the above Sub-Article does not exonerate the proponent from liability that emanates due to contravention of the requirements specified under the relevant environmental standard.

3) Any manufacturer, importer or seller who violates the provision of this Proclamation commits an offence and shall be liable according to the relevant provisions of the Criminal Code.

4) Without prejudice to the provisions of Sub-Articles (2) and (3) of this Article, each urban administration may prescribe and enforce fines to be imposed on a person failing to comply with the requirements of this Proclamation relating to solid waste management.

18. Power to Issue Regulations and Directives

1) The Council of Ministers may issue regulations necessary for the proper implementation of this Proclamation.

2) The Authority may issue directives for the proper implementation of this Proclamation and regulations issued under Sub-Article (1) of this Article.

19. Effective Date

This Proclamation shall come in to force up on Publication in the Federal Negarit Gazeta.

Done at Addis Ababa, this 12th day of February, 2007.

GIRMA WOLDEGIORGIS
PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

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3.2.5. PROCLAMATION NO. 571/2008

RADIATION PROTECTION PROCLAMATION

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BRIEF DESCRIPTION

The Radiation Protection Proclamation repeals the Radiation Protection Proclamation No. 79/1993. Except for radiation and radiation sources found in nature with no human interventions and those radiation sources and practices exempted from regulatory control, the Law applies to radiation sources, accessories of radiation devices and related practices. It re-establishes the Ethiopian Radiation Protection Authority, which is accountable to the Ministry of Science and Technology. The objective of the Authority is to protect people, property and the environment from radiation hazards emitted from radiation sources and related practices, as well as to undertake research on activities pertaining to radiation practice. The Proclamation incorporates provisions relating to notification and authorization to be made to the Authority. Along with a list of powers set forth therein, radiation protection officers are to ensure compliance with the provisions of the Proclamation and other laws relating to radiation protection.
Radiation Protection Proclamation No. 571/2008

WHEREAS, the need for using radiation and radioisotopes in the nations socioeconomic development is increasing from time to time with the entailing risks of damage to health, property and the environment, unless proper and effective protection schemes are introduced with respect to such use;

WHEREAS, it is essential to establish an Authority that regulates radiation sources and related practices in order to protect individuals, society and environment in current and future generation against the harmful effects of radiation, while such sources and related practices are used for the benefit of the public;

WHEREAS, it is essential to strengthen radiation protection activities by defining the legal responsibilities of persons, who are in charge of radiation safety and security of radiation sources, and by providing appropriate sanctions against persons who cause radiation exposure in excess of the acceptable level;

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

PART ONE
GENERAL

1. Short Title
This Proclamation may be cited as the “Radiation Protection Proclamation No. 571/2008”.

2. Definitions
In this Proclamation, unless the context otherwise requires:
1/ “Radiation” means gamma rays, X-rays, corpuscular, ultraviolet, visible, infrared, microwave or radio radiation;

2/ “Radiation source” means any material or device that may cause radiation exposure by emitting radiation;

3/ “Sealed source” means radioactive material that is permanently sealed in a capsule or closely bonded and in a solid form, excluding reactor fuel elements which is not exempted from regulatory control;

4/ “Atomic energy” means any type of energy emitted from radio-isotopes, nuclear reactions, nuclear reactors, X-ray equipment or other technical apparatus emitting ionizing radiation;

5/ “Exposure” means exposure to radiation from sources either external to the body within the body;

6/ “Dose limit” means the value of effective dose or equivalent dose to individuals from controlled practices that shall not be exceeded;

7/ “Practice” means any human activity that introduces additional sources of exposure or exposure pathways or extends exposure to additional people or modifies the network of exposure pathways from existing sources, so as to increase the exposure or the likelihood of exposure of people or the number of people exposed;
“Radiation hazard” means any injury or bodily or mental deficiency or abnormality due to radiation exposure or contamination of the environment or property with radioactive materials;

“Radiation protection” means the task of protecting radiation workers and the public from unnecessary exposure by the accurate measurement of radiation and the design and use of methods to reduce radiation;

“Radiation Worker” means any worker potentially exposed to radiation as a result of his occupation;

“Radiation work” means work involving the use of radioactive materials, X-ray equipment or other devices capable of emitting radiation;

“Exemption” means a determination by the Authority that a source or practice need not be subject to some or all aspects of regulatory control on the basis that the exposure due to the source or practice is small to warrant the application of those aspects;

“Exclusion” means any exposure whose magnitude or likelihood is essentially unable to be controlled through the regulatory requirements or standards;

“Radioactive material” means any material emitting ionizing radiation above the exemption level;

“Notification” means a document submitted to the Authority by a person to notify an intention to carry out a practice or any other action described in the Article 16(1) and 16(2) of this Proclamation;

“Registration” means a form of authorization granted by the Authority for practices of low or moderate risks and accompanied by conditions and limitations as appropriate;

“License” means an authorization granted by the Authority on the basis of a safety assessment and accompanied by specific requirements and conditions to be complied with by the license;

“Person” means a natural or juridical person.

“Radiation Safety Officer” means a person who is a worker of the Authority and in connection to radiation protection has technical knowledge and the proper certificate.

3. **Scope of Application**

1/ This Proclamation shall be applicable to radiation sources, accessories of radiation devices and related practices.

2/ The provisions of Sub-Article (1) of this Article shall not extend to:
   a) radiations and radiation sources found in nature without any human interventions; and
   b) radiation sources and practices which are exempted from regulatory control.
PART TWO
THE ETHIOPIAN RADIATION PROTECTION AUTHORITY

4. Establishment
   1/ It is hereby re-established the Ethiopian Radiation Protection Authority (hereinafter referred to as “the Authority”) as an autonomous federal agency having its own legal personality.
   2/ The Authority shall be accountable to the Ethiopian Science and Technology Agency.

5. Head Office
   The Authority shall have its head office in Addis Ababa and may establish branch offices in other regions of the country as appropriate.

6. Objectives of the Authority
   The objectives of the Authority shall be to:
   1/ protect individuals, the society, its property and the environment, in current and future generations, from radiation hazards emitted from radiation sources and related practices including X-ray machines above the exempted level; and
   2/ carryout or promote study and research on issues that could support radiation protection activities.

7. Powers and Duties of the Authority
   The Authority shall have powers and duties to:
   1/ Issue, renew, suspend and revoke licenses to perform any of the activities listed in Article16/1/ and 16/2/ of this Proclamation and impose any necessary conditions on a license so granted;
   2/ Formulate, as necessary, radiation protection policies and draft laws and submit to the Government for approval;
   3/ Issue directives for the implementation of polices and laws concerning radiation protection and follow up their implementation;
   4/ Establish a system for coordinating public and private activities with a view to ensuring radiation safety and security of radiation sources;
   5/ Render radiation protection services;
   6/ Carryout inspection and take appropriate measures to ensure compliance with radiation protection laws and directives;
   7/ Carryout or promote study and research on issues that could support radiation protection activities and take measures or advise on measures to be taken based on the findings thereof;
   8/ Advise the Government on matters related to atomic energy and radiation;
9/ Organise and promote the dissemination of information on radiation protection and related matters through training courses, seminars, pamphlets and the like;

10/ In collaboration with other concerned bodies, formulate emergency plans and set up emergency squads for accidents involving radiation and take measures or advise on measures to be taken as needed;

11/ Ensure the implementation of treaties applicable to the sector and to which Ethiopia is a party, and cooperate with local, foreign and international organizations having similar objectives;

12/ Issue directives to define dose limit, exemption, clearance and exclusion levels as well as relevant accessory equipments subject to regulatory control;

13/ Establish a system of national register of radiation sources and practices;

14/ Issue certificates of competence to those who intend to provide radiation protection related services, supervise their activities, and if necessary suspend and revoke a certificate it issued; and inform, on time, the suspension or revocation of a certificate to the concerned bodies;

15/ Own property, enter into contracts, sue and be sued in its own name;

16/ Carryout such other activities as necessary for attaining its objectives.

8. **Organization of the Authority**
   The Authority shall have:
   1/ The Ethiopian Radiation Protection Board (hereinafter referred to as the “Board”);
   2/ A Director General to be appointed by the Government; and
   3/ The necessary staff.

9. **Organization of the Board**
   The board shall be organized by the government including a senior scientist as deemed necessary.

10. **Powers and Duties of the Board**
    The Board shall have the powers and duties to:
    1/ approve, upon submission by the Director General, directives, fees and conditions prescribed for radiation protection activities and amendments thereto;
    2/ review reports and approve the plans, work programmes, budget and internal regulations of the Authority;
    3/ receive and decide on appeals by concerned bodies against decisions by the Director General;
    4/ select and appoint technical advisers and obtain relevant professional assistance on appeal cases submitted to it;
    5/ recommend a senior scientist for board membership upon request by the government;
6/ provide advices as appropriate on draft laws to be submitted to the Government as per Article 7(2) of this Proclamation.

11. **Meetings of the Board**
   
   1/ The Board shall meet at least once in every six months; provided, however, that it may convene at any time when called by the Chairperson.
   
   2/ There shall be a quorum where a simple majority of the members of the Board are present.
   
   3/ Decisions of the Board shall be passed by majority votes; and in case of a tie, the chairperson shall have a casting vote.
   
   4/ The Board may determine its own rules of procedures.

12. **Powers and Duties of the Director General**

   1/ The Director General shall be the chief executive officer of the Authority, and subject to the general directives of the Board, shall be responsible for its proper administration and operation.

   2/ Without prejudice to Sub-Article (1) of this Article, the Director General shall:
      
      a) exercise the powers and duties of the Authority specified under Article 7 of this Proclamation;
      
      b) employ, administer or terminate the employment of employees of the Authority in accordance with directives approved by the Government following the basic principles of the federal civil service laws;
      
      c) submit reports, plans, work programs, budgets, organizational structure and internal regulations of the Authority to the Board;
      
      d) effect expenditure in accordance with the approved budget and work programme of the Authority;
      
      e) represent the Authority in all its dealings with third parties;
      
      f) notify the concerned body forthwith in cases of radiation accidents and emergencies beyond the means of the Authority.

   3/ The Director General may delegate part of his powers and duties to the officers and other employees of the Authority to the extent necessary for the efficient execution of its activities; provided, however, that a delegation given to act on behalf of the Director General for a period of more than 30 days, shall be subject to the prior approval of the Director General of the Ethiopian Science and Technology Agency.

13. **Radiation Protection Officers**

   1/ The Authority shall have radiation protection officers to ensure compliance with the provisions of this Proclamation and other laws relating to radiation protection.

   2/ Without Prejudice to Sub-Article (1) of this Article, a radiation protection officer shall have the powers to:
a) enter, inspect and examine any business premises, vehicle, boat, aircraft or any carriage, at any time, where he has reasonable cause to believe that any source of radiation above the exempted level is held, stored, used, transported or disposed of without the authorization of the Authority, and to seize the source of radiation found in such process;

b) require the production of any license authorizing the use of radioactive material or sources of radiation and any registry, notice or document kept in pursuance of radiation protection legislation and directives, and to inspect, examine or take a copy thereof;

c) make such enquiries and take sample for examination as may be necessary to ascertain whether the provisions of radiation protection legislations and directives have been complied with and in case of non-compliance, to seal the radiation sources of any institution or the room in which such sources are located;

d) examine, either alone or in the presence of any other person as he thinks fit, any person with respect to matters under radiation protection legislations and directives or to require such person to be examined provided that no person shall be compelled to answer any question or give any evidence tending to incriminate himself;

e) require the conducting of such medical examinations as may be necessary in the discharge of his duties.

3/ Every radiation protection officer shall be provided with a certificate of authorization signed by the Director General of the Authority and shall produce the certificate where exercising his power under Sub-Article (2) of this Article.

14. The Budget of the Authority
The Authority shall run its activities by a budget allocated by the Government.

15. Books of Accounts
1/ The Authority shall keep complete and accurate books of accounts.

2/ The books of accounts and financial documents of the Authority shall be audited annually by the Auditor General or by auditors assigned by him.

PART THREE

NOTIFICATION AND AUTHORIZATION

16. General
1/ No practice shall be adopted, introduced, conducted, discontinued or ceased except in accordance with the requirements established by the Authority unless the exposure to such practice is excluded or the practice is exempted from the requirements, including the requirements of notification and authorization

2/ No radioactive material shall, as applicable, be mined, manufactured constructed, assembled, acquired, transited, imported, exported, distributed, sold, loaned, hired,
used, commissioned, maintained, repaired, disassembled, transported, stored or disposed of except in accordance with the requirement established by the Authority unless the exposure to such source is excluded or the source is exempted from the requirements including the requirements of notification and authorization.

3/ General notification and authorization obligations applicable to non-ionizing radiation sources and related practices as well as detail regulatory control mechanisms of the same shall be determined by regulations and directives issued hereunder.

17. Notification

1/ Any person intending to engage in any of the activities described under Article 16(1) and 16(2) of this Proclamation or to manufacture store, import or distribute radiation related consumer products shall submit a written notification to the Authority.

2/ Practices and radiation sources requiring only notification shall be determined by the Authority.

18. Authorization

1/ Unless the practice or the radiation source is exempted or requires only notification as per directives issued by the Authority, any person who engages in a practice or is in possession of radiation sources prescribed under Article 16(1) and 16(2) of this Proclamation shall apply to the Authority for authorization.

2/ No practice shall be authorized unless it produces sufficient benefit to the exposed individual or the society to offset the radiation harm it might cause. The applicant for an authorization shall provide sufficient information and evidence on the benefit and harm to support the justification of the practice.

3/ Any person who applies for a license shall:
   a) submit, together with any required documents, an application completed on the prescribed form and pay the appropriate license fee;
   b) refrain from carrying out any of the activities described in article 16(1) and 16(2) of this Proclamation until authorization has been granted;
   c) make safety assessment on the likelihood and magnitude of exposure attributed to the source depending on the nature of the practice, and submit the report to the Authority as part of the application and take all necessary steps for radiation protection and safety.

19. Issuance and Content of License

1/ A license shall be granted to a person that meets the practice specific requirements specified in this Proclamation and regulations and directives issued pursuant to this Proclamation.

2/ A license may contain any condition as the Authority deems necessary for the purpose of radiation protection.
20. **Renewal of the Reapplication for License**

1/ An application for renewal of a license shall be submitted to the Authority in accordance with the time limit and conditions prescribed by regulations issued pursuant to this Proclamation.

2/ A license may be renewed with or without variations in its content.

3/ Reapplication for a license shall be required in cases of:
   a) use of different devices or maintenance thereof or change or modification of premises that could cause change in the radiation exposure;
   b) use of different or modified radioactive materials.

21. **Amendment, Suspension and Revocation of License**

1/ A license issued under the repealed or this Proclamation may, at any time, be amended, suspended or revoked by the Authority upon providing a written notification to the license:
   a) where, in the opinion of the Authority, it is necessary for the safety of the society; or
   b) where the conditions prescribed for radiation protection are not complied with.

2/ Any person whose license is suspended or revoked pursuant to Sub-Article (1) of this Article shall take all necessary measures prescribed by the Authority to prevent the occurrence of any radiation hazard.

22. **Duties and Responsibilities of Licensees and other Concerned Parties**

1/ Any licensee shall:
   a) be primarily responsible for the security of radiation source and the facility in which the source is used for different practices and for the fulfillment of the requirements prescribed by this Proclamation and regulations and directives issued pursuant to this Proclamation while performing any activity related to the authorized radiation source;
   b) be responsible for ensuring that exposure for radiation resulting directly or indirectly from the authorized activity shall be kept as low as reasonably achievable below the prescribed limits;
   c) appoint a qualified and experienced person in radiation health and safety measures as radiation safety officer.

2/ The licensee and the radiation safety officer shall ensure that radiation workers:
   a) are supplied with monitoring device commensurate with the level of the potential risk expected from the authorized source or practice and other accessories necessary to carry out radiation work with the lowest reasonably achievable risk;
   b) are given proper instructions on radiation safety measures and as appropriate receive medical check up every six months.
The licensee, the radiation safety officer or any person involved in radiation work, shall notify the Authority any loss, theft or diversion for unauthorized use of the radiation source, any over exposure to radiation or the occurrence of any accident immediately or not later than 24 hours after such an occurrence has come to his knowledge, and fully comply with any emergency measures as may be prescribed by the Authority.

The owner of any radiation source, his agent or employee shall furnish the means required by a radiation protection officer of the Authority as may be necessary for entry, inspection, examination, enquiry, the taking of samples or otherwise for the exercise of his duties under this Proclamation and regulations and directives issued pursuant to this Proclamation.

Where an individual licensee dies, the person responsible for the estate shall promptly notify the Authority of the death of the licensee and shall ensure the compliance of radiation protection and safety requirements as well as the security of the radiation source.

23. Rights of Licensees and other Concerned Parties
   1/ An appeal against a decision made by the Authority pursuant to this Proclamation may be submitted to the Board within 30 days from the date of notification of the decision. Decisions of the Board on such appeals shall be final.
   2/ In the case of the death of a licensee, the authorization shall remain valid for three months after the death in so far as it confers the right to possess the authorized radiation source as the estate of the deceased.

24. Engagement in Radiation Work and Medical Examination
   1/ Any person shall not engage in radiation work if he does not have proper training, is under the age of 18 years or is not found, by medical examination, to be free from disease or weakness which could be considered to make him particularly vulnerable to the health hazards involved in the work.
   2/ Any person engaged in radiation work shall, in addition to the periodic examinations prescribed in this Proclamation, undergo medical examination as may be required by the Authority.
   3/ The Authority may ban any person who fails to observe the provisions of Sub-Article (2) of this Article from further radiation work.
   4/ When a person engaged in radiation work or any person who, because of his work, may have been exposed to ionizing radiation shows signs of injury which may be suspected of having been caused by such radiation, the licensee shall have the responsibility to immediately make arrangements for medical examination of the person.
PART FOUR
MISCELLANEOUS PROVISIONS

25. **Confidentiality**
   No person who has obtained confidential information in the course of implementation of this Proclamation and regulations and directives issued pursuant to this Proclamation shall disclose such information to any other person unless it is necessary for the implementation of the Proclamation, regulations or directives.

26. **Prohibition**
   No authorization, other than by the Authority, shall be issued to engage in any of the activities prescribed under Article 16(1) and 16(2) of this Proclamation.

27. **Duty to Cooperate**
   Any person shall have the duty to cooperate in the implementation of this Proclamation and regulations and directives issued pursuant to this Proclamation.

28. **Penalties**
   Unless severe penalties are prescribed in the criminal law:
   1/ any person who without permission from the Authority transfers, alters, disposes or disperses nuclear materials that are likely to cause death or serious injury to any person or substantial damage to property shall be punishable with an imprisonment from 3 to 15 years or with a fine from Birr 50,000 to Birr 500,000 or with both;
   2/ any person who without permission from the Authority possesses nuclear materials shall be punishable with an imprisonment from 1 to 3 years or with a fine from Birr 10,000 to Birr 50,000 or with both;
   3/ any person who without permission from the Authority uses nuclear materials and cause damage shall be punishable with a rigorous imprisonment from 10 to 15 years or with a fine from Birr 100,000 to Birr 500,000 or with both;
   4/ any authorized person to use nuclear material who causes damage due to negligence shall be punishable with a rigorous imprisonment from 3 to 10 years or with a fine from Birr 50,000 to Birr 100,000 or with both;
   5/ any person who commits other offences in violation of the provisions of this Proclamation or regulations or directives issued pursuant to this Proclamation shall be punishable with an imprisonment not exceeding 3 years or with a fine not exceeding Birr 10,000 or with both.

29. **Power to issue Regulations**
   The Council of Ministers may issue regulations necessary for the proper implementation of this Proclamation.

30. **Repealed Laws**
   1/ The Radiation Protection Proclamation No.79/1993 is hereby repealed.
   2/ No law, regulation or directive shall, in so far as it is inconsistent with this Proclamation, have force or effect with respect to matters provided for by this Proclamation.
31. **Effective Date**

This Proclamation shall enter into force upon Publication in the Federal Negarit Gazeta.

*Done at Addis Ababa, this 22\textsuperscript{th} day of April, 2008.*

GIRMA WOLDEGIORGIS  
PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
# A PROCLAMATION TO PROVIDE FOR THE REGISTRATION AND CONTROL OF PESTICIDE

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### BRIEF DESCRIPTION

This Proclamation repeals the Pesticide Registration and Control Special Decree No. 20/1990. It governs the manufacture, formulation, import, export, transport, storage, distribution, sale, use, disposal, packaging, labelling and advertising of pesticides and other related matters. The Law states that a pesticide may only be registered once its efficacy, safety and quality is tested under field or laboratory conditions and approved by the Ministry of Agriculture and Natural Resources. An application for the registration of pesticides may be submitted to the Ministry of Agriculture and Natural Resources, which may decide to register or refuse the registration.
Registration of a pesticide is valid for five years, and may, upon its expiry, be renewed for another five years. The Law requires the Ministry of Agriculture and Natural Resources to maintain a Pesticide Register containing a list and information on all registered pesticides in the country and a separate central database or archive containing the inventory of all pesticides containing relevant information. A Pesticide Advisory Board, composed of various stakeholders and with a number of functions is established. Moreover, an inspector assigned by the Ministry of Agriculture and Natural Resources or a regional state organ in charge of the agricultural sector is tasked with the responsibility of ensuring that the provisions of the Proclamation as well as regulations and directives issued pursuant to the Proclamation are complied with.

**Pesticide Registration and Control Proclamation No. 674/2010**

**WHEREAS**, the use of pesticides for different purposes such as for raising crops, animal breeding and the protection of public health has been growing steadily;

**WHEREAS**, it is necessary to lay down a scheme of control which would minimize the adverse effects that pesticide use might cause to human beings, animals, plants and the environment;

**WHEREAS**, it is necessary to enact a comprehensive legislation to regulate the manufacture, formulation, import, export, transport, storage, distribution, sale, use and disposal of pesticides and other matters related thereto;

**NOW, THEREFORE**, in accordance with Article 55 sub article (1) of the Constitution of the Federal Democratic Republic of Ethiopia it is hereby proclaimed as follows:

**PART ONE**

**GENERAL**

1. **Short Title**

   This Proclamation may be cited as the “Pesticide Registration and Control Proclamation No. 674/2010.”

2. **Definitions**

   In this Proclamation, unless the context otherwise requires;

   1/ “active ingredient” means the biologically active part of a pesticide present in a formulation;

   2/ “adulterated pesticide” means a pesticide that:

   a) any of its constituent has, in whole or in part, been omitted or abstracted;

   b) its being damaged or inferior has been concealed in any manner;

   c) any substance has been substituted wholly or in part of it;

   d) any substance has been added to it or mixed or packed with it so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is;
e) any constituent exceeds the amount stated on its label or permitted by this Proclamation; or

f) its nature, substance, or quality has been injuriously affected;

3/ “advertising” means the promotion of the sale or use of pesticides by printed or electronic media, signs, displays, gift, demonstration, or word of mouth;

4/ “banned pesticide” means a pesticide for which all registered uses have been prohibited by regulations issued under this Proclamation, or for which all requests for registration or equivalent action for all uses have, for health or environmental reasons, not been granted;


6/ “biological control agent” means a natural enemy, antagonist or competitor or other organism used for pest control, and includes biochemical and microbial pest control agents;

7/ “bio-pesticide” means a biological control agent, usually formulated and applied in a manner similar to a chemical pesticide;

8/ “certificate of competence” means a certificate demonstrating that a person has the necessary qualifications to handle the type of pesticide in the manner indicated on the certificate;

9/ “container” means any thing in which or by which pesticides are encased, covered, enclosed, contained or packed, including material in contact with the pesticide;

10/ “disposal” means any operation to recycle, neutralize, destroy or isolate pesticide waste, used containers or contaminated materials;

11/ “distribution” means the process by which pesticides are supplied through trade channels to local or international markets;

12/ “formulation” means the combination of various ingredients designed to render a pesticide product useful and effective for the purpose claimed, or the form of the pesticide as purchased by users;

13/ “hazard” means the inherent property of a substance, agent, or situation having the potential to cause adverse effects or damage to human or animal health, the environment or property;

14/ “label” means a written, printed or graphic matter on, or attached to the immediate container of a pesticide and the outside container or wrapper of the immediate containers;

15/ “manufacture” means to prepare, compound, formulate, mix or make a pesticide for its distribution or use;

16/ “Ministry” or “Minister” means the Ministry or Minister of Agriculture and Rural Development, respectively;

17/ “obsolete pesticide” means a pesticide:
a) the use of which has been banned or severely restricted for environmental or health reasons by applicable provisions of the Basel Convention, the Stockholm Convention or the Rotterdam Convention;

b) that has deteriorated as a result of improper or prolonged storage and can neither be used in accordance with its label specifications nor easily reformulated for use; or

c) that cannot be used for its intended purpose;

18/ “packaging” means the container together with the protective wrapping used to carry pesticide products via wholesale or retail distribution to users;

19/ “person” means a natural or legal person;

20/ “pesticide” means any substance or mixture of substances or a living organism intended for preventing, destroying or controlling:

a) any pest, including vectors of human or animal disease;

b) unwanted species of plants or animals causing harm during or otherwise interfering with the production, processing, storage, transport or marketing of food, agricultural commodities, wood and wood products or animal feed stuffs; or

c) insects or other pests on bodies of animals;

and includes substances intended for use as a plant growth regulator, defoliant, desiccant, or agent for thinning fruit or preventing the premature fall of fruit, and substances applied to crops either before or after harvest to protect the commodity from deterioration during storage and transport;

21/ “pesticide dealer” means any person engaged in the formulation, manufacture, packing, re-packing, labeling, import, export, storage, sale, distribution, transport or pesticide application service;

22/ “prior informed consent procedure” means the procedure under the Rotterdam Convention for exchanging and handling information on banned or severely restricted chemicals and severely hazardous pesticide formulations in international trade;

23/ “quality” means the degree of conformity to established national standards issued by the Quality and Standards Authority of Ethiopia, or international standards accepted for use in Ethiopia;


25/ “state” means any state referred to in Article 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia, and includes the Addis Ababa and Dire Dawa city administrations;
“appropriate organ” includes the Ministry of Health and the institution responsible for food, medicine and health care administration and control, the Ministry of Trade and Industry, the Ministry of Labour and Social Affairs, the Environmental Protection Authority, as well as organs in charge of the agricultural sector, environmental protection, trade and industry and public health at regional level;

“repackaging” means the authorized transfer of a pesticide from any commercial package into any other, usually smaller, container for subsequent sale;

“restricted use pesticide” means a pesticide determined by the Ministry to be unsafe for use by persons not holding a certificate of competence, and is included on a list prescribed by the Ministry on restricted use pesticides;

“sales outlet” means premises or facilities used for the sale of pesticides;

“sell” means to offer for sale or to have pesticides in possession for sale;

“severely restricted pesticide” means a pesticide for which virtually all registered uses have been prohibited although specific registered uses remain authorized;

“Stockholm Convention” means the Stockholm Convention on Persistent and Organic Pollutants signed on May 2001;

“store” means to store pesticides for sale or for own use other than sell;

“trade name” means the name under which a pesticide is labeled, registered, or promoted by a person granted registration of the pesticide under this Proclamation, and which can be used exclusively by that person to distinguish the product from other pesticides containing the same active ingredient;

any expression in the masculine gender includes the feminine.

**PART TWO**

**REGISTRATION OF PESTICIDES**

3. **Requirement for Registration**

1/ No pesticide shall be registered unless the efficacy, safety and quality is tested under field or laboratory conditions and approved by the Ministry. No person may formulate, manufacture, import, pack, re-pack, label, sell, distribute, store or use a pesticide not registered by the Ministry or contrary to the conditions of its registration.

2/ Notwithstanding sub-article (1) of this Article, the Ministry may authorize importation of unregistered pesticide in prescribed quantities for research or experimental purposes only and not for distribution.

3/ Notwithstanding the provisions of sub-article (1) of this Article, the Ministry may allow the importation and use of pesticides which has not been registered due to compelling reasons.
4/ The compelling reasons referred in sub-article (3) of this Article shall be determined in the directive to be issued for the implementation of this Proclamation.

4. **Applications for Registration**

1/ An application to be submitted to the Ministry for the registration of a pesticide shall be made in the prescribed form and contain the data specified in regulations issued hereunder.

2/ Where the information submitted in accordance with sub-article (1) of this Article is incomplete the Ministry shall notify the applicant in writing of the respects in which the information is insufficient, and the application may be supplemented within eight weeks of receipt of such notification.

3/ If the applicant does not supplement the application within the time specified in sub-article (2) of this Article, the application shall be rejected.

4/ Any applicant who is not residing in Ethiopia shall appoint an agent permanently residing in the country to whom any notice or correspondence may be sent.

5. **Decision on Application for Registration**

1/ The Ministry shall authorize the registration of a pesticide upon examining the application and ascertaining that:

   a) the information contained in the application is complete and accurate;

   b) the pesticide is effective for the purpose for which it is intended;

   c) the pesticide does not cause human and animal health hazards when handled and applied in accordance with the instructions;

   d) the effect of the pesticide on the environment and non-targeted species is insignificant in comparison with its benefits and the effects of other substitutable alternatives;

   e) the residue of the pesticide is not persistent or toxic when metabolized;

   f) other products which may be equally or more effective but less hazardous are not available;

   g) the proposed label of the pesticide is appropriate;

   h) the pesticide is suitable for local conditions;

   i) the benefits outweigh the risks of use under local socio-economic conditions;

   j) the pesticide is not banned or severely restricted by an international convention or in another country with an equivalent registration scheme as determined by the Ministry upon the advice of the Pesticide Advisory Board; and

   k) the applicant has effected payment of the fee as prescribed by the regulation to be issued hereunder.
2/ Where the Ministry decides to register a pesticide, it may subject the registration to any conditions it considers necessary, including:
   a) limitation or prohibition of the use of the pesticide in a specified area;
   b) limitation of the use of the pesticide to specified times of the day or of the year;
   c) requirement to notify beekeepers of neighbouring areas before application of the pesticide;
   d) prohibition of application of the pesticide when certain plants are in bloom;
   e) limitations on sale of the pesticide to persons holding a certificate of competence;
   f) limitations on use for certain purposes.
3/ The Ministry shall issue a registration certificate to the applicant, attaching a copy of the approved label. The conditions of registration prescribed pursuant to sub-article (2) of this Article shall also be stated in the certificate.
4/ Where the Ministry refuses registration of a pesticide, it shall communicate same, in writing, to the applicant stating the reasons for the refusal.
5/ The refusal of registration under sub-article (4) of this Article shall not prevent the same or a different applicant from making a later application for registration of that pesticide.
6. **Validity of Registration**
   The registration of a pesticide shall be valid for five years from the date of issuance of certificate of registration.
7. **Renewal of Registration**
   1/ The registration of a pesticide may be renewed for a similar period upon the expiry of its validity.
   2/ An application to be submitted to the Ministry for the renewal of registration of a pesticide shall be made in the prescribed form and contain the data specified in the regulation to be issued for the implementation of this Proclamation and be submitted before 90 days prior to the expiry of the registration.
   3/ The Ministry shall renew the registration upon examining the application submitted under sub-article (2) of this Article and ascertaining that the criteria served as a basis for allowing the registration are still maintained.
8. **Amendment of Registration**
   1/ Where changes are proposed to the label or container of a registered pesticide, such change shall be made noticeable in writing to the Ministry with a copy of the proposed label and where required a photograph of the proposed container.
   2/ Where the proposed new label or container of the registered pesticide is not in violation of any of the provisions of this Proclamation or other applicable
legislations, the Ministry shall amend the registration and issue a new certificate of registration to the applicant.

9. **Re-registration**

If the original applicant of a registered pesticide wishes to change the trade name, formulation, active ingredient concentration or use of the pesticide or is replaced by another person, then an application for registration shall be submitted to the Ministry in order to import, formulate, manufacture, pack, repack, distribute, sell or label that pesticide.

10. **Temporary Registration**

1/ Where it is ascertained that the pesticide is new manufactured or it is necessary for protecting pests in relation to agriculture or health sector, the Ministry may, up on such preconditions as it may specify and up on payment of the prescribed fee as well as the applicant’s agreement to provide during the effective period of the registration additional scientific and technical information relating to the use and safety of the pesticide, allow temporary registration for a period not exceeding one year where:

a) the applicant agrees to provide during that period, additional scientific or technical information in relation to the use and safety for which the pesticide is to be sold or distributed;

b) the pesticide is to be sold or distributed only for the emergency control of pest outbreaks that are seriously detrimental to public health, domestic animals, crops or natural resources in the country.

2/ Where the applicant so requests and the Ministry finds it justifiable, it may, upon such terms and conditions it may specify, grant an extension of the temporary registration for an additional period of not more than one year.

3/ The pre-conditions provided under sub-article (1) and (2) of this Article shall be determined by the directive to be issued for the implementation of this Proclamation.

11. **Suspension and Cancellation of Registration**

1/ The Ministry may cancel the registration of a pesticide if it determines that:

a) the registration was secured in violation of any of the provisions of this Proclamation;

b) continued registration is undesirable on the grounds of harm to plant, human or animal health or the environment;

c) the pesticide is proven by research to be no longer effective for its intended use;

d) the pesticide is withdrawn from the market and has been so notified by the manufacturer;

e) any condition attached to the registration has been violated; or
f) subsequent to the registration the Ministry has become aware of new facts or an unforeseen change in circumstances which require cancellation.

2/ Before effecting any cancellation under sub-article (1) of this Article, the Ministry shall give the registrant 60 days to submit a written justification as to why the registration should not be cancelled.

3/ The Ministry shall notify the registrant of its decision within 60 days of receipt of written justification under sub-article (2) of this Article.

4/ Pending the submission of written justification under sub-article (2) of this Article and the decision of the Ministry under sub-article (3) of this Article, the registration shall be suspended.

5/ Where registration of a pesticide is cancelled under this Article, the registrant shall return the certificate of registration to the Ministry.

12. **Recalls**
   1/ Where the registration of a pesticide is cancelled, the Ministry may order a recall of the pesticide where necessary to protect human, animal or plant health or the environment.
   2/ Any pesticide dealer in possession of a recalled pesticide shall report to the Ministry within 30 days from the date of the recall order.

13. **Re-evaluation of Registration**
   The Ministry, acting on its own initiative or upon recommendation of the Pesticide Advisory Board, may undertake a re-evaluation of a registered pesticide:
   1/ if it considers that, in the time since the pesticide was registered, there has been a change in the information required to evaluate the pesticide or in the procedures needed to properly evaluate the human, animal or plant health hazards, environmental hazards, efficacy or quality of the pesticide or of pesticides of the same class or kind;
   2/ if it has reasonable grounds to believe that the human, animal or plant health hazards or environmental hazards linked to the pesticide are now unacceptable upon consideration of the factors listed in sub-article (1) of Article 5 of this Proclamation and any other relevant factors, including those relating to aggregate exposure to pesticides and cumulative effects of different pesticides; or
   3/ in light of recommendations arising from international fora or international organizations.

14. **Pesticide Register**
   1/ The Ministry shall maintain a Pesticide Register which shall contain a list and information on all registered pesticides in the country.
   2/ The Ministry shall maintain a separate central database or archive containing the inventory of all pesticides in order to track the movement and use of pesticides
according to each stage of the pesticide life cycle within the country and containing other relevant information.

3/ The database or archive shall include:
   a) types and quantity of pesticides imported, locally manufactured and used in the country,
   b) pesticides in government and private storage facilities,
   c) pesticides that have become obsolete while in storage facilities or sales outlets,
   d) information gathered by pesticide inspectors and records kept in accordance with Article 32 of this Proclamation,
   e) information received from the monitoring and enforcement activities carried out by the appropriate organs,
   f) results of any quality tests of pesticide formulations on the market,
   g) pesticides that Ethiopia has, under the Prior Informed Consent Procedure of the Rotterdam Convention, consented to or refused import,
   h) information on licenses and certificates of competence, and
   i) such other issues as may be deemed useful for purposes of adequate pesticide management in the country.

4/ The information maintained pursuant to this Article shall, except proprietary and confidential information, be accessible to the public; provided however, that any person who wants to obtain a copy of such information shall be required to pay the applicable fees.

PART THREE
CERTIFICATE OF COMPETENCE AND LICENSING

15. Certificate of Competence

1/ Any person who intends to manufacture, formulate, pack, repack, label, import, export, store, sell, distribute, transport, or offer pesticide application services shall obtain a certificate of competence, which shall be a precondition for the issuance of a business licence.

2/ Certificates of competence relating to the following shall be issued by the Ministry:
   a) the manufacturing and formulation of pesticides;
   b) import and export of pesticides; and
   c) pesticide application service involving fumigation.

3/ Certificates of competence relating to pesticide business other than those specified under sub-article (2) of this Article shall be issued by regional state organs in charge of the agricultural sector.
4/ The conditions of issuance, renewal, suspension and revocation of certificates of competence shall be prescribed by the regulation to be issued for the implementation of this Proclamation.

16. Business Licenses

1/ Business licenses required by holders of certificates of competence issued under Article 15(2) of this Proclamation shall be issued by the Ministry of Trade and Industry in accordance with the relevant laws.

2/ Business licenses required by holders of certificates of competence issued under Article 15(3) of this Proclamation shall be issued by regional state organs in charge of trade and industry.

17. Import Permit

1/ No person shall make any import order of any pesticide without obtaining an import permit issued by the Ministry.

2/ The Ministry may refuse to issue an import permit and shall inform the applicant in writing of the refusal, stating the reasons thereof where:
   a) the information in an application for an import permit is false or is incomplete;
   b) the application relates to any pesticide which is not registered;
   c) the pesticide creates potential hazards or harmful residues; or
   d) importation of the pesticide violates the provisions of this Proclamation.

3/ No pesticides consignment shall be:
   a) imported if it has been manufactured before six months from its date of entry into the country;
   b) imported without a batch certificate of analysis and a material safety data sheet; or
   c) released from customs without inspection and issuance of import certificate by the Ministry.

4/ Notwithstanding sub-article (3)(a) of this Article, the Ministry may grant permit for pesticide import intended for research or trial or upon being convinced that the stock can be fully utilized before the expiry date of the pesticide.

5/ No person may export pesticide abroad without obtaining an export permit from the Ministry.

PART FOUR
PACKAGING, LABELLING, ADVERTISING, TRANSPORT AND DISPOSAL OF PESTICIDES

18. Packaging and Labeling

1/ No person shall pack or repack any pesticide unless it is in a container which:
a) is safe for storage, handling and use; and
b) prominently displays a legible label in Amharic and in English, which has been approved and cannot easily be detached.

2/ Where a pesticide is contained in more than one container, the requirements of sub-article (1)(b) of this Article shall apply:
   a) to the container which represents the smallest unit of the pesticide which can be sold separately; and
   b) to a container containing more than one retail unit.

19. **Advertising**
   1/ No person shall advertise any unregistered pesticide.
   2/ Any pesticide, even if registered, cannot be advertised if the advertisement:
      a) is misleading or is intended to deceive;
      b) employs any false or misleading comparisons with any other pesticide;
      c) contains statements such as “safe”, “non-poisonous”, “harmless” or “nontoxic”;
      d) fails to remind purchasers and users to read the label; or
      e) is contrary to the conditions of registration of the pesticide.

20. **Transport**
   1/ Excluding pesticides the use of which has been severely restricted and with the exception of pesticides in small quantities for personal use, no person may transport any pesticide:
      a) in passengers compartment of a means of transport; or
      b) in the same compartment of a means of transport with animals or with food, feedstuffs, drugs, toys, clothing, cosmetics, household furnishings or other items that could become a hazard if contaminated.
   2/ Any person who transports a container that has previously contained a pesticide shall ensure that the container is physically separated from and does not come into contact with any food, feedstuffs or animals.
   3/ Where a means of transport for transporting pesticides has become contaminated as a result of spillages or leaks, the owner of the means of transport shall report to the Ministry in order to have the means of transport decontaminated and cleaned by qualified personnel designated by the Ministry or regional organs in charge of the agricultural sector.
   4/ Transport of pesticides shall comply with directives as may be prescribed by the Ministry in consultation with the appropriate organs.
21. Disposal

1/ No person shall dispose of any pesticide or pesticide waste in a manner that may harm human or animal health or the environment.

2/ Any person who imports pesticides or sells pesticides shall be responsible for the disposal of any obsolete pesticide in his custody at his own expenses.

3/ The Ministry shall issue directives on pesticide disposal in consultation with the appropriate organs and shall monitor and control its implementation.

22. Occupational Safety

1/ No person shall use or require an employee to use or recommend that another person use a pesticide in any manner other than that prescribed by this Proclamation or contrary to any condition attached to the registration of the pesticide.

2/ Any employer who requires or permits an employee to use or handle a pesticide shall provide facilities and protective clothing required for safe handling of the pesticide and require the employee to use same.

3/ Any employer who requires or permits an employee to work with pesticides shall provide the employee with:
   a) such instructions as are necessary to enable him to achieve the required standard of competence;
   b) such periodic medical check-ups as may be prescribed by the Ministry or the Ministry of Health; and
   c) such expenses of medical and compensation for damages sustained by the worker due to the absence of sufficient direction and appropriate protective equipments on the part of the employer.

23. Reporting of Accidents

1/ Any person who becomes aware of an accident occurring in the vicinity where pesticides are transported, stored, sold or used shall, without delay, report to the Ministry or the appropriate regional state organ.

2/ Any physician or other medical personnel who learn of a person being poisoned by a pesticide shall report to the Ministry without delay.

3/ The Ministry and the Ministry of Health as well as the appropriate regional state organs shall exchange information regarding any accidents reported under sub-article (1) or (2) of this Article.

24. Designation of Official Laboratory and Analyst

1/ The Ministry may designate any public or private laboratory fulfilling the necessary requirements as an official laboratory for the purpose of conducting tests under this Proclamation.
2/ The Ministry may designate any analyst fulfilling the necessary requirements as an official analyst for the purpose of carrying out analyses under this Proclamation.

25. **Certificate of Analysis**

An official analyst shall, after conducting a pesticide analysis, issue a certificate of analysis stating the method used and other information that may be prescribed by directives of the Ministry.

26. **Residue Analyses and Pesticide Treated Net Test and Supervision**

1/ Pesticide residue analyses for primary agricultural products shall be carried out by the Ministry.

2/ The Ministry shall collaborate with relevant authorities in establishing the maximum residue limits for agricultural products.

3/ Pesticide residue analysis and monitoring on processed agricultural products and human beings shall be conducted by the concerned appropriate organs.

4/ Effectiveness:
   a) an officer designated by the Minister …………………. Chairperson
   b) an officer in charge of registration of Pesticides…Member and Secretary
   c) representative of the Ministry of Health…………………………. Member
   d) representative of the Environmental Protection Authority………… “
   e) representative of the Quality and Standards Authority ………….. “
   f) representative of the Ethiopian Institute for Agricultural Research…. “
   g) representative of the Institute of Biodiversity…………………… “
   h) representative of the Ministry of Labour and Social Affairs……….. “
   j) representative of the Authority of Revenue and Customs………….. “

28. **Functions of the Board**

1/ The Board shall:
   a) advise the Ministry in formulating national policies, regulations and guidelines in relation to safe use and management of pesticides and on fees to be collected for the services provided;
   b) advise the Ministry on the implementation of international conventions relating to pesticide, and to collaborate closely with the national focal point in this regard;
   c) advise the Ministry concerning the criteria and conditions for the grant, renewal, suspension, amendment to, or revocation of, any registration or license granted pursuant to this Proclamation;
   d) advise the Ministry on the formulation of rules regarding:
      (1) the disposal of obsolete pesticides;
(2) the use, packaging, labeling, transport, storage, distribution, and disposal of empty pesticide containers;
(3) contaminated soils and contaminated equipment; and
(4) buried pesticides.

e) formulate criteria and rules to be approved by the Ministry regarding which information submitted with applications under Article 4 of this Proclamation shall be considered proprietary and confidential, how records are to be stored and the procedures for accessing them;
f) identify capacity building and extension needs;
g) carry out needs assessment and ensure that procurement of pesticides is carried out in accordance with this Proclamation;
h) carry out or authorize periodic review of pesticides in use;
i) review and propose amendments to the list of pesticides classified as banned, severely restricted and restricted use, and the requirements for handling severely restricted and restricted use pesticides;
j) advise the Ministry on which countries can be considered sufficiently similar in agriculture and climate to Ethiopia for the purposes of efficacy testing with respect to pesticide registration.

2/ The Board may:
a) establish sub-committees comprising members or non members of the Board or both, to advise it on any matter connected to the exercise of its functions; and
b) in particular, establish technical committees comprising professionals from the appropriate institutions to advise it on the impact of pesticide use on human health and the environment.

29. Operation of the Board

1/ Any member of the Board who has any personal or financial link to an applicant for registration, or to any other matter which is the subject of deliberations of the Board, shall disclose the link in writing to the Board, which shall determine the appropriate action, including requiring that member’s withdrawal from participation in any deliberations of the Board in relation to the application or the matter in question.

2/ The Board shall meet at least four times per year.

3/ The Board shall keep full and accurate records of its meetings.

4/ The Board shall establish its own rules of procedure.

30. Pesticide Inspectors

1/ An inspector assigned by the Ministry or a regional state organ in charge of the agricultural sector shall have the power, at working hours, without a warrant and upon presentation of his identity card, to:
a) carry out periodic inspections of establishments which import, export, manufacture, pack, repack, label, store, sell, distribute, advertise or use pesticides to determine whether the provisions of this Proclamation and the regulations and directives issued pursuant to this Proclamation are being complied with;

b) carry out post-registration surveillance to ensure that conditions of registration are complied with;

c) require the production of and inspect certificates, permits, licenses, trade licenses, records or other documents relevant for compliance with this Proclamation;

d) take samples of any product relevant for compliance with this Proclamation, and submit such samples for analysis;

e) seize, against a receipt issued in the prescribed form, any equipment, pesticide, document, record or other things related to pesticides and which the inspector believes has been used in, or which appears to afford evidence of, a contravention of this Proclamation;

f) close a pesticide storage facility or sales outlet if it is confirmed that any pesticide stored therein or the manner of its storage is not in compliance with any of the provisions of this Proclamation;

g) inspect and monitor biopesticide facilities as well as the application, use, and impact on target and non-target organisms;

h) request the assistance of customs or police officers where necessary for the exercise of any duties under this Proclamation; and

i) carry out other inspection, monitoring and surveillance activities as may be prescribed by regulations and directives issued pursuant to this Proclamation.

2/ Any inspector shall be responsible to report to the appropriate body evidences gathered in the course of carrying out inspections enabling to prosecute persons violating the provisions of this Proclamation; such bodies to whom the report is submitted shall have the responsibility to cooperate for the implementation of the law.

3/ Any item seized pursuant to sub-article (1)(e) of this Article shall promptly be returned to its owner once the necessary inquiry or prosecution has been completed, except for illegal pesticides, which if so found by the court shall be confiscated or disposed of in accordance with this Proclamation.

4/ No person assigned as inspector shall, while being so assigned, engage in any business connected with the import, manufacture, sale or distribution of pesticides.

PART EIGHT

MISCELLANEOUS PROVISIONS

31. Prohibitions

1/ No person shall import, store, transport or offer for sale any pesticide unless it is packed and labeled in accordance with this Proclamation.
2/ No person shall sell or store a pesticide by adulterating or which he has reasonable grounds to believe may be adulterated.

3/ No person shall formulate, manufacture, import, export, pack, re-pack, label, sell, distribute, store, or use a banned pesticide under any circumstances.

4/ No person shall formulate, manufacture, import, export, pack, re-pack, label, sell, distribute, store, or use a severely restricted pesticide without written authorization from the Ministry.

32. **Record Keeping**

1/ Any pesticide dealer shall keep records of all quantities of pesticides imported, exported, manufactured, packed, repacked, stored, labeled, transported, distributed or sold and of any other information that may be prescribed by directives of the Ministry, and submit the same to the Ministry or the concerned appropriate organ when so requested.

2/ The Ministry may, by notice in writing, require any pesticide dealer to compile information, conduct tests or monitor experience with a pesticide for the purpose of obtaining additional information with respect to its quality and its impact on the environment or on human, animal or plant health and to convey the information within a specified period.

3/ Information exchange shall take place between the Ministry and the concerned appropriate organs through periodic reports.

33. **Penalties**

1/ Any person who:
   a) knowingly sells an unregistered pesticide or a pesticide whose registration has been suspended or cancelled;
   b) knowingly sells obsolete pesticides;
   c) knowingly sells pesticide in containers which do not comply with prescribed standards;
   d) intentionally provides false information on any application, certificate, or other document referred under this Proclamation;
   e) deceives or misleads an inspector, or tampers with a pesticide or its container such that a sample taken or submitted for analysis incorrectly represents the pesticide;
   f) intentionally adulterates a pesticide or sells or stores an adulterated pesticide;
   g) disposes of any pesticide, pesticide waste, or pesticide container in a manner that may harm human or animal health or the environment or in any manner other than that prescribed in this Proclamation;
   h) imports a pesticide without being in possession of a valid import permit issued by the Ministry pursuant to this Proclamation;
i) engages in any of the pesticide business activities listed in Article 15 of this Proclamation without having a certificate of competence;

j) stores, uses, or transports a pesticide except as prescribed in this Proclamation;

k) intentionally detaches, alters, defaces, or destroys any label on the container of a pesticide;

l) knowingly conceals information which subsequently leads to environmental or other damage;

m) advertises a pesticide in violation of sub-article (1) or sub-article (2) (a), (b), (c) or (e) of Article 19 of this Proclamation;

shall, unless a higher penalty is provided for in the Criminal Code, be punishable with rigorous imprisonment from five to ten years and fine from Birr 25,000 to Birr 50,000.

2/ Any person who:

a) fails to furnish information when requested by a pesticide inspector in the exercise of his official duties;

b) intentionally opens a store or a container of pesticide sealed by an inspector;

c) fails to comply with an order to provide information pursuant to Article 32 of this Proclamation;

d) advertises a pesticide in violation of sub-article (2)(d) of Article 19 of this Proclamation;

e) requires or permits an employee to apply a pesticide without providing safety equipment as prescribed in this Proclamation;

shall, unless a higher penalty is provided for in the Criminal Code, be punishable with imprisonment up to five years and fine from Birr 10,000 to Birr 30,000.

3/ Any person who knowingly releases information deemed proprietary or confidential under this Proclamation is punishable with imprisonment from one to three years and fine from Birr 20,000 to Birr 25,000.

4/ A court convicting a person of an offence may, in addition to the penalty provided for under sub-article (1), (2), or (3) of this Article, order:

a) forfeiture or destruction of any thing used in the perpetration of the offence or forfeiture of the proceeds of sale thereof; and

b) payment of compensation to any person who has suffered loss as a result of the offence, taking into account factors such as:

(1) extent of loss or injury to the person;

(2) the seriousness of the offence and the frequency of its occurrence; and

(3) pecuniary gains on the part of the offender.
5/ Where a person is convicted pursuant to this Article, the appropriate organ shall revoke his licence or permit related to pesticide

34. **Power to Issue Regulation and Directive**

1/ The Council of Ministers may issue regulations necessary for the implementation of this Proclamation.

2/ The Ministry may issue directives necessary for the implementation of this Proclamation and regulations issued under sub-article (1) of this Article.

35. **Transitory Provisions**

1/ Pesticides registered pursuant to the Pesticide Registration and Control Special Decree No. 20/1990 and the Drug Administration and Control Proclamation No. 176/1999 before the coming into force of this Proclamation shall be deemed to have been registered as per this Proclamation and be subject to the provisions of this Proclamation and to regulations and directives issued hereunder.

2/ Pesticides under registration process in accordance with the Drug Administration and Control Proclamation No. 176/1999 shall be transferred to the Ministry following the effective date of this Proclamation.

36. **Repealed Laws**

1/ The Pesticide Registration and Control Special Decree No. 20/1990 is hereby repealed.

2/ No law, regulations, directives or practice shall, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters provided for in this Proclamation.

37. **Effective Date**

This Proclamation shall enter into force up on the date of publication in the Federal Negarit Gazeta.

**Done at Addis Ababa, this 25th day of August, 2010**

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.2.7. PROCLAMATION NO. 716/2011

A PROCLAMATION TO PROVIDE FOR THE CONTROLLING OF OZONE LAYER DEPLETING SUBSTANCES

CONTENTS

| 1. Short Title | 8. Suspension and Cancelation of Authorization |
| 3. Importation of Ozone Depleting Substances | 10. Duty of Licensing Authority |
| 4. Importation of Appliances | 11. Powers and Duties of the Authority |
| 5. Repairing and Servicing of Appliances | 12. Penalty |
| 6. Establishing, Running or Expanding Enterprises | 13. Power to Issue Regulation and Directives |
| | 15. Effective Date |

BRIEF DESCRIPTION

The Ozone Proclamation gives effect to the Montreal Protocol which requires parties to establish a system for licensing the import and export of controlled substances listed in the Annexes to the Protocol. The Law applies to the import of ozone depleting substances, appliances and technology, repairing and servicing of appliances as well as enterprises with operation likely to increase the consumption of ozone depleting substances. The Schedule to the Proclamation contains a list of controlled substances that are prohibited to be imported after their phase-out dates provided for therein.

Control of Ozone Layer Depleting Substances Proclamation No. 716/2011

WHEREAS, Ethiopia has ratified the Montreal Protocol on Substances that Deplete the Ozone Layer and its amendments thereto;

WHEREAS, the Montreal Protocol requires each party to the Protocol to establish a system for licensing the import and export of controlled substances listed in annexes to the Protocol;

WHEREAS, it is deemed necessary to put in place a regulatory framework to implement same;

NOW, THEREFORE, in accordance with Article 55(1) of Constitution of the Federal Democratic Republic of Ethiopia it is hereby proclaimed as follows:
1. **Short Title**
   This Proclamation may be cited as the “Control of Ozone Layer Depleting Substances Proclamation No. 716/2011.”

2. **Definitions**
   In this Proclamation, unless the context otherwise requires:
   1/ “Authority” means the Environmental Protection Authority;
   2/ “Appliance” means technology or equipment that employ or emit substances that deplete the ozone layer;
   3/ “Dealer” means any person engaged in the importation or selling of ozone layer depleting substances or appliances or the maintenance or repair of appliances;
   4/ “Licensing Authority” means any federal or regional government organ empowered by law to issue business license or to control imports;
   5/ “Ozone Layer” means the layer of atmospheric ozone within the stratosphere;
   6/ “Region” means any region referred to in Article 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire Dawa city administrations;
   7/ “Ozone Depleting Substances” means ozone-depleting substances, whether existing alone or in mixture, listed in the schedule attached hereto;
   8/ “Person” means a natural or juridical person;
   9/ any expression in the masculine gender includes the feminine.

3. **Importation of Ozone Depleting Substances**
   1/ The importation of any ozone-depleting substance is prohibited after the laps of the phase-out date stated in the schedule attached to this Proclamation.
   2/ Notwithstanding the provision of sub-article (1) of this article, the Authority may waive the prohibition where a reliable evidence is submitted to prove that the transaction has been initiated prior to the coming into force of this Proclamation or the substance is needed to run, repair or service an appliance that has not yet outlived its useful life.
   3/ A dealer requiring a waiver pursuant to sub-article (2) of this Article shall apply, in the prescribed form, to the Authority.
   4/ The Authority shall inform the applicant, in writing, of the reasons for the rejection or acceptance of the application submitted to it pursuant to sub-article (3) of this Article.

4. **Importation of Appliances**
   1/ The importation of appliance or technology that employs or emits ozone depleting substances is prohibited.
2/ Notwithstanding the provision of sub-article (1) of this Article, the Authority may waive the prohibition where a reliable evidence is submitted to prove that the transaction has been initiated prior to the coming into force of this Proclamation or no alternative appliance or technology is available.

3/ A dealer requiring a waiver pursuant to sub-article (2) of this Article shall apply, in the prescribed form, to the Authority.

4/ The Authority shall inform the applicant, in writing, of the reasons for the rejection or acceptance of the application submitted to it pursuant to sub-article (3) of this Article.

5. **Repairing and Servicing of Appliances**
   Repairing and servicing of appliances shall be undertaken in a manner that arrests the emission of ozone depleting substances.

6. **Establishing, Running or Expanding Enterprises**
   1/ Without having authorization from the authority, no person may establish, run or expand an enterprise with operations likely to increase the consumption of ozone depleting substances.

   2/ Any person desirous of establishing, operating or expanding an enterprise with operations likely to increase the consumption of ozone depleting substances shall apply, in the prescribed form, to the Authority.

   3/ The Authority, upon receipt of such application, shall review the application and give a decision either refusing or granting authorization with or without conditions.

   4/ Where the Authority rejects the application submitted to it pursuant to sub-article (3) of this Article, it shall inform the applicant, in writing, of the reasons for the rejection of the application.

7. **Renewal of Authorization**
   Authorization issued pursuant to this Proclamation shall, unless renewed, be valid only for one year.

8. **Suspension and Cancelation of Authorization**
   1/ Where there is sufficient reason to believe that any person has committed a breach of the terms and conditions of authorization, or that public interest requires to do so, the Authority may suspend or cancel any authorization granted pursuant to this Proclamation.

   2/ Any person, whose authorization has been suspended or cancelled in accordance with sub- article (1) of this Article, may submit written complaint to the Authority with in 15 working days from the date of receiving such notification; and the Authority shall give a final decision within one month from the date of receipt of such a complaint.

   3/ Until a final decision is issued by the Authority, there shall be no stay of execution of the cancellation or suspension made pursuant to sub- article (1) of this Article.
9. **Duty of Dealers**
   1/ All dealers shall maintain a register to record the quantity, the type and the country of origin of ozone depleting substances and appliances imported, sold, repaired, serviced or manufactured, as the case may be, and provide the Authority with such information periodically.
   2/ Any dealer shall, in accordance with the relevant guidelines of the product, label and publicize ozone depleting substances or appliances he is trading in.
   3/ Any dealer shall comply with the terms and conditions of authorization.

10. **Duty of Licensing Authority**
    Licensing authorities shall refuse, grant, renew, suspend or cancel trade licenses in tandem with the decision of the Authority to refuse, grant, renew, suspend or cancel authorization.

11. **Powers and Duties of the Authority**
    Notwithstanding the provisions of Article 3 of Montreal Protocol Amendments Ratification Proclamation No. 656/2009, the Authority shall have the powers and duties to:
    1/ formulate a periodic phasing out schedule and publish list of appliances and substances;
    2/ grant, renew, suspend or cancel authorization and maintain a register, which shall contain the names and addresses of repairers, manufacturers, suppliers, importers and exporters;
    3/ design, promote and implement a mechanism that would enhance the compliance of the informal sector in connection with repairing and servicing of appliances;
    4/ solicit resources in order to undertake public awareness and training programs as well as provide technical and financial support that would foster the use of alternative substances, practices and techniques;
    5/ enter any premise and inspect any appliance or substance where there is a reasonable ground to believe that an offence under this proclamation have been or being committed and take samples of any substance for test;
    6/ where necessary, delegate its powers and duties to other federal or regional governments bodies;
    7/ report on the implementation of this Proclamation to appropriate bodies;
    8/ carry out such other activities as are necessary for the implementation of this Proclamation.

12. **Penalty**
    1/ Without prejudice to the prejudice to the provisions of the Criminal Code, any person who violates the provision of this Proclamation or of any other relevant law commits an offence and shall be liable accordingly.
2/ Without obtaining authorization from the Authority or the relevant regional environmental agency importing of any ozone-depleting substance to the country, shall be punishable with fine not less than Birr 10,000 (ten thousand Birr) or imprisonment not exceeding two years, or with both.

3/ When repairing and servicing appliances containing ozone depleting substances it shall be undertaken in a manner that arrests the emission. Violation of this obligation is an offence punishable with fine not less than Birr 10,000 (ten thousand Birr) or imprisonment not exceeding one year, or with both.

4/ Any dealer engaged in ozone depleting substances or appliances business shall have the obligation to keep records of the quantity, the type and the country of origin of ozone depleting substances and appliances imported, sold, repaired, serviced or manufactured, and shall have the obligation to report same to the Authority from time to time. Violation of this obligation shall be punishable with a fine not less than Birr 10,000 (ten thousand Birr) and not exceeding birr 20,000 (twenty thousand Birr).

5/ The court before which a person is prosecuted for an offence under this Proclamation or regulations or directives pursuant to this Proclamation may, in addition to any penalty it may impose, order the convicted person to restore or in any other way compensate for the damage inflicted.

13. **Power to Issue Regulation and Directive**

1/ The Council of Ministers may issue regulations necessary for the proper implementation of this Proclamation.

2/ The Authority may issue directives necessary for the implementation of this Proclamation and regulations issued pursuant to sub-article (1) of this Proclamation.

14. **Inapplicable Laws**

No law shall, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters provided for herein.

15. **Effective Date**

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

Done at Addis Ababa, this 4th day of November, 2011

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
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3.3. ENVIRONMENTAL IMPACT ASSESSMENT

3.3.1. PROCLAMATION NO. 299/2002

ENVIRONMENTAL IMPACT ASSESSMENT PROCLAMATION

9th Year No. 11
ADDIS ABABA 3rd December, 2002
Page 1951 - 1958

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BRIEF DESCRIPTION

The Environmental Impact Assessment Proclamation is the main law dealing with environmental impact assessment in Ethiopia. It prohibits the commencement of the implementation of any project that requires Environmental Impact Assessment as determined by directives issued thereunder. Accordingly a proponent is required to undertake an Environmental Impact Assessment study and submit the report to the Ministry of Environment, Forest and Climate Change or the relevant regional environmental agency. The Ministry of Environment, Forest and Climate Change /regional environmental agencies are entrusted with the responsibility to monitor the implementation of an authorized project in accordance with their jurisdiction. The Law re-affirms a very important right of public participation as it requires the Ministry of Environment, Forest and Climate Change or the relevant regional environmental agency to make the report accessible to the public and solicit...
comments on it and ensure that the comments made by the public are incorporated in the study report as well as in its evaluation.

Environmental Impact Assessment Proclamation No. 299/2002

WHEREAS, environmental impact assessment is used to predict and manage the environmental effects which a proposed development activity as a result of its design sitting, construction, operation, or an ongoing one as a result of its modification or termination, entails and thus helps to bring about intended development;

WHEREAS, assessment of possible impacts on the environment prior to the approval of a public instrument provides an effective means of harmonizing and integrating environmental, economic, cultural and social considerations into a decision making process in a manner that promotes sustainable development;

WHEREAS, the implementation of the environmental rights and objectives enshrined in the Constitution would be fostered by the prediction and management of likely adverse environmental impacts, and the maximization of their socio-economic benefits;

WHEREAS, environmental impact assessment serves to bring about administrative transparency and accountability, as well as to involve the public and, in particular, communities in the planning of and decision taking on developments which may affect them and its environment;

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

PART ONE

1. *Short Title*

   This Proclamation may be cited as the “Environmental Impact Assessment Proclamation No. 299/2002.”

2. *Definitions*

   In this Proclamation:

   1) “Authority” means the Environmental Protection Authority;

   2) “Environment” means the totality of all materials whether in their natural state or modified or changed by human; their external spaces and the interactions which affect their quality or quantity and the welfare of human or other living beings, including but not restricted to, land atmosphere, whether and climate, water, living things, sound, odor, taste, social factors, and aesthetics;

   3) “Environmental Impact Assessment” means the methodology of identifying and evaluating in advance any effect, be it positive or negative, which results from the implementation of a proposed project or public instrument;

   4) “Impact” means any change to the environment or to its component that may affect human health or safety, flora, fauna, soil, air: water, climate, natural or cultural
heritage, other physical structure, or in general, subsequently alter environmental, social, economic or cultural conditions;

5) “Licensing Agency” means any organ of government empowered by law to issue an investment permit or a trade or operating license or a work permit or to register a business organization, as the case may be;

6) “Person” means any natural or juridical person;

7) “Pollutant” means any substance whether liquid, solid or gas which directly or indirectly:
   a) alters the quality of any part of the receiving environment so as to affect its beneficial use adversely, or
   b) produces toxic substances, diseases, objectionable odour, radioactivity, noise, vibration, heat, or any other phenomenon that is hazardous or potentially hazardous to human health or to other living things.

8) “Project” mans any new development activity under any category listed in any directive issued pursuant to this Proclamation, major expansion or alteration or any existing undertaking, or any resumption of work that had been discontinued;

9) “Proponent” means any organ of government if in the public sector or any person if in the private sector that initiates a project;

10) “Public instrument” means a policy, a strategy, a programme, a law or an international agreement;

11) “Region” means any of those parts of Ethiopia specified as Regions under Article 47 (1) of the Constitution of the Federal Democratic Republic of Ethiopia and, for the purpose of this Proclamation, includes the Addis Ababa and Dire Dawa Administrations;

12) “Regional Environmental Agency” means any regional government organ entrusted by that Region with a responsibility for the protection or regulation of the environment and natural resources.

PART TWO


1) Without authorization from the Authority or from the relevant regional environmental agency, no person shall commence implementation of any project that requires environmental impact assessment as determined in a directive issued pursuant to Article 5 of this Proclamation.

2) Without prejudice to Sub Article (1) of this Article, when the Authority or the relevant regional environmental agency believes that the possible impacts of the project are insignificant, it may decide not to require the concerned proponent to conduct an environmental impact assessment.
3) Any licensing agency shall, prior to issuing an investment permit or a trade or an operating license for any project, ensure that the Authority or the Relevant regional environmental agency has authorized its implementation.

4) Approval of an environmental impact study report or the granting of authorization by the authority or the relevant regional environmental agency does not exonerate the proponent from liability for damage.

5) Without prejudice to Sub Article (4) of this Article, exemption from liability shall be granted only when it is verified that it is the victim himself or a third party for whom the proponent is not responsible that has caused the damage.

4. *Considerations to Determine Impact*

1) The impact of a project shall be assessed on the basis of the size, location, nature, cumulative effect with other concurrent impacts or phenomena, trans-regional effect, duration, reversibility or irreversibility or other related effects of the project.

2) The Authority or the relevant regional environmental agency shall err on the side of caution while determining the negative impact of a project having both beneficial and detrimental effects, but which, on balance, is only slightly or arguably beneficial, and thus determine that it is likely to entail a negative significant impact.

5. *Projects Requiring Environmental Impact Assessment*

1) Every project which falls in any category listed in any directive issued pursuant to this Proclamation shall be subject to environmental impact assessment.

2) Any directive provided under Sub-Article 1 of this Article shall, among other things, determine categories of:
   (a) projects not likely to have negative impacts, and so do not require environmental impact assessment;
   (b) projects likely to have negative impacts and thus require environmental impact assessment.

6. *Trans-Regional Impact Assessment*

1) A proponent shall carry out the environmental impact assessment of a project that is likely to produce a trans-regional impact in consultation with the communities likely to be affected in any region.

2) The regional environmental agency in the region where a project with likely trans-regional impact is being initiated shall ensure the submission of the environmental impact study report of the project to the Authority.

3) The Authority shall, prior to embarking on the evaluation of an environmental impact study report of a project with likely trans-regional impact, ensure that the communities likely to be affected in each region have been consulted and their views incorporated.
PART THREE

7. Duties of a Proponent

1) A proponent shall undertake an environmental impact assessment, identify the likely adverse impacts of his project, incorporate the means of their prevention or containment, and submit to the Authority or the relevant regional environmental agency the environmental impact study report together with the documents determined as necessary by the Authority or the relevant regional environmental agency.

2) A proponent shall ensure that the environmental impact of his project is conducted and the environmental impact study report prepared by experts that meet the requirements specified under any directive issued by the Authority.

3) The cost of undertaking an environmental impact assessment and preparing an environmental impact study report shall be borne by the proponent.

4) When implementing his project, a proponent shall fulfill the terms and conditions of authorization.

8. Environmental Impact Study Report

1) An environmental impact study report shall contain sufficient information to enable the Authority or the relevant regional environmental agency to determine whether and under what conditions the project shall proceed.

2) An environmental impact study report shall contain, as a minimum, a description of:
   (a) the nature of the project, including the technology and processes to be used;
   (b) the content and amount of pollutant that will be released during implementation as well as during operation;
   (c) source and amount of energy required for operation;
   (d) information on likely trans-regional impacts;
   (e) characteristics and duration of all the estimated direct or indirect, positive or negative impacts;
   (f) measures proposed to eliminate, minimize, or mitigate negative impacts;
   (h) contingency plan in case of accident; and
   (i) procedures of self auditing and monitoring during implementation and operation.

3) The Authority shall issue guidelines that determine the elements necessary to prepare as well as evaluate an environmental impact study report.


1) An environmental impact study report that is submitted to the Authority or the relevant regional environmental agency for review shall include a brief statement summarizing the study in non-technical terms as well as indicating the completeness and accuracy of the information given in the study report.
2) The Authority or the relevant regional environmental agency shall, after evaluating an environmental impact study report by taking into account any public comments and expert opinions, within 15 working days:

(a) approve the project without conditions and issue authorization if it is convinced that the project will not cause negative impacts;

(b) approve the project and issue authorization with conditions that must be fulfilled in order to eliminate or reduce adverse impacts or reduce adverse impacts to insignificance if it is convinced that the negative impacts can be effectively countered, or

(c) refuse implementation of the project if it is convinced that the negative impact cannot be satisfactorily avoided;

10. **Validity of Approved Environmental Impact Study Report**

1) The Authorization of an environmental impact study report shall expire if the project has not been implemented according to the time frame set during its authorization.

2) Any proponent who wishes to challenge the appropriateness of the provision of Sub Article (1) of this Article to his project, may submit an application to that effect to the Authority or the relevant regional environmental agency, as may be appropriate.

3) Within 30 days from the receipt of an application pursuant to Sub Article (2) of this Article, the Authority or the relevant regional environmental agency shall, unless special circumstance so dictate, decide whether to extend the validity of the report or to order the revision or the redoing of the environmental impact assessment.

**PART FOUR**

11. **Occurrence of New Circumstance**

If an unforeseen fact of serious implication is realized after the submission of an environmental impact study report, the Authority or the relevant regional environmental agency may, as may be appropriate, order the environmental impact assessment to be revised or to be redone in order to address the implication.

12. **Implementation Monitoring**

1) The Authority or the relevant regional environmental agency shall monitor the implementation of an authorized project in order to evaluate compliance with all commitments made by, and obligations imposed on the proponent during authorization.

2) When the proponent fails to implement the authorized project in compliance with the commitments he entered into or obligations imposed upon him, the Authority or the relevant regional environmental agency may order him to undertake specified rectification measure.

3) Any other authorizing or licensing agency shall, in tandem with the Authority’s or the relevant regional environmental agency’s decision to suspend or cancel any
authorization to implement a project, suspend or cancel the license it may have issued in favor of the project.

   1) A public instrument included in any category in any directive issued pursuant to Sub Article (2) herein, shall, prior to approval, be subject to environmental impact assessment.
   2) The Authority shall issue guidelines to determine the category as of public instruments which are likely to entail significant environmental impact and the procedure of their impact assessment.
   3) Any organ or government which initiates a public instrument falling into any category which requires environmental impact assessment as determined in any directive issued pursuant to Sub Article (2) of this Article shall ensure that it has been subjected to environmental impact assessment.
   4) Any government organ shall collaborate with the Authority to enable the evaluation of likely environmental impacts of any public instrument prepared by it.

14. **Jurisdiction**
   1) The Authority shall be responsible for the evaluation of an environmental impact study report and the monitoring of its implementation when the project is subject to licensing, execution or supervision by a federal agency or when it is likely to produce trans-regional impact.
   2) The regional environmental agency in each region shall be responsible for the evaluation and authorization or any environmental impact study report and the monitoring of its implementation if the project is not subject to licensing, execution and supervision by a federal agency and if it is unlikely to produce trans-regional impact.

**PART FIVE**

15. **Public participation**
   1) The Authority or the relevant regional environmental agency shall make any environmental impact study report accessible to the public and solicit comments on it.
   2) The Authority or the relevant regional environmental agency shall ensure that the comments made by the public and in particular by the communities likely to be affected by the implementation of a project are incorporated into the environmental impact study report as well as in its evaluation.

16. **Incentive**
   1) The Authority or the relevant regional environmental agency shall, within the capacity available to it, support implementation of a project destined to rehabilitate a degraded environment.
   2) Without prejudice to Sub Article (1) of this Article the Authority may, to the extent that its capacity allows, provide any environmental rehabilitation or pollution
prevention or clean up project with financial and technical support to cover additional costs.

17. *Grievance Procedures*

1) Any person dissatisfied with the authorization or monitoring or any decision of the Authority or the relevant regional environmental agency regarding the project may submit a grievance notice to the head of the Authority or the relevant regional environmental agency, as may be appropriate.

2) The decision of the head of the Authority or relevant regional environmental agency shall, as provided under Sub Article (1) above, be issued within 30 days following the receipt of the grievance.

**PART SIX**

18. *Offences and Penalties*

1) Without prejudice to the provisions of the Penal Code, any person who violates the provision of this Proclamation or of any other relevant law or directive commits an offence and shall be liable accordingly.

2) Any person who, without obtaining authorization from the Authority or the relevant regional environmental agency, or makes false presentations in an environmental impact assessment study report commits an offence and shall be liable to a fine of not less than fifty thousand Birr and not more than one hundred thousand Birr.

3) Any person commits an offence if he fails to keep records or to fulfill conditions of authorization issued pursuant to this Proclamation and shall be liable to a fine of not less than ten thousand Birr and not more than twenty thousand Birr.

4) When a juridical person commits an offence, in addition to whatever penalty it may be meted with, the manager who failed to exercise all due diligence shall be liable to a fine of not less than five thousand Birr and not more than ten thousand Birr.

5) The court before which a person is prosecuted for an offence under this Proclamation or regulations or directives emanating from it, may, in addition to any penalty it may impose, order the convicted person to restore or in any other way compensate for the damage inflicted.

**PART SEVEN**

*Miscellaneous Provisions*

19. *Power to Issue regulations*

The Council of Ministers may issue Regulations necessary for the effective implementation of this Proclamation.

20. *Power to Issue Directives*

The Authority may issue directives necessary for the effective implementation of this Proclamation.

21. *Duty to Cooperate*

Any person shall have the duty to cooperate in the implementation of this Proclamation.

22. *Inapplicable Laws*
Any law or practice inconsistent with this Proclamation is inapplicable regarding matters provided herein.

23. *Effective Date*

This Proclamation shall come into force as of the 3rd day of December, 2002.

Done at Addis Ababa, this 3rd day of December, 2002.

GIRMA W/GIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.4. FOOD, MEDICINE AND HEALTH CARE

3.4.1. PROCLAMATION NO. 661/2009

A PROCLAMATION TO PROVIDE FOR FOOD, MEDICINE AND HEALTH CARE ADMINISTRATION AND CONTROL

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BRIEF DESCRIPTION

This Proclamation repeals the Drug Administration and Control Proclamation No. 176/1999 and the Public Health Proclamation No.200/2000. It applies to regulatory activities in respect of food, medicine, environmental health, health professionals, health and controllable health related institutions in the country. The executive organ is required to appoint inspectors to implement the Proclamation and other laws and directives related with food, medicine and health care administration and control.

Food, Medicine and Health Care Administration and Control Proclamation No. 661/2009

WHEREAS, it is found necessary to protect the public health from unsafe, inefficacious and poor quality modern and traditional medicines;

WHEREAS, it is found necessary to protect the public from health risks emerging out of unsafe and poor quality food;

WHEREAS, it is found necessary to avert health problems due to substandard health institutions, incompetent and unethical health professionals, poor environmental health and communicable disease;

WHEREAS, it is found necessary to control and deter illicit production, trafficking and use of narcotic drugs, psychotropic substances, and precursor chemicals;

WHEREAS, in order to make the fragmented and poor quality administrative and regulatory system in the health sector efficient and effective, it is found necessary to establish a new and coordinated food, medicines and health care regulatory system;

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

PART ONE
GENERAL

1. Short Title

This Proclamation may be cited as the “Food, Medicine and Health Care Administration and Control Proclamation No. 661/2009”.

2. Definitions

In this Proclamation, unless the context otherwise requires:
“food” means any raw, semi-processed or processed substance for commercial purpose or to be served for the public in any way intended for human consumption that includes water and other drinks, chewing gum, supplementary food and any substance which has been used in the manufacture, preparation or treatment of food, but does not include tobacco and substances used only as medicines;

“food trade” means production, preparation, irradiation, export, import, storage, distribution, transport, wholesale and retail of food and food raw materials for commercial purpose and includes the provision of food quality control laboratory service;

“adulteration” means adding any foreign substance or ingredient to a food for commercial purpose or to be served for the public in any way or medicine other than its content or by substituting its content in whole or in part by such other substance or by storing or manufacturing it under unsanitary conditions whereby it may have been contaminated;

“food additive” means any substance added to food to improve its taste, color, preservation or appearance and which is considered to become a component of food;

“nutrition” means any food substance particularly enriched in protein, vitamin, mineral and any other similar contents that promote body health or protect health problems caused by malnutrition;

“medicine” means any substance or mixture of substances used in the diagnosis, treatment, mitigation or prevention of a disease in human and includes narcotic drugs, psychotropic substances and precursor chemicals, traditional medicines, complementary or alternative medicine; poisons, blood and blood products, vaccine, radio active pharmaceuticals, cosmetics and sanitary items and medical instruments;

“Pharmacopoeia” means a legal enforceable document issued or accepted by the government containing the particulars of medical drug preparation, physical aspects of medicinal and non-medicinal substances, preoperational aspect, content, intensity and standards and criteria’s to be fulfilled related to such particulars;

“narcotic drug or psychotropic substance” means any drug subject to control according to the Narcotic Drugs or Psychotropic Substance Convention of the United Nations ratified by Ethiopia, and includes a drug that is categorized as narcotic or psychotropic drug by the executive organ;

“precursor chemical” means any chemical, substance or mixture of substances subject to control according to the Convention of the United Nations ratified by Ethiopia to prevent illegal circulation of narcotic or psychotropic drugs, and include a substance that is categorized as precursor chemical by the executive organ;

“tobacco product” means product entirely or partly made of the leaf tobacco as raw material which is manufactured to be used for smoking, sucking, chewing or snuffing;

“poison” means any substance that may cause danger to human, animal, plant or environment even when taken in a small quantity;
12/ “sanitary item” means any preparation used in the maintenance of cleanliness of human, household, and includes pads, tampons, dentifrices, sweat-bands and detergents;

13/ “pesticide” means any substance or mixture of substances used to prevent, control or destroy pests to protect human, animal or plant health;

14/ “medical instrument” means any instrument or supply that may be used on the inner or outer part of the body for diagnosis or treatment of a disease in human, and includes various diagnostic, laboratory, surgery, dental medical instruments and suturing materials, syringes and needles;

15/ “traditional medicine” means any plant, animal or mineral product that can be used independently or in combination for the treatment of human or animal diseases;

16/ “cosmetic” means any preparation intended to be applied to the human body for cleansing, beautying, promoting attractiveness or altering the appearance without affecting the body’s structure or functions. This includes products such as skin creams, lotions, perfumes, lipsticks, finger nail polishes, eye and facial makeup preparations, shampoos, permanent waves, hair colors, deodorant, medicated soaps and any ingredient intended for preparing these products;

17/ “medicine trade” means profit oriented production, repacking, import, export, wholesale or retail of medicines, and includes provision of quality control service, establishing and operating scientific offices and acting as a commission agent;

18/ “prescription” means any order for medicines written by a duly licensed medical practitioner issued to a patient in order to collect medicine from dispensing unit;

19/ “clinical trial” means testing medicines or medical procedure on human or animal subjects to prove its efficacy and safety;

20/ “radio active pharmaceutical” means a medicine which has one or more radionuclide substance used to examine, prevent or diagnose human or animal disease;

21/ “packing material” means any article that may be used for filling, inserting or wrapping or packing food or medicine, and includes immediate container and other materials for wrapping the product;

22/ “label” means any material which is printed or affixed to a packing material which provides the necessary information about a food or medicine, and includes an insert;

23/ “repacking” means packing of any processed or semi-processed food or medicine by a different manufacturing company in any other way;

24/ “certificate of competence” means a work license issued for a person to carry out food, medicine, health or health related services or trade in accordance with standards set;

25/ “counterfeiting” means using in any way, the packing material, identification or trademark, trade name or any special mark thereon of an authentic product of a manufacturer and presenting such falsely labeled and packed food or medicine as if
it is manufactured by the genuine manufacturer or altering content and properties of food or medicine that cause health hazards to human;

26/ “inspector” means any professional authorized by the executive organ to perform inspection activities pursuant to this Proclamation;

27/ “suspected person” means a person who is judged by appropriate body as having been exposed to infection by a disease and is capable of communicating it;

28/ “waste” means liquid, solid or other waste generated from industries, agricultural institutions, schools, residential or commercial areas, health and research institutions, toilets or other similar institutions which can affect the health of human beings or animals;

29/ “poor environmental sanitation” means all factors in human physical environment which may cause a deleterious effect on the physical development, health and survival of human beings;

30/ “health professional” means a physician who is licensed by the executive organ to examine and diagnose human diseases and treat them by drug or surgical operations or any other health professional who is authorized to perform such activities;

31/ “medical practitioner” means a physician who is licensed by the executive organ to examine and diagnose human diseases and treat them by drug or surgical operations or any other health professional who is authorized to perform such activities;

32/ “medicinal professional” means a pharmacist, druggist, or pharmacy technician who is licensed by the appropriate organ;

33/ “traditional medication” means a medical service using plant, animal or mineral product or physical means out of indigenous and customary knowledge which is accepted by the society;

34/ “traditional practitioner” means a person who is licensed by the appropriate body to provide traditional medication;

35/ “complementary or alternative medicine” means a medication which is not indigenous traditional medication and associated with modern medicine and authorized to be rendered as complementary or alternative medicine;

36/ “complementary or alternative practitioner” means a person who is licensed by the executive organ to provide complementary or alternative medicine;

37/ “license” means a certificate issued for a health professional to provide medical or other health related services;

38/ “health institution” means any governmental, non-governmental or private institution that carry out promotive, preventive, curative and rehabilitative activities or medicine trade or services;

39/ “specialized health institution” means any specialized hospital, specialized center or institution that provides health service and training for physicians and professionals above that rank;
40/ "controllable health related institution" means any public place including schools, prisons, day care centers, geriatric centers, orphanage centers, nurseries, market places, gyms, massage centers, recreation centers, barber and beauty salons;

41/ "occupational health care" means a science devoted to the application of scientific, technological and managerial principles to protect and control worker’ health by preventing or reducing risks that may occur within working areas or relating to occupation due to chemical, physical or biological agents;

42/ "bioequivalence center” means the center in which two types of medicine productions are ascertained by research as to their similarity of efficacy and safety;

43/ "executive organ” means a body to be established by regulations of the Council of Ministers to implement food, medicine and healthcare administration and control activities at the federal level;

44/ “appropriate organ” means, as the case may be, the executive organ or a state government organ authorized to implement food, medicine and controllable health related institution administration and control activities at a state level or other organ authorized by law;

45/ “Ministry” or “Minister” means the Ministry or Minister of Health, respectively;

46/ “state” means any state referred to under Article 47 of the Constitution of the Federal Democratic Republic of Ethiopia and includes Addis Ababa and Dire Dawa city administrations;

47/ “person” means any physical or juridical person;

48/ any expression in the masculine gender includes the feminine.

3. **Scope**

1/ This Proclamation shall be applicable to regulatory activities in respect of food, medicine, environmental health, health professionals, health and controllable health related institutions in the country.

2/ Without prejudice to sub-article (1) of this Article, the application of this Proclamation at the federal level shall be in respect of:

   a) setting standards in relation to food, medicine, environmental health, health professionals, health and controllable health related institutions;

   b) licensing and regulating trans-regional food and medicine production, import, export, distribution, promotion and storage of food and medicine and quality control laboratory;

   c) registering and licensing unsufficiently available health professionals;

   d) registering and licensing health professionals coming from abroad to deliver health service;

   e) licensing and regulating specialized health institutions;

   f) monitoring and regulating trans-regional environmental health services;

   g) undertaking quarantine service with concerned bodies at entry and exit ports; and
h) other regulatory activities with respect to trans-regional food, medicine, health and controllable health related services and institutions.

3/ Without prejudice to the generality of sub-article (2) of the Article, other regulatory activities which are not given to the executive organ under Article 4 of this Proclamation shall be carried out by states government regulatory bodies.

PART TWO

THE EXECUTIVE ORGAN AND INSPECTORS

4. Power and Duties of the Executive Organ

The executive organ shall have the powers and duties to:

1/ prepare and submit to appropriate organ health regulatory standards for safety and quality of food, safety, efficacy, quality and proper use of medicines, competence and practice of health professionals, hygiene and environmental health, competence of health and controllable health related institutions; and upon approval ensure the implementation and observance of the same;

2/ issue, renew, suspend and revoke certificate of competence for specialized health institutions, food and medicine processing plants, quality control laboratories, bioequivalence centers, importers, exporters, storages and distributors and trans-regional health service institutions;

3/ initiate policies and legislation to strengthen the quality of food and medicines and the competence of health professionals and health institutions; and submit the same for government approval;

4/ serve as medicine, food, health professionals and health and controllable health related institutions information center;

5/ identify ingredients that caused death or ill health due to medicine residue or adulteration of medicine and food and take appropriate measures by conducting investigation of sample ingredients;

6/ organize quality control laboratories as needed to carry out its duty;

7/ issue import and export permits for food, medicine, raw materials and packaging materials and undertake dead bodies control and give entry or exit permit;

8/ prepare pharmacopoeia for the country, structure the medicines included in the pharmacopoeia into different categories, revise the pharmacopoeia whenever necessary;

9/ evaluate and register medicines on the basis of registration requirements, and renew, suspend and revoke such registrations;

10/ undertake and coordinate post marketing surveillance in order to ensure the safety and quality of food and safety, efficacy and quality of medicines that are put into use and take appropriate measures;

11/ authorize conducting clinical trial, monitor the process as to its conduct in accordance with good medical procedure, evaluate the results and authorize the use
of the result in such a way that it benefits the public; suspend or stop the clinical trial where necessary;

12/  monitor and control manufacture, import, export, distribution, prescribing, dispensing, use, recording and reporting of narcotic drugs, psychotropic substance and precursor chemicals, prevent their abuse and report the same to the International Narcotic Control Board;

13/  regulate the content, manufacture, import, export, distribution, sales, use, packaging and labeling, advertisement and promotion, and disposal of tobacco products;

14/  undertake inspection on planes entering the country to ensure the protection of health and control of communicable diseases and undertake fumigation and give certificate for planes departing the country;

15/  undertake control of communicable diseases at entry and exit port on international travelers and, where necessary, prohibit them from entry or exit or subject them to be quarantined; ensure that necessary preventive and control measures are taken in the case of outbreak of trans-regional communicable diseases;

16/  issue, renew, suspend and revoke license to unsufficiently available health professionals, complementary and alternative medicine practitioners and health professionals coming privately or in group from abroad to deliver health service;

17/  ensure proper disposal of expired medicine and foods and their raw materials;

18/  ensure that handling and disposal of trans-regional solid and liquid wastes from different institutions are not harmful to public health;

19/  control illegal food, medicine and health services and take appropriate measures;

20/  ensure that the quality of trans-regional water supply for the public is up to the standard;

21/  ensure the availability of necessary hygienic requirements in controllable health related institutions under the federal government;

22/  provide the necessary support to state regulatory bodies on food, medicine and healthcare with a view to harmonizing federal and regional regulatory system.

5. **Inspectors**

1/  The executive organ shall appoint inspectors to implement the provisions of this Proclamation and other laws and directives related with food, medicine and healthcare administration and control.

2/  An inspector appointed in accordance with sub-article (1) of this Article shall have the powers and duties to:

   a)  enter and inspect, during working hours, the establishments of food and medicine importers, exporters, producers, distributors and transporters and health and controllable health related institutions;

   b)  inspect foods, medicines, vaccination certificates, deed bodies, air crafts and other health related activities at ports of entry and exist;
c) enter and inspect any premises or building which he has sufficient reason to believe that there exists a situation endangering public health;

d) where it is necessary for conducting investigation or gathering evidence, take samples, measurements and photographs of foods and medicines and retain a photocopy of records;

e) subject to quality control food and medicines that are adulterated, spoiled, counterfeit, contaminated or those suspected to be dangerous to the public and to order the quarantine of such items until the laboratory results are known;

f) where he has sufficient reason to believe that any article or material found in any premise or building which is under investigation is likely to cause damage to health, order that it shall be kept separately until the investigation results are known;

g) inspect the proper disposal of foods and medicines when they expire or when they are deemed to be unfit for use in accordance with this Proclamation.

PART THREE
FOOD SAFETY AND QUALITY ADMINISTRATION AND CONTROL

6. Registration and License

1/ Any food may not be manufactured, imported, exported, stored, distributed, transported or made available for sale or use to the public without permit of the appropriate organ.

2/ Any food production institution shall not change the type and production process of the food without obtaining a permit from. And having it registered with, the executive organ.

7. Food Safety and Quality Control

1/ No food or its raw material, additive or packaging material shall be put into use unless it complies with the international and national safety and quality standards.

2/ Any food shall be preserved in accordance with the standards set or adopted by the appropriate organ.

3/ Any person may not operate a laboratory established for food quality control unless it receives certificate of competence from the executive organ.

4/ Any person may not operate a food catering service without obtaining a certificate of competence from the appropriate organ.

5/ A certificate of competence issued in accordance with sub-article (4) of this Article shall be renewed every year.

6/ It is prohibited for any institution that engages in food production, processing, storing, distribution and transportation to hire an employee having contact with the product and who is infected with communicable disease.
8. **Packaging and Labeling**

1/ Any producer, importer, distributor or retailer of packed food shall not supply it to the market or distribute it otherwise unless it is duly packed and labeled.

2/ The label of any packed food shall be written either in Amharic or English language.

9. **Nutrition**

1/ No person may involve in the production of nutrition unless it fulfills the standards set by the appropriate organ.

2/ No person may disclose the nutritious content in the food it produces without obtaining approval from the executive organ.

3/ The type and content of nutrition, usage guide and shelf-life of nutritionally produced food shall be stated in an unfading and clearly mark on its package.

4/ Any person who produces or distributes salt for human consumption shall ensure that it meets the standard requirement of iodine content.

10. **Food Import and Export**

1/ Any imported food shall be accompanied by a certificate of quality and safety authenticated by the concerned government organ of the exporting country.

2/ The executive organ may issue safety certificate for export food that needs the same.

11. **Food Irradiation**

Radiation treatment of food shall be carried out upon ascertaining by the executive organ that it is designed to meet the requirements of safety and good hygienic practice of food processing.

12. **Water Quality Control**

1/ It is prohibited to supply water for public consumption from springs, wells or through pipes unless its quality is verified by the appropriate organ.

2/ It is prohibited to import or produce and distribute bottled mineral or plain water for public consumption unless its quality is verified by the executive organ.

**PART FOUR**

**ADMINISTRATION AND CONTROL OF MEDICINE**

13. **Registration of Medicines**

1/ No medicine shall be produced locally or imported and put in use unless it is duly registered by the executive organ after being tested for its safety, efficacy and quality.
2/ Notwithstanding the provisions of sub-article (1) of this Article, the executive organ may, in unforeseen circumstances, give permits for the importation and use of medicines not registered.

3/ The certificate of registration of a medicines shall be renewed every four years where the medicine continues to meet the requirements of registration.

4/ Unforeseen circumstances mentioned under sub-article (2) of this Article shall be determined by Regulations to be issued pursuant to this proclamation.

14. Quality Standards and Appropriate Use of Medicine

1/ Any medicine or raw material or packaging material of a medicine shall meet quality standards and requirements prescribed in the pharmacopoeia issued or adopted by the appropriate organ or, where it is not included in such pharmacopoeia, those standards and requirements prescribed by manufacturing companies and accorded with international or the appropriate organ’s acceptance.

2/ Where any medicine lacks the expected use of safety, efficacy and quality for which its permit is granted, or its risk outweighs its benefit, its use shall be banned and its registration shall be revoked.

3/ Any medicine shall be available for use in accordance with the standard and working directives to be issued by the executive organ to ensure the appropriate use of medicine.

15. Clinical Trial

1/ A clinical trial shall, without prejudice to the provisions of sub-article (2) of this Article, be conducted on a human beings only when it is authorized by the executive organ.

2/ The clinical trial on a human being shall be conducted where the person gives consent in writing.

3/ Notwithstanding the provisions of sub-article (1) and (2) of this Article, a clinical trial may not be conducted on nursing and pregnant women, persons under the age of 18, prisoners and insane persons.

4/ Without prejudice to the provisions of sub-article (3) of this Article, a clinical trial may not be conducted on nursing and pregnant women, persons under the age of 18, prisoners, insane persons and persons dependant on the professional or the institution conducting the clinical trial except where there is a necessary ground and a special permission from the executive organ in accordance with the regulation to be issued pursuant to this Proclamation.

5/ It shall be the duty of the person who is authorized to conduct the clinical trial to report to the executive organ the result of the clinical trial.

6/ A person who conducts the clinical trial shall pay compensation for the person subjected to the trial the actual damage the trial has caused to him.
16. **Packaging and Labeling**

1/ Any producer, importer, distributor, retailer or health institution of medicine shall not supply it to the market or distribute it otherwise unless it is duly packed and labeled.

2/ The label of any medicine shall be written either in the Amharic or English language.

17. **Poisons, Radioactive Pharmaceuticals and Pesticides**

1/ No person may, without obtaining a certificate of competence from the appropriate organ, produces, imports, exports, distributes or sales poisons or radioactive pharmaceuticals.

2/ Any person issued with a certificate of competence pursuant to sub-article (1) of this Article shall keep records and submit reports to the appropriate organ on manufactured, imported, distributed or sold poisons or radioactive pharmaceuticals.

3/ Packaging, transportation, storage and distribution of pesticides, poisons and radioactive pharmaceuticals shall be in such a manner that minimizes danger to the life of human being, animals and the environment.

4/ The executive organ shall jointly work with the appropriate organ to ensure that the production, transportation, storage, usage and disposal of pesticides do not cause any health hazard.

**PART FIVE**

**NARCOTIC DRUGS, PSYCHOTROPIC SUBSTANCES AND PRECURSOR CHEMICALS**

18. **Requirement of Special Permit**

1/ Any person shall, to import, export, manufacture, distribute, store or possess narcotic drugs, psychotropic substances or precursor chemicals, be required to have a special permit issued by the executive organ.

2/ A special permit shall be issued pursuant to sub-article (1) of this Article only to a person who has obtained a certificate of competence with respect to the import, export, manufacturing, distribution or storage of medicine or the provision of health service.

3/ A special permit issued pursuant to sub-article (1) and (2) of this of this Article for the import or export of narcotic drugs, psychotropic substances or precursor chemicals shall apply for a specific consignment and shall be valid for 90 days from the date of its issuance.

4/ It shall be prohibited to import or export narcotic drugs, psychotropic substances or precursor chemicals:
   a) through post office or by ship; or
   b) as packed with other medicines or goods.
19. **Prescriptions Procedure**

1/ Only a medical practitioner who has a special permit and in the health institution where he is authorized to work shall prescribe narcotic drugs and psychotropic substances.

2/ No medical practitioner may prescribe narcotic drugs and psychotropic substances for himself.

3/ The prescription of a narcotic drug or psychotropic substance shall be in a special prescription paper.

20. **Storage and Reporting**

1/ Narcotic drugs and psychotropic substances and invoices, registers, and prescriptions shall be stored in a lockable metal cupboard or in a special room the key of which shall at all times remain in the hands of the authorized medical practitioner.

2/ Any person issued with a special permit shall keep records and submit reports regarding narcotic drugs, psychotropic substances or precursor chemicals in accordance with directives issued by the executive organ.

21. **Disposal and Cessation of Business**

1/ Any concerned person shall keep damaged, expired or seized narcotic drugs, psychotropic substances or precursor chemicals in a separate place and shall dispose them in accordance with directives issued by the executive organ.

2/ Any person issued with a special permit and who ceases to operate his business shall deal with the stocks of narcotic drugs, psychotropic substances or precursor chemicals and invoices, registers and prescriptions related to same in accordance with directives issued by the executive organ.

22. **Control of Tobacco**

1/ Any person shall be required to have a special permit to import, export or wholesale tobacco products.

2/ Content, manufacture, import, export, distribution, sales, use, advertisement and promotion, packaging and labeling and disposal of tobacco products shall be in conformity with regulations issued under this Proclamation.

**PART SIX**

**HYGINE, ENVIRONMENTAL HEALTH AND CONTROL OF COMMUNICABLE DISEASES**

23. **Occupational Health and Safety**

1/ Any employer shall ensure the availability of occupational health services to his employees.

2/ The executive organ shall issue appropriate directive on occupational health and use of machinery.
24. **Dangerous Chemicals**

1/ It shall be prohibited to transport or store chemicals with foods or in a manner which can cause pollution to the environment and endangering public health.

2/ Any person who produces, transports or stores dangerous chemicals shall fulfill the requirements set by the executive organ in order not to affect the environment and public health.

25. **Constructions**

Any person constructing a building for any service shall fulfill the public health requirements set by the executive organ.

26. **Health Control at Entrance and Exit Ports**

1/ Any passenger coming to or leaving Ethiopia shall be obliged to take vaccination required for international passengers in accordance with international public health requirements adopted by Ethiopia and to show, at ports of entry and exit, his certificate whenever requested by the relevant health authority and, where suspected of any communicable disease, to cooperate for medical examination.

2/ Any person without having an appropriate health certificate or coming from an epidemic area may not be allowed to enter Ethiopia.

3/ The appropriate officer at any port of entry or exit shall have the duty to report any suspected passenger of any communicable disease to the nearest health office.

4/ It shall be prohibited to transport animals together with passengers without valid health certificate and protection.

27. **Communicable Diseases**

1/ Any health professional who happens to know the existence of communicable disease in his vicinity shall have the duty to report immediately to the nearest health service institution. The institution which has received such report shall take the necessary measures and report same to public health emergency control body.

2/ The appropriate health professional shall quarantine a person infected or suspected of epidemic disease for a limited period of time.

3/ Any person suspected of epidemic disease shall cooperate for medical examination, treatment or vaccination.

4/ Parents or guardians shall have the duty to cause the vaccination of children for the protection of communicable disease.

28. **Zoonosis**

1/ Any person who is infected or suspected of zoonosis or has come from the area where such disease occurs shall have the duty to cooperate for any control activity.

2/ Every health institution shall have the duty to render the appropriate service for zoonosis in accordance with its level of competence and immediately refer to the appropriate health institution where it is not capable of providing the service.
3/ Every health institution shall observe zoonosis prevention and control directives to be issued from time to time.

29. **Disposal and Transport of Dead Body**

1/ It is prohibited to allow dead body or human remains either to enter or leave the country without the approval of the executive organ.

2/ Any person shall observe the requirements set by the executive organ to bury, exhume or transport dead body or human remains.

30. **Waste Handling and Disposal**

1/ No person shall collect or dispose solid, liquid or other wastes in a manner contaminating the environment and harmful to health.

2/ Any wastes generated from health or research institutions shall be handled with special care and their disposal procedures shall meet the standards set by the executive organ.

3/ It is prohibited to discharge untreated waste generated from septic tanks, seepage pits, and industries into the environment, water bodies or water convergences.

31. **Availability of Toilet facilities**

1/ Any institution providing public service shall have the obligation to organize clean and adequate toilet facilities and keep it open to its customers.

2/ Any city or rural administration shall be responsible to provide public toilet and ensure its cleanliness.

32. **Control of Bathing Places and Pools**

1/ Any person providing a public bathing place, swimming pool, natural steam bath or hot spas shall fulfill the requirements set by the executive organ.

2/ Any person providing a public bathing or swimming pool shall not allow his service to persons with an invisible or physically visible skin disease or lesions.

**PART SEVEN**

**HEALTH PROFESSIONALS**

33. **Requirement of Professional License**

1/ No person shall practice as a health professional without having obtained a professional practice license issued by the appropriate organ.

2/ Professional practice license given to any health professionals shall be renewed every five years upon ethical and competence evaluation.

3/ A health professional whose license has been suspended or revoked shall be prohibited to practice his profession.

4/ The appropriate organ shall notify to the public the list of health professionals whose licenses have been suspended and revoked.
34. **Standards of Care and Scope of Practice**
   Any health professional shall practice his profession in accordance with the standards of health care and scope of professional practice set by the executive organ.

35. **Code of Conduct**
   1/ Any health professional shall perform his professional duties in accordance with the relevant code of ethics.
   2/ The code of conduct for health professionals shall be determined by regulations to be issued pursuant to this Proclamation.

36. **Duty to Report**
   1/ Any health professional or other person who is aware of the existence of professional mal-practice shall report the same to the appropriate regulatory organ.
   2/ Any health professional who is aware of or suspects the existence of communicable diseases identified as reportable diseases by public health emergency control organ shall immediately report same to the public health emergency control organ.

37. **Information of Patients and Obligations of Health Institutions**
   1/ Any health professional shall fully record personal health information generated during each encounter with a patient within a health institution.
   2/ Any health institution shall have the duty to ensure that the records of personal health information referred to in sub-article (1) of this Article are kept and maintained properly.
   3/ Any personal health information of a patient shall be confidential unless it is requested for a legitimate purpose authorized by law.
   4/ Without prejudice to sub-article (3) of this Article, patients’ health information generated and maintained in accordance with sub-articles (1) and (2) shall be aggregated and reported to the appropriate organ on time.

38. **Emergency Treatment and Referral**
   1/ Any health professional shall have the duty to render emergency medical treatment within the scope of his professional practice.
   2/ Where a health professional is not capable of providing the necessary emergency medical treatment in accordance with the health institution’s standard, he shall immediately refer the patient, in accordance with the referral system to an appropriate health institution which is capable of providing the necessary treatment.

39. **Prescribing and Dispensing of Medicines**
   1/ Medicine shall only be prescribed by a medical practitioner who is licensed by the appropriate organ.
   2/ Any medical practitioner shall prescribe medicine following prescription procedures and on a standard prescription paper.
   3/ Medicines shall be dispensed by medical professional.
   4/ Without prejudice to sub-article (3) of this Article, the executive organ, in accordance with the directive to be issued, may permit as to the dispensation of
medicines by health extension professionals and, in compelling circumstances, by other health professionals.

5/ Any licensed professional dispenser of medicine shall dispense medicines with care by rendering enough information and understanding based upon dispensing procedures.

6/ Any professional dispenser of medicine may not dispense medicines without prescription issued in accordance with medicine prescribing procedures, except medicines dispensed without prescription.

40. Interns or Residents
   1/ Any health institution which let interns or residents to practice the respective stream of their studies, the institution and the school shall be duty bond to follow up their training and practice.
   2/ Notwithstanding sub-article (1) of this Article, any intern or resident may be held responsible for any injury he causes to a patient.

PART EIGHT
HEALTH AND CONTROLLABLE HEALTH RELATED INSTITUTIONS

41. Requirement of Certificate of Competence
   1/ A person requiring to establish health institution or medicine trade of service or to undertake change within the institution shall obtain certificate of competence from the appropriate organ.
   2/ A certificate of competence issued in accordance with sub-article (1) of this Article shall be renewed every year.

42. Standard of Health Institutions
   The executive organ shall determine the categories and standards of services to be provided by health institutions.

43. Cessation of Business
   Any health institution or medicine trade establishment which ceases to operate its business shall deal with the stocks of medicines and invoices, registers and prescriptions related to same in accordance with directives issued by the executive organ.

44. Controllable Health Related Institutions
   Any controllable health related institution shall meet the standards of hygienic requirements set by the executive organ.

PART NINE
TRADITIONAL AND COMPLEMENTARY OR ALTERNATIVE MEDICINE

45. Registration
   Any locally produced or imported traditional, complementary or alternative medicine may not be put into use unless evaluated and registered by the executive organ.
46. **License Requisite**

1/ No person shall practice as a traditional or complementary or alternative medicine practitioner without having obtained a practice license issued by the appropriate organ.

2/ A traditional, complementary or alternative medicine practitioner’s license shall be renewed every five years upon ethical and competence evaluation of the licensee.

3/ A traditional, complementary or alternative medicine practitioner whose license has been suspended or revoked shall be prohibited to practice his profession.

47. **Traditional, Complementary or Alternative Medicine Service Premises**

1/ Any person may not render traditional, complementary or alternative medicine service out of the premises approved by the appropriate organ.

2/ No person shall manufacture, import, export, distribute or sell traditional, complementary or alternative medicine without obtaining a certificate of competence from the appropriate organ.

3/ A certificate of competence issued pursuant to sub-article (2) of this Article shall be renewed every year.

**PART TEN**

**ADMINISTRATIVE MEASURES AND COMPLAINTS’ HANDLING**

48. **Administrative measures**

1/ A certificate of competence or license issued by the appropriate organ may be suspended or revoked where the holder thereof works in violation of this Proclamation or regulations or directives issued hereunder.

2/ Where the appropriate organ ascertains that any medicine or food is not safe for use, it may seize the medicine or food and dispose or send it back to the country of origin at the expense of its owner or possessor.

3/ The appropriate organ shall close any health institution or medicine trade establishment operated without having a certificate of competence and take appropriate actions.

49. **Complaints Handling**

1/ Any person who is aggrieved of the denial, suspension or revocation of a certificate of competence or license may lodge his compliant within 30 days from the date of decision to the grievance hearing body established by the appropriate organ.

2/ The body received a complaint in accordance with sub-article (1) of this Article shall render its decision within 30 days.

**PART ELEVEN**

**MISCELLANEOUS PROVISIONS**

50. **Commercial Advertisement**

1/ Commercial advertisement of food, medicine or health service through mass media or other means shall be determined by directive issued by the executive organ.
2/ Any mass media or advertising organ shall be obliged to respect the directive issued.

3/ The executive organ shall ensure the implementation of the food, medicine or health service commercial advertisement directive.

51. **Submission of Information**

1/ Food, medicine, health and controllable health related service rendering institutions shall submit periodical information regarding their services in accordance with directives of the appropriate organ.

2/ State regulatory or delegated organs shall submit report to the executive organ on license/certificate of competence and professional license they have issued, suspended and revoked.

52. **Duty to Cooperate**

The concerned federal and regional bodies shall have the duty to cooperate with the executive organ with a view to facilitating the effectively discharging its duties under this Proclamation.

53. **Penalty**

1/ Unless a higher penalty is provided under the Criminal Code:

   a) Any licensed person who:
      
      (1) impedes the work of inspector assigned pursuant to sub-article (2) (a) of Article 5 of this Proclamation shall be punishable with imprisonment for not less than one year and not exceeding five years or with a fine not less than Birr 10,000 and not exceeding Birr 50,000 or with both;

      (2) transfers the certificate of competence or license issued to him to any person by way of any means without the permission of the executive organ shall be punishable with imprisonment of not less than two years and not exceeding five years and a fine of not less than Birr 50,000 and not exceeding Birr 100,000;

   b) Any licensed medicine manufacturer, importer, exporter or wholesaler who sales medicine to a person without a certificate of competence or license shall be punishable with imprisonment of not less than five years and not exceeding seven years and with a fine of not less than Birr 50,000 and not exceeding Birr 100,000;

   c) Any person who trades medicines without a certificate of competence shall be punishable with imprisonment for not less than five years and not exceeding seven years and with a fine of not less than Birr 50,000 and not exceeding Birr 100,000;

   d) Any person who conduct clinical trail in violation of Article 15 shall be punishable with punishable with imprisonment of not less five years and not exceeding seven years and with a fine of not less than Birr 50,000 and not exceeding birr 100,000;
e) Any person who advertises in violation of Article 22 or 50 of this Proclamation shall be punishable with imprisonment of not less than six months and not exceeding one year or with a fine of not less than Birr 5,000 and not exceeding Birr 10,000 or with both;

f) Any person who advertises by way of any means to encourage the abuse of narcotic drugs or psychotropic substances or causes or allows such advertising or causes the illegal production of narcotic drugs or psychotropic substances through the inappropriate use of precursor chemicals shall be punishable with imprisonment of not less than seven years and not exceeding fifteen years and with a fine of not less than Birr 30,000 and not exceeding Birr 50,000;

g) Any person who violates the provisions of Article 7 (1) or (2) about food safety and quality or Article 8 about food packaging and labeling of this Proclamation shall be punishable with imprisonment of not less than two years and not exceeding five years and with a fine of not less than Birr 20,000 and not exceeding Birr 50,000;

h) Any person who violates Article 6 about registration and licensing of food, Article 9 about standards for nutrition and labeling or Article 11 about food irradiation of this Proclamation shall be punishable with imprisonment of not less than one year and not exceeding three years or with a fine of not less than Birr 5,000 and not exceeding Birr 10,000 or with both;

i) Any person who violates:

1/ Article 12 about water quality control of this Proclamation shall be punishable with imprisonment of not less than three years or with a fine of not less than Birr 20,000 and not exceeding Birr 40,000 or with both;

2/ Article 24 about dangerous chemicals of this Proclamation shall be punishable with imprisonment of not less than five years or with a fine of not less than Birr 50,000 and not exceeding Birr 100,000 or with both;

j) Any person who does not provide occupational health services under Article 23 (1) of this Proclamation shall be punishable with imprisonment of not less than three years or with a fine of not less than Birr 20,000 and not exceeding Birr 40,000 or with both;

k) Any person who violates construction standards under Article 25 of this Proclamation shall be punishable with imprisonment of not less than three months and not exceeding one year or with a fine of not less than three years or with a fine of not less than Birr 5,000 and not exceeding Birr 10,000 or with both;

l) Any person who violates Article 31 about organizing toilet facilities or Article 32 about bathing places and pools of this Proclamation shall be punishable with a fine of not less than Birr 3,000 and not exceeding Birr 5,000;

m) Any health professional who violates requirements of professional license under Article 33 or standards of care and scope of practice under Article 34 of
this Proclamation shall be punishable with imprisonment of not less than two years and not exceeding five years;

n) Any person who violates:

1/ the duty to report communicable diseases under sub-article (1) or the duty to quarantine a person infected or suspected of epidemic disease under sub-article (2) of Article 27 of this Proclamation shall be punishable with imprisonment of not exceeding six months or fine of not exceeding Birr 3,000 or with both;

2/ the duty to report under Article 36 of this Proclamation shall be punishable with imprisonment of not less than six months and not exceeding 2 years or with a fine of not less than Birr 5,000 and not exceeding birr 10,000 or with both;

3/ the duty with respect to patients’ information and of health institutions under Article 37 of the Proclamation shall be punishable with imprisonment of not exceeding one year or fine of not exceeding Birr 10,000 or with both;

o) Any person who violates Article 45 about traditional, complementary or alternative medicine registration, Article 46 about traditional, complementary or alternative medicine practitioner licensing or Article 47 about traditional, complementary or alternative medicine service premises of the Proclamation shall be punishable with imprisonment of not less than one year and not exceeding three years and with a fine of not less than Birr 5,000 and not exceeding birr 10,000.

2/ Any employee or official of the appropriate organ who, by taking bribes or through nepotism or other illegal relationships, and in violation of this Proclamation or regulations or directives issued hereunder:

a) issues or renews or causes the issuance or renewal of a certificate of competence or professional license with respect to medicine, food or health or controllable health related institution services; or

b) authorizes or causes the authorization of the use of food or medicine or raw materials without making adequate evaluation, where relevant, of their quality, safety and efficacy;

shall, unless a higher penalty is provided under the criminal code, be punishable with imprisonment of not less than seven years and not exceeding fifteen years and with a fine not less than Birr 30,000 and not exceeding birr 50,000.

3/ The penalty provided for under sub-article (2) of this Article shall also be applicable to a person who has given the bribe.

4/ If a person who participated in the commission of an offence provided for under sub-article (2) of this Article gives, before the case is submitted to a court, adequate information on the commission of the offense and the role of the major participants,
the Ministry of Justice may exempt the person from prosecution pursuant to this Proclamation.

54. **Repeal and Inapplicable Laws**
1/ The following laws are hereby repealed:
   a) the Drug Administration and Control Proclamation No. 176/1999; and
   b) the Public Health Proclamation No. 200/2000.
2/ No law, regulation, directive or practice shall, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters provided for by this Proclamation.

55. **Power to Issue Regulations and Directives**
1/ The Council of Ministers may issue regulations necessary for the implementation of this Proclamation.
2/ States may issue laws for the implementation of this Proclamation.
3/ The executive organ may issue directives necessary for the implementation of this Proclamation and regulations issued pursuant to sub-article (1) of this Article.

56. **Effective Date**
This Proclamation shall enter into force up on the date of publication in the Federal Negarit Gazeta.

Done at Addis Ababa, this 13th day of January, 2010

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
3.4.2. COUNCIL OF MINISTERS REGULATION NO. 189/2010

COUNCIL OF MINISTERS REGULATION TO ESTABLISH THE ETHIOPIAN FOOD, MEDICINE, AND HEALTH CARE ADMINISTRATION AND CONTROL AUTHORITY

BRIEF DESCRIPTION

This Regulation establishes the Ethiopian Food, Medicine and Health Care Administration and Control Authority which is accountable to the Ministry of Health. The Authority is tasked with exercising the extensive duties and responsibilities found under Article 4 of the Food, Medicine and Health Care Administration and Control Proclamation No. 661/2009. The Regulation transfers the rights and obligations of the Drug Administration and Control Authority established under Proclamation No. 176/1999 to the Authority.

ETHIOPIAN FOOD, MEDICINE AND HEALTH CARE ADMINISTRATION AND CONTROL AUTHORITY ESTABLISHMENT COUNCIL OF MINISTERS REGULATION NO. 189/2010

This Regulation is issued by the Council of Ministers pursuant to Article 5 and 34 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 471/2005 (as amended by Proclamation No. 603/2008) and Article 2 (43) and 55 (1) of the Food, Medicine and Health Care Administration and Control Proclamation No. 661/2009.

1. **Short Title**
   
   This Regulation may be cited as the “Ethiopian Food, Medicine and Health Care Administration and Control Authority Establishment Council of Ministers Regulation No. 189/2010.”

2. **Definition**
   
   In this Regulation unless the context otherwise requires:
“Proclamation” means the Food, Medicine and Health Care Administration and Control Proclamation No. 661/2009;

the terms “food”, “medicine”, “health professional”, “medical practitioner”, health institution” and “Region” shall have the meanings assigned to them under Article 2 of the Proclamation;

“pharmacy professional” means a pharmacist, druggist or pharmacy technician licensed by an appropriate organ;

“Ministry” and “Minister” means the Ministry and Minister of Health, respectively;

any expression in the masculine gender includes the feminine.

3. Establishment

The Ethiopian Food, Medicine and Health Care Administration and Control Authority (hereinafter the “Authority”) is hereby established as an autonomous government office having its own legal personality.

The Authority shall be accountable to the Ministry.

4. Head Office

The Authority shall have its head office in Addis Ababa and may have branch offices elsewhere, as maybe necessary.

5. Objectives

The objectives of the Authority shall be to protect the health of consumers by ensuring:

food safety and quality;

the safety, efficacy, quality and proper use of medicines;

competence and ethics of health professionals, medical practitioners and pharmacy professionals;

the standard of health institutions; and

the hygiene and environmental health protection suitability for individual and community health.

6. Powers and Duties of the Authority

The Authority shall have the powers and duties to:

exercise the powers and duties provided under Article 4 of the Proclamation;

collect service fees;

own property, enter into contracts, sue and be sued in its own name;

perform other lawful activities as may be necessary for the attainment of its objectives.

The Authority may, where it finds it necessary, delegate part of its powers and duties to appropriate regional organs.
7. **Organization of the Authority**

The Authority shall have:

1/ an Advisory Board;

2/ a Director General and two Deputy Director Generals to be appointed by the government; and

3/ the necessary staff.

8. **Members of the Advisory Board**

1/ Members of the Advisory Board shall be designated by the Minister upon the nomination of the Director General. Composition of the members shall be from:
   a) associations of health professionals;
   b) higher education institutions;
   c) consumers associations; and
   d) other appropriate associations, institutions and professionals.

2/ The Chairperson of the Advisory Board shall be designated from among the members.

9. **Duties and Responsibilities of the Advisory Board**

The Advisory Board:

1/ shall advise the Authority in respect of policy and strategic matters;

2/ may establish different technical committees as may be necessary;

3/ may adopt its own rules of procedures.

10. **Powers and Duties of the Director General**

1/ The Director General shall be the chief executive officer of the Authority and shall direct and administer the activities of the Authority.

2/ Without prejudice to the generality of the provisions of sub-article (l) of this Article, the Director General shall:

   a) exercise the powers and duties of the Authority specified under Article 6 of this Regulation;

   b) employ and administer personnel of the Authority in accordance with directives approved by the government following the basic principles of the federal civil service laws;

   c) prepare, and submit to the Ministry, annual plans and budgets of the Authority, and implement the same upon approval:

   d) effect payments in accordance with the approved budget and work plan of the Authority;

   e) represent the Authority in all its dealings with third parties;
f) prepare and submit to the Ministry the performance and financial reports of the Authority.

3/ The Director General may delegate part of his power and duties to the Deputy Director Generals and employees of the Authority to the extent necessary for the efficient performance of the Authority.

11. **Powers and Duties of Deputy Director Generals**

1/ The Deputy Director Generals shall:
   a) assist the Director General in planning, organizing, directing and coordinating the activities of the Authority; and
   c) perform other activities specifically assigned to them by the Director General.

2/ The Deputy Director General who is specifically delegated shall act on behalf of the Director General in his absence.

12. **Budget**

   The budget of the Authority shall be allocated by the government.

13. **Books of Accounts**
   1/ The Authority shall keep complete and accurate books of accounts.
   2/ The books of accounts and other financial documents of the Authority shall be audited annually by the Auditor General or by an auditor designated by him.

14. **Transfer of Rights and Obligations**

   The rights and obligations of the Drug Administration and Control Authority established under Proclamation No. 176/1999 are hereby transferred to the Authority.

15. **Effective Date**

   This Regulation shall enter into force on the date of publication in the Federal Negarit Gazzeta.

   Done at Addis Ababa this 23rd day of August, 2010.

   MELES ZENAWI

   PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
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[...]
BRIEF DESCRIPTION
This Regulation issued in accordance with, and implements, the Food, Medicine and Health Care Administration and Control Proclamation No. 661/2009.

Food, Medicine and Health Care Administration and Control Council of Ministers Regulation No. 299/2013

This Regulation is issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010 and Article 55(1) of the Food, Medicine and Health Care Administration and Control Proclamation No. 661/2009.

PART ONE
GENERAL

1. Short Title
   This Regulation may be cited as the “Food, Medicine and Health Care Administration and Control Council of Ministers Regulation No. 299/2013”.

2. Definitions
   In this Regulation unless the context otherwise requires:
   1/ “Proclamation” means the Food, Medicine and Health Care Administration and Control Proclamation No. 661 /2009;
   2/ “food” means, without prejudice to the definition provided under Article 2 (1) of the Proclamation, a product that is produced by food manufacturer for more than one regional state or foreign markets;
   3/ “food manufacturer” means a manufacturer producing food intended to sale for more than one regional state or foreign markets, excluding micro and small enterprises engaged in the preparation of traditional foods;
   4/ “food safety” means the proof and control of food that is safe for use in the process of delivering food to the consumer through proper manufacturing, preparation, handling, storage and transportation;
   5/ “food irradiation” means the process of exposing food to radiation energy to kill harmful bacteria and other organisms to extend shelf-life;
   6/ “potentially hazardous food” means food exposed to or capable of supporting the growth of disease-causing microorganisms or the production of toxins;
   7/ “pre-packed food” means food that was already packed by the manufacturer before reaching the seller;
   8/ “food supplement” means a type of food that supplement the normal diet and which is a concentrated source of vitamin, mineral or other substance with a nutritional or
physiological effect, alone or in combination, designed to be taken in measured small quantities and is prepared in capsule, pill, powder, liquid, drops or any other similar forms;

9/ “infant formula” means milk or milk-like product of animal or vegetable origin formulated industrially in accordance with the appropriate standard for infant formula and intended to satisfy the nutritional requirements of infants starting from birth and during the first six months;

10/ “follow-up formula” means a milk or milk-like product of animal or vegetable origin formulated industrially in accordance with the appropriate standard for follow-up formula and marketed or otherwise represented as suitable for feeding infants and young children older than six months of age;

11/ “complementary food” means any food processed industrially, suitable as a complement to breast milk, infant formula or follow-up formula when it become insufficient to satisfy the nutritional requirement of the infant.

12/ “genetically modified food” means meat and edible plants modified through genetic engineering;

13/ “alcoholic beverage” means any beverage containing alcohol, whatever its strength;

14/ “sell” means to offer, advertise, keep, store, display, or deliver for sale or to exchange food, medicine or tobacco product in any manner for consideration;

15/ “certificate of pharmaceutical product” means a document issued by the Authority or the manufacturer country regulatory body confirming that the medicine is manufactured by a licensed manufacturer;

16/ “good manufacturing practice” means the basic principles which any food or medicine manufacturer should consistently comply within manufacturing safe and quality food or safe, efficacious and quality medicine;

17/ “complimentary or alternative medicine” means a raw or partially or fully processed product which is neither indigenous traditional medicine nor associated with modern medicine;

18/ “dangerous chemical” means a chemical that can cause severe injury to human health if not cautiously kept or utilized and categorized as dangerous by the Authority;

19/ “hazardous waste” means any waste deleterious to human health and that cannot be recycled;

20/ “recyclable waste” means liquid waste that could be treated to avoid injury to human health or waste that could be transformed into usable thing through various mechanisms;

21/ “frontier port” means international airport, controlling station at border or dry port designated by the competent body;
22/ “communicable disease” means disease that can cause major epidemics by spreading rapidly;

23/ “quarantine” means separation of persons who are suspected to be exposed or infected with emergent communicable disease until the infection is confirmed;

24/ “isolation” means separation of a person who is infected with communicable disease for certain period so that he may not transmit the disease to other persons;

25/ “conveyance operator” means airplane or train captain or the driver of any other operator of conveyance;

26/ “health professional” means a person registered as a health professional by the appropriate organ to protect human health or provide health services and includes complementary or alternative medicine practitioner;

27/ “health service” means a service provided by a health professional as per the type and scope of practice permitted by law;

28/ “insufficiently available health professionals” means health professionals regarded as insufficiently available by the Ministry of Health where the national demand remains unfulfilled;

29/ “impairment” means a mental or physical condition which reduces the competence or judgment of a health professional in performing his professional duties;

30/ “mental disorder” means a disorder of thought, perception, feeling or behaviour that seriously impairs a person’s judgment capacity to recognise reality, ability to associate with others or ability to meet the ordinary demands of life, in respect of which treatment is advisable;

31/ “unprofessional conduct” means the conduct of a health professional contrary to professional ethics or obligations stipulated in the Proclamation, this Regulation or other relevant law or standards;

32/ “client” means a patient or user who establishes contractual or otherwise relationship with a health professional to obtain health service for himself or for a third party;

33/ “institution” means health or complementary or alternative medicine service institution or food establishment;

34/ “food establishment” means an establishment undertaking food trade in accordance with Article 2(2) of the Proclamation but does not include food retail trade;

35/ “food handler” means any person involved in food manufacture, import or export trade activity having contact with the food;

36/ “food fortification” means the addition of one or more micronutrients to a food to prevent or correct a demonstrated deficiency of one or more nutrients in the general population or specific population group;

37/ “health” means a state of complete physical, social, mental wellbeing and not merely the absence of disease or infirmity;
38/ “life saving emergency treatment” means a service provided by any person or trained professional to a patient who has encountered imminent and life threatening disease or injury until the patient has got access to regular healthcare services;

39/ “emergency medical treatment” means a medical treatment provided in health institution by a health professional to a patient who has encountered disease or injury which could result in imminent and life threatening or permanent health problem;

40/ “tissue” means collection of cells typical in structure, composition and function that are taken from organs excluding reproductive organs such as male and female reproductive organs, testosterone and progesterone, fetus and blood or blood products taken during blood donation;

41/ “transplantation” means substituting, through surgery, a patient’s infected organ or tissue or that which is unable to perform its normal function by donated organ or tissue from a living or dead person;

42/ “artificial reproduction service” means the introduction of semen into a female’s vagina or oviduct for the purpose of fertilization by means other than the natural way and includes uniting sperm and egg cells externally with a view to introduce the fertilized sperm and egg into such female’s reproductive organ;

43/ “distributor” means a person who distributes food or medicine products in more than one regional state;

44/ “Authority” means the Ethiopian Food, Medicine and Health Care Administration and Control Authority;

45/ other definitions provided under Article 2 of the Proclamation shall be applicable.

PART TWO
FOOD AND MEDICINE ADMINISTRATION AND CONTROL
CHAPTER ONE
FOOD SAFETY AND QUALITY

3. General

No food unfit for human consumption or not complying with appropriate safely and quality standards may be manufactured, imported, exported, stored, distributed, transported or made available for sale or use to the public.

4. Food Manufacturing

1/ No food manufacturer may, without registration and permit from the Authority, sale food product intended for distribution in more than one regional state or for export market, or change the type and production process of the food.

2/ The Authority shall register or issue a permit in accordance with sub-article (1) of this Article upon ascertaining the fulfillment of good manufacturing practices, food safety and quality laboratory test and other necessary requirements.
3/ Without prejudice to the provision of sub-article (1) of this Article the Authority shall adopt directive determining the kinds of foods that shall be registered.

5. **Food Adulteration and Counterfeiting**
   1/ It shall be prohibited to add or mix any substance to any food so as to increase its bulk or weight, or make it appear better or for any other similar purpose.
   2/ It shall be prohibited to partially or completely embed in any food anything harmful to human health or that can affect the safety and quality of the food.
   3/ It shall be prohibited to present any food as if it is produced by the real manufacturer or affecting quality and safety by imitating its package, identification, trade mark, trade name or any mark.

6. **Food Storage, Transportation and Display**
   1/ Any food manufacturer, exporter, importer or distributor shall store, display, pack or transport perishable food at appropriate temperature or cold chain.
   2/ Any food manufacturer, exporter, importer or distributor transporting food on or in any part of a vehicle may only be possible where that part has been cleaned to such an extent that chemical, physical or microbiological contamination of the food is prevented.
   3/ It shall be prohibited to store, load or transport any food together with contaminated food, waste food, poison, any harmful substance, animal or any other contaminant.

7. **Food Fortification**
   1/ For the purpose of protection of public health the Authority may order any food manufacturer to fortify food with different minerals and vitamin.
   2/ Any food establishment may only manufacture, import, distribute or sale any food identified for fortification in accordance with sub-article (1) of this Article where such food is enriched in accordance with requirements adopted by the Authority.
   3/ The labelling of fortified food shall contain the phrase stipulating with what mineral or vitamin the food is fortified.

8. **Food Irradiation**
   1/ A food irradiation establishment shall be designed to meet the requirements of safety and good hygienic practices.
   2/ The radio nuclei remain in any food may not exceed the acceptable limit.

9. **Food Import and Export**
   1/ Any person may only import food for public consumption upon obtaining permit issued by the Authority after ascertaining the safety and quality of the food.
   2/ Where the Authority ascertains that imported food is not safe and is of poor quality it may order its appropriate disposal or may cause to be returned to the country of origin.
3/ The Authority shall, when requested by the exporter, issue a certificate of laboratory analysis, a certificate of authorization to sale the product at the local market or health certificate.

10. **Food Supplement and Genetically Modified Foods**

1/ Any person may only sale food supplements upon the registration and permit of the Authority.

2/ No person may sell a food supplement unless in pre-packed form and its labelling contains the phrase “food supplement”.

3/ No labelling presentation or advertisement of a food supplement may describe that a balanced and varied diet cannot provide appropriate quantities of nutrients or attribute to the food supplement the property of preventing or treating a human disease.

4/ Special permit of the Authority shall be required to manufacture, import, export or distribute genetically modified foods.

5/ No person may sell genetically modified food unless in pre-packed form and its labeling contains the phrase “genetically modified food”.

11. **Infant and Follow up Formula and Complementary Food**

1/ Special permit of the Authority shall be required to manufacture, import, export or distribute any infant and follow up formula or complementary food.

2/ The Authority shall adopt specific requirements regarding the marketing of breast-milk substitute.

12. **Trans-Regional Water Supply**

Any person may only carry out trans-regional water supply services upon the approval of safety and quality of water by the Authority.

13. **Sale of Alcohol**

1/ Any alcoholic beverage produced at industry level for distribution in more than one region or for export market or imported for local consumption shall comply with the standards prescribed by the competent organ.

2/ Alcoholic beverage supplied to market pursuant to sub-article (1) of this Article having less than ten per cent of alcoholic content shall state its expiry date on its label.

3/ The Authority shall issue directive regarding regulation of alcoholic beverage.

**CHAPTER TWO**

**MEDICINE ADMINISTRATION AND CONTROL**

14. **General**

No medicine the quality, safety and efficacy of which is not ascertained may be manufactured, imported, exported, stored, distributed, transported or made available for sale or user to the public.
15. **Manufacturing and Certificate of Registration of Medicine**

1/ Any medicine manufacturer or an agent may only manufacture or import a medicine that is included under the national drug list.

2/ Notwithstanding sub-article (1) of this Article, domestic medicine producer may produce medicine not included in the national drug list and have it registered in a special circumstance to sell it to foreign market.

3/ No medicine that is not included in the national drug list and not having certificate of registration may be supplied to market.

4/ The Authority shall issue a certificate of registration of medicine market authorization after:
   a) assuring the medicine manufacturer’s compliance to good manufacturing practice;
   b) the medicine dossier is evaluated and found to fulfil safety, quality and efficacy requirements; and
   c) the medicine fulfil laboratory quality test requirements.

5/ Any medicine manufacturer may change any information submitted during application for certificate of registration of a medicine after issuance of the certificate only upon written notification to and approval of the Authority.

6/ Any manufacturer who has got registered medicine shall submit an application to the Authority for the renewal of the certificate of registration of the medicine six months before the expiry of the period stipulated under Article 13(3) of the Proclamation.

16. **Storage, Transportation and Distribution of Medicine**

1/ Any medicine manufacturer, exporter, importer or distributor shall store, transport or distribute medicine at appropriate temperature or cold chain.

2/ Any medicine manufacturer, exporter, importer or distributor may transport medicine by any conveyance only where the compartment of the conveyance that has link with the medicine has been cleaned to the extent that chemical, physical or microbiological contamination of the medicine is prevented.

17. **Medicine Adulteration and Counterfeiting**

1/ It shall be prohibited to add or mix any foreign substance to any medicine so as to change its amount, content or weight, or to make it appear better or for any other similar purpose.

2/ It shall be prohibited to partially or completely embed in any medicine anything harmful to human health or that can affect the quality, safety and efficacy of the medicine.

3/ It shall be prohibited to present any medicine as if it is produced by the real manufacturer by imitating its package, identification, trade mark, trade name or any special mark or present it by altering its content and nature.
18. **Importation of Medicine**

1/ Any person may import medicine upon obtaining pre-import permit and a permit of entry from the Authority at a port of entry.

2/ The Authority shall cause the disposal or the return to the country of origin of imported medicine, as may be appropriate, when its safety, quality or efficacy are not up to the standard.

3/ The Authority shall issue appropriate evidence for the disposed medicine when requested by medicine importer.

19. **Raw Material and Packing of Medicine**

1/ Any person may only produce, import, export, distribute or store raw materials and packaging of medicine after obtaining permit from the Authority.

2/ The Authority shall issue detailed directive regarding raw material and packaging of medicine.

20. **Import of Medicine Not Registered**

The Authority may, on anyone of the following grounds, grant a special permit for the import of medicine not registered:

1/ for clinical trials or any other scientific investigations;

2/ for personal use of a patient when prescribed by physician;

3/ for conducting laboratory quality test for registration purpose;

4/ for natural or man-made disaster or similar emergency aid;

5/ for use of diplomatic missions; or

6/ for medicine lacking motivation of importers or for medicine used for the treatment of diseases not given adequate attention.

21. **Poisons and Radioactive Pharmaceuticals**

No person may manufacture, import, export, distribute, store or possess poisons or radioactive pharmaceuticals without obtaining a certificate of competence from the Authority.

22. **Clinical Trial**

1/ Clinical trial on human subjects may be authorized by the Authority after the research proposal is being evaluated and accepted from scientific, legal and ethical perspectives.

2/ Any researcher applying for authorization in accordance with sub-article (1) of this Article shall submit to the Authority the research proposal, relevant information about himself and his associates, the medicine for the trial, permit from Clinical Trial Ethics Committee and other necessary documents.

3/ The Authority shall regulate the progress of an authorized clinical trial regularly in accordance with good medical procedure, suspend or stop the clinical trial where
necessary, evaluate the results and authorize the use of the result in such a way that it benefits the public.

23. **Clinical Trial Ethics Committee Supervisory Body**

1/ The Authority shall establish a Clinical Trial Ethics Committees Supervisory Body.

2/ The Clinical Trial Ethics Committees Supervisory Body shall be responsible for recognizing and monitoring clinical trial ethics committees established at different levels and, where necessary, for establishing them.

3/ The Director General of the Authority shall be the Chairperson of the Clinical Trial Ethics Committee Supervisory Body.

4/ The Clinical Trial Ethics Committee Supervisory Body shall issue directive necessary for discharging its responsibilities.

24. **Obligations of the Researcher**

1/ The researcher of the clinical trial may not disseminate the result of the research without notifying to and getting approval from the Authority.

2/ The researcher of the clinical trial shall have the duty to allow access to and cooperate with the Authority in inspecting the place of the trial and the trial documents.

3/ Except covering reasonable costs incurred in the clinical trial, the researcher of clinical trial may not make any payment, in cash or in kind, to the person subject to the clinical trial.

25. **Clinical Trials on Pregnant Women, Nursing Mothers, Minors or Foetus**

Clinical trial on pregnant women, nursing mothers, minors or foetus may only be carried out in accordance with Article 15(4) of the Proclamation upon ascertaining the fulfilment of the following conditions:

1/ scientific evidence is produced proving that the medicinal product is intended to diagnose, prevent or cure diseases in pregnant women, nursing mothers, minors or foetus;

2/ clinical trial carried on persons other than pregnant women, nursing mothers, minors or foetus cannot be expected to produce satisfactory test results according to scientific or medical knowledge;

3/ in the case of a clinical trial on nursing mother, the amount of medicine passing into breast milk may not cause harm to the breast fed infant;

4/ in the case of a clinical trial on a pregnant woman or nursing mother, the informed consent of the pregnant woman or nursing mother and the father of the minor or the foetus or, in absence of the latter, the consent of the pregnant woman or nursing mother is obtained after being briefed about the clinical trial;

5/ in the case of a clinical trial on minors, without prejudice to the interest of the minor, the informed consent of his father and mother or in absence or one, the
informed consent of the other parent or in case of an orphan minor, the informed consent of his guardian is obtained;

6/ in the case of a clinical trial on foetus, it is confirmed that the trial may not cause harm to the foetus, and the informed consent of his mother and father or in absence of the latter, the consent of his mother is obtained.

26. **Clinical Trial on Persons with Mental Disorder**

Clinical trial on persons with mental disorder may only be carried out in accordance with Article 15(4) of the Proclamation upon ascertaining the fulfillment of the following conditions:

1/ the purpose of the clinical trial is to diagnose, prevent or cure mental disorder;

2/ clinical trial carried on persons other than those with mental disorders cannot be expected to produce satisfactory test results according to scientific or medical knowledge; and

3/ the informed consent of the person with mental disorder is obtained if he is capable to give his consent or, where he is not capable to give his consent, the consent of his guardian is obtained after being briefed about the clinical trial.

27. **Clinical Trial on Prisoners**

1/ Clinical trial on prisoners may only be carried out in accordance with Article 15(4) of the Proclamation upon ascertaining the fulfillment of the following conditions:

   a) the clinical trial is to diagnose, prevent or treat a disease that may particularly affect prisoners; and

   b) the prisoner participating in the clinical trial can make decision whether to participate in the trial free of any undue influence.

2/ The concerned prison administration shall have the right to be made aware of and have the responsibility to provide the necessary cooperation for, the conducting of clinical trial on a prisoner pursuant to sub-article (1) of this Article.

28. **Withdrawal from Clinical Trial**

Any person, who has given his consent for a clinical trial to be conducted on him, may withdraw from the clinical trial at any lime.

**CHAPTER THREE**

**TRADITIONAL AND COMPLEMENTARY OR ALTERNATIVE MEDICINE ADMINISTRATION AND CONTROL**

29. **Registration of Traditional Medicine**

1/ Any person may apply to the Authority for the registration of traditional medicine by submitting information with regard to the source and use of the medicine and other necessary information.

2/ The Authority shall issue certificate of registration upon ascertaining the efficacy, safety and quality of the traditional medicine.
3/ The Authority shall ensure the confidentiality of the information obtained in accordance with sub-article (1) of this Article.

30. **Registration of Complementary or Alternative Medicine**

The provisions of Article 15(2) of this Regulation stipulating on the registration of medicines shall, mutatis mutandis, be applicable for registration of complementary or alternative medicine.

**CHAPTER FOUR**

**POST MARKETING SURVEILLANCE, FOOD AND MEDICINE SEIZURE AND DISPOSAL**

31. **Post Market Surveillance**

1/ The Authority shall undertake post marketing surveillance on food or medicine supplied for sale, and based on the results, take necessary measures against non compliance with the relevant requirements.

2/ Any food establishment shall have the duties to:

   a) inform the Authority where there is unprecedented problem in food safety and quality;
   b) refrain from distributing unsafe and low quality food for human consumption;
   c) collect and dispose, in accordance with the directive issued by the Authority, the food he offered for sale if it is found unsafe and low quality,

3/ Any health institution shall have the duties to:

   a) report to the Authority on unprecedented adverse drug reaction, product safety update or complaint on the safety, efficacy and quality of medicine; and
   b) refrain from distributing any medicine that the Authority has notified as having safety, efficacy or quality defect.

4/ Any food establishment or health institution shall cooperate with the Authority in undertaking post marketing surveillance.

5/ Where the Authority orders the recall of any medicine in accordance with sub-article (3)(b) of this Article, the medicine manufacturer or its agent shall have the duty to recall and dispose the medicine.

6/ Any medicine manufacturer, importer or distributor shall be responsible to establish a pharmacovigilance system for continuously monitoring the safety of the medicines for which it has obtained market authorization and to take corrective measures in case of irregularities.

7/ Any health professional shall immediately inform the Authority any adverse drug effect as well as problems that he encounters with respect to the efficacy or quality of medicine.
32. **Food or Medicine Seizure and Disposal**

1/ The appropriate organ may seize food or medicine and order disposal or sending back to the country of its origin where the food or medicine:

   a) does not have market authorisation;
   b) is counterfeit;
   c) has expired;
   d) is of deteriorated quality;
   e) is stored, distributed, offered for dispensing or dispensed by a person without certificate of competence issued in accordance with this Regulation; or
   f) used in unauthorised clinical trial.

2/ The appropriate organ shall issue a certificate to the owner or possessor of the food or medicine disposed in accordance with sub-article (1) of this Article upon request.

**PART THREE**

**CONTROL OF TOBACCO PRODUCTS**

33. **Requisite of Permit**

No person may import, distribute or sell a tobacco product except with the permit of the authority upon confirmation of the product’s compliance with requirements.

34. **Protection of Minors from Tobacco Product**

No person may directly or indirectly sell to or create temptation upon a minor to use tobacco products.

35. **Packaging and Labelling of Tobacco Product**

1/ The labelling of any tobacco product shall describe the characteristics of the product and the health problem and hazard it causes, and may not directly or indirectly create the impression that it is less harmful than any other tobacco products.

2/ The label of any unit packet, package and outside packaging of tobacco products shall:

   a) bear health warning describing the harmful effects of tobacco use which shall constitute 30% or more of the principal display areas;
   b) describe the health warnings in words or picture that smoking causes cancer, cardiac or bronchitis diseases or immature death or serious health problems caused as a result of tobacco use;
   c) be written in Amharic or English in large, visible, legible and irremovable manner; and
   d) contain information on the major constituents and main hazardous constituents found in the missions of the tobacco products.
For the purposes of this Article, the term “outside packaging” in relation to tobacco products applies to any packaging used in the retail of the product.

36. **Places Prohibited for Smoking**

1/ No person may smoke tobacco in a place for public gathering or use.

2/ Places for public gathering or use shall include the following:
   a) rooms of health institution;
   b) class rooms of educational institution;
   c) public conveyances;
   d) dining places like hotels and restaurants; and
   e) such other places prohibited for smoking, as may be determined by the appropriate organ.

3/ Notwithstanding the provisions of sub-article (1) of this Article, smoking in places for public gathering or use identified by the Authority may be allowed at a designated smoking areas.

**PART FOUR**

**HYGIENE, ENVIRONMENTAL HEALTH AND COMMUNICABLE DISEASES CONTROL**

37. **Dangerous Chemical**

1/ The production, import, storage, transportation, distribution, sale or use of any dangerous chemical shall comply with the requirements set by the Authority to prevent any hazard to public health.

2/ In case of violation of the requirements, prescribed pursuant to sub-article (1) of this Article, the appropriate organ may seize or recall from market and order the disposal of the dangerous chemical or sending it to its country of origin and take other necessary measures.

38. **Transportation and Disposal of Dead Bodies**

1/ It shall be prohibited to bring into the country or send abroad a dead body or human remains unless otherwise permitted in accordance with the requirements set by the Authority.

2/ No dead body may be exhumed before seven years from the date of burial except by the order of a court or where burial place is required for public purpose in accordance with the relevant law.

3/ The provisions of sub-article (1) of this Article may not be applicable with respect to the transportation of human remains for archaeological or tourism purpose.

39. **Waste Handling and Disposal**

1/ It shall be prohibited to burn or dispose by any other means a poisonous or contagious wastes without obtaining permit from the appropriate organ.
2/ No person may engage in recycling or disposal of poisonous or contagious wastes without obtaining permit from the appropriate organ upon fulfilling requirements set by the Authority.

3/ The appropriate organ shall, prior to the designation of a place for disposal or recycling of waste, confirm that the disposal or recycling of waste at such place may not cause damage to public health.

4/ No person may discharge liquid waste to the environment unless treated in accordance with standards to be issued by the appropriate organ.

40. **Institutions Subject to Health Related Control**

The appropriate organ shall ensure that institutions subject to health related control satisfy the necessary hygienic and environmental health protections requirements and take necessary measures thereof.

41. **Sound and Air Pollution**

Any person shall comply with the requirements for the prevention of sound and air pollution set by the Authority for the protection of public health.

42. **Toilet of Public Facility**

Any toilet of a public facility shall fulfil the requirements set by the Authority.

43. **Vaccination of International Passengers**

1/ Vaccination of international passengers shall be given at health institutions designated by the Authority,

2/ Any conveyance operator who has brought a person not allowed to enter into the country in accordance with Article 26(2) of the Proclamation shall be obliged to return the person to the country of his departure covering the expenses of his stay.

44. **Conveyance and Consignments Control at Frontier Port**

1/ Any conveyance entering into or transiting the country may not bring or dump any waste or remains of waste in Ethiopian territory except in accordance with accepted manner.

2/ Notwithstanding the provision of sub-article (1) of this Article, any person may import recyclable waste or by-product upon the permission of the Authority.

3/ If any conveyance or consignment entering or leaving the country is suspected of transmitting communicable disease, it shall enter or leave the country after undergoing the necessary sanitization including spraying and permit from the Authority.

4/ Importing or exporting blood, blood products, human tissue or organ, urine or stool may only be allowed by obtaining permit from the Authority.

5/ Any conveyance operator who has brought a consignment not allowed to enter the country or waste shall be obliged to return same to the country of shipment at his own and the owner’s cost.
45. **Individuals Crossing Boarder on Foot**

Any person entering or leaving the country on foot at the time of epidemic and public health emergency may not enter or leave the country without undergoing health inspection and obtaining permission at a frontier port.

46. **Suspected Person and Duty to Report**

1/ Any international entry passenger shall be obliged to respond to quarantine inspection through verbal or written request for protection of public health.

2/ In the course of travel, if any passenger is suspected to be infected with any communicable disease, the conveyance operator shall inform the head of the nearest or destination frontier port about the type of the disease, principal symptoms and any other relevant information.

3/ The head of the frontier port receiving information in accordance with sub article (2) of this Article shall immediately report the information to the inspector at the port.

4/ For the purpose of this Article “head of frontier port” means the head of the frontier port aviation or Revenue and Customs Authority station.

47. **Quarantine and Isolation**

1/ Suspected person shall be quarantined immediately. The Authority shall immediately send the suspected person to the public health emergency management body for quarantine.

2/ The Authority shall ensure that any suspected person upon confirmation of his infection be transferred to an isolation room in a health institution and provided with the necessary curative and rehabilitative treatment.

3/ The public health emergency management body shall organize quarantine centres in the main frontier ports or designate the nearest health institutions as isolation centres.

48. **Measures taken to Control Communicable Diseases**

1/ The Authority may take the following measures to control communicable disease:
   a) ordering the closure of schools and other public places for a certain period;
   b) establishing temporary controlling posts in any part of the country; and
   c) taking any other necessary measures.

2/ The relevant bodies shall cooperate with the Authority at frontier ports to effectively undertake control of communicable diseases.

[...]

87. **Waste Disposal and Disease Prevention**

1/ Any health professional shall dispose of disposable healthcare wastes in an appropriate manner for the sake of himself, the client and the public health.
2/ Any health professional shall respect safety provisions that ensure the non transmission of diseases from himself to client, from client to client or from client to health professional.

[...]  

Done at Addis Ababa, this 24th day of January, 2014  

Hailemariam Dessalegn  
Prime Minister of the Federal Democratic Republic of Ethiopia
3.5. CRIMINAL LIABILITY

THE CRIMINAL CODE OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

[…]

1. **Short Title:**
   This Proclamation may be cited as “The Criminal Code of the Federal Democratic Republic of Ethiopia 2004.”

2. **Repeal:**
   The following proclamations:
   a) the Penal Code of the Empire of Ethiopia 1957, and
   b) the Revised Special Penal Code of the Provisional Military Administration Council 1982, Proclamation No. 214/1982,
      are hereby repealed as from the 9th of May, 2005.

3. **Special Case:**
   As provided in Article 3 of this Code, nothing shall affect the application of special laws and regulations.

4. **Effective Date:**
   This Criminal Code as published in a separate volume of the Federal Negarit Gazeta under Proclamation No. 414/2004, shall come into force as of the 9th of May 2005.

Done at Addis Ababa, this 9th day of May 2005

Girma Wolde Giorgis
President of the Federal Democratic Republic of Ethiopia
PART I
GENERAL PART

BOOK I
CRIMES AND CRIMINALS

TITLE I
CRIMINAL LAW AND ITS SCOPE
CHAPTER I
SCOPE OF THE LAW

Article 1.- Object and Purpose.
The purpose of the Criminal Code of the Federal Democratic Republic of Ethiopia is to ensure order, peace and the security of the State, its peoples, and inhabitants for the public good.

It aims at the prevention of crimes by giving due notice of the crimes and penalties prescribed by law and should this be ineffective by providing for the punishment of criminals in order to deter them from committing another crime and make them a lesson to others, or by providing for their reform and measures to prevent the commission of further crimes.

Article 2.- Principle of Legality.

(1) Criminal law specifies the various crimes, and the penalties and measures applicable to criminals.

(2) The Court may not treat as a crime and punish any act or omission which is not prohibited by law.

The Court may not impose penalties or measures other than those prescribed by law.

(3) The Court may not create crimes by analogy.

(4) The above provisions shall not prevent the Court from interpreting the law. In cases of doubt the Court shall interpret the law according to its spirit, in accordance with the meaning intended by the legislature so as to achieve the purpose it has in view.

(5) Nobody shall be tried or punished again for the same crime for which he has been already convicted, punished or subjected to other measures or acquitted by a final decision in accordance with the law.

Article 3.- Other Penal Legislation.

Nothing in this Code shall affect regulations and special laws of a criminal nature:

Provided that the general principles embodied in this Code are applicable to those regulations and laws except as otherwise expressly provided therein.
Article 4.- Equality Before the Law.

Criminal law applies to all alike without discrimination as regards persons, social conditions, race, nation, nationality, social origin, colour, sex, language, religion, political or other opinion, property, birth or other status.

No difference in treatment of criminals may be made except as provided by this Code, which are derived from immunities sanctioned by public international and constitutional law, or relate to the gravity of the crime or the degree of guilt, the age, circumstances or special personal characteristics of the criminal, and the social danger which he represents.

[...]

TITLE II

THE CRIME AND ITS COMMISSION

CHAPTER I

THE CRIME

Article 23.- Crimes.

(1) A crime is an act which is prohibited and made punishable by law.

In this Code, an act consists of the commission of what is prohibited or the omission of what is prescribed by law.

(2) A crime is only completed when all its legal, material and moral ingredients are present.

(3) Notwithstanding the provision of sub-article (2) of this Article, a juridical person shall be criminally liable to punishment under the conditions laid down in Article 34 of this Code.

(4) A crime is punishable where the Court has found the crime proved and deserving of punishment.

Article 24.- Relationship of Cause and Effect.

(1) In all cases where the commission of a crime requires the achievement of a given result, the crime shall not be deemed to have been committed unless the result achieved is the consequence of the act or omission with which the accused person is charged.

This relationship of cause and effect shall be presumed to exist when the act within the provisions of the law would, in the normal course of things, produce the result charged.

(2) Where there are preceding, concurrent or intervening causes, whether due to the act of a third party or to a natural or fortuitous event, which are extraneous to the act of the accused, this relationship of cause and effect shall cease to exist when the extraneous cause in itself produced the result.
If, in such a case, the act with which the accused person is charged in itself constitutes a crime he shall be liable to the punishment specified for such a crime.

(3) Relationship of cause and effect shall be presumed to exist between each cause specified under sub-article (2) above and the result achieved, when the result is the cumulative effect of these causes, even though each cause cannot independently produce the result.

Article 25.- Place and Time of the Crime.

(1) A crime is committed at the place where and at the time when the criminal performed or failed to perform the act penalized by criminal law.

An attempt is committed at the place where and at the time when the criminal performed or failed to perform the preliminary acts which constitute such an attempt.

(2) With regard to non-instantaneous crimes where the act and the criminal result do not coincide the crime is deemed to have been committed both at the place of the unlawful act and that of its result.

Similarly, an attempt is deemed to have been committed both at the place where the criminal attempted the crime and the place he intended the result to be produced.

For purposes of prosecution, the jurisdiction of the place where the result was achieved is subsidiary to that of the place of commission.

(3) When a combination or repetition of criminal acts is an element of an ordinary or aggravated crime as provided under Article 61, or when the act is pursued over a period of time, the place where and the time when the crime is committed shall be the place where and the time when one of the combined or repeated acts or part of the acts pursued is committed.

[...]
(i) the confiscation, destruction, removal, rendering useless or appropriation of property such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, health centres, schools; or

(j) the destruction, removal, attach, rendering useless or appropriation of the historical monuments, works of art, or places of worship or using them in support of military effort;

(n) using any means or method of combat against the natural environment to cause widespread, long term and severe damage and thereby to prejudice the health or survival of the population; or

(o) attacking dams, dykes, and nuclear electrical generating stations, if their attack causes the release of dangerous forces and consequent severe losses among the civilian population; or

is punishable with rigorous imprisonment from five years to twenty-five years; or, in more serious cases, with life imprisonment or death.

TITLE IV
CRIMES AGAINST THE FISCAL AND ECONOMIC INTERESTS OF THE STATE

CHAPTER II
SPECIAL PROVISIONS

Article 353.- Crimes against the National Economy and State Monopolies.

(1) Whoever, apart from the cases especially specified above or petty infringements punishable under the Code of Petty Offences (Art. 784-790), intentionally violates the provisions concerning:

(b) the exploitation of natural resources of the country, whether of the soil, of the sub-soil or their products, of electric power, water, forests, minerals, game or wild animals; or

(c) the exploitation of wild animals or their products, or the hunting or killing of such animals; or

(d) the settlement or execution of other activities in restricted forests, in parks or in reserved areas; or

[…]

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is punishable, where the crime does not come under a specific provision prescribing a more severe penalty, with simple imprisonment or fine, in addition to the forfeiture of the subject matter of the crime and the withdrawal of any license and work certificate, and the suspension or closing down of any business.

(2) Whoever violates laws issued regarding the collection, transportation, transference, exportation, importation or exploitation of genetic resources, is punishable, according to the circumstances of the case, with simple imprisonment for not less than one year, or with rigorous imprisonment not exceeding ten years and fine from ten thousand to thirty thousand Birr.

(3) Whoever, contrary to law, hunts or kills endemic animals; or possesses, collects, transports, transfers or exports endemic animals or plants or their products, is punishable, according to the circumstances of the case, with simple imprisonment for not less than one year, or with rigorous imprisonment not exceeding twelve years and fine from ten thousand to one hundred thousand Birr.

(4) Where one of the acts in this Article is committed negligently, the punishment shall be fine not exceeding five thousand Birr, or, according to the circumstances and gravity of the case, simple imprisonment not exceeding six months.

BOOK IV
CRIMES AGAINST THE PUBLIC INTEREST OR THE COMMUNITY

[...]

TITLE VI
CRIMES AGAINST PUBLIC SECURITY, PEACE AND TRANQUILLITY

CHAPTER I
CRIMES AGAINST PUBLIC SECURITY

SECTION I.- CRIMES CALCULATED OR LIKELY TO PROVOKE THE COMMISSION OF OTHER CRIMES

[...]

Article 481.- Prohibited Traffic in Arms.
[...]

(2) In cases where, the crime committed involves:
possessing, receiving, using, altering, transferring, distributing, disposing of, stealing or fraudulently obtaining a nuclear material which endangers or which is likely to endanger the life, body or property of persons or natural resources or the environment; or committing an act through violence or threat, that
constitutes demand for the material; or carrying out a threat to commit one of these acts;
the punishment shall be rigorous imprisonment from five years to ten years.

[...]  

TITLE VII  
CRIMES AGAINST PUBLIC SAFETY AND THE SECURITY OF COMMUNICATIONS  
CHAPTER I  
CRIMES AGAINST PUBLIC SAFETY  

Article 494. - Arson.  
(1) Whoever maliciously or with the intention of causing danger of collective injury to persons or property, sets fire to his own property or to that of another whether it be building or structures of any kind, crops or agricultural products, forests, timber or any other object,

is punishable with rigorous imprisonment not exceeding ten years.

(2) Where the crime creates substantial danger, or where the risk of injury to persons or property is widespread, especially where public buildings or buildings used by a public service, inhabited houses or houses used for living in, contractors yards or stock yards, stores of provisions or inflammmable or explosive substances, forests, mines, oil wells or refineries, ships, aircraft or any other objects particularly susceptible to fire, are affected,

the punishment shall be rigorous imprisonment not exceeding fifteen years.

Article 495.- Provocation of Natural Disaster.  
Whoever maliciously causes a flood or submergence, a landslide, a fall of rock or earth, a collapse or any other like catastrophe, thereby deliberately creating a danger to person or property,

is punishable under Article 494.

Article 496.- Damage to Installations or Protective Works.  
Whoever maliciously damages or destroys electrical or hydraulic installations, or works providing protection against natural forces, especially culverts, dams, reservoirs, dykes, sluices gates or jetties, thereby deliberately creating a danger to person or property,

is punishable under Article 494.
Article 497. - Explosions.

Whoever maliciously causes gas, oil, petrol, gunpowder, dynamite or any other similar dangerous substance to explode, thereby creating a danger to person or property,

is punishable under Article 494.

Article 498.- Crimes Resulting from Negligence.

Where the criminal has committed any of the crimes specified in Articles 494 to 497 negligently, the punishment shall be simple imprisonment or fine, according to the gravity of the crime.

The Court shall pass sentence of simple imprisonment where the criminal has gravely endangered persons or property.

Article 499.- Danger caused by the Use of Explosive, Inflammable or Poisonous Substances.

(1) Whoever, with intent to endanger public safety, knowingly exposes to danger the life, health, person or property of another, by means of explosives, of substances which are spontaneously combustible or highly inflammable or of poisonous gases,

is punishable with rigorous imprisonment not exceeding ten years.

Where the criminal has exposed property only to minor damage, the punishment shall be simple imprisonment for not less than six months.

(2) The punishment shall be rigorous imprisonment from five years to fifteen years in cases where the crime has been committed by placing, discharging or detonating an explosive or an incendiary weapon, which is designed to cause or is capable of causing death or serious bodily injury or substantial damage to property through the release or dissemination of biological agents or toxin against a place of public use, a State or government facility, a public transportation system or infrastructure facility with the intent to cause death or serious bodily injury or extensive destruction of such place or system where such destruction can result or is likely to result in major economic loss.

(3) Whoever, knowingly but without intent to endanger public safety, endangers in like manner the life, person, health or property of another is punishable with simple imprisonment.

(4) Whoever, in the manner specified under sub-article (1), negligently endangers the life, person, health or property of another, is punishable with simple imprisonment.

(5) In less serious cases under sub-article (2) or (3), the Court may substitute for simple imprisonment punishment of compulsory labour, or impose a fine.
Article 500.- Illicit Making, Acquisition, Concealment or Transport of Explosive, Inflammable or Poisonous Substances.

(1) Whoever makes explosives, incendiary or poisonous substances, knowing that they are intended for unlawful use,

is punishable with simple imprisonment for not less than six months, or, in serious cases, with rigorous imprisonment not exceeding ten years.

(2) Whoever, knowing that another wishes to make unlawful use of such substances mentioned in sub-article (1), furnishes him with means or instructions for making them,

is punishable with simple imprisonment for not less than six months, or, in serious cases, with rigorous imprisonment not exceeding seven years.

(3) Whoever, knowing that they are intended for unlawful use, imports, acquires or procures explosive, incendiary or poisonous substances or the materials used in their manufacture, hands them over to or receives them from another, or stores, conceals or transports them whether for consideration or free of charge,

is punishable with simple imprisonment for not less than six months, or, in serious cases, with rigorous imprisonment not exceeding five years.

[...]
(3) Where the crime is committed negligently, the punishment shall be simple imprisonment or fine.

**Article 515.- Spreading of Animal Diseases**

(1) Whoever intentionally spreads an animal diseases among domestic animals or poultry, bees, game, fish or wild animals the species of which are protected by law,

is punishable with simple imprisonment or fine.

(2) Where the criminal:

a) has acted maliciously; or

b) has intentionally caused substantial damage,

the punishment shall be simple imprisonment for not less than three months.

(3) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding six months or fine.

**Article 516.- Propagation of an Agricultural or Forest Parasite.**

Whoever, intentionally or by negligence, propagates a parasite or germ harmful to agricultural or forest crops,

is punishable under Article 515 above.

**Article 517.- Contamination of Water.**

(1) Whoever intentionally contaminates by means of substances harmful to health drinking water serving the needs of man or animals,

is punishable, according to the circumstances and the extent of the damage, with fine or simple imprisonment for not less than one month, or, in more serious cases, with rigorous imprisonment not exceeding seven years.

(2) In cases of intentional poisoning of wells or cisterns, springs, water holes, rivers or lakes,

the punishment shall be rigorous imprisonment not exceeding fifteen years.

(3) Where the crime under sub-article (1) or (2) above is committed negligently, it is punishable with simple imprisonment, or, if less serious, with fine.

**Article 518.- Contamination of Pastureland.**

(1) Whoever intentionally contaminates pastureland or fields with poisonous or harmful substances so as to endanger the life or health of animals,

is punishable with fine or simple imprisonment, or, in serious cases, with rigorous imprisonment not exceeding seven years.

(2) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding six months, or fine.
Article 519. - Environmental Pollution.
   (1) Whoever, in breach of the relevant law, discharges pollutants into the environment,
       is punishable with fine not exceeding ten thousand Birr, or with rigorous imprisonment not exceeding five years.
   (2) Where the pollution has resulted in serious consequences on the health or life of persons or on the environment, the punishment shall be rigorous imprisonment not exceeding ten years.
   (3) Where the act of the criminal has infringed a criminal provision entailing a more severe penalty, the provisions on concurrence of crimes shall apply.

Article 520. - Mismanagement of Hazardous Wastes and other Materials.
   Whoever:
   a) fails to manage hazardous wastes or materials in accordance with the relevant laws; or
   b) fails to label hazardous wastes or materials; or
   c) unlawfully transfers hazardous wastes or materials,
       is punishable with fine not exceeding five thousand Birr, or rigorous imprisonment not exceeding three years, or with both.

Article 521.- Acts Contrary to Environmental Impact Assessment.
   Whoever, without obtaining authorization from the competent authority, implements a project on which an environmental impact assessment is required by law, or makes false statements concerning such assessment, is punishable with simple imprisonment not exceeding one year.

Article 522. - Infringement of Preventive and Protective Public Health Measures.
   (1) Whoever intentionally disregards the measures prescribed by law for the prevention, limit or arrest of a communicable human disease,
       is punishable with simple imprisonment not exceeding two years, or fine.
   (2) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding six months, or fine not exceeding three thousand Birr.
   (3) In cases of intentional infringement of rules for preventing, limiting or arresting the spread of an animal disease, or of agricultural or forest parasites or germs, the punishment shall be simple imprisonment not exceeding one year, or fine.
   (4) Where the crime under sub-article (3) is committed negligently, the punishment shall be simple imprisonment not exceeding three months, or fine not exceeding one thousand Birr.
**Article 523.- Creation of Distress or Famine.**

(1) Whoever intentionally, directly or indirectly, creates within the country a grave state of misery, want or famine, epidemic or epizootic disease or distress, especially by improperly hiding or hoarding, destroying or preventing the transport or distribution of grain, foodstuffs or provisions, or remedies or products necessary to the life or health of man or domestic animals,

is punishable with rigorous imprisonment not exceeding fifteen years.

(2) Whoever, in time of such distress, fails to fulfil, or to fulfil properly, without justification of force majeure, the obligations or liabilities incumbent upon him, whether as a purveyor, middleman, sub-contractor, carrier or agent, or in any other capacity, in respect to the delivery or handing over of provisions, remedies or any other products to be used to prevent, limit or arrest the distress,

is punishable under sub-article (1).

(3) Where the crime is committed for gain, the punishment shall be rigorous imprisonment not exceeding twenty years, and fine not exceeding one hundred thousand Birr.

**Article 524.- Participation of a Juridical Person.**

A juridical person which participates in one of the crimes in this Section, shall be punishable in accordance with Article 90 of this Code.

**Section II.- Crimes Committed Through Production and Distribution of Substances Hazardous to Human and Animal Health**

**Article 525.- Producing, Making, Trafficking in or Using Poisonous or Narcotic and Psychotropic Substances.**

(1) Whoever, without special authorization and with the intent of trafficking:

a) plants, produces or makes, transforms or manufactures poisonous, narcotic or psychotropic plants or substances; or

b) possesses, imports, exports, transports, stores, brokers, purchases, offers for sale, distributes, utters, hands over or procures for another, one of the substances listed in (a) above; or

b) makes, possesses imports or exports means used for producing, composing or manufacturing one of the substances listed in (a) above; or

d) furnishes, leases or permits a house, premise or land under his ownership or possession, for the making, composition, production sale or distribution of one of the substances listed in (a) above,

is punishable with rigorous imprisonment for not less than five years, and fine not exceeding one hundred thousand Birr.

(2) The punishment shall be rigorous imprisonment for not less than ten years, and fine not exceeding two hundred thousand Birr:
a) where the crime is committed by a member of a band or association organized nationally or internationally for the trafficking in such substances or committing crimes, or by a person who makes a profession of such unlawful activity; or

b) where the criminal, for gain, with base motive or for any other improper motive, knowingly furnishes the forbidden substances; or permits access to his premises for the taking of such substances; or where the user is an infant or a young person or a mentally deficient person or a drug addict; or

c) where the criminal employs children or a person with mental illness as a means for the commission of the crime; or

d) where the crime is committed in prisons, in schools, on the premises of institutions for social service, or in places where children or young students engage in educational, sporting or other social activities; or

e) where the criminal has been previously convicted for a similar crime.

(3) Whoever possesses, transports, stores or hands over poisonous or narcotic or psychotropic drugs or plants, which he knows to have been procured through or intended for the commission of one of the crimes specified in sub-article (1) or (2) of this Article,

is punishable with rigorous imprisonment for not less than five years, and fine not exceeding one hundred thousand Birr.

(4) Whoever:

a) plants, buys, receives, makes, possesses, sells or delivers one of the substances mentioned in sub-article (1) above, to be privately used by himself or another; or

b) uses or causes to be used one of these substances without medical prescription or in any other unlawful manner,

is punishable with rigorous imprisonment not exceeding seven years, and fine not exceeding fifty thousand Birr.

(5) Any person who, intending to use narcotic or psychotropic substances for unlawful purposes, fraudulently causes a medical practitioner to give him a medical prescription, or transfers a prescription obtained lawfully or unlawfully to an unauthorized third person, or any medical practitioner who intentionally makes out an unlawful prescription for narcotic or psychotropic substances,

is punishable with rigorous imprisonment not exceeding five years, and fine.

(6) Nothing shall affect the provisions of this Code relating to seizure of dangerous articles (Art. 140) and the commission and aiding in money laundering (Art. 684).

[...]
Article 527.- Manufacture, Adulteration and Sale of Injurious or Damaged Products or Foodstuffs.

(1) Whoever intentionally:
   a) manufactures food, provisions, foodstuffs or products unfit for human consumption or goods which contain injurious or damaged ingredients, or who adulterates food or goods in such a way as to endanger public health; or
   b) stores, offers for sale, exports, imports, receives or distributes such injurious products,

   is punishable with simple imprisonment for not less than six months, or, in serious cases, with rigorous imprisonment for not less than five years, and fine.

(2) The punishment shall be rigorous imprisonment for not less than seven years, where the criminal:
   a) has special duties of supervision or control in an undertaking of public interest belonging to the State, or let out to concession by the State; or
   b) deliberately manufactures, adulterates, sells or distributes remedies, medicaments, dietetic products or tonics, not poisonous in themselves and procurable without a prescription, the defective manufacture or adulteration of which can have dangerous effects.

(3) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding six months, or fine.

Article 528.- Manufacture, Adulteration and Sale of Fodder and Products Injurious to Live-Stock.

(1) Whoever intentionally:
   a) adulterates fodder or natural feeding stuffs, or manufactures injurious forage or other products, intended for domestic animals, thereby endangering the latter’s health or life; or
   b) imports, exports, stores, sells, offers for sale or distributes such injurious fodder or other feeding stuffs,

   is punishable with simple imprisonment and fine.

(2) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding three years, or fine.

Article 529.- Aggravating Circumstances.

The maximum punishment of deprivation of liberty provided for in the preceding Articles (Art. 527 and 528) shall be pronounced, and the fine may be increased up to two hundred thousand Birr, where the criminal makes a profession of such crimes (Art. 90), or where his felonious activities relate to large quantities of goods, and where the damage caused is substantial.
Article 530.- Participation of a Juridical Person.

Any juridical person which participates in one of the crimes specified in Articles 525 to 529, shall be punishable in accordance with Article 90 of this Code.

[...]

BOOK VI
CRIMES AGAINST PROPERTY
TITLE I
CRIMES AGAINST RIGHTS IN PROPERTY

[...]

CHAPTER II
CRIMES AGAINST PROPERTY
Section I.- CRIMES AGAINST MOVABLE PROPERTY

[...]

Article 666.- Abstracting Power.

Whoever with intent to enrich himself or a third person abstracts power, whether gas, steam, electrical or other energy, from an installation or conduit belonging to another, is punishable, according to the circumstances of the case, with simple imprisonment, or with rigorous imprisonment not exceeding five years.

[...]

Article 669.- Aggravated Theft.

Simple imprisonment shall be of not less than one year, or rigorous imprisonment, if to be ordered, shall not exceed fifteen years, according to the gravity of the crime, in the following cases where the act is aggravated by the object, the personal status of the criminal or the circumstances surrounding the theft.

(1) where the crime relates to:

a) sacred or religious objects, or objects of scientific, artistic or historical value, in places, of worship or museums or other public buildings or buildings open to the public; or

b) animals or crops without special protection, or objects or implements, without protection and destined for telecommunications, electric power, water and sewerage or for the services of any other institution, or objects, goods or consignments in deposit or in a firm or public office, in particular post offices or transport offices.

[...]
Article 681.- Misappropriation of Things without Owner or of Natural Resources.

(1) The ownership of things without an owner, such as natural resources, as well as the taking on land, in the air or on water of wild animals not the property of another, is governed by the provisions of civil and public law (Arts. 849 and 850).

(2) The misappropriation or abstracting, with intent to obtain an unlawful enrichment, of historical, archaeological or artistic objects being the property of the State is punishable under the ordinary provisions regarding theft or breach of trust.

BOOK VIII
SPECIAL PART
TITLE I

[...]

CHAPTER VI
PETTY OFFENCES AGAINST PUBLIC HEALTH AND HYGIENE

Article 830.- Control of Public Health and Salubrity.

Whoever, apart from the cases punishable under the Criminal Code (Arts. 514-524), contravenes the directives or regulations regarding:

(a) the cleanliness, salubrity and hygiene of water and water installation, public places and establishments, houses and habitations, factories, plants and industrial and commercial premises; or

(b) the prevention, declaration, prophylactic treatment and control of diseases, in particular mental and contagious diseases, epidemics and epizootic diseases;

(c) the prevention, limit, arrest or the control in general of environmental pollution, is punishable with fine or arrest.

Article 831.- Control of Toxic Substances and Drugs.

Whoever, apart from the cases punishable under the Criminal Code (Art. 525):

(a) grows, manufacturers or prepares, sells, offers for sale, delivers or gives without lawful permission or an express medical prescription, where such are required, plants, substances, medicines or products which are narcotic, toxic, poisonous, noxious or dangerous for the health; or

(b) in defiance of directives prescribed by law or the directives dictated by common prudence wilfully sells, offers for sale or delivers such substances or products, even when their delivery is not expressly prohibited without an authorization, to persons who are irresponsible, to infants or young persons, sick persons who are irresponsible, to infants or young persons, sick persons or individuals for whom they are manifestly dangerous or unsuitable; or
(c) keeps or handles such substances or products without taking the precaution required by official or professional regulations, custom, or the dictates of common prudence, in particular when there is a risk of mistake or confusion; or

(d) fails to warn other persons of the danger of poisoning or intoxication known to him, when it is his duty and he is able to do so,

is punishable with fine or arrest.

[...]

TITLE II

PETTY OFFENCES AGAINST PERSONS AND PROPERTY

[...]

CHAPTER III

PETTY OFFENCES AGAINST PROPERTY

Section. 1.- Protection of the National Wealth

Article 849.- Protection of Historical, Artistic and Natural Riches.

Whoever, apart from the cases punishable under the Criminal Code, contravenes the laws, regulations or directives:

(a) protecting the national historical, archaeological and artistic wealth or the natural sites, springs or riches of any nature whatsoever; or

(b) rendering compulsory the declaration of the discovery of historical, archeological, geographical or natural riches of national interest, or prohibiting, limiting or controlling the trade in, or export of, antiquities or precious or protected objects of any nature whatsoever; or

(c) punishing anyone who impairs the value, defaces or places in jeopardy an historical or archaeological monument, a natural site or a specifically protected place,

is punishable with fine or arrest.

Article 850.- Protection of the Flora and Fauna.

Whoever contravenes the laws, regulations or directives for the protection and safeguard of the national arborescent species, flora and fauna,

is punishable with fine or arrest.
Section II.- Petty Offences against Property

Article 851.- Protection of Public and Private Property.

Whoever, apart from the cases punishable under the Criminal Code (Art. 685-687), contravenes the laws, regulations or directives protecting public or private property and in particular:

(a) removes, without due authorization, from a public or private place, earth, stones, wood, sand or materials, grass, hedge, plants or seeds; or

(b) enters or goes over without being entitled thereto, in any season whatever, enclosed or sown land, or land bearing crops or fruit, or causes or allows his cattle or his mounts to go over such land or pasture thereon; or

(c) unlawfully enters reserved hunting or fishing land,

is punishable with fine or arrest.

[...]

Article 857.- Damage to Public Monuments.

Whoever, apart from the case of substantial damage to property punishable under the Criminal Code (Art. 690 (2)), soils or defaces monuments, buildings statues or other objects intended for public use or enjoyment,

is punishable with fine or arrest.
4. INSTITUTIONAL FRAMEWORK ON ENVIRONMENTAL PROTECTION

4.1. PROCLAMATION NO. 295/2002

A PROCLAMATION PROVIDED FOR THE ESTABLISHMENT OF ENVIRONMENTAL PROTECTION ORGANS

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BRIEF DESCRIPTION

The Environmental Protection Organs Establishment Proclamation repeals the Environmental Protection Authority Establishment Proclamation No. 9/1995. The Law requires every competent agency to establish or designate an environmental unit. It also requires each regional state to establish or designate an independent regional environmental agency or designate an existing agency. The Proclamation is amended by Proclamation No. 691/2010 (as amended by 803/2013) which repeals Article 3 to 13 of the Proclamation (the Part on Environmental Protection Agency) and also transfers the rights and obligations of the Environmental Agency, Forest and Climate Change to the Ministry of Environment, Forest and Climate Change.

Environmental Protection Organs Establishment Proclamation No. 295/2002

(As amended by Proclamation No. 691/2010 (as amended))

WHEREAS, assigning responsibilities to separate organizations for environmental development and management activities on the one hand, and environmental protection, regulations and monitoring on the other is instrumental for the sustainable use of environmental resource, thereby avoiding possible conflicts of interests and duplication of efforts;
WHEREAS, it has become necessary to establish a system that fosters coordinated but differentiated responsibilities among environmental protection agencies at federal and regional levels;

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

PART ONE

General

1. **Short Title**

   This Proclamation may be cited as the “Environmental Protection organs Establishment proclamation No. 295/2002.”

2. **Definition**

   Unless the context requires otherwise, in this proclamation:

   1) “Authority” means the Environmental Protection Authority re-established under Article 3 of this proclamation;

   2) “Competent Agency” means any federal or regional government organ entrusted by law with a responsibility related to the subject specified in the provisions where the term is used;

   3) “Environment” means the totality of all materials whether in their natural state or modified or changed by human, their external spaces and the interactions which affect their quality or quantity and the welfare of human or other living beings, including but not restricted to, land atmosphere, weather and climate, water, living things, sound, odor, taste, social factors, and aesthetics;

   4) “Environmental Protection Organs” means the Authority, the Council, the Sectoral and Regional environmental units and agencies mentioned under Article 14 and 15 of this Proclamation;

   5) “Hazardous substance” means any substance in the solid, liquid or gaseous state, or any plant, animal or microorganism that is injurious to human health or the environment;

   6) “Protection” means sustaining of the essential characteristics of nature and enhancing the capacity of the natural resource base with a view to safeguarding the interest of the present generations without compromising the opportunity for the future;

   7) “Person” means any natural or juridical person;

   8) “Region” means any of those parts of Ethiopia specified as Regions under Article 47 (1) of the Constitution of the Federal Democratic Republic of Ethiopia and for the purpose of this Proclamation, includes the Addis Ababa and Dire Dawa Administrations;

   9) “Regional Environmental Agency” means any regional government organ entrusted, by that Region, with a responsibility for the protection or regulation of the environment and natural resources.
PART TWO
Sectoral and Regional Environmental Units and Agencies

3. **Sectoral Environmental Units**

Every competent agency shall establish or designate an environmental unit that shall be responsible for coordination and follow-up so that the activities of the competent agency are in harmony with this Proclamation and with other environmental protection requirements.

4. **Regional Environmental Agencies**

1) Each national regional state shall establish an independent regional environmental agency or designate an existing agency that shall, based on the Ethiopian Environmental Policy and Conservation Strategy and ensuring public participation in the decision making process, be responsible for;

   (a) coordinating the formulation, implementation, review and revision of regional conservation strategies, and,
   (b) environmental monitoring, protection and regulation.

2) Regional environmental agencies shall ensure the implementation of federal environmental standards or, as may be appropriate, issue and implement their own no less stringent standards.

3) Regional environmental agencies shall prepare reports on the respective state of the environment and sustainable development of their respective states and submit them to the Authority.

PART THREE
Miscellaneous Provisions

5. **Repealed Laws**

1) Environmental Protection Authority Establishment Proclamation No. 9/1995 is hereby repealed.

2) All laws inconsistent with this Proclamation are inapplicable regarding matters provided herein.

6. **Effective Date**

This Proclamation shall enter into force as of the 31st day of October, 2002.

Done at Addis Ababa, this 31st day of October, 2002.

GIRMA WOLDEGIORGIS
PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

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4.2. PROCLAMATION NO. 916/2015

A PROCLAMATION TO PROVIDE FOR THE DEFINITION OF POWERS AND DUTIES OF THE EXECUTIVE ORGANS OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

BRIEF DESCRIPTION

This Proclamation redefines the Organization, Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia.

Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 916/2015

WHEREAS, it has been found necessary to redefine the Organization, Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia;

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

PART ONE

GENERAL

1. Short Title

This Proclamation may be cited as the “Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 916/2015”.

2. Definition

In this Proclamation unless the context otherwise requires:

1/ “Regional State” means any State referred to under Article 47 of the Constitution of the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire Dawa city Administrations;

2/ any expression in the masculine gender includes the feminine.

[...]

PART THREE

MINISTRIES

9. Establishment
The following Ministries are hereby established:

1/ the Ministry of National Defense;
2/ the Ministry of Federal and Pastoralist Development Affairs;
3/ the Ministry of Foreign Affairs;
4/ the Ministry of Justice;
5/ the Ministry of Public Service and Human Resource Development;
6/ the Ministry of Finance and Economic Cooperation;
7/ the Ministry of Agriculture and Natural Resources;
8/ the Ministry of Livestock and Fisheries;
9/ the Ministry of Industry;
10/ the Ministry of Trade;
11/ the Ministry of Science and Technology;
12/ the Ministry of Transport;
13/ the Ministry of Communications and Information Technology;
14/ the Ministry of Urban Development and Housing;
15/ the Ministry of Construction;
16/ the Ministry of Water, Irrigation and Electricity;
17/ the Ministry of Mines, Petroleum and Natural Gas;
18/ the Ministry of Environment, Forest and Climate Change;
19/ the Ministry of Public Enterprises;
20/ the Ministry of Education;
21/ the Ministry of Health;
22/ the Ministry of Labour and Social Affairs;
23/ the Ministry of Culture and Tourism;
24/ the Ministry of Women and Children Affairs;
25/ the Ministry of Youth and Sports.

10. **Common Powers and Duties of Ministries**

Each Ministry shall have the powers and duties to:

1/ in its area of jurisdiction:
   a) initiate policies and laws, prepare plans and budgets, and upon approval implement same;
   b) ensure the enforcement of federal laws;
c) undertake study and research; collect, compile and disseminate information;

d) undertake capacity building activities; implement, cause to implement and ensure effectiveness of the reform and good governance works;

e) provide assistance and advice to Regional States, as necessary; and provide coordinated support to Regional States eligible for affirmative support as coordinated by the Ministry of Federal Affairs and Pastoralist Development;

f) enter into contracts and international agreements in accordance with the law;

2/ direct and coordinate the performances of the executive organs made accountable to it under the laws establishing them or under Article 38 of this Proclamation; review the organizational structures as well as the work programs and budgets of the executive organs and approve their submission to the appropriate government organs;

3/ address women and youth affairs in the preparation of policies, laws and development programs and projects;

4/ create, within its powers, conditions whereby persons with disabilities, the elderly, segments of society vulnerable to social and economic problems and H.I.V. AIDS positive citizens benefit from equal opportunities and full participation;

5/ exercise the powers and duties given to it under this Proclamation and other laws;

6/ where necessary, delegate part of its powers and duties to other federal or regional state organ;

7/ submit periodic performance reports to the Prime Minister and the Council of Ministers.

[...]  

14. **The Ministry of Federal and Pastoralist Development Affairs**

   1/ The Ministry of Federal and Pastoralist Development Affairs shall have the powers and duties to:

   [...]  

   k) in collaboration with concerned organs coordinate activities carried out in pastoralist areas to reduce poverty as well as to avoid draught vulnerability;

   [...]  

15. **The Ministry of Foreign Affairs**

   The Ministry of Foreign Affairs shall have the powers and duties to:

   [...]  

   3/ in consultation with the concerned organs negotiate and sign, upon approval by the Government, treaties that Ethiopia enters into with other States and International Organizations, except in so far as such power is specifically given by law to other organs; and effect all formalities of ratification of treaties;
4/ ensure the enforcement of rights and obligations arising from treaties signed by the
Ethiopian Government except in so far as specific power has legally been entrusted
to other organs;
5/ register and keep all authentic copies of treaties concluded between Ethiopia and
other States and International Organizations;
6/ perform the functions of a depository of multilateral treaties when the Ethiopian
Government is a depository of such treaties;

[...]

19. The Ministry of Agriculture and Natural Resources

1/ The Ministry of Agriculture and Natural Resources shall have the powers and duties
to:
a) promote the expansion of extension and training services provided to farmers,
pastoralists, private investors and urban communities engaged in urban
agriculture to improve the production and productivity of crops;
b) establish a system to ensure that any crop product supplied to the market
maintains its quality standard; and follow up the implementation of same;
c) conduct quarantine on plants and seeds brought into or taken out of the
country;
d) establish a system to control the outbreak of plant diseases and migratory
pests;
e) promote sustainable natural resources development and protection and,
expansion of agro-forestry;
f) build capacity for supplying, distributing and marketing of crop production
inputs to ensure the reliability of their supply; establish and follow up the
implementation of a system for quality control;
g) ensure the proper administration and control of pesticides;
h) promote the expansion of effective technologies to ensure crop productivity
and quality; facilitate the domestic production capacity of the technologies;
i) expand horticulture development;
j) ensure the proper execution of functions relating to coffee and tea
development and marketing activities;
k) promote the expansion of cooperative societies;
l) design mechanisms for the improvement of soil fertility, soil health protection
and for establishing national soil database;
m) facilitate enabling environment for the provision of rural credit facilities and
the accessibility of same to farmers;
n) establish a system whereby stake holders of crop research coordinate their
activities and work in collaboration;
o) expand small-scale irrigation schemes development;
p) follow up and provide support in the establishment of a system involving rural land administration and use, and organize a national database;
q) establish and direct training centers that contribute to the enhancement of agricultural development and the improvement of rural technologies;
r) ensure the proper execution of functions relating to agricultural research and agricultural investment;
s) coordinate activities relating to food security and job creation in the rural settings.

2/ The powers and duties given to the Ministry of Agriculture by the provisions of other laws, currently in force, with respect to matters relating to crop and natural resource are hereby given to the Ministry of Agriculture and Natural Resources.

20. The Ministry of Livestock and Fisheries

1/ The Ministry of Livestock and Fisheries shall have the powers and duties to:

a) promote the expansion of extension and training services provided to farmers, pastoralists, private investors and urban communities engaged in livestock and fish farming to improve the productivity of the sector;

b) establish a system that ensures quality standard of any livestock or livestock product supplied to the market; and follow up implementation of same;

c) build capacity for supplying, distributing and marketing of inputs for livestock and fisheries to ensure the reliability of their supply; establish and follow up the implementation of a system for quality control;

d) establish a system that ensures access to quality veterinary services to improve the prevention and timely control of animal diseases;

e) conduct quarantine on import and export of livestock, fish and their byproducts; prevent communicable livestock diseases and the outbreak of migratory parasites;

f) establish and follow up the implementation of marketing system for livestock and fish and products of same;

g) ensure the proper administration and quality control of veterinary drugs and feeds as well as veterinary services;

h) develop a system that ensures integration and coordination of stakeholders engaged on livestock and fishery’s research;

i) follow up the expansion of water resources, infrastructure and fodder banks necessary for livestock resource development in the pastoral areas; establish a system for natural and irrigated rangeland development and utilization, and organize national database

j) promote fish production and supply;
k) provide technical support for the development of modern fish production system and creation of market linkage.

2/ The powers and duties given to the Ministry of Agriculture by the provisions of other laws, currently in force, with respect to matters relating to livestock and fishery are hereby given to the Ministry of Livestock and Fisheries.

21. The Ministry of Industry

The Ministry of Industry shall have the powers and duties to:

[...] 14/ provide support to industries in their investment activities and manufacturing processes so as to meet the environmental protection requirements;

[...]

23. The Ministry of Science and Technology

The Ministry of Science and Technology shall have the powers and duties to:

[...] 13/ ensure the proper implementation of activities relating to national quality infrastructure and radiation protection services, standardization, conformity assessment, accreditation activities and metrology services, as well as the registration and administration of intellectual property;

[...]

26. The Ministry of Urban Development and Housing

1/ The Ministry of Urban Development and Housing shall have the powers and duties to:

[...] m) provide support to ensure the supply of developed urban land in accordance with the demand;

[...]

28. The Ministry of Water, Irrigation and Electricity

1/ The Ministry of Water, Irrigation and Electricity shall have the powers and duties to:

a) promote the development of water resources and electricity;

b) undertake basin studies and verify the country’s ground and surface water resource potential in terms of volume and quality, and facilitate the utilization of same;

c) determine conditions and methods required for the optimum and equitable allocation and utilization of water bodies that flow across or lie between more than one Regional States among various uses and the Regional States;
d) undertake studies and negotiations of treaties pertaining to the utilization of boundary and trans-boundary water bodies, and follow up the implementation of same;

e) cause the carrying out of study, design and construction works to promote the expansion of medium and large irrigation dams;

f) administer dams and water structures constructed by Federal budget unless they are entrusted to the authority of other relevant bodies;

g) in cooperation with the appropriate organs, prescribe quality standards for waters to be used for various purposes;

h) support the expansion of potable water supply coverage; follow up and coordinate the implementation of projects financed by foreign assistance and loans;

i) promote the growth and expansion of the country’s supply of electric energy;

j) issue permits and regulate the construction and operation of water works relating to water bodies referred to in paragraphs (c) and (d) of this sub-article;

k) ensure the proper execution of functions relating to meteorological services.

2/ The powers and duties given to the Ministry of Water, Irrigation and Energy by the provisions of other laws, currently in force, with respect to water resource and electricity, are hereby given to the Ministry of Water, Irrigation and Electricity.

29. The Ministry of Mines, Petroleum and Natural Gas

1/ The Ministry of Mines, Petroleum and Natural Gas shall have the powers and duties to:

a) promote the development of mining, petroleum and natural gas;

b) ensure the proper collection, maintenance and accessibility to users of data on minerals, petroleum and natural gas;

c) encourage investment through creating conducive conditions for exploration and mining operations;

d) regulate, in cooperation with the concerned organs, the market for precious and ornamental minerals produced at traditional level and small-scale mining operations comply with law;

e) organize, as may be necessary, research and training centers that may assist the enhancement of the development of mining, petroleum and natural gas;

f) issue licenses to private investors engaged in exploration and mining operations, and ensure that they conduct mining and exploration operations and meet financial obligations in accordance with their concession agreements;

g) ensure the quality standards of petroleum and natural gas products, set standards for petroleum storage and distribution facilities, and follow up the enforcement of same;
h) in cooperation with the appropriate organs, determine the volume of petroleum reserve and ensure that it is maintained;

i) in cooperation with the concerned organs organize and build the capacity of individuals engaged in traditional mining operation.

2/ The powers and duties given to the Ministry of Mines by the provisions of other laws, currently in force, with respect to mines, petroleum and natural gas, are hereby given to the Ministry of Mines, Petroleum and Natural Gas.

30. The Ministry of Environment, Forest and Climate Change

1/ The Ministry of Environment, Forest and Climate Change shall have the powers and duties to:

a) coordinate activities to ensure that the environmental objectives provided under the Constitution and the basic principles set out in the Environmental Policy of the Country are realized;

b) establish a system and follow up implementation for undertaking environmental impact assessment or strategic environmental assessment on social and economic development policies, strategies, laws, programmes and project set by the government or Privet;

c) prepare a mechanism that promotes social, economic and environmental justice and channel the major part of benefit derived thereof to the affected communities to reduce emissions of greenhouse gases that would otherwise have resulted from deforestation and forest degradation;

d) coordinate actions on soliciting the resources required for building a climate resilient green economy in all sectors and at all Regional levels; as well as provide capacity building support and advisory services;

e) establish a system for evaluating and decision making, in accordance with the Environmental Impact Assessment Proclamation, the impacts of implementation of investment programs and projects on environment prior to approvals of their implementation by the concerned sectoral licensing organ or the concerned regional organ;

f) prepare programmes and directives for the synergistic implementation and follow up of environmental agreements ratified by Ethiopia pertaining to the natural resources base, desertification, forests, hazardous chemicals, industrial wastes and anthropogenic environmental hazards with the objective of avoiding overlaps, wastage of resources and gaps during their implementation in all sectors and at all governance levels;

g) take part in the negotiations of international environmental and climate change agreements and, as appropriate, initiate a process of their ratification; play key role in coordinating the nationwide responses to the agreements;

h) formulate or initiate and coordinate the formulation of policies, strategies, laws, guidelines and programs to implement international environmental
agreements to which Ethiopia is a party; and upon approval, ensure their implementation;

i) formulate environmental safety policies and laws on the production, importation, management and utilization of hazardous substances or wastes, as well as on the development of genetically modified organisms and the importation, handling and utilization of genetically modified organisms or alien species, and ensure their implementation;

j) prepare or cause the preparation of environmental cost benefit analysis and formulate an accounting system to be integrated in development plans and investment programs, as the case may be, monitor their application;

k) propose incentives or disincentives to discourage practices that may hamper the sustainable use of natural resources or the prevention of environmental degradation or pollution;

l) establish an environmental information system that promotes efficiency in environmental data collection, management and use;

m) coordinate, and as may be appropriate, carry out research and technology transfer activities that promotes the sustainability of the environment and the conservation and use of forest as well as the equitable sharing of benefits accruing from them while creating opportunities for green jobs;

n) in accordance with the provisions of the relevant laws, enter any land, premises or any other place that falls under the Federal jurisdiction, inspect anything and take samples as deemed necessary with a view to discharging its duty and ascertaining compliance with the requirements of environmental protection and conservation of forest;

o) prepare and disseminate a periodic report on the state of the country’s environment and forest as well as climate resilient green economy;

p) promote and provide non-formal environmental education programs, and cooperate with the competent organs with a view to integrating environmental concerns in the regular educational curricula;

q) establish a system for development and utilization of small and large scale forest including bamboo on private, communal and watershed areas, and ensure implementation of same;

r) establish a system for protection and, as the case may be, for sustainable utilization of the natural forest resources of the country; and ensure its implementation;

s) establish a system to rehabilitate degraded forest lands and ensure its implementation to enhance their environmental and economic benefits.

2/ The powers and duties given to the Ministry of Environment and Forest by the provisions of other laws, currently in force, with respect to matters relating to the environment and forest, are hereby given to the Ministry of Environment, Forest and Climate Change.
33. The Ministry of Health

The Ministry of Health shall have the powers and duties to:

13/ ensure the proper execution of food, medicine and health care regulatory functions;

35. The Ministry of Culture and Tourism

The Ministry of Culture and Tourism shall have the powers and duties to:

1/ cause the study and preservation of history, cultural heritages and values of the nations, nationalities and peoples of Ethiopia and enable them to serve for scientific and technological purposes;

2/ cause study of the languages of the nations, nationalities and peoples of Ethiopia and advancement and promotion of their literatures;

3/ undertake activities related to advancement and promotion of translation services and translation as a professional knowledge; assist and follow up standard usage of working language and translation services;

4/ undertake activities to bring about changes in those cultural attitudes, beliefs and practices hindering social progress;

5/ promote the contribution of culture to development;

6/ expand cultural institutions to institutionalize public participation in the development of culture;

7/ promote creativity in handicraft, artistic works and fine art;

8/ establish and enforce a working procedure for awarding and motivating those individuals and institutions with outstanding achievements in creative industry;

9/ create conducive environment for the development of the country’s film industry and theatrical arts;

10/ promote widely the country’s tourist attractions and its positive image on the world tourism market, and encourage domestic tourism;

11/ ensure that the country’s tourist attractions are identified, properly developed and organized, tourist facilities are expanded, and that local communities share the benefits derived from tourism;

12/ facilitate the studying and preservation of the country’s natural heritages and the development and utilization of them as tourist attractions; ensure the proper management of wildlife conservation areas designated to be administered by the Federal Government;

13/ set and supervise the enforcement of standards for culture and tourist facilities;
14/ serve as a focal point for forums established to facilitate the coordination of the multi-sectoral efforts required for the provision of quality tourist services and for ensuring the well-being of tourists;

15/ build the capacity of the Culture and Tourism Sector through the provision of human resource training and consultancy supports;

16/ collect, compile and disseminate information on culture and tourism.

[...] 37. **Other Federal Executive Organs**

1/ Without prejudice to the amendments made under the provisions of the following sub-articles with regard to accountability, other Federal executive organs shall continue to function in accordance with the legislations establishing them.

[...] 7/ The following executive organs shall be accountable to the Ministry of Agriculture and Natural Resources:

   a) the Ethiopian Institute of Agricultural Research;
   b) the Cooperatives Agency;
   c) the Ethiopian Horticulture Development Agency;
   d) the Strategic Food Reserve Agency;
   e) the Ethiopian Agricultural Investment Land Administration Agency;
   f) the Agricultural Transformation Agency.

8/ The following executive organs shall be accountable to the Ministry of Livestock and Fisheries:

   a) the Veterinary Drug and Animal Feed Administration and Control Authority;
   b) the National Veterinary Institute;
   c) the National Institute for Control and Eradication of Tsetse Fly and Trypanosomosis;
   d) the National Animal Health Research Center;
   e) the National Animal Artificial Insemination Center;

[...] 11/ The following executive organs shall be accountable to the Ministry of Science and Technology:

   a) the Ethiopian Radiation Protection Authority;
   b) the Ethiopian Intellectual Property Office.

[...]
13/ The following executive organs shall be accountable to the Ministry of Urban Development and Housing:

[...]

b) the Federal Urban Real Property Registration and Information Agency.

[...]

15/ The following executive organs shall be accountable to the Ministry of Water, Irrigation and Electricity:

a) the Awash Basin Authority;
b) the Abay Basin Authority;
c) the Rift Valley Lakes Basin Authority;
d) the National Meteorology Agency;
e) the Water Resources Development Fund Office;
f) the Ethiopian Energy Authority;
g) the Ethiopian Water Technology Institute.

16/ The following executive organs shall be accountable to the Ministry of Mines, Petroleum and Natural Gas:

a) the Ethiopian Geological Survey;
b) the Adola Gold Mining Enterprise.

17/ The Institute of Biodiversity Conservation shall be accountable to the Ministry of Environment, Forest and Climate Change.

[...]

21/ The following executive organs shall be accountable to the Ministry of Culture and Tourism:

a) the Authority for Research and Conservation of Cultural Heritage;
b) the National Archives and Library Agency;
c) the National Theatre;
d) the Ethiopian National Cultural Center.

38. **Re-organization of Federal Executive Organs**

The Council of Ministers is hereby empowered, where it finds it necessary, to reorganize the Federal executive organs by issuing regulations for the closure, merger or division of an existing executive organ or for change of its accountability or mandates or for the establishment of a new one.

**PART FOUR**

**MISCELLANEOUS PROVISIONS**

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39. **Repeal**

1/ The following legislations are hereby repealed:
   
a) the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010 (as amended);

[...]

2/ No laws, regulations, directives or practices shall, in so far as they are inconsistent with this Proclamation, have force or effect with respect to matters provided for by this Proclamation.

40. **Transfer of Rights and Obligations**

[...]

4/ The rights and obligations of the Ministry of Agriculture, other than those relating to livestock and fish resources development sector, are hereby transferred to the Ministry of Agriculture and Natural Resources.

5/ The rights and obligations of the Ministry of Agriculture, relating to livestock and fish resources development sector, are hereby transferred to the Ministry of Livestock and Fisheries.

[...]

7/ The rights and obligations of the Ministry of Urban Development, Housing and Construction, other than those relating to urban development and housing sector, are hereby transferred to the Ministry of Construction.

8/ The rights and obligations of the Ministry of Water, Irrigation and Energy are hereby transferred to the Ministry of Water, Irrigation and Electricity.

9/ The rights and obligations of the Ministry of Mines are hereby transferred to the Ministry of Mines, Petroleum and Natural Gas.

10/ The rights and obligations of the Ministry of Environment and Forest are hereby transferred to the Ministry of Environment, Forest and Climate Change.

[...]

41. **Effective Date**

This Proclamation shall enter into force on this 9th day of December, 2015.

Done at Addis Ababa, this 9th day of December, 2015.

MULATU TESHOME (Dr.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
COUNCIL OF MINISTERS REGULATION TO PROVIDE FOR THE ESTABLISHMENT OF THE ETHIOPIAN ENVIRONMENT AND FOREST RESEARCH INSTITUTE

CONTENTS

1. Short Title
2. Definitions
3. Establishment
4. Head Office
5. Objective
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7. Organization of the Institute
8. Powers and Duties of the Director General
9. Budget
10. Books of Accounts
11. Transfer of Rights and Obligations
12. Effective Date

BRIEF DESCRIPTION

This Regulation establishes the Ethiopian Environment and Forest Research Institute. The Institute conducts research on forestry and agro-forestry development, management, conservation and utilization and environmental conservation and thereby generates and disseminates technologies, information and knowledge. Pursuant to the Regulation, the rights and obligations of the Ethiopian Agricultural Research Organization established by Proclamation No. 79/1997 (as amended by Proclamation No. 382/2004) with respect to forestry research and wood utilization research are transferred to the Institute.

Ethiopian Environment and Forest Research Institute
Establishment Council of Ministers Regulation No. 327/2014

Whereas, it is found necessary to make the environmental protection and sustainable forest management and use, to succeed the green development strategy for the planned climate change mitigation and to enable the country to get appropriate benefit from its natural resources;

Whereas, it is found necessary to make the research activities to be undertaken in an integrated and consistent system that ensures the highest benefit to the country by giving special attention to environment and forest research activities.

Whereas, it is found necessary to give due attention to activities of environmental protection and, forest development, protection and utilization activities by linking forest research with environmental protection research at an institutional level for the attainment of the objectives of the government which initiated established of the ministry of environment and forest;
Now therefore, this regulation is issued by the council of ministers pursuant to Article 5 and 35 of the definition of power and duties of the executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010 (as amended by proclamation No. 803/2013).

1. **Short Title**

   This regulation may be cited as the “Ethiopian environment and forest research institute Establishment Council of ministers Regulation No. 327/2014”.

2. **Definitions**

   In this regulation unless the context otherwise requires

   1/ “Environment and forest research” means conducting research of forestry and agro-forestry development, management, conservation and utilization and environmental conservation and thereby generate and disseminate technologies, information and knowledge;

   2/ “ecology” means a system in which plants, animals and micro organisms, which are known as living things, are living in continuous evolutionary interaction with non-living things in a specific place;

   3/ “environment” and “pollution” shall have the meanings assigned to them under Article 2(6) and (12) of the environmental pollution control proclamation No. 300/2002, respectively.

   4/ “region” means any state referred to under article 47 of the constitution of the federal democratic Republic of Ethiopia and includes Addis Ababa and Dire Dawa city administration;

   5/ “Center” means a branch office of Environment and Forest research institute that conducts research activities on environment and forest;

   6/ “Ministry” means the ministry of environment and forest;

   7/ “person” means any natural or legal person;

   8/ any expression in the masculine gender includes the feminine.

3. **Establishment**

   1/ The Ethiopian environment and forest research institute (herein after referred to as the institute) is hereby established as an autonomous federal government office having its own legal personality.

   2/ The institute shall be accountable to the ministry.

4. **Head Office**

   The institute shall have its head office in Addis Ababa and may have branch offices elsewhere, as may be necessary.

5. **Objective**

   The institute shall have the following main objectives:
1/ identify; import, adapt, utilize and generate technologies that significantly contribute to forest development and environmental protection that focuses on the priorities of the country and demand of users;

2/ coordinate the environment and forest research activities carried out by environment and forest research centers or higher education institutes and other related facilities conduct research on the basis of contract;

3/ build capacity and establish a system that enables the environment and forest research activities to be efficient, effective and development-based;

6. **Power and Duties**

The institute shall have the following powers and duties

1/ design environment and forest conservation research strategy based on the development and research policies of the country; prepare action plans and schedules, and implement same upon approval as well as follow up the implementation thereof by the concerned organs;

2/ issue directive that enables the designing of environment and forest research programs and projects that will be in line with the development direction of the country and the need of the users; evaluates budget of programs and projects and ensures that they are prepared as per the directive and submits same to the government for approval.

3/ organize environment and forest research centers, laboratories and stations; as may be necessary, establish new centers and stations in different regional states and ecological areas based on the budget allocated by the Government, or may close down centers and stations established;

4/ undertake the necessary public mobilization activities in cooperation with the relevant extension organs to disseminate validated environment and forest research findings to the users;

5/ adapt and distribute fast growing tree species that enable to mitigate environmental degradation, desertification, extinction of species and solve problem of forest products supply;

6/ identify the imbalance, pollutions and other related problems inflicted on environment due to socioeconomic activities and facilitates alleviation of the problems and rehabilitation paths;

7/ collect, store and disseminate research outputs produced and to be produced at local and international level which are useful for forest and environment research works; establish and coordinate information networks and distribution systems;

8/ provide proper information service to regional agriculture environment and forest research centers and other service seekers, and provide technical support as per the available capacity, when requested;
9/ establish necessary project monitoring and evaluation system in consolation with the concerned organs in order to avoid unnecessary redundancy and wastage of resource for conducting research and follows up its implementations;

10/ establish relationships and cooperate with international, continental, regional and local environment and forest research institutes, onor organizations and with other bodies having similar objectives;

11/ register and keep record of any persons who is engaged in environment and forest research;

12/ charge fees for the services it renders in accordance with the rate approved by the government;

13/ own property, enter into contract and sue and be sued in its own name;

14/ perform such other activities as are conducive to the attainment of its objectives.

7. Organization of the Institute

The institute shall have;

1/ a director general and, as may be necessary, deputy director generals to be appointed by the government; and

2/ the necessary staff.

8. Powers and Duties of the Director General

1/ the director general shall be the chief executive officer of the institute and shall, subject to the general direction of the Ministry, direct and administer the activities of the institute.

2/ without limiting the generality sub-article (1) of this Article, the director general shall;

   a) Exercise the power and duties of the institute specified under article 6 of this regulation;

   b) Employ and administer employees engaged in support service of the institute in accordance with the federal civil service laws and, in the case of professionals engaged in the core functions of the institute, in accordance with the directive approved by the government for agriculture researchers;

   c) Prepare and submit to the Ministry the strategic plan, annual plan, work program and budget of the institute and implement the same up on approval;

   d) Effect payments in accordance with the approved budget and work program of the institute;

   e) Represent the institute in its dealings with third parties;

   f) Prepare and submit to the ministry the performance and financial reports of the institute
3/ The director general may delegate part of his powers and duties to other officers and employees of the institute to the extent necessary for the effective performance of the activities of the institute.

9. Budget
The institute’s budget shall be allocated by the government

10. Books of Accounts
1/ The institute shall keep complete and accurate book of accounts.
2/ The book of accounts and financial documents of the institute shall be audited annually by the Auditor General or an Auditor designated by him.

11. Transfer of Rights and Obligations
The rights and duties transferred to the Ethiopian Agricultural research organization under Article 17 of the Ethiopian Agricultural Research Organization Establishment Proclamation No. 79/1997 (as amended by proclamation No. 382/2004) with respect to forestry research and wood utilization research are hereby transferred to the institute.

12. Effective Date
This regulation shall enter into force on the date of publication in the federal Negarit Gazette.

Done at Addis Ababa, this 26th day of December 2014

HAILEMARIAM DESSALEGN

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
## 5. USEFUL WEBSITES

### NATIONAL GOVERNMENTAL INSTITUTIONS

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<td>Board of Trustee for Public Enterprises</td>
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<td>Road Transport Authority</td>
<td><a href="http://www.rta.gov.et/transport%20reaserch.htm">http://www.rta.gov.et/transport%20reaserch.htm</a></td>
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**UN SYSTEM**

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<td>Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection</td>
<td>gesamp.imo.org/</td>
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<td>8</td>
<td>Subcommittee on Oceans and Coastal Areas, ACC (Administrative Committee on Coordination)</td>
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### AU AND RECS

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<td>1</td>
<td>Ecolex</td>
<td><a href="http://www.ecolex.org/start.php">http://www.ecolex.org/start.php</a></td>
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<td>2</td>
<td>ICRC</td>
<td><a href="http://www.icrc.org/eng/">http://www.icrc.org/eng/</a></td>
</tr>
<tr>
<td>3</td>
<td>OIE</td>
<td><a href="http://www.oie.int/">www.oie.int/</a></td>
</tr>
</tbody>
</table>