

ETHIOPIA

NEGARIT GAZETA OF THE TRANSITIONAL GOVERNMENT OF ETHIOPIA

PROCLAMATION No. 139 OF 1978

A PROCLAMATION TO REGULATE MARINE TRANSPORT

"ETHIOPIA TIKDEM"

WHEREAS, marine transport plays an important role in the development of any country and hence it is essential to improve and develop this mode of transport so as to provide a greater and more efficient transport service;

WHEREAS, it is essential to use modern means and techniques to administer ports and marine transport, to control marine pollution, and regulate vessels and marine transport;

WHEREAS, in accordance with the programme of the National Democratic revolution of Ethiopia, it is necessary to establish and manage the transport and communications sector in a more coordinated and harmonious manner;

NOW, THEREFORE, in accordance with Article 5(6) of the Redefinition of Powers and Responsibilities of the Provisional Military Administration Council and the Council of Ministers Proclamation No. 110/1977, it is hereby proclaimed as follows:

PART ONE GENERAL

1. *Short Title*

This proclamation may be cited as the "Marine Transport Proclamation No. 139/1978."

2. *Repeal*

The following are hereby repealed and replaced by this Proclamation:

- 1) The Maritime Proclamation No. 137/1953, Articles 6(e) and 28-31;
- 2) The Maritime Order No. 12/1953.

3. *Definitions*

In this Proclamation, unless the context otherwise requires:

- 1) "danger area" shall mean an area of defined dimensions within which activities dangerous to the navigation of a vessel may exist at specified times;
- 2) "marine transport service" shall mean the carriage by sea of passengers, mail and goods;
- 3) "Minister" or "Ministry" shall mean the Minister or the Ministry of Transport and Communications, respectively;
- 4) "navigation" shall mean the operation of guiding a vessel from one place to another, and includes the fixing of the position of a vessel at sea;
- 5) "port" shall mean any area defined by the Authority as a place where vessels load and unload passengers, goods and mail, and any buildings, installations and equipment on or adjacent to any such area used for these purposes;
- 6) "port service" shall mean the berthing and unberthing of vessels in a port, towage and

- pilotage of vessels, loading and unloading of goods on or from vessels, embarkation and disembarkation of passengers on or from vessels, transport of goods within a port, fire fighting service, ship-chandling, warehousing and other similar services;
- 7) "prohibited area" shall mean an area of defined dimensions within which the navigation of a vessel is prohibited;
 - 8) "restricted area" shall mean an area of defined dimensions within which the navigation of a vessel is restricted in accordance with certain specified conditions;
 - 9) "seafarer" shall mean any person, including masters and apprentices, employed or assigned to work on board a vessel;
 - 10) "seaworthiness" shall mean the fitness in construction, stowage plans, provisions and manning of a vessel to safety undertake its intended functions as verified by the Authority;
 - 11) "vessel" shall mean any kind of ship, boat, water craft or dhow used for marine transport.

PART TWO

MARINE TRANSPORT AUTHORITY

4. *Establishment of the Marine Transport Authority*
There is hereby established a Marine Transport Authority (hereinafter the "Authority") as an autonomous public authority having juridical personality.
5. *Principal Office*
The Authority shall have its principal office in Addis Ababa and may establish branch offices elsewhere.
6. *Purposes*
The purposes for which the Authority is established are as follows:
 - 1) to promote and maintain an efficient, economical and regular marine transport service and develop an overall marine transport service system;
 - 2) to expand an efficient system of port services and facilities;
 - 3) to ensure a high degree of safety in marine transport;
 - 4) to prevent marine pollution;
 - 5) generally, to seek ways and means for the promotion and development of all aspects of marine transport.
7. *Powers and Duties*
The Authority shall, have all the powers necessary for the attainment of its objectives. These shall include the power to:
 - 1) regulate the manufacture, possession, use, sale and purchase of any vessel;
 - 2) license and control seafarers, pilots and other persons working on board a vessel;
 - 3) inspect, license and regulate all port and vessel services and facilities;
 - 4) operate and regulate port services;
 - 5) control marine pollution;
 - 6) license and regulate marine transport service organizations; provide marine transport service over lakes and rivers;
 - 7) license and regulate clearing, forwarding, shipping agencies and other similar enterprises, and issue to government and private organizations detailed directives relating to port services, supervise their implementation and coordinate their activities;
 - 8) determine and regulate the conditions under which passengers, goods and mail may be transported in vessels;
 - 9) recommend the tariffs to be charged by marine transport service organizations for the services they render;
 - 10) prohibit the placement, remove or cause to be removed any objects deemed

- obstructional to safe navigation of vessels; or require the placement of necessary navigational aids;
- 11) conduct research and prepare plans and programmes for ports and other projects relating to marine transport; construct, improve and maintain ports and other facilities for the use of vessels in accordance with the authorized programme; maintain, control and administer the same;
 - 12) administer and regulate all light-house, lights, buoys, marine and sub-marine cables, harbour and port structures and installations;
 - 13) ensure the availability of safe and adequate marine transport and port services; require the provision of necessary marine insurance;
 - 14) maintain port and vessel records; register all vessels and any rights relating thereto, issue registration marks to vessels; approve vessel christening; inspect and issue seaworthiness certificates; specify the type of services for which vessels are to be use; preserve and regulate conditions as to the construction assignment, maintenance and repair of vessels;
 - 15) designate and prescribe the conditions of use of sea routes; determine conditions of vessel entry to and departure from Ethiopian maritime domain; designate and specify prohibited, danger and restricted areas for marine transport in cooperation with other concerned governmental agencies;
 - 16) conduct and coordinate search and rescue operations for any vessel; investigate vessel accidents and prepare and issue accident reports;
 - 17) cause the establishment of marine transport schools, vessel construction, maintenance and repair centres and other facilities related to vessel operations; inspect and determine their standards and award certificates of qualification;
 - 18) determine and collect fees, rents and other charges payable for navigation and port services provided;
 - 19) enter into contracts, sue and be sued and submit disputes to arbitration;
 - 20) buy, sell, own or lease any kind of property as its activities require;
 - 21) implement and enforce the provisions of this Proclamation and regulations issued thereunder, and international conventions and agreements relating to marine transport to which Ethiopia is a party.

8. *Management*

- 1) The Authority shall have a General Manager to be appointed by the Government on the recommendation of the Minister.
- 2) The General Manager shall be the chief executive of the Authority. he shall, under the general supervision of the Minister, be responsible for the proper administration and operation of the Authority.
- 3) Subject to sub-article 2 of this article, the General Manager shall, in particular, carry out the following:
 - a) prepare and issue directives, marine information and other related matters;
 - b) prepare and submit to the Minister plans and programmes as well as detailed annual budgets;
 - c) submit regular reports and proposals to the Minister on matters relating to national or international marine transport;
 - d) collect, regularly, information and statistics relating to marine transport;
 - e) employ, promote, transfer, administer or dismiss personnel; fix their salaries and allowances;
 - f) effect payment in accordance with the approved annual budget and the work programme of the Authority;
 - g) submit to the Minister audited quarterly financial and operational reports, as well as annual audited financial and comprehensive operational reports.
- 4) The General Manager may delegate part of his functions and powers to the employees

of the Authority to the extent necessary for the efficient operations of the Authority.

9. *Fund*

The Fund of the Authority shall consist of:

- 1) annual fees, service fees, registration fees, rents and proceeds from sales of property collected by the Authority;
- 2) government financial subsidies as required; and
- 3) any other money received by the Authority for the purpose of carrying out its activities.

10. *Budget and Fiscal Year*

- 1) The budget of the Authority shall be prepared by the General Manager and submitted to the Minister for approval.
- 2) The Authority may, without exceeding the approved budget, directly effect expenditures from its revenue; any money in excess of the approved budget shall be transferred to the Government Treasurer.
- 3) The fiscal year of the Authority shall begin on the 1st day of Hamle and end of the 20th day of Sene, the following year.

11. *Accounts and Annual Report*

The Authority shall keep full and accurate accounts of its expenditures and revenues and shall, within four (4) months after the expiry of each fiscal year, submit to the Minister a duly audited statement of expenditures and revenues.

12. *Auditors*

The books of accounts and all financial affairs of the Authority shall be audited annually by the Auditor-General or by auditors appointed by him.

PART THREE
MISCELLANEOUS PROVISIONS

13. *Tax Exemption*

- 1) Fuels, oils, machinery, furniture, equipment and other items used by vessels registered by the Authority shall be exempt from the payment of any tax. Such vessels shall, however, pay:
 - a) annual charges levied by the Authority;
 - b) service fees; and
 - c) vessel registration fees.
- 2) Income arising from ownership of vessels registered by the Authority shall be exempt from the payment of any taxes.
- 3) Employment income accruing to seafarers engaged on board seagoing regular marine transport service vessel registered by the Authority shall be exempt from taxes.
- 4) Foreign ships calling at Ethiopian ports shall be entitled to tax free fuel, oil, machine equipment, furniture, and other items.

14. *Prohibition*

- 1) No person shall operate marine transport service or purchase, sell, import, export or use a marine transport service vessel, or be engaged as a seafarer on board any marine transport vessel unless he has obtained an authorization granted by the Authority.
- 2) Notwithstanding sub-article 1 of this Article, the authorization granted by the former Marine Department shall remain valid until such time as indicated in the authorization.

15. *Small Vessels*

The Minister may, by regulations, waive the application in whole or in part of this proclamation

to small vessels.

16. *Amendment*

The words "Ministry and Marine Department" in Article 371 of the Maritime Code Proclamation, 1960, shall read the "Minister of Transport and Communications" and the "Marine Transport Authority" respectively.

17. *Penalty*

Any person who violates the provisions of this Proclamation and regulations issued hereunder shall be punishable in accordance with the Penal Code.

18. *Power to issue Regulations*

The Minister shall have the power to issue regulations for the proper execution of this Proclamation.

19. *Effective Date*

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

Done at Addis Ababa, on this 24th day of March, 1978

*THE PROVISIONAL MILITARY
ADMINISTRATION COUNCIL*