

Definition of Power, Duty and Organization of the Basin Development Authority Regulation No. 441-2018

Council of Minister’s Regulation no. 441/2018

COUNCIL OF MINISTERS REGULATION TO DEFINE THE POWER, DUTY AND ORGANIZATION OF THE BASIN DEVELOPMENT AUTHORITY

This Regulation is issued by the Council of Ministers pursuant to Article 5 and Article 34 of the Definition of Power and Duty of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 1097/2018.

1.Short Title

This Regulation may be cited as the “Definition of Power, Duty and Organization of the Basin Development Authority Regulation No. 441/2018.”

2.Definitions

In this Regulation unless the context otherwise requires:

1/“Minster” or “Ministry” means the Minster or Ministry of the Ministry of Water, Irrigation and Energy respectively;

2/“Water” means surface water and ground water;

3/“Basin” means a geographical area described by the watershed limits of water system including surface water and ground water flowing into a common terminus;

4/ “Authority” means Basin Development Authority;

5/ “Regional State” means any regional state specified under Article 47(1) of the Constitution and includes the Addis Ababa and Dire Dawa city administrations;

6/ Any expression in the masculine gender includes the feminine.

3.Head Office

The Authority shall have its head office in Addis Ababa and may have branches elsewhere as may be necessary.

4.Objective

The overall objective of the Authority shall be to implement sustainable and integrated development, administration and utilization of the water resources at a basin level in equitable and participatory manner.

5. **Power and Duties of the Authority**

The Authority shall have the following power and duties:

1/undertake policy studies, surveys and researches needed to create a conducive environment for the implementation an integrated water resource management within basins; and follow up implementation upon approval by the relevant body;

2/facilitate and undertake activities necessary for implementation of integrated water resources management in basins;

3/ensure that projects, activities and interventions related to water in the basins are, in line with the integrated water resources management process;

4/develop plans for protection and sustainable uses of basins; follow-up implementation once it is approved by the relevant organ;

5/develop and implement basin models in order to guide and support strategic planning of water resources and water administration functions;

6/Identify measures that should be taken against pollution and damage to basins; implement same in collaboration with relevant organs;

7/ without prejudice to the power given to

Regional States by law, issue permits applicable to the basins' water use and water works, and ensure that the terms of the permits are complied with;

8/work in collaboration with relevant organs to support efforts to expand irrigation works within basins;

9/undertake administration of river training activity;

10/ measure, collect, compile, analyze and disseminate information for proper planning, administration and steering of water resources in the basin;

11/ give advice and technical support to the

Ministry of Water, Irrigation and Energy on dispute resolution in relation to the allocation and use of water resources of the basins;

12/ ensure continuous collaboration with

Regional Governments organs and other relevant bodies by setting up a forum for effective networking;

13/ Prepare and provide necessary information on trans-boundary basins to the concerned body in charge of negotiations with other countries;

14/ Develop and manage basin information system;

15/ Prepare and update basin master plans; implement and support the implementation of the same upon approval;

16/ Prepare basin development and management plans, submit the plan to the Ministry, follows up the implementation of the plans up on approval;

17/ Conserve, protect and manage water bodies and related ecosystem.

18/ Study and implement flood protection forecasting and early warning works. Protect and save lives and properties in case of flood and drought, by implementing various flood protection and drought mitigation measures in coordination with relevant bodies;

19/ prepare and submit to the ministry means of optimal and equitable allocation and utilization of water bodies that traverse across or lie between more than one regional state among various uses and regional states.

20/ Study, generate policy ideas, follow-up the implementations of the equitable and sustainable utilizations and management of the trans-boundary and boundary rivers, lakes and aquifers;

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

22/ Carry out other functions necessary for the implementation of its objective.

6. Organization of the Authority

The Authority shall have:

1/ A Director General and Deputy Director

Generals, as may be necessary, to be appointed by the Government, and

2/ the necessary staff.

7. Power and Duties of the Director General

1/The Director General shall be the chief executive officer of the Authority shall direct and administer the activities of the Authority.

2/Without Prejudice to Sub-Article (1) of this Article, the Director General shall:

1. a) exercise the power and duties of the Authority specified in Article (5) of this Regulation;
2. b) employ and administer the employees of the Authority in accordance with the federal civil service laws;
3. c) prepare annual work plans and budgets of the Authority and implement the same upon approval;
4. d) effect payments in accordance with approved budget and work program of the Authority;
5. e) represent the Authority in all its dealings with third parties;
6. f) submit to the Ministry performance and reports of the Authority.

3/The Director General may delegate part of his power and duties to employees of the Authority to the extent necessary for the effective performance of the activities of the Authority.

8. Power and duties of the deputy director Genral

The deputy director general shall:

- 1/assist the Director general in organizing, directing and coordinating the activities of the Authority;
- 2/ perform duties specifically assigned to him by the Director general;
- 3/ Act on behalf of the Director General in his absence.

9.Budget

The Authority budget shall be allocated 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 an Auditor designated by him.

11. Effective Date

This Regulation shall come into force on the date 14th November 2018 as endorsement by the Council of Ministers.

Done at Addis Ababa this 21st day of December ,2018

ABIY AHMED (DR.)

PRIME MINISTER OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA