

ETHIOPIA

**NEGARIT GAZETA
OF THE TRANSITIONAL GOVERNMENT OF ETHIOPIA**

PROCLAMATION No. 192 OF 1980

A PROCLAMATION TO PROVIDE FOR THE
CONSERVATION AND DEVELOPMENT OF FOREST
AND WILDLIFE RESOURCES

"ETHIOPIA TIKDEM"

WHEREAS, Ethiopia's forest which formerly covered most of the country has been depleted by the defunct feudo-bourgeois order for the selfish interest of the aristocracy and the nobility;

WHEREAS, improper and unplanned forest exploitation results in the extinction of wildlife, soil erosion that may bring about aridity of fertile areas and consequently cause natural imbalance of the ecology;

WHEREAS, the wildlife of the nation is exposed to the danger of extinction due to failure to take the necessary care;

WHEREAS, immediate and decisive actions must be taken in order to avert this disastrous situation by agitating and coordinating the broad masses to plant, conserve, develop and administer the country's forest and wildlife resources;

WHEREAS, the development of the forest resources of the country is one of the measures that should be taken in order to lay down the foundation for the enhancement of the economy of Revolutionary Ethiopia and to realize the needs of the broad masses;

WHEREAS, to achieve these objectives, it is necessary to promulgate appropriate legislation concerning forest and wildlife and establish a Government institution to implement same;

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:

**PART ONE
GENERAL**

1. *Short Title*

This Proclamation may be cited as the "Forest and Wildlife Conservation and Development Proclamation No. 192/1980".

2. *Definitions*

In this Proclamation, unless the context otherwise requires:

- 1) "Authority" means the Forest and Wildlife Conservation and Development Authority established under Article 8 hereof;
- 2) "forest" means forests that were classified as state forest, private forest, and protective forest under State Forest Proclamation, Private Forests Conservation Proclamation and Protective Forests Proclamation and shall include land stocked with trees and designated as forest by the Authority in accordance with the present Proclamation;
- 3) "forest product" means round wood, part of wood, fuelwood, pulpwood, charcoal, bark, stumb, twig, resin, essence as well as honey or tannin found in forests;
- 4) "*kebele* forest" means any forest owned by *kebele* peasant associations in accordance with Article 6(1) hereof or urban dwellers' associations pursuant to the appropriate legislation;
- 5) "Ministry" means the Ministry of Agriculture;
- 6) "person" means any natural or juridical person;
- 7) "state forest" means the forest referred to under sub-article 1 of Article 5 hereof.

3. *Repeals and Savings*

- 1) The following laws are hereby repealed:
 - a) the State Forest Proclamation No. 225/1965;
 - b) the Private Forests Conservation Proclamation No. 226/1965;
 - c) the Protective Forests Proclamation No. 227/1965;
 - d) the Wildlife Conservation Order no. 65/1970;
 - e) the State Forest Development Agency Order No. 74/1971;
 - f) Game Proclamation No. 61/1944; and
 - g) the Establishment of Community Forests Regulations No. 348/1968.
- 2) Without prejudice of the provisions of sub-article 1 of this Article, the Protection of State Forest Regulations No. 344/1968, the Exploitation of State Forest Regulations No. 345/1968, the Management of Protective Forests Regulations No. 347/1968, the Powers of Rangers Regulations No. 349/1968, the Powers of Forest Guards Regulations No. 350/1968, the Trade of Saw Logs and Veneer Logs Regulations No. 351/1968, the Wildlife Conservation Regulations No. 416/1972, as amended, the Awash National park Order No. 54/1969 and the Simien National park Order No. 59/1969 shall continue in force.

4. *Scope of Application with respect to Forests*

This Proclamation does not apply to trees within:

- 1) the holdings referred to in Article 5 of the Government Ownership of Urban Lands and Extra Houses Proclamation No. 47/1975;
- 2) the compound of each peasant;
- 3) and around church and mosque compounds and those found in cemeteries;
- 4) the holdings or compounds of offices and institutions.

5. *Types of Forest Ownership*

- 1) The following forests shall be the property of the State:
 - a) forests that were state forest pursuant to the State Forest Proclamation No. 225/1965;
 - b) forests that were protective forests pursuant to the Protective Forests Proclamation No. 227/1965; and protective forests designated as such by the Authority in accordance with Article 21 of this Proclamation; and
 - c) forests, whether natural or planted, that are designated as state forests by the Authority.
- 2) The following forests shall be the property of peasant associations:
 - a) forests developed by any peasant association within its locality on areas designated by the Authority in accordance with Article 6(1) of this Proclamation; and
 - b) forests within the locality of peasant association not designated as forest by the Authority in accordance with this Proclamation.

6. *Kebele Forests*

- 1) Each peasant association shall develop and conserve its own forest by planting trees within its locality in areas to be designated by the Authority.
- 2) Each peasant association or urban dwellers association shall implement directives issued by the Authority concerning the conservation, protection, development and utilization of forests.

7. *Permission Required to Sell Kebele Forest Products*

No peasant association or urban dwellers' association may sell *Kebele* forest products without the permission of the Authority, provided however, that no such permission is required for the utilization of forest products by the association.

PART TWO

FOREST AND WILDLIFE CONSERVATION AND
DEVELOPMENT AUTHORITY

8. *Establishment*

There is hereby established a Forest and Wildlife Conservation and Development Authority (hereinafter the "Authority") having its own juridical personality.

9. *Principal Office*

The Authority shall have its principal office in Addis Ababa and may establish branch offices elsewhere in the country.

10. *Transfer of Assets and Liabilities*

All assets and liabilities of the former Wildlife Conservation Organization established by Order No. 65 of 1970 and the State Forest Development Agency established by Order No. 74 of 1970 are hereby transferred to the Authority.

11. *Objectives of the Authority*

The Authority shall have the following objectives;

- 1) to ensure the proper protection, development, rational utilization and management of forest and wildlife resources of the country;
- 2) to establish and administer national parks, game reserves and other conservation areas;
- 3) to agitate the broad masses to have better and greater participation in the development, protection, rational utilization and management of forest and wildlife.

12. *Powers and Duties of the Authority*

The Authority shall have all powers necessary for the achievement of its objectives. These include the power to:

- 1) plant, protect, develop, manage and utilize state forests;
- 2) safeguard state forests from fire and other natural hazards and take all necessary measures for its protection;
- 3) in cooperation with the appropriate Government offices, demarcate, register and administer state forests, national parks, game reserves, sanctuaries, and areas for afforestation, controlled hunting and scenic attractions;
- 4) designate state forests from which forest products may or may not be utilized;
- 5) prepare national afforestation programs and implement same upon approval;
- 6) prepare and implement state forest development and utilization program;
- 7) agitate and assist the board masses to plant forests and to properly conserve, develop, rationally utilize and manage forest and wildlife;
- 8) endeavour to ensure the availability of adequate seedlings and technical services for

afforestation;

- 9) endeavour to ensure the constant supply of wood for industrial, construction, domestic or other purposes;
- 10) notify the appropriate Government office to resettle persons who have settled in state forests, national parks, game reserves or other conservation areas;
- 11) cooperate with the appropriate Government offices and mass organizations in the construction of roads and other facilities within state forests, national parks, game reserves, other conservation areas and areas of scenic attractions;
- 12) issue certificate of competence to persons who deal in forest products;
- 13) issue certificate of origin and destination for forest and wildlife products;
- 14) enforce legislations concerning forest and wildlife resources;
- 15) establish and supervise organizations which engage in the processing and marketing of forest products;
- 16) issue permits for hunting wild animals;
- 17) grant permission for the establishment of any hotel, camp or other facilities in any national park, game reserve or other wildlife conservation area;
- 18) ensure that forest and wildlife products are used for the purposes specified in the permit; measure any such product;
- 19) require any person found in possession of forest and wildlife products to produce certificate;
- 20) seize any vehicle or animal carrying wildlife products for which certificates cannot be produced; sell any perishable wildlife product it has seized and deal with the money in accordance with the decision given pursuant to Article 24 of this Proclamation;
- 21) undertake or cause to be undertaken scientific research with regard to forest and wildlife resources and put to use fruitful results thereof;
- 22) train or cause to be trained, in cooperation with the appropriate Government office, manpower necessary for its operations;
- 23) issue directives concerning the movement of forest products and supervise their implementations;
- 24) accept aid or donation from within the country or abroad;
- 25) represent the Government in any meeting or conference regarding forest and wildlife;
- 26) submit for determination to the appropriate Government office the price of forest and wildlife products;
- 27) delegate to Government offices or mass organizations the powers and duties given to it

under this Proclamation;

- 28) submit for determination to the appropriate Government office and in accordance therewith collect fees and charges for permits it issues or services it renders;
- 29) enter into contract;
- 30) sue and be sued in its own name; and
- 31) own, possess, pledge, sell, exchange or transfer in any other manner property necessary for the attainment of its objectives.

13. *Management*

The Authority shall have:

- 1) a Forest and Wildlife Conservation and Development Council (hereinafter the "Council");
- 2) a General Manager; and
- 3) the necessary staff.

14. *Members of the Council*

- 1) the Minister of Agriculture Chairman
- 2) the Minister of Domestic Trade Member
- 3) the Minister of Mines, Energy and Water Resources "
- 4) the Minister of Industry "
- 5) the Minister of Interior "
- 6) the Minister of Urban Development and Housing "
- 7) the Commissioner of the Ethiopian Peasant Association "
- 8) the Chairman of the All-Ethiopian Peasant Association
- 9) the General Manager of the Authority Member and Secretary

15. *Powers and Duties of the Council*

The Council shall have the following powers and duties:

- 1) to initiate policy guidelines concerning forest and wildlife;

- 2) to examine and approve the long and short term work program and the annual budget of the Authority to be submitted to the appropriate Government body;
- 3) to coordinate the implementation of the work program of the Authority;
- 4) to evaluate the activities of the Authority and give the necessary directives;
- 5) to consider and approve the reports of the Authority.

16. *Powers and Duties of the Chairman of the Council*

The Chairman of the Council shall have the following powers and duties;

- 1) to supervise the coordination of the activities of the Authority with those activities of the pertinent organs of the Ministry;
- 2) to ensure that the general objectives of the Authority are carried out in accordance with the decisions of the Council; and
- 3) to follow-up and supervise the operations of the Authority.

17. *Meetings of the Council*

- 1) The Council shall meet at least once every three months.
- 2) The Council shall also be convened at the request of the Chairman or in accordance with its rules of procedure.
- 3) There shall be quorum for the meetings of the Council when the majority of its members are present.
- 4) Decisions of the Council shall be by majority vote, and in case of a tie, the Chairman shall have a casting vote.
- 5) The Council shall determine its own rules of procedure.

18. *The General Manager*

- 1) The General Manager of the Authority shall be appointed by the Government upon the recommendation of the Council.
- 2) The General Manager shall be the chief executive of the Authority and shall, subject to the general directives of the Council, carry out the activities of the Authority.
- 3) Without limiting the generality of the foregoing, the General Manager shall:
 - a) administer personnel in accordance with regulations issued by the Chairman of the Council which regulations shall be in line with the basic principles embodied in public service laws;
 - b) prepare and submit to the Council for approval, plans and work programs as well as annual budget of the Authority;

- c) submit to the Council operational and financial report of the Authority every three months;
- d) subject to the other provisions of this proclamation, exercise and implement the powers and duties entrusted to the Authority by virtue of this Proclamation;
- e) effect payments in accordance with the approved budget and work program of the Authority.

PART THREE
MISCELLANEOUS PROVISIONS

19. *Transfer of Power*

The Power referred to under Article 10(3) of the Public Ownership of Rural Lands Proclamation No. 31/1975 is hereby transferred to the Authority.

20. *Budget*

The budget of the Authority shall be drawn from the following sources:

- 1) Government subsidy;
- 2) monies received by it as a result of its activities; and
- 3) monies received by it in the form of donations or aids.

21. *Designation of Land for Protective Forests*

The Authority may designate and demarcate any land as land set aside for protective forest where it finds it necessary for the purposes of:

- 1) the conservation of the soil and its protection from desiccation, erosion and deflation;
- 2) the conservation and improvement of the water regime through the protection of the watershed, springs, water reservoirs, water courses and catchment areas;
- 3) the control of floods;
- 4) the protection of sand-hills and sea-shores from sea erosion or the spreading of sands.

22. *Prohibitions*

- 1) No person, unless he is in possession of a written permission from the Authority, may
 - a) hunt wild animals or use the products thereof;
 - b) settle in any state forest, national park, game reserve, or other conservation area;
 - c) fell trees, collect, load or transport any state forest product;

- d) graze cattle in any forest, national park, game reserve, or other conservation area or commit any other act detrimental thereto.
- 2) Notwithstanding the provisions of sub-article 1(e) of this Article no permission is required to take and sell or use in any other manner from state forests of *Kebele* forests fallen branches, leaves, and barks or set up beehives in such forests and harvest honey from such hives.

23. *Duty to Cooperate*

- 1) Executive Committees of the Supreme Council established at provincial, Awraja, Woreda and at urban centre levels shall have the duty to cooperate with the Authority on matters relating to:
 - a) the protection and maintenance of state forests and wildlife;
 - b) the proper implementation of this Proclamation, regulations and directives issued hereunder;
 - c) the establishment of special task forces for the purposes of planting, protecting and maintaining forests.
- 2) Any Government office, mass or private organization shall have the duty to cooperate with the Authority in the protection, maintenance and development of forests and wildlife.

24. *Offenses and penalties*

Unless the offence is punishable in accordance with Article 21 and 23 of the Peasant Associations Organization and Consolidation Proclamation No. 71/1975:

- 1) whosoever in violation of this Proclamation and regulations and written directives issued hereunder fells forest products, hunts wild animals, removes, sells or in any other manner utilizes any forest and wildlife products in any state forest, national park, game reserve or other conservation area shall, without prejudice to the confiscation by the Government of any weapon used for the commission of the crime, or the outcome of the offence, be it money or forest and wildlife product, be punishable with imprisonment not exceeding two years or with fine not exceeding Birr 5000 or with both such fine and imprisonment;
- 2) whosoever, in violation of this Proclamation and regulations and written directives issued hereunder, settles, ploughs or grazes cattle in any forest, national park, game reserve or other conservation area, or commits any other act detrimental thereto shall be punishable with imprisonment not exceeding one year or with fine not exceeding Birr 2000 or with both such fine and imprisonment;
- 3) subject to sub-articles 1 and 2 of this Article, whosoever obstructs the implementation of this proclamation or regulations and directives issued hereunder shall be punishable with imprisonment not exceeding two years or with fine not exceeding Birr 5000 or with both such fine and imprisonment.

25. *Power to Issue Regulations*

The Chairman of the Council may on the decisions of the Council issue regulations necessary for the proper implementation of this Proclamation.

26. *Effective Date*

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

Done at Addis Ababa, this 5th day of September, 1980

*THE PROVISIONAL MILITARY
ADMINISTRATIVE COUNCIL*