PROCLAMATION NO.155/2006

THE FORESTRY AND WILDLIFE CONSERVATION AND DEVELOPMENT PROCLAMATION

Whereas, the national wealth in general and the forests and wildlife in particular have been seriously impaired due to extended colonial rule, 30 years of war of liberation, frequent drought, and related illegal exploitation of forest and wildlife resources;

Whereas, the reduction of the forest cover has resulted in a decreased supply of forest and wildlife products and has had an adverse impact on natural ecology;

Whereas, the reduction and degradation of the natural vegetation cover of the land and the erosion of the soils have resulted in soil infertility;

Now, therefore, it is hereby proclaimed as follows:

PART I - GENERAL

Article 1. Short Title

This Proclamation may be cited as the "Forest and Wildlife Conservation and Development Proclamation No. 155/2006."

Article 2. Definitions

In this Proclamation, unless the context otherwise requires:

1. "Board" means the Forestry and Wildlife Advisory Board established under Article 5 of this Proclamation;

2. "Community or private woodlot" means a woodlot owned by a community or privately pursuant to an agreement under Article 24 of this Proclamation;

3. "Forest" means a community of trees and associated living organisms growing in a well-defined area, excluding wildlife;

4. "Forest products" means trees and any parts thereof, including roots, trunk, leaves, fruit, flowers and bark, and any by-product of such trees, including charcoal;

5. "Minister" or "Ministry" means the Minister or Ministry of Agriculture or such other Minister or Ministry as may from time to time be responsible for forestry and wildlife;

6. "Person" means any natural or juridical person;
7. "Protected area" means an area of land declared to be a protected area under Article 16 of this Proclamation;

8. "This Proclamation" includes any regulations made under this Proclamation;

9. "Wildlife" means all types of wild animals, excluding fish and other marine living organisms;

10. "Woodlot" means a group of any number of trees;

11. "Wildlife products" means anything derived from wildlife, including bushmeat, horns, teeth, bones, claws, skins, hair, eggs, feathers and ivory.

Article 3. Objectives

The objectives of this Proclamation are the conservation, development and sustainable management of the forests and wildlife resources of Eritrea, in particular:

(a) the conservation of endangered species;

(b) the conservation of other indigenous species;

(c) afforestation and reforestation;

(d) the establishment and proper management of protected areas; and

(e) the promotion of people’s awareness and participation in the conservation, development and sustainable management of forests and wildlife.

PART II - ADMINISTRATION

Article 4. Major functions of the Minister

(1) The Minister shall ensure the implementation of this Proclamation and shall:

(a) monitor the forest and wildlife resources of Eritrea;

(b) carry out research and studies and formulate management plans in accordance with this Proclamation;

(c) issue regulations for the implementation of this Proclamation and monitor their implementation;

(d) establish a programme for reforestation and afforestation involving individual, community and government initiatives;

(e) provide technical assistance to individuals, community or institution wishing to plant or manage trees or manage wildlife farms;

(f) identify endangered and other indigenous tree and wildlife species which may require specific conservation programmes and establish such programmes;
(g) identify trees which may be particularly useful for the supply of necessary forest products, and promote planting and management of such trees;

(h) protect forests from fires and other dangers;

(i) establish and manage protected areas;

(j) promote the establishment and management of community and private woodlots;

(k) issue permits governing the use of forest and wildlife products in accordance with this Proclamation;

(l) set out royalties and fees for the use of forest and wildlife products;

(m) enforce this Proclamation, establishing a unit for the protection of forestry and wildlife and appointing enforcement officers in accordance with it; and

(n) cooperate with other concerned Ministries and non-governmental organizations and other partners to strengthen capabilities of staff through provision of appropriate training and adequate equipment.

(2) The Minister may delegate any of the powers vested in him or her by this Proclamation, except the power to issue permits under Article 27 of this Proclamation and the power to issue regulations.

Article 5. Forestry and Wildlife Advisory Board

(1) There shall be established a Forestry and Wildlife Advisory Board, whose members shall represent the public and private sector involved in forestry and wildlife matters in Eritrea, including concerned ministries, local administrations, non-governmental organizations involved in environmental conservation and scientific institutions.

(2) Members of the Board shall serve for a period of 5 years and may be re-appointed.

Article 6. Functions of the Board

The Board shall advise the Minister on matters relating to the implementation of this Proclamation and any other matter which the Minister may refer to it.

Article 7. Meetings of the Board

(1) The Board shall be convened by its chairperson once every 6 months.

(2) The Board shall establish its own rules of procedure.

PART III - PLANNING

Article 8. Inventory of forests and woodlands

(1) The Minister shall monitor the forests and woodlands of Eritrea and keep an inventory of forests and woodlands, in consultation with the Board and other concerned Ministries.
(2) The inventory shall include all available information on the state of forest and woodland resources and their utilization, and information on land suitable for afforestation or reforestation.

(3) The inventory shall be kept under constant review and updated as necessary.

**Article 9. Wildlife surveys**

(1) The Minister shall monitor the state of wildlife and habitats of Eritrea and keep surveys of such species as may be necessary for purposes of conservation and sustainable management of wildlife, in consultation with the Board and other concerned Ministries.

(2) The surveys shall be kept under constant review and updated as necessary.

**Article 10. National action plan**

(1) Based on the inventory referred to in Article 8 of this Proclamation and the wildlife surveys referred to in Article 9 of this Proclamation and any other reliable information, the Ministry shall adopt a national action plan for the forests and wildlife of Eritrea.

(2) The Ministry shall, in the National Action Plan:

   (a) identify areas which may be suitable for any forestry or related uses, including use of wood and other forest products, afforestation, reforestation and creation of community or private woodlots;

   (b) take measures required for the conservation or utilization of land in accordance with the findings under sub-article (2)(a) of this Article;

   (c) indicate species of wildlife for which it is appropriate to keep surveys in accordance with Article 9 of this Proclamation or which require particular conservation measures; and

   (d) estimate staffing and budgetary requirements.

(3) The national action plan shall be kept under constant review and updated as necessary, but no less than every five years.

**Article 11. Management plans**

(1) Subject to the contents of the national action plan, the Minister shall adopt a management plan for:

   (a) every protected area;

   (b) riverine forest areas, including areas along either bank of the Gash, Barka and Lower Anseba Rivers, the Eritrean bank of the Setit River and such other rivers as may from time to time be listed by regulations or directives; and
(c) such other areas of forests or woodland as may be necessary for the purpose of conservation and sustainable management of forests and wildlife.

(2) Every management plan shall be kept under constant review and updated as necessary.

Article 12. Contents of management plans

Every management plan shall:

(a) describe the area and its flora and fauna resources;

(b) state the objectives to be achieved in the management of the area, including environmental, social, economic and other objectives;

(c) in the case of protected areas, include measures to be adopted in relation to the purposes for which the protected area has been declared;

(d) set out zones where such specified activities as cultivation, grazing, camping, access with or without any means of transportation may or may not be carried out;

(e) set out applicable conditions regarding any activities which must or are allowed to be carried out, including conditions regarding:
   i. logging, including harvesting practices, minimum or maximum limits by quantity, species or size and post-logging requirements;
   ii. utilization of forest products other than wood;
   iii. cultivation, grazing, hunting and other activities, whether or not in conjunction with forestry;
   iv. afforestation and reforestation;
   v. location and construction of main roads;
   vi. watershed management;
   vii. fire breaks and other fire prevention measures.

(f) set out measures to facilitate the participation of local residents and other stake-holders in the management of the area.

Article 13. Compliance with plans

No permit shall be issued under this Proclamation except in accordance with the contents of the national action plan and the applicable management plan.
Article 14. Environmental impact assessment

No permit shall be issued or other action taken under this Proclamation except in accordance with any guidelines which may have been issued by the Minister regarding environmental impact assessment.

Article 15. Adoption and revision of the national action plan and management plans

The Minister shall, before the adoption or revision of the national action plan and of any management plan, advertise the draft plan as appropriate, solicit comments from the public, other concerned Ministries and the Board, hold public meetings and take into account the comments which have been received.

PART IV - PROTECTED AREAS

Article 16. Creation of protected areas

(1) Where any area is particularly appropriate or significant for purposes of conservation of biodiversity, conservation of sites of special scientific interest or preservation of landscapes or recreation, the Minister may declare the area to be a protected area.

(2) The Minister shall, before the declaration of any protected area, advertise the proposal as appropriate, solicit comments from the public, other concerned Ministries and the Board, hold public meetings and take into account the comments thereof.

Article 17. Management of protected areas

No person shall, within any protected area, carry out such activities as may be proscribed by regulations.

Article 18. Compensation of damage caused by creation or management of protected areas.

The State of Eritrea shall compensate at market value damages which may be caused to any person or community due to the creation or management of a protected area.

PART V - CONSERVATION OF FORESTS

Article 19. Activities which are prohibited

No person shall:

(a) burn, uproot, tap, girdle, damage or destroy any tree or shrub;

(b) cut live trees or shrubs or parts thereof for commercial purposes, except under Article 23 of this Proclamation.
Article 20. Activities which may be authorized

No person shall, unless authorized in accordance with this Proclamation or under Articles 23 and 24 of this Proclamation:

(a) cut or collect dead trees or shrubs or parts thereof for commercial purposes;
(b) cut live trees or shrubs or parts thereof for domestic purposes;
(c) harvest forest products other than wood for commercial purposes;
(d) clear land for agricultural or other purposes;
(e) process or otherwise utilize forest products for commercial purposes;
(f) transport forest products.

Article 21. Permits

1) Subject to the national action plan and any applicable management plan, the Minister may issue permits to:

(a) cut or collect dead trees or shrubs or parts thereof for commercial purposes;
(b) cut live trees or shrubs or parts thereof for domestic purposes;
(c) clear land for agricultural or other purposes;
(d) harvest forest products other than wood for commercial purposes;
(e) process or otherwise utilize forest products for commercial purposes;
(f) transport forest products,

subject to such conditions as may be specified in regulations or in the permit.

2) A permit issued under this Article shall be valid for such period as may be specified therein and may be renewed.

Article 22. Prevention of fires

1) No person shall set fire to any forest, woodland, rangeland or farmland, except under a permit issued by the Minister for purposes of vegetation regeneration, pest eradication and such other sustainable management purposes as the Minister may think appropriate.

2) Any permit issued under this Article shall be valid for such period as may be specified therein and may be renewed.

3) Any person who witnesses a fire which might endanger a forest shall inform the nearest government or local administration office.
PART VI – COMMUNITY AND PRIVATE FORESTRY

Article 23. Planted trees

Any person who plants trees on any land which that person has a legal right to use shall be the owner of such trees and may dispose of them as he or she thinks appropriate.

Article 24. Creation and management of community and private woodlots

(1) Where appropriate for purposes of sustainable forest management, afforestation or reforestation, creation of enclosures for protection of forests or wildlife, watershed protection or any other purposes of sustainable management of natural resources, the Minister may enter into agreements:

(a) with one or more communities which have rights to use a specified land area, for the creation or management of a community woodlot, or

(b) with one or more persons who have legal rights to use a specified land area, for the creation or management of a private woodlot.

(2) An agreement under sub-article (1) hereof shall specify:

(a) the boundaries of the area;

(b) the duration of the agreement, the consequences for the case of early termination of the agreement without reasonable cause and for violation of the agreement by any of its parties;

(c) a management plan specifying the activities to be undertaken by the concerned communities or persons for the creation and management of the woodlot, including planting and any specific conditions relating to the harvesting of wood and other forest products;

(d) any other obligations of the communities or persons;

(e) any obligations of the Minister, including technical or other assistance to be provided in connection with the management of the community or private woodlot.

(3) Upon entering into an agreement under this Article, the concerned community or individual shall become the owner of any naturally growing trees within the concerned woodlot, and may utilize them in accordance with the management plan referred to in sub-article 2 (c) hereof.

(4) No permit shall be required for cutting or collecting trees or shrubs or harvesting other forest products from a community or private woodlot in accordance with the management plan referred to in sub-article (2) (c) hereof.
PART VII – CONSERVATION OF WILDLIFE

Article 25. Prohibitions

No person shall hunt, take, disturb, transport or be found in possession of any wildlife or any parts or products thereof, unless authorized in accordance with this Proclamation.

Article 26. Hunting

The Minister may from time to time by regulations authorize hunting of specified species of wildlife, subject to such conditions as may be prescribed, including conditions regarding:

(a) time of the day and of the year at which hunting is or is not allowed;

(b) methods of hunting;

(c) requirements to obtain permits;

(d) duration of permits;

(e) hunting grounds.

provided that hunting does not affect the conservation and sustainable management of wildlife and ecosystems in light of the contents of surveys referred to in Article 9 of this Proclamation and other adequate scientific information.

Article 27. Taking of wildlife for scientific, educational or cultural purposes

(1) The Minister may issue a permit authorizing any institution to take specified species and quantities of wildlife for scientific, educational or cultural purposes otherwise than in accordance with this Proclamation or any other law which may be applicable to that specified wildlife specimen, subject to such conditions as may be prescribed or specified in the permit.

(2) The holder of any permit issued under this Article shall submit detailed reports concerning activities carried out under the permit at such frequency and in such form as may be specified in the permit.

(3) Any permit issued under this Article shall be valid for such period of time as may be specified in it and may be renewed.

(4) Any permit issued under this Article shall require appropriate conditions to preserve animal health and prevent cruelty.
Article 28. Control of wildlife populations

(1) The Minister may authorize the hunting or culling of specified species and quantities of wildlife for purposes of:

(a) preventing significant damage to people or property; or

(b) balancing wildlife populations in a sustainable manner,

provided that such hunting or culling does not affect the conservation and sustainable management of wildlife and ecosystems in light of the contents of wildlife surveys referred to in Article 9 and other adequate scientific information, following consultation with the Board.

(2) Before authorizing any action under this Article, the Minister shall specify applicable conditions, including conditions as to the qualifications of the persons to be appointed to carry out relevant activities.

Article 29. Self-defence or necessity

Where any action taken against wildlife is done in self-defence or due to necessity, the relevant provisions of the Transitional Penal Code of Eritrea shall apply.

Article 30. Wildlife farming

(1) No person shall establish or manage a wildlife farm except under a permit issued by the Minister in accordance with this Article.

(2) The Minister may issue a permit authorizing any person to take specified species and quantities of wildlife for purposes of wildlife farming, provided that such activity does not affect the conservation of wildlife and ecosystems of Eritrea, subject to such conditions as may be specified in regulations or referred to in the permit.

(3) The Minister may issue a permit to establish or manage a wildlife farm, provided that such activity does not affect the conservation of wildlife and ecosystems of Eritrea, subject to such conditions as may be specified in regulations or referred to in the permit.

(4) Animals bred in accordance with a permit issued under this Article shall be the property of the permit holder.

(5) A permit issued under this Article may, with respect to animals bred in accordance with it, authorize exemptions from the provisions of this Proclamation, provided that such exemptions do not affect the conservation of wildlife and ecosystems of Eritrea.

(6) A permit issued under this Article may be valid for such period as may be specified therein and may be renewed.

(7) A permit issued under this Article shall be subject to such appropriate conditions to preserve animal health and prevent cruelty.
Article 31. Compensation of damage caused by wildlife

The State of Eritrea shall compensate damage which may be caused to any person or community by wildlife, subject to such conditions as may be specified in regulations.

PART VIII - IMPORT AND EXPORT

Article 32. Import permit

(1) No person shall import into Eritrea any exotic tree or part thereof or wildlife species or their products except under a permit issued in accordance with this Article.

(2) The Minister may issue an import permit where satisfied that the import of the concerned tree or wildlife species is not invasive and does not otherwise affect the conservation and sustainable management of forests, wildlife and ecosystems of Eritrea, subject to such conditions as may be specified in regulations or referred to in the permit.

Article 33. Export permit

(1) No person shall export any forest products, wildlife or wildlife products from Eritrea except under a permit issued in accordance with this Article.

(2) The Minister may issue an export permit, subject to such conditions as may be specified in regulations or referred to in the permit.

PART IX – OFFENCES AND ENFORCEMENT

Article 34. Offences and penalties

1. Any person who:

(a) burns, uproots, taps, girdles, damages or destroys any trees or shrubs; or

(b) cuts live trees or shrubs or parts thereof for commercial purposes, except under Article 23 or in the case of such exotic species as may be prescribed by regulations; or

(c) cuts or collects dead trees or shrubs or parts thereof for commercial purposes without a permit issued in accordance with this Proclamation; or

(d) cuts live trees or shrubs or part thereof for domestic purposes without a permit issued in accordance with this Proclamation; or

(e) harvests forest products other than wood for commercial purposes without a permit issued in accordance with this Proclamation; or

(f) clears land for agricultural or other purposes without a permit issued in accordance with this Proclamation; or
(g) processes or otherwise utilizes forest products for commercial purposes without a permit issued in accordance with this Proclamation; or

(h) transports forest products without a permit issued in accordance with this Proclamation; or

(i) sets fire to any forest, woodland, rangeland or farmland without a permit issued in accordance with this Proclamation; or

(j) fails to inform the nearest government or local administration office upon witnessing a fire which might endanger a forest; or

(k) hunts or takes any wildlife, unless authorized in accordance with this Proclamation; or

(l) transports or is in possession of any wildlife or any parts or products thereof, unless authorized in accordance with this Proclamation; or

(m) takes any wildlife for scientific, educational or cultural purposes without a permit issued in accordance with Article 27 of this Proclamation or any other applicable law, or otherwise than in accordance with the conditions of such permit; or

(n) takes any wildlife for breeding or farming purposes without a permit issued in accordance with Article 30 or otherwise than in accordance with the conditions of such permit; or

(o) establishes or manages a wildlife farm without a permit issued in accordance with Article 30 of this Proclamation or otherwise than in accordance with the conditions of such permit; or

(p) imports or exports forest products, wildlife or wildlife products without a permit issued in accordance with this Proclamation;

commits an offence.

2. Without prejudice to a more severe penalty provided under the Transitional Penal Code of Eritrea, any person who is found guilty of an offence under sub-Article 1 hereof shall be liable to a term of imprisonment not exceeding three years, or a fine not exceeding ten thousand Nakfa, or both. The court shall also order the offender to make good the damage resulting from his violation of the provisions of this Proclamation.

3. The penalty of any person who commits the offences specified in sub-Article (1) hereof against the forestry and wildlife species enumerated in annexes 1 and 2 of this Proclamation shall be aggravated pursuant to the relevant provisions of the Transitional Penal Code of Eritrea.

Article 35. Suspension and cancellation of permits

(1) The Minister may suspend in whole or in part a permit issued under this Proclamation at any time where there is reason to believe a violation of the conditions of the permit or a violation of this Proclamation has occurred or is likely to occur.

(2) Where the Minister intends to suspend a permit under this Article, the Minister shall serve notice to
the permit holder specifying the reasons for suspension and requiring the permit holder to remedy or prevent the violation, within a stipulated period.

(3) If the permit holder fails to comply with the requirements laid down under sub-article (2) hereof, the Minister may cancel the permit.

(4) The Minister shall allow the permit holder an opportunity to be heard before a permit is cancelled.

**Article 36. Enforcement officers**

Officers appointed by the Minister within his or her Ministry, police officers and such other persons as may from time to time be appointed by the Minister shall be enforcement officers for the purposes of this Proclamation.

**Article 37. Powers of enforcement officers**

(1) An enforcement officer may, without a court warrant, request any person the production of a permit issued under this Proclamation.

(2) An enforcement officer may, under this Proclamation:

(a) stop and inspect any means of transportation which the officer reasonably suspects is carrying any forest products or wildlife or wildlife products which have been obtained or are being transported in contravention of this Proclamation;

(b) enter, with a court warrant, any land or premises where the officer reasonably suspects any forest products or wildlife or wildlife products which have been obtained in contravention of this Proclamation are being kept; or

(c) seize any forest products, wildlife, wildlife products or any other items together with all tools, means of transportation and any other items which have been used in the commission of the offence.

(3) Every enforcement officer seizing any item under this Article shall issue a receipt to the person from whom the item has been seized stating the date of the seizure and the description and quantity of items and as soon as possible make a report of such seizure and deliver the items to the Ministry.

**Article 38. Disposal of perishable goods**

(1) The Minister may, to avoid spoilage or decay of any wildlife or forest or wildlife products or any other perishable items seized under this Proclamation, sell them or, if sale is impracticable, dispose of them in such manner as may appear suitable.

(2) In case of sale or disposal under sub-article (1) hereof, the Minister shall give to the person from whom the goods were seized a receipt stating the date of the sale, the description and quantity of items and the proceeds obtained therefrom.

(3) The proceeds of any sale for items sold in accordance with sub Article (1) hereof shall be dealt with in the manner provided for under Article 39 of this Proclamation.
Article 39. Confiscation

(1) In dealing with any offence under this Proclamation, a court may:

(a) where the gravity of the offence so warrants, in addition to any other penalty imposed, order that any means of transportation or forest or wildlife products or other item used in the commission of the offence be confiscated; or

(b) where all accused are acquitted of any offence, order the release of all items seized to the persons entitled thereto, and if no person is entitled, order the confiscation of said items.

(2) Where any item seized under this Proclamation is not ordered to be confiscated, it shall be held until all fines imposed for any offences in connection with which the item was seized have been paid, and if within thirty days following a conviction any part of such fines remains unpaid such items may be sold and the proceeds applied towards the payment of the fines. Whatever remains thereafter shall be given to the person entitled thereto.

Article 40. Cancellation of permit in addition to penalty

Where any person is convicted of an offence under this Proclamation, the court may, taking the gravity of the offence into account, in addition to any other penalty imposed, order that any permit issued under this Proclamation be cancelled and that no new permit be issued to the person who has been found guilty of the offence for such period of time as the court may specify.

Article 41. Burden of proof

In any proceeding under this Proclamation where the defendant is charged with having committed an offence in relation to which a permit is required, the burden shall be on the defendant to prove that at the time to which the charge relates the required permit was duly held.

Article 42. Appeals

Any person aggrieved by an adverse decision under Article 35 and Article 38 hereof may, within thirty days after such decision has been rendered, appeal to the High Court of Eritrea, upon paying the required fee. The decision of the High Court shall be final.

PART X – FINAL PROVISIONS

Article 43. Power to issue Regulations

The Minister may issue regulations pertaining to the following for the effective implementation of this Proclamation:

(a) providing for the issuance of permits under this Proclamation;

(b) specifying requirements for the adoption and implementation of the national action plan and management plans;

(c) listing riverine forest areas for which the adoption of a management plan is required;
(d) providing for the management of protected areas, including regulations regarding access into protected areas for tourism or other purposes, grazing, hunting, collection of forest and wildlife products, prevention and fighting of fires, location of tourist facilities;

(e) setting out and charging royalties and fees for the use of forest and wildlife products;

(f) regulating the issuance of import and export permits for forest products, wildlife and wildlife products;

(g) providing for the establishment and management of community and private woodlots;

(h) providing for hunting;

(i) providing for the taking of wildlife for scientific, educational or cultural purposes;

(j) setting out conditions for taking of wildlife for purposes of wildlife breeding or farming and for the creation and management of wildlife farms; and

(k) providing for the appointment and training of enforcement officers.

Article 44. Repeals

Any provision of any proclamation, decree, order, legal notice or directive concerning matters provided for in this Proclamation are hereby repealed and replaced by this Proclamation.

Article 45. Entry into force

This Proclamation shall enter into force as of the date of its publication in the Gazette of Eritrean Laws.

Done at Asmara, this 20th day of September, 2006
Government of Eritrea

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ملحق واحد
الترجمة العربية

الأشجار والنباتات المهديدة بالإزهار وتحتاج إلى انتباه خاص

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Wildlife threatened with extinction and requiring special attention

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