PROCLAMATION NO. 197/2000
ETHIOPIAN WATER RESOURCES MANAGEMENT PROCLAMATION

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 pertaining 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 l/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) "Water works" 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.
"Ministry" or "Minister" means the Ministry and Minister of Water Resources respectively.

"Person" means any natural or juridical person.

"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 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.

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 waterworks. 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;
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 directives 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.
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 under 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 to 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;
(b) undertake construction of water works;
(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.
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 vegetation 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 a 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 days 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