

# ETHIOPIA

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## NEGARIT GAZETA OF THE TRANSITIONAL GOVERNMENT OF ETHIOPIA

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### PROCLAMATION NO. 94/1994

#### A PROCLAMATION TO PROVIDE FOR THE CONSERVATION, DEVELOPMENT AND UTILIZATION OF FORESTS

WHEREAS the conservation, development and sustainable utilization of forests play a decisive role in combating the grave and alarming situation in soil erosion and in arresting the expansion of desertification and ecological imbalance;

WHEREAS extensive forest development and conservation undertaking significantly contribute to the enhancement of the economic development of the country and towards satisfying the needs of the society;

WHEREAS it is necessary to consolidate existing laws and provide for the inclusion therein provisions that further the better conservation, development and utilization of forest resources;

WHEREAS the sustainable utilization of the country's forest resources is possible through the participation of the people and benefit sharing by the concerned communities as well as by making forest policies and programs to be conducted in conformity with other economic sectors particularly agricultural development;

NOW THEREFORE, in accordance with Article 9(d) of the transitional period Charter, it is hereby proclaimed as follows:

#### PART ONE

##### *GENERAL*

1. *Short Title*

This proclamation may be cited as the "Forestry Conservation, Development and Utilization Proclamation No. 94/1994."

2. *Definitions*

Unless the context otherwise requires, in the Proclamation:

1. "Ministry" means the Ministry of Natural Resources Development and Environmental Protection.
2. "Region" means a national regional self government established pursuant to proclamation to provide for the establishment of National/Regional Self-Government Proclamation No. 7/1992.

3. "Forest" means a community of plants either naturally grown or developed by planting and in many respects are trees and other plants having woody character.
  4. "Tree" means any woody plant regardless of its species, age or size including bamboo, reeds and palms as well as other plants to be designed as "trees" by the Ministry.
  5. "Forest Land" means a land which is to be demarcated for the purpose of forest development and conservation in which naturally grown or planted trees and other woody plants are found including barren land found on steep slopes.
  6. "State Forest" means a forest designated as State forest by a regulation to be issued by the Council of Ministers, up on the recommendation of the Ministry and that are given special consideration so as to protect the genetic resources or conserved to keep the [eco-system] with a programme that covers more than one region.
  7. "Regional Forest" means a forest designated as Regional Forest by the official Gazette of the region which is not either a state or private forest and found within a specific region or developed by the said region.
  8. "Protected Forest" means a forest or a forest land to be demarcated in order to make it free from human or animal interference for the purpose of protection of the environment and genetic resources.
  9. "Private Forest" means a private forest developed by any person and includes a forest development by peasant association or by an association organized by private individuals.
  10. "Forest Product" means any product which is obtained from a whole tree or part thereof or any primary woody product processed manually or industrially.
  11. "Person" means any natural or juridical person.
3. *Types of Forest Ownership*  
There shall be the following types of forest ownership:
1. State Forest
  2. Regional Forest, and
  3. Private Forest.

## PART TWO

### *CONSERVATION AND DEVELOPMENT OF FORESTS*

4. *Designation, Demarcation and Registration of Forests*
  1. The Ministry shall designate, demarcate and register state and protected forests.
  2. The Ministry shall establish and administer a central forestry register.
  3. Every region shall designate and demarcate its regional and protected forests.
  4. Without prejudice to provisions indicated under special laws, each region shall register private forests within its regional boundary.
  5. If in pursuance of this Article and Article 7, the designation and demarcation of state forest, regional forest or protected forest is likely to result in eviction of the peasantry, this can be effected only after the consultation and consent of the peasantry and subject to the assurance of their benefits.

5. *Conservation, Development and Management of State and Regional Forests*
  1. The ministry shall encourage and render the necessary technical assistance towards the conservation, development and sustainable utilization of state and regional forests.
  2. Without prejudice to sub - article 1 of this Article, the Ministry or the Region, as appropriate, shall as regards state or regional forest:
    - a) Prepare forest development program and monitor its implementation;
    - b) Take appropriate preventive measures to ensure that the forest is free from pests and forest disease;
    - c) Facilitate the construction of access roads and other service facilities within the forest necessary for the development and conservation of the forest;
    - d) Cause that the forest is protected from fires and other disasters;
    - e) In a manner that inhabitants within the forest do not obstruct or hinder forest development, facilitate conditions that ensure their well-being in such a way that the inhabitants would be beneficiaries from the development,
    - f) for a sustainable utilization of forest resources, and to administer the same in accordance with forest management procedures, hence provide appropriate technical and related assistance not only to provide sanctuary to wildlife and protect forest [eco-systems] from imbalance, but also ensure the conservation of bio-diversity.
    - g) Rehabilitate endangered indigenous species;
    - h) Collaborate with appropriate bodies towards the strengthening of conservation, development and management of forests.
6. *Conservation and Development of Private Forest*
  1. Without prejudice to the overall policy of central government, the Ministry of each region shall facilitate conditions and provide technical assistance towards the development of private forests.
  2. Owners of private forest shall have the duty to:
    - a) develop forests in a sound manner and replace trees made use of, in different ways.
    - b) notify the Ministry or the appropriate regional body on forest pests and disease;
    - c) take the necessary measures to ensure that the forest is free from pests and disease;
    - d) ensure that the forest is protected from fire and other hazards; and
    - e) implement the overall directives issued by the Ministry on environmental protection and/or those pertaining to catchments, unique habitats as well as endangered tree species and forest communities within a region.

7. *Protected Forests*

1. The Ministry or the appropriate regional body, when deemed necessary, may designate any forest as "protected forest" so that any tree species, bushes and other plants are developed and protected with the object to:-
  - a) conserve the soil from desiccation, erosion and degradation as well as maintain and improve soil fertility;
  - b) protect and improve the status of water bodies, sources of rivers and catchments;
  - c) control floods;
  - d) protect rare or endangered endemic plant, animal and bird species, and genetic resources in general; and
  - e) conserve unique and representative habitats or natural resources.
2. A forest land designated as "protected forest" with little or no plant cover will be protected and conserved; and when necessary afforested in accordance with the programs to be issued by the Ministry or the Region.

8. *Prevention of Forest Fire*

1. Persons who inhabit and work in the forest have the responsibility to, prior to starting a fire, take all necessary precautions by removing all inflammable materials from their surroundings so as to prevent the spread of forest fire.
2. Any person who is aware of the occurrence of forest fire shall have the duty to immediately report the same to the appropriate regional body or the ministry.
3. In case of forest fires, the appropriate regional body has the duty to take the necessary measure by co-ordinating and mobilizing any government and private body as well as the community so as to extinguish such fires.

PART THREE  
*UTILIZATION OF FOREST*

9. *Utilization of State and Regional Forests*

1. State and regional forests shall be utilized in accordance with the management plan approved by the Ministry or the appropriate regional body.
2. State and regional forests shall be utilized pursuant to sub-article 1 of this Article by;
  - a) the central government or regional organizations;
  - or
  - b) concessionaries.
3. Notwithstanding the provisions of sub-articles 1 and 2 of this Article, the inhabitants may in accordance with the management plan and directive to be issued by the Ministry or appropriate regional body utilize state or regional forest products in an amount necessary to satisfy their ordinary domestic needs by paying appropriate fees.

10. *Utilization of Protected Forest*

Notwithstanding Articles 13/1/b of this proclamation, the appropriate body may allow forest products, grass and fruit to be harvested as well as beehives to be kept in protected forests.

PART FOUR  
*MISCELLANEOUS PROVISIONS*

11. *Research and Training*

The Ministry shall;

1. Undertake or allow research to be undertaken for the conservation, development and utilization of forests as well as to promote the conservation of bio-diversity and genetic resources.
2. Ensure the training of senior and junior professionals as well as technicians in adequate number for the development and management of state and regional forest and provide on the job training.
3. Cooperate on the training programs conducted by the regions; and
4. Promote the heightened awareness in environmental protection and ensure its ultimate implementation.

12. *Transport and Storage of Forest Products*

1. Except for those forest products specifically indicated in the directive issued by the Ministry, no person shall transport or store forest products without holding a certificate of origin and destination issued by the Ministry or the appropriate regional body or without possession of a document testimony to his/her legal entitlement.
2. If the forest product seized in violation of sub-article (1) of this Article is perishable, the Ministry or the appropriate regional body shall sell the said forest product at the prevailing market price and keep the money until court ruling is obtained.

13. *Prohibited Activities*

1. No person shall:
  - a) Utilize or harvest *Hagenia abyssinica*, *Cordia africana*, *Podocarpus gracillior* and *Juniperus procera* from state or regional forest, and.
  - b) Cut any tree, utilize the products thereof, or perform other activities in protected forest.
2. Without prejudice to sub-article (1) of this Article no person within a state forest and regional forest, unless in possession of written permit from the Ministry or appropriate regional body, shall:
  - a) Cut trees;
  - b) Settle temporarily or permanently;
  - c) Graze domestic animals;
  - d) Carry out hunting activity; and
  - e) Keep bee-hives or extract honey.
3. No person shall, unless in possession of a written permit from the Ministry or the appropriate regional body, take any forest product from or carry out any activity that may be harmful to natural resources in state forest, protected forest, and regional forest
4. Prior consultation and approval is required from the Ministry or the appropriate

regional body in order to conduct large scale farming, mining operation, construction of roads, water drilling, irrigation and dam works and other similar activities, or to give license for such operation within state or regional forests.

14. *Forest Guards and Inspectors on Movement of Forest Products*

1. State and regional forest guards shall, in accordance with directives issued to them by the Ministry or the appropriate regional body protect forests against acts committed in violation of Article 8(1), 9 and 13 of this proclamation.
2. In accordance with directives to be issued by the Ministry or the appropriate regional body, inspectors who monitor the mobility of forest products shall have the following powers and duties:
  1. With respect to forest products specified in sub-article (1) of Article (13) of this proclamation,
    - (a) inspect any means of transport carrying forest products;
    - (b) require any person who transports, processes or possesses forest products to produce certificate of origin or destination or legal document;
  2. Seize any forest product transported, or stored in violation of sub-article 1 of Article 12 of this proclamation; and
  3. Report immediately to the Ministry or the appropriate regional body the details of forest products seized.
3. Forest guards and inspectors who monitor the mobility or movement of forest products shall, while on duty, wear uniforms and carry identify cards as shall be determined by the Ministry or the appropriate regional body.

15. *Duty to Cooperate*

1. Any person shall have the duty to cooperate with the Ministry or the appropriate regional body in the implementation of this proclamation, regulations and directives issued in accordance with this proclamation.

16. *Penalty*

Any person who:-

1. cuts trees, takes, processes or in any other manner use forest products, except pursuant to this proclamation and regulation and directives issued in accordance with this proclamation.
2. destroys, damages or falsifies forest boundary marks;
3. causes damages to forests by setting fire or in any other manner; or
4. violates Article 13 of this proclamation, shall unless the penal code prescribes a graver penalty, be punishable with imprisonment not exceeding two years or with fine not exceeding Birr 5,000 or with both.

17. *Repeals and Savings*

1. The following laws are hereby repealed;
  - a) forest and Wildlife Conservation and Development Proclamation No. 192/1980 with respect to provision of forestry;

- b) Protection of State Forest Regulations No. 344/1968
  - c) Exploitation of State Forest Regulations No. 345/1968
  - d) Management of Protective forests Regulations No. 347/1968
  - e) Power of Rangers Regulations No. 349/1968
  - f) Power of forest Guards Regulations No. 350/1968.
2. Trade of Saw Logs and Veneer Longs Regulations No. 351/1968 shall be deemed to have been issued under this proclamation and shall continue in force.

18. *Effective Date*

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

Done at Addis Ababa this 28th day of March 1994.

**MELES ZENAWI**  
**PRESIDENT OF THE TRANSITIONAL**  
**GOVERNMENT OF ETHIOPIA**