

Proclamation No. 542/2007

**FOREST DEVELOPMENT,
CONSERVATION AND UTILIZATION PROCLAMATION**

WHEREAS, the development, conservation and sustainable utilization of forests plays a decisive role in satisfying the needs of the society for forest products and plays a significant role in the enhancement of national economy in general;

WHEREAS, the sustainable utilization of the country's forest resources is possible through ensuring the participation of, and benefit sharing by the concerned communities as well as by harmonizing forest policies and programs with those of other economic sectors, particularly with agriculture and rural development policy;

WHEREAS, the development, conservation and utilization of forest plays a decisive role in preventing soil erosion, expansion of desertification, disturbance of ecological balance, depletion of biodiversity and reduction of agricultural production due to the alarming situation of forest degradation in the country;

WHEREAS, it is necessary to enact a new legislation on the conservation, development and utilization of forest that takes into account the existing objective reality in order to encourage the development of forest and properly conserve and use the remaining limited forest resource of the country;

WHEREAS, it has been provided under Sub-Article 2(d) of Article 52 of the constitution that the power entrusted to the Regional States to administer land and natural resources shall be exercised in accordance with laws enacted by the Federal Government;

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**

1. Short Title

This proclamation may be cited as the "Forest Development, Conservation and Utilization Proclamation No. 542/2007."

2. Definitions

In this Proclamation, unless the context requires otherwise:

- 1/ "Ministry" or "Minister" means the Ministry or Minister of Agriculture and Rural Development, respectively;
- 2/ "Regional State" means any Regional state referred to in Article 47 (1) of the Constitution of the Federal Democratic Republic of Ethiopia and includes the Addis Ababa and Dire Dawa city administrations;

- 3/ "forest" means a community of plants, either naturally grown or developed by planting and mainly consisting of trees and other plants having woody character;
- 4/ "tree" means any woody plant regardless of its species, age or size and includes bamboo, reeds and palms as well as other plants to be designated as such by the Ministry;
- 5/ "forest land" means a land that is demarcated for the purpose of forest development and conservation and covered with forest and includes bushy and barren land found on steep slopes;
- 6/ "state forest" means any protected or productive forest, which is under the ownership of the Federal Government or a Regional State;
- 7/ "protected forest" means a forest designated as such in accordance with this Proclamation to be conserved and developed free from human or animal interference for the purpose of water shade management and the conservation of genetic resources, biodiversity and the environment in general, as well as for the purpose of training and research;
- 8/ "productive forest" means a forest designated as such in accordance with this proclamation for the production of industrial, construction and other forest products;
- 9/ "private forest" means a forest other than state forest developed by any private person and includes a forest developed by members of a peasant association or by an association organized by private individuals, investors and governmental and non-governmental organizations;
- 10/ "man-made forest" means forest other than natural forest and which is developed by man by planting of seedling or any other means;
- 11/ "natural forest" means a forest where any naturally grown trees, shrubs and other plants having woody and non-woody characters are found;
- 12/ "shrub land" means a forestland where tree species with a height of up to five meters are found grown scattered;
- 13/ "management plan" means forest resource development, conservation and utilization plan developed for the conservation, development and utilization of the resource based on a detail study of the forest resource in a natural or man-made forest;
- 14/ "forest product" means any product that is obtained from a whole tree or part thereof or any primary woody or non-woody product processed manually or industrially;
- 15/ "forest product movement permit" means a permit that indicated the origin and destination of a forest product and which shall be used for a limited period of time and issued for moving forest products from production site to local market or from within the country to international market;

- 16/ "appropriate regional body" means an executive organ of a Regional State that is empowered to undertake activities relating to the development, conservation and utilization of forest in the region;
- 17/ "local community" includes the community residing inside and adjacent to a state forest;
- 18/ "concession" means contract given out to any person to utilize a given State forest for a defined period of time;
- 19/ "biodiversity" means diversity of genes and species of plants, animals and microorganisms and the ecosystem in which they live together in interaction and interdependence in a forest or forestland;
- 20/ "person" means any natural or juridical person.

3. Types of Forest Ownership

There shall be the following types of forest ownership:

- 1/ private forest; and
- 2/ state forest.

PART TWO PROMOTION OF THE UTILIZATION OF PRIVATE FOREST

4. Promotion of Forest Development

- 1/ Private individuals, associations, governmental and non-governmental organizations and business organizations who want to develop forest shall have the right to obtain rural land in areas designated for forest development in accordance with regional land administration and utilization laws;
- 2/ Areas in productive state forests that could be developed on concession shall be identified and may be given out for man-made forest development;
- 3/ Management plan shall be developed, with participation of the local community, for forests that have not been designated as protected or productive state forests, and such forests shall be given to the community, associations or investors so that they conserve and utilize them in accordance with directives to be issued by the appropriate body;
- 4/ In order to introduce farm-forestry practices among the farming and semi-pastoral communities, effort shall be made to provide them with sufficient amount of plant seeds and seedlings of tree species that could have different economic benefits;

- 5/ Any person who develops forest on his land holding or in a state forest area given to him on concession shall be given assurance to his ownership of the forest;
- 6/ The rights of forest owners to use forestland and to transfer their holding rights shall be exercised in accordance with rural land administration and utilization laws.

5. Promotion of Forest Technology

- 1/ Forest technology packages that enable to properly use indigenous or foreign knowledge, practices and technologies on the development, conservation and utilization of forest shall be prepared and disseminated to enhance the knowledge and skill of forest developers;
- 2/ The forest technology package to be distributed to farmers, semi-pastoralists and the private sector shall focus on maximizing income and ensuring food security within a short period of time;
- 3/ A seed supply system shall be established to supply seeds of indigenous or exotic tree species that are suitable to the different ecosystems;
- 4/ Technical support will be provided to farmers and semi-pastoralists in the selection and planting of tree and forage plant species and conservation of the existing ones that help to prevent soil erosion and serve as landholding boundary marks;
- 5/ Training and education shall be provided on modern forest management skills to all those engaged in forest development so that forest resource is properly developed, conserved and utilized;
- 6/ Conducive conditions shall be created whereby vocational training shall be given to those engaged in the forest development in order to utilize forest resources for different purpose.

6. Promotion of Market for Forest Products

- 1/ Farmers, semi-pastoralists, investors, associations, governmental and non-governmental organizations and business organizations shall be given the necessary support to produce quality and competitive forest products for local and international markets;
- 2/ Technical support shall be provided to those engaged in raising and supplying tree seedlings to the society;
- 3/ Forest products shall be used for trade and industrial development based on forest management plans;
- 4/ Forest products trade license shall be issued in accordance with the management plan taking into account the utilization of the country's limited forest resources and in a manner that shall not disturb the natural resource balance of the area;
- 5/ A system shall be established for the conservation of tree species, having market demand, with a view to increasing their sustainable production and productivity;

- 6/ A successive training and education shall be given to sectors of the society engaged in forest development on the marketing of forest products;
- 7/ Investment opportunities and incentives shall be provided to investors engaging in the forest industry;
- 8/ Farmers, semi-pastoralists, individual forest owners and organizations shall be given technical advice on marketing their forest products;
- 9/ Information on forest products market shall be collected, organized, and furnished to forest developers and forest product consumers through various mass media.

7/ Obligation of Private Forest Developers

- 1/ A private forest owner shall notify the body found around the forest and obtain forest products movement permit prior to harvesting and transporting the product from place to place;
- 2/ Owners of private forests shall have the duty to:
 - a) follow sound forest development methods and replace, in different ways, trees when harvested;
 - b) take the necessary measures to protect their forests from pest and disease;
 - c) notify the appropriate body the existence of forest pest and disease;
 - d) ensure that the forest is protected from fire and other hazards; and
 - e) in general, comply with directives issued on the safety of the environment, conservation of catchments, biodiversity and unique natural trees and wildlife.

PART THREE CONSERVATION, DEVELOPMENT AND ADMINISTRATION OF STATE FOREST

8. Designation, Demarcation and Registration of State Forest

- 1/ In order to properly conserve, develop and utilize the forest resources of the country, major forestlands shall be designated as state forests, their boundaries shall be demarcated and they shall be registered as protected and productive forests;
- 2/ The designation and demarcation of forests pursuant to Sub-Article (1) of this Article shall be undertaken with the participation of the local community;
- 3/ The designation and demarcation of a state forest in accordance with Sub-Article (1) of this Article shall be proclaimed by the legislation of the concerned;

- 4/ Where the designation and demarcation of a state forest pursuant to this Article results in the eviction of the local community, priority shall be given to the protection of the interests of the community in accordance with existing land administration laws.

9. Conservation, Development and Administration of State Forest

- 1/ State forests shall be properly developed, conserved and utilized;
- 2/ The necessary budget, manpower and materials shall be provided to state forests so that they shall have their own administration and management compatible to their level of development;
- 3/ Forest development, conservation and utilization plans shall be formulated to allow the participation of local communities in the development and conservation and also in the sharing of benefits from the development of state forests;
- 4/ An appropriate preventive and curative measure shall be taken to keep state forests free from pests and disease;
- 5/ Forest resources shall be protected from natural and man-made disasters;
- 6/ Access roads and other facilities shall be constructed within a state forest necessary for the development and conservation of the forest;
- 7/ Forests shall be protected from forest fire, unauthorized settlement, deforestation, undertaking of mining activities and other similar dangers;
- 8/ Conditions shall be facilitated whereby inhabitants within a state forest shall continue living in the forest, while participating in the development and conservation of the forest, in a manner that shall not obstruct forest development; or, based on a study and in consultation with the appropriate body, they shall evacuate the forest area and settle in other areas suitable for living;
- 9/ State forests shall be administered in accordance with forest management system and the appropriate technical and related assistance shall be provided so that forest resources shall be utilized sustainably, and that they can provide sanctuary to wildlife and protect forest eco-systems from imbalance, and to conserve bio-diversity;
- 10/ Strong bodies and systems shall be established at federal and regional levels in order to direct the development, conservation and utilization of forest sustainably and efficiently.

10/ Utilization of State Forests

- 1/ A state forest shall be utilized in accordance with the management plan to be prepared and approved;
- 2/ The utilization of a state forest in accordance with Sub-Article (1) of this Article shall be undertaken by government organizations or persons who are given concessions;

- 3/ Notwithstanding the provisions of Sub-Articles (1) and (2) of this Article, the local community may reap grasses, collect fallen woods and utilize herbs from a state forest in conformity with the management plan developed for the forest by the appropriate regional body;
- 4/ Notwithstanding Sub-Article (3) of Article 15 of this Proclamation, the harvesting of forest products, grass and fruit as well as the keeping of beehives in state forests may be permitted based on the objective realities of the locality;
- 5/ State forests shall be used to generate income from tourism.

11. Administration of Protected Forests

- 1/ Protected natural forests and forest lands shall be demarcated and conserved for the purpose of environmental protection and conservation of history, culture and biodiversity as well as for the purpose of field education;
- 2/ Any forest may be designated as protected forest for the purpose of:
 - a) Protecting and improving the status of water bodies, sources of rivers and catchments;
 - b) Conserving rare and endangered endemic plant, animal and bird species, and genetic resources in general;
 - c) Controlling flood and protecting the soil from desiccation, depletion, erosion and degradation.
- 3/ Data on the size, topography and species diversity of a protected forest shall be collected and organized for the preparation of forest management plan that shall be developed and implemented with the participation of the local community and by taking biodiversity conservation into account;
- 4/ Forestlands designated as protected forests but have no or little plant cover shall be conserved and protected and, as deemed necessary, afforested in accordance with the development plans developed for them;
- 5/ Fast growing tree species that may be used by the local community for fuel and construction purposes shall be planted around a protected forest to indicate its boundary;
- 6/ The local community may be permitted to keep beehives, produce spices, forest coffee, forage and the likes in a protected forest by providing them forest development and conservation training and technical support.

PART FOUR MISCELLANEOUS PROVISIONS

12. Prevention of Forest Fire

- 1/ Persons who inhabit, work or travel in or around a forest shall have the responsibility to, prior to starting a fire, take the necessary precautions by

removing inflammable materials from the surrounding 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 same to the nearest governmental body and the community or to the Ministry;
- 3/ In the event of forest fire, the nearest appropriate regional body or its representative shall have the duty to take the necessary measure by coordinating and mobilizing governmental, non-governmental and private organizations operating in the locality and the local community to extinguish the fire;
- 4/ Governmental, non-governmental and private institutions that are operating in the locality or that have specific responsibility as well as members of the local community shall have the obligation to participate in the effort to extinguish the forest fire.

13. Production and Movement of Forest Products

- 1/ No person shall harvest forest products from a state forest without having the necessary permit from the Ministry or the appropriate regional body;
- 2/ A person who transports forest products from one place to another shall, when requested, have the obligation to show his forest product movement permit to a forest product movement inspector;
- 3/ Where a forest product seized due to the violation of Sub-Article (1) of this Article is perishable, the Ministry or the appropriate regional body may sell the product at the current market price and keep the proceeds until a court ruling is given on the case;
- 4/ Forest products being processed, stored or transported, for which evidence has not been presented to prove that permit has been given in accordance with this proclamation, shall be presumed to have been obtained in violation of this proclamation.

14. Prohibitions

- 1/ No person may be allowed to cut or use endangered indigenous natural trees from a state forest;
- 2/ The list of endangered indigenous natural trees shall be determined by directives issued by the Ministry.
- 3/ Without prejudice to Sub-Article (1) and (2) of this Article, unless in possession of written permit from the Ministry or the appropriate regional body, no person shall, within a state forest:
 - a) cut trees;
 - b) settle temporarily or permanently;
 - c) graze domestic animals;
 - d) carry out hunting activity;
 - e) carry cutting saws and any other tools used for cutting trees;
 - f) keep beehives or extract honey.

- 4/ No person shall remove natural resources from state forest or undertake any activity that is likely to cause damage thereon;
- 5/ Prior to undertaking large-scale farming, mining operation, construction of roads, water drilling, irrigation, dam construction and other similar investment activities or giving license for such operations, consultation with and the approval of the Ministry or the appropriate regional body shall be required.

15/ Forest Guards and Inspectors of Forest Products Movement

- 1/ Forest guards shall, in accordance with the directives given to them by the Ministry or the appropriate regional body, have the power to protect forests against acts committed in violation of Article 14 of this Proclamation;
- 2/ Forest products movement inspectors shall, in accordance with directives given to them by the Ministry or the appropriate regional body, have the powers and duties to:
 - a) inspect, at forest entry or exit points as well as inland and boarder checkpoints to be identified as appropriate, any means of transport carrying or suspected for carrying forest products;
 - b) require any person who transports, processes or stores forest products to produce certificate of origin and destination or any other legal document to this effect;
 - c) seize, together with the culprit, forest products being transported, processed or stored in violation of the provisions of this Proclamation;
 - d) report immediately to the forest administration office, the Ministry or the appropriate regional body on the details of forest products seized.
- 3/ Forest guards and inspectors of forest product movement shall, while on duty, have the obligation to wear uniform and carry identification cars and show same upon request.

16. Obligation to Notify and Incentives

- 1/ Any person shall have the obligation to notify, any illegal transportation, processing or possession of forest products to the appropriate body;
- 2/ Informants and persons who seize illegal forest products may be rewarded in accordance with directives to be issued by the Ministry or the appropriate regional body.

17. Powers and Duties of the Ministry

- 1/ The Ministry shall:
 - a) ensure the implementation of this Proclamation and regulations and directives issued here under by coordinating the appropriate federal and regional bodies and providing technical support to them;
 - b) follow up and monitor activities of forest development, conservation and utilization and, based on the information generated, formulate new

policy ideas and update as necessary the existing policy, strategy and law;

- c) prepare forest technology packages that allow proper utilization of indigenous and foreign knowledge, practices and technologies on forest development, conservation and utilization and provide technical support to enhance the knowledge and skills of forest developers;
 - d) establish a continuous information exchange network with the concerned federal and regional bodies on the current forest status of the country;
 - e) follow up current situations and provide technical support to the Regional States in order to supply competitive forest products to the world market in addition to having met the domestic demand.
- 2/ Notwithstanding the powers of each Regional State to administer its forest resources in accordance with Sub-Article (1) of Article 18 of this Proclamation, the Ministry may take over and administer a state forest in cases where:
- a) the forest could not be properly conserved and developed jointly by neighbouring Regional States;
 - b) it is deemed necessary to administer the forest by the Ministry upon the request of the Regional State; or
 - c) it becomes necessary to administer the forest by the Ministry because of its national and international significance.

18. Powers and Duties of Regional States

Each Regional State shall:

- 1/ Have the power to administer any state forest in the region in accordance with this Proclamation;
- 2/ Ensure that state forests administered by itself as well as private forests and forestlands shall be identified, demarcated and legally recognized;
- 3/ Encourage forest development programs, which involve the participation of farmers and semi-pastoralists, and provide technical support;
- 4/ Provide technical supports to individuals, investors, and governmental and non-governmental organizations and business organizations engaged in forest development;
- 5/ Disseminate forest technology packages among users, provide technical support, and follow up their implementation;
- 6/ Regularly monitor and evaluate whether any forest developer that has been given land to develop forest has put the land for the intended purpose and that it has implemented same in accordance with a forest management plan;
- 7/ Set and implement rates of royalty for forest products.

19. Forest Product Movement Permit

The list and quantity of forest products that require forest product transportation permit shall be determined by directives to be issued by the Ministry.

20. Penalty

Unless otherwise the offence committed is punishable with greater penalty by the criminal law:

- 1/ Except pursuant to this proclamation and directives issued here in under, cuts trees or removes, processes or uses in any way forest products from a state forest shall be punishable with not less than 1 year and not exceeding 5 years imprisonment and with fine Birr 10,000;
- 2/ Destroy, damages or falsify forest boundary marks shall be punishable with not less than 1 year and not exceeding 5 years rigorous imprisonment;
- 3/ Causes damages to a forest by setting fire or in any other manner shall be punishable with not less than 10 years and not exceeding 15 years rigorous imprisonment;
- 4/ Settles or expands farmland in a forest area without permit or undertakes the construction of any infrastructure in a forestland without having the necessary permit shall be punishable with not less than 2 years imprisonment and with fine Birr 20,000;
- 5/ Provides assistance in any form to those who illegally cut forest trees or transport forest products to hide or take away the forest products shall be punishable with 5 years imprisonment and with fine Birr 5,000;
- 6/ Commits a fault that are not mentioned from Sub-Article (1) to (5) here in above and for which punishment is not imposed shall be punishable with not less than 6 months and not exceeding 5 years imprisonment and with fine Birr 30,000.

21. Speedy Trial

- 1/ In case of a flagrant offence committed in violation of this proclamation the offender shall be taken immediately to the nearest police station and charged, and the Criminal Procedure Code shall be applied;
- 2/ Illegally obtained forest products, shall, together with the vehicle or pack animal used to transport them, be taken to the police station and registered as exhibit;
- 3/ Upon completion of the process under Sub-Article (2) of this Article, the means of transport shall be released and the forest product shall stay seized until court decision is given thereon;
- 4/ Customs officers or policemen shall have the power to seize and take measure in accordance with this Article in areas where inspectors are not assigned;
- 5/ Courts shall organize special benches or strengthen the regular ones to provide speedy trial for charges brought under this proclamation.

22. Repeals and Savings

- 1/ The Forest Conservation, Development and Utilization Proclamation No.94/1994 is hereby repealed;
- 2/ No law, regulation, directive or practice shall, in so far as it is inconsistent with this Proclamation, have effect on matters provided for in this Proclamation.

23. Issuance of Laws, Regulations and Directives

Detailed regulations and directives required for the proper implementation of this Proclamation may be issued by the Council of Ministers and the Ministry, respectively.

24. Effective Date

This Proclamation shall come into force upon publication in the Federal Negarit Gazeta.

Done at Addis Ababa this 4th day of September, 2007

**GIRMA WOLDEGIORGIS
PRESIDENT OF THE FEDERAL DEMOCRATIC
REPUBLIC OF ETHIOPIA**