

FISHERIES MANAGEMENT AND LAW ADVISORY PROGRAMME

Ethiopia - Regional Fisheries Regulations

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Executive SummarySummary

FAO is assisting the Government of Ethiopia in the preparation of fisheries legislation. A draft Federal Fisheries Proclamation has been prepared and this was considered and approved by a National Workshop held in Addis Ababa between 5 and 7 November 1997.

This report was prepared following a recent mission to Ethiopia by an international legal consultant to work on the preparation of regulations for two of the Regional States. It contains an account of a field trip to two of Ethiopia's Regional States, an analysis of the legal basis on which the Regional States will be able to make regulations to implement federal fisheries legislation and an introduction to the regulations prepared. Two sets of draft regulations are annexed to the report together with brief notes on each.

1. Introduction

Since March 1996 the FAO Development Law Service has been assisting the Ministry of Agriculture in the preparation of fisheries legislation for Ethiopia. Following a preliminary mission in March 1996 by an international legal consultant, a draft Federal Fisheries Proclamation ('the draft Proclamation') was prepared and circulated. Comments on the first draft were gathered during the consultant's second mission in April 1997 and a second version of the draft proclamation was prepared. Between 18 October and 8 November 1997, the consultant undertook a third mission to Ethiopia during the course of which a workshop was held in Addis Ababa, on 4 and 5 November 1997, to discuss the draft Proclamation. A separate report has already been prepared in respect of the workshop.

As is common practice in fisheries legislation, the draft Proclamation sets out the basic framework for fisheries management, while leaving much of the detail to subordinate legislation. In accordance with Ethiopia's Federal Constitution, such subordinate legislation should be made by the Regional States in accordance with their own constitutions.

Prior to the workshop, the consultant worked with Regional Fisheries Officers in two Regional States on the preparation of subordinate legislation. The objective of this exercise was twofold: firstly to assist the Regional States in the preparation of regulations and secondly to practically assess the draft Federal proclamation from the regional perspective.

1.1 The work programme selected

Although four of Ethiopia's Regional States have substantial fisheries resources, due to the limited time available, it was decided at the outset of the mission to focus on the preparation of regulations for Oromia Regional State ('Oromia') and Southern Nations, Nationalities and Peoples' Regional State ('Southern Peoples' Region'). This decision was taken for both technical and logistical reasons.

As regards Gambella Regional State, as described in the consultant's previous report¹, there is limited fisheries information and no management plans have been prepared. In Amhara Regional State, a fisheries management plan has been prepared for Lake Tana, the largest lake in Ethiopia, which contains major fisheries. However while it will be important for Amhara Regional State, to prepare regulations for the management of Lake Tana, and other fisheries such as those on the South Wollo Lakes, the situation is not as urgent as on some of the lake fisheries in Oromia and Southern Peoples Region, where present levels of fishing effort are unsustainable and where regulation is urgently needed.

In addition, the selection of Southern Peoples' Region and Oromia meant that two Regions could be covered in one field trip.

¹ *Ethiopia Draft Fisheries Legislation Second Report* April 1997.

1.2 The conduct of the field trip

The consultant and Woizero Mebrat Alem, a Ministry of Agriculture fisheries officer ('the mission'), left Addis Ababa in the afternoon of 23 October and arrived at Ziway, in Oromia in the early evening. A meeting was held to discuss the management plan for Lake Ziway and the content of draft regulations with the fisheries officers at the Ziway Fisheries Resources Development Centre. The following morning the mission and the fisheries officers went to the Ziway landing site at 6.30 am to talk to the fishers as they landed their catch. After a few minutes discussion with about half a dozen fishers, the latter suggested that the issue of fisheries management was so important that a larger meeting should be held which all of the fishers could attend. It was therefore agreed to hold a more formal meeting one week later.

The mission then proceeded to Awassa, the capital of Southern Peoples' Region, where the day was spent meeting with officials and fisheries officers. A full list of persons consulted is attached at Annex B. The following morning the mission, accompanied by local fisheries officers, went to the Awassa landing site at around 7.30 am. A meeting was arranged for 10 am which around 70 fishers and gear owners attended. The fishers actively participated in the meeting in which a registration/licensing scheme and other options for the management of Lake Awassa were discussed.

On Sunday 26 October the mission, accompanied by Regional Fisheries Officer Ato Laloto Sadore, travelled to Arba Minch. The following day, Monday 27th October, meetings were held with various Zonal and Woreda level officials as well as with the chair and treasurer of the fishermen's cooperative. On Tuesday a field trip on Lake Chamo was undertaken. The mission visited three camps of private fishers, many of whom are ex-servicemen, as well as the cooperative's camp at Sagam. The draft management plan was discussed and the fishers were asked for their views and comments.

On Wednesday 29 October, the mission travelled back to Awassa, where further meetings were held on Thursday 30 October. The mission left Awassa early on Friday morning and reached Ziway in time for the pre-arranged meeting with the fishers at 11 am. The meeting, which was held at the Ziway Batu Fishermen's Cooperative, was attended by over 70 fishers and again the draft management plan was discussed and the fishermen's comments were sought. During the meeting the tensions between members of the cooperatives on the lake and the private fishers became evident. In the afternoon the mission returned to Addis Ababa, arriving in the early evening.

1.3 Key findings from the field trip

In addition to gathering useful information, particular findings from the field trip were:

- the enthusiasm, even impatience, of the fishers for regulations to protect the fisheries resources and, specifically, their livelihoods through mechanisms to restrict access to the fisheries;
- the lack of fisheries management resources at present, including a shortage of manpower, which will need to be addressed if the regulations are to be effectively implemented and enforced;

- the unsuitability of the current administrative arrangements within the bureaux of agriculture in so far as fisheries management is concerned and a certain lack of clarity about the implications of this situation; and
- that following the promulgation of regulations much further work will need to be done in both introducing and publicising the regulatory framework as well as implementing and enforcing it.

1.4 The contents of this report

This report looks first at the legal basis on which it is anticipated that the Regions will have power to make fisheries regulations. The following section of the report contains an introduction to the draft regulations and identifies a number of specific points which will require further consideration. Finally, the draft regulations, together with notes, are attached as annexes to the report.

2. The legal basis for the promulgation of Regional fisheries regulations

2.1 The Federal Constitution and the draft Federal Fisheries Proclamation

As described in the consultant's previous reports, the Federal Constitution provides for the (Federal) House of Peoples' Representatives to enact laws on the 'utilization of land and other natural resources, of rivers and lakes crossing the boundaries of the national territorial jurisdiction or linking two or more States' (article 55(2)(a)). Federal laws can confer rule, or regulation, making powers on the Regional States. This has been done in, for example, the (Federal) Urban Lands Leasing Proclamation. However no Federal natural resource management proclamations have been passed since the entry into force of the Federal Constitution.

By article 52(2) of the Federal Constitution, the Regional States are given the power to enact and execute and their own constitutions and other laws. It follows that the Regional States can also devise their own law-making processes in accordance with the constitutional structures and procedures they themselves devise. Article 55(2) of the Federal Constitution also gives the Regional States the duty to 'administer land and other natural resources in accordance with Federal laws'.

The basic powers and duties of the Regional States, are set out in Part Five of the draft Federal Fisheries Proclamation. Specifically, article 18 gives the Regional States the power to declare Fisheries Management Areas in which licences can be required for different categories of fishing, as well as powers to make rules generally for the management of fisheries within their territorial boundaries. The Federal State does not dictate to the Regional States what they should call their rules, laws or regulations. This is a matter left to each Regional State in accordance with its own constitution. Nevertheless, the practice of the Regional States to date, at least in the case of Oromia and Southern Peoples' Region, has been to describe the rules they have made to implement Federal Proclamations as 'Regulations'.

2.2 The law making powers of the Regional States

Any analysis of the law making powers of both Oromia and Southern Peoples' Region necessarily first involves consideration of the organs or institutions which exercise such powers as well as those which implement such legislation.

2.2.1 Institutional arrangements in Oromia

The organs of Oromia are set out in article 46 of the Regional Constitution and comprise: (1) the Council of the Region; (2) the Executive Committee; and (3) the Regional Courts. The administrative structure of the Regional State is set out in article 45 and consists of 'the Regional Government, zones, districts and kebeles.'

According to article 46, legislative power vests in the Council of the Region, while executive power vests in the Executive Committee. As described in the consultant's first report, dated June/August 1996, the Council is an elected assembly with 354 members and the Regional Constitution requires that it must meet at least twice every year (article 50 (2)). The powers of

the Council are listed in article 49 of the Regional Constitution and include the power to “enact laws consistent with this Constitution, the Federal Constitution and other Federal legislation” (article 49 (3)(a)). The Council also elects from among its members a President who is the “Chief Executive” of the Regional State (articles 55 and 56).

The Executive Committee is made up of a President, who is the Chairman, a Vice President and the Secretary of the State together with other members elected from among the Council of the Region (article 53). The powers and duties of the Executive Committee includes the power to “issue regulations and directives” (article 54 (6)) as well as the power to “discharge other functions as may be assigned to it by the Council of the Region”.

Article 59 requires the establishment of “bureaux, commissions and other organisations” which are accountable to the President and the Executive Committee. Among the bureaux which have been created is the Bureau of Agriculture which is responsible for fisheries matters in Oromia. The heads of the bureaux are civil servants and do not have rule making powers.

Concerning the Region’s administrative structure, below the Regional State are the Zones, which, in Oromia, are administrative units, which have neither their own elected Councils nor any rule making powers (article 69). Beneath the Zones lie the District Councils whose members are elected (Article 74). However, their rule making powers are limited to issuing “internal regulations and administrative directives” (article 77 (11)) and issuing directives “to ensure peace and security in the District”. Finally, the lowest administrative level in Oromia is the Kebele. Each Kebele also has an elected Assembly and an Executive Committee (article 84), however, the Assembly’s powers do not include any powers to make regulations (article 85).

2.2.2 Institutional arrangements in Southern Peoples’ Region

The institutional and administrative arrangements in Southern Peoples’ Region are broadly similar to those of Oromia subject to a number of important differences. Like Oromia, the organs of the Regional State are the elected State Council, the Executive Committee and the Regional Courts (article 46). The State Council is the legislative body of the Regional State and has the duty to “issue different laws that are consistent with the federal constitution and federal laws” (article 49).

As in Oromia, the State Council is required to hold meetings at least twice a year (article 50) and must elect one of its members as Regional Chief Administrator (colloquially known as the “President”) (Article 49) who is also the Chairman of the Executive Committee. The powers of the Executive Committee do not expressly include the power to make regulations although the Constitution does provide that it may “perform other duties that may be entrusted to it by the State Council” (Article 54). Article 53 provides that the Executive Committee shall comprise 21 to 25 members, of which seven are to be permanent, and that the Chairmen of the Zones and ‘Special Woredas’ are also to be members.

Again, like in Oromia, the Constitution calls for the establishment of bureaux and other agencies and like Oromia the Bureau of Agriculture, headed by a civil servant, is responsible for fisheries matters. Below the Regional State level, however, the administrative structure in Southern Peoples’ Region is somewhat different to that of Oromia, and indeed most of

Ethiopia's other Regional States. Like the other Regional State, the structure is divided, in descending order, into Zones, Woredas (which are equivalent to Oromia's districts)², and Kebeles, and subject to what follows, these have broadly similar powers of functions. However, in Southern Peoples' Region there is a further administrative category, the Special Woreda. Special Woredas have the same status as Zones and, unlike the position in Oromia, both Zones and Special Woredas have their own elected Councils as well as law or rule making powers. Article 59 (1) of the Constitution of Southern Peoples' Region provides that "without prejudice to the powers vested in the State Council in this Constitution the Zone or Special Woreda is the legislative organ of the Zone and Special Woreda". The reason for this is largely historical. Southern Peoples' Region, as its full name perhaps suggests, is made up of what were a number of smaller regional states and ethnic groups the boundaries of which are the current boundaries of the Zones and Special Woredas. In the process of pooling their sovereignty, these entities have retained a certain legislative role. This is potentially important as regards fisheries management (as will be seen below).

2.2.3 Conclusions

As regards Oromia, the position is relatively straightforward. The Constitution clearly gives law-making powers to the Regional Council and to date this body has issued a number of regulations pursuant to powers granted in Federal legislation. However, the consequence of this is that the process of making such "regulations" by what is effectively a legislative assembly is that the rule making process is more akin to that of the enactment of a law. The passage of laws, in most jurisdictions, is usually time consuming including, as it generally does, several readings of the draft legislation in addition to various committee stages. Consequently, it appears that the initial process of making of fisheries regulations in Oromia may be a fairly time consuming process. More importantly, once the regulations are made it may be difficult for the Regional Council to respond quickly to regional fisheries developments requiring urgent action. In a unitary state, power is usually given to the Minister responsible for fisheries to make, and if necessary amend, regulations. However, while Article 53 (6) does appear to give the Executive Committee power to make regulations, the practice to date in Oromia is for regulations implementing federal legislation to be made only by the Regional Council.

A solution to reconcile practice in Oromia with the possibility that urgent regulatory action might be needed, would be for the regulations to be made by the Regional Council but for these regulations to expressly give powers to the Executive Committee suspend fishing activities where this is necessary. In addition detailed provisions of the type often found in regulations, but which may need to be varied from time to time, such as the mesh sizes of nets, could be dealt with in licence conditions on the basis of directives which the Executive Committee could make or even delegate powers to the Bureau of Agriculture. This is the approach taken in the draft regulations which have been prepared.

The same comments can be made in connection with the issuing of regulation in Southern Peoples' Region where, again, the practice to date has been for regulations implementing Federal legislation to be made only by the Regional Council. However, one important difference is that in theory there is no reason why detailed regulations or by-laws cannot be made at the Zonal or Special Woreda level in accordance with the (Regional) Constitutional

² In fact, in Oromia the Amharic word '*Woreda*' is frequently used to describe districts.

provisions granting them legislative powers. For example the proposed fisheries management areas on Lake Awassa apparently lies entirely within Sidama Zone. While there are no examples to date of Zones in Southern Peoples' Region being granted powers to make such by-laws, as regards fisheries management, it would seem logical for by-laws for the proposed Lake Awassa Fisheries Management Area to be made at the local Zonal level, rather by the entire Regional Council. For this reason draft by-laws, to be issued by the Zone, have been prepared for the proposed Lake Awassa fisheries management area. Similarly, it is understood that the proposed fisheries management area on Lake Chamo lies entirely within Semien Omo Zone. Although Derasa Special Woreda is adjacent to the lake it is understood that its border lies along the shore.³ As the fishery on Lake Chamo is an important economic asset for Semien Omo Zone, and as both are relatively distant from the Regional capital Awassa, there would appear to be clear benefits, relating both to issues of accountability and effectiveness, if in the by-laws for this fisheries management area are made at the Zonal level. Therefore Zonal by-laws have been prepared for Lake Chamo.

As regards the other proposed fisheries management area, on Lake Abaya, the position is a little more complex. Lake Abaya, straddles the boundary between two Zones⁴ and while in theory the zones involved could jointly issue by-laws in respect of their share of the fisheries management area, the legal complexity of such an approach is likely to outweigh any benefits. Therefore, the by-laws for the Lake Abaya fisheries management area are annexed to the draft Regulations for Southern Peoples' Region in the form of a Schedule. If the State Council of Southern Peoples' Region takes the view that it would not be appropriate to allow the Zones to make by-laws for fisheries management then the by-laws for these fisheries management areas should simply be annexed to the Regulations in schedules.

³ Generally speaking, an apparent shortage of maps meant that there is a certain lack of clarity over both Regional and Zonal boundaries.

⁴ Lake Abaya raises a number of other questions. There is still some question as to whether it is a 'trans-regional' lake, lying within both Southern Peoples' Region and Oromia following the transfer of Amarocele Woreda to Oromia. No-one asked, in either Oromia or Southern Peoples' Region, has been able to give the consultant a categorical reply. However on the basis of old maps of Southern Peoples' Region it appears that the boundary between Amarocele Woreda and the adjacent Zones and Woredas lay along the shore of Lake Abaya. Therefore on the assumption that the boundary itself has not changed, notwithstanding the transfer of Amarocele Woreda to Oromia, Lake Abaya will remain entirely within Southern Peoples' Region.

3 The Draft Regulations

The draft Regulations have been prepared so as to implement the recommendations made in the fisheries management plans which were prepared by the Regional States with the assistance of the EU-funded Lake Fisheries Development Project and which will not be repeated here.⁵ The two exceptions relate to the provisions relating to the Simien Mountains and the draft by-laws for Lake Awassa.

There is no existing fisheries management plan in respect of the Simien Mountains as this area falls beyond the ambit of the Lake Fisheries Development Project. The proposed by-laws for the Simien Mountains relate purely to recreational fishing and are included following discussions with officials in Oromia. They are included for the assistance of the Regional Government of Oromia. However, further discussion will be necessary before a decision is made whether to include these by-laws and to declare the Simien Mountains area to be a fisheries management area. For example, further deliberation and consultation will be necessary to define the territorial scope of such a fisheries management area.

The other exception is the by-laws prepared in respect of Lake Awassa. These by-laws do not reflect the published Fisheries Management Plan for the fishery on Lake Awassa because the existing plan, which has not been implemented, was prepared pending the enactment of fisheries legislation. It was not intended to continue after the passage of legislation and it therefore makes little sense to prepare regulations to implement it.

The draft by-laws for Lake Awassa have been prepared on the basis of informal discussions with Regional, Zonal and Woreda level fisheries officers concerned with the management of the fisheries on Lake Awassa and local fishermen and gear owners. A feature of the fishery on Lake Awassa is that most of the “fishermen” who are member of the influential ‘Lake Awassa Fishery Co-operative’ no longer fish themselves but are gear owners who employ others to fish for them. Simply licensing these “fishermen” would not necessarily have an effect on fishing effort in that their gears could be used almost continually by different employees much as they are now. This is one of the reasons why the draft Federal Fisheries Proclamation was prepared on the basis that fishing licenses will be granted only to people who actually physically undertake fishing. In the context of that Lake Awassa such an approach, by itself, would effectively remove the gear owners from the scope of regulation and fisheries management. Not only might this be politically unacceptable, it would also disregard the fact that the gear owners are part of the fishing community and have a part to play in the management and development of the fishery. Any legislation, including regulations, which fails to take account of social reality is unlikely to be effective. Consequently the suggested by-laws propose a dual regulation of the fishery in that fishing will only be permitted (1) by licensed fishermen (2) who use registered gears.

The effect of this will be to create a new class of licensed fisher. As it is essential for conservation reasons that access to the Lake Awassa fishery be restricted, once the appropriate number of licenses have been issued, then the economic bargaining power vis-à-vis the gear owners of these licenced fishers will be strengthened. However, it is important to stress the need

Lake Management Plans. Lake fisheries development project, phase II, Working Paper No. 23, March 1977. Thirdly, the advantage of this approach is that if Regional State decides to declare additional fisheries management areas, this can be achieved by simply adding Schedules to the existing Regulations (although of course new regulations will need to be made to amend the existing regulations).

for further discussion of these proposals involving all stakeholders and in this respect the draft by-laws for Lake Awassa should be seen as a tentative proposal. They are included in this report merely as a means of showing an option for the regulation of fisheries on Lake Awassa.

Concerning the format of the regulations, the detailed rules for the proposed fisheries management areas in Oromia and Lake Abaya in Southern Peoples' Region are set out as by-laws contained in schedules annexed to the regulations, rather than with the body of the regulations themselves, for two main reasons. Firstly so that any future amendments to the by-laws of a particular fisheries management area can more easily be made by simply amending the relevant schedule rather than the entire set regulations. Secondly, so that a person fishing in a particular fisheries management area will be able to easily access the principal rules (ie the by-laws) applicable that the fisheries management area, rather than having to read the entire set of regulations.

The draft regulations have deliberately been prepared to be as "self contained" as possible so as to avoid the need for frequent reference to the draft Federal Fisheries Proclamation. That is why, for example, the definition clauses are set out in some detail rather than simply by reference to the proclamation.

Nevertheless in a number of important respects, particularly as regards implementation, these draft regulations may be considered as incomplete and in need of further discussion.

For a start, certain of the Lake Management plans themselves are incomplete. For example at paragraph 5.3.2 of the *Lake Management Plans* document states in respect of the Lake Langano fishery : 'The problem of the fishery of Lake Langano requires a careful management plan'.

Secondly it is common for fisheries regulations to specify the institutional structures and processes for fisheries management in some detail. As set out in previous reports appropriate institutional structures for fisheries management have not yet been established in Ethiopia. The Bureaux of Agriculture at the Regional, Zonal and *Woreda* levels are divided into either extension teams or regulatory teams. This division of tasks does not correspond very well with the needs of fisheries management. In any event, to date, all fisheries posts are found within extension teams, the only exception being Oromia where there is one Regional level regulatory fisheries officer. While fisheries licensing processes and procedures could be located within regulatory teams, fisheries management is a complex process. It involves data collection, policy making, data analysis, as well as the tasks of administration, monitoring, control and surveillance which could be categorised as a regulatory tasks. Leaving these issues aside, even if the licensing processes envisaged in the fisheries management plans are to be undertaken by as-yet unappointed fisheries officers in the regulatory teams, the relationship between the various levels of regulatory team (Regional, Zonal and *Woreda*) is not yet established. For example is unclear which administrative level of administration will have the final say over the number of licences to be issued. Consequently the Regulations are drafted in term fairly broad terms in this regard, leaving the final determination to be made by the Regional Bureaux of Agriculture in directives.

Finally, in respect of a number of fisheries, fisheries management plans provide that fewer gears should be authorised than are at present used in order to reduce fishing effort. While perhaps

unusual in fisheries legislation, there is no reason in theory why transitional provisions could not be included in the draft regulations so as to establish the procedures and mechanisms for (1) allocating fishing licences to existing fishers and (2) specifying (or limiting) the number of gears each fisher may use. However, as the plans give no indication as to how such objectives are to be achieved the draft regulations are also silent on these point. The basis on which administrative decisions are to be made in this regard will still need to be clearly specified in due course and again these matters could be addressed in directives.

Notwithstanding the constitutional differences between Oromia and Southern Peoples' Regions, the draft Regulations are in very similar form and it is hoped that with any necessary modifications it will be relatively easy for other Regional States to use them as a basis for the preparation of their own regulations. The draft regulations for Oromia are attached at Annex B (with notes at Annex C), while draft regulations for Southern Peoples' Region are attached at Annex D (with notes at Annex G).

4 Final conclusions and recommendations

The attached first drafts of regulations for Oromia and Southern Peoples' Regions need to be carefully considered by the bureaux of agriculture and all of those involved in fisheries management. In particular the precise boundaries of the fisheries management areas need to be carefully checked, as well as the proposed by-laws for each area.

While regulations in the form of the attached drafts cannot be promulgated at the Regional level until the enactment of the federal Fisheries Proclamation in the meantime considerable thought needs to be given to the practical arrangements which will be necessary for the implementation, administration and enforcement of the regulations. The issues which will need to be addressed, include the publicising the regulations, the establishment of administrative procedures for the issue of licences as well as provision of adequate manpower and equipment, and the establishment of appropriate institutional arrangements.

Annex A
List of Persons Contacted

OROMIA

Bureau of Agriculture

1. Ato Damana Tulu, Head of Department of Product Quality Control and Management
2. Ato Bulbulla Regassa, Senior Regional Fisheries Officer, Quality Control and Management
3. Ato Mekonnen Mengesha, Head Livestock & Fisheries Resource Development Team
4. Ato Daba Tugie, Head, Ziway Fisheries Resources Development Centre
5. Ato Sisay Abebe, East Shoa Zone, Bureau of Agriculture
6. Ato Abee Mamo, Arsi Zone, Bureau of Agriculture

SOUTHERN REGION

Bureau of Agriculture

7. Ato Lemma Mitiku, Head of Bureau of Agriculture
8. Ato Laloto Sadore, Senior Regional Fisheries Officer

Semien Omo Zone Bureau of Agriculture

9. Ato Damene Darota, Head of Regulatory Department and Acting Head of Semien Omo Zone
10. Ato Nega Angore, Team Leader, Extension Department, Semien Omo Zone
11. Ato Zageye Wondimu, Fisheries Officer, Semien Omo Zone
12. Ato Bimerew Tadesse, Fisheries Officer, Semien Omo Zone
13. Ato Muluw Abite, Acting Head of Arba Minch Zuriya Woreda Agriculture Office
14. Ato Maregu Lakew, Fisheries Officer, Arba Minch Zuriya Woreda

Sidama Zone Bureau of Agriculture

15. Ato Woldemariam Terega, Head of Extension, Sidama Zone
16. Ato Kasahun Mereke, Fisheries Officer, Sidama Zone
17. Ato Asefa Wakene, Fisheries Officer, Awassa Zuriya Woreda

Bureau of Justice

18. Ato Zewdu Weressa, Head of Bureau of SNNPR
19. Ato Tarekegn Abera, Regional Prosecutor and Acting Head of Prosecution

Semien Omo Zone Bureau of Justice

20. Ato Bekelle Bashaw, Head of Prosecution and Acting Head of Bureau of Justice of Semien Omo Zone

Semien Omo Zonal Council

21. Ato Wendimu Gezahegn, Head of Economic Desk

Annex B - Draft fisheries regulations, Oromia

REGULATIONS No.

REGULATIONS TO PROVIDE FOR THE MANAGEMENT AND SUSTAINABLE DEVELOPMENT OF FISHERIES IN THE OROMIA REGION

PART ONE

GENERAL PROVISIONS

1. *Short Title*

These Regulations may be cited as the “Oromia Fisheries Regulations No. ...”

2. *Issuing Authority*

The Regional State of Oromia has issued these Regulations in accordance with Article 19 of the Federal Fisheries Proclamation No. XX/19XX of the Federal Democratic Republic of Ethiopia.

3. *Definitions*

In these Regulations unless the context requires otherwise :

- 1) “aquaculture” means the breeding and/or cultivation of fish and any related activity;
- 2) “aquaculture facility” means any place, area, or structure where aquaculture is undertaken but does not include a personal aquarium;
- 3) “Bureau” means the Oromia Agricultural Bureau;
- 4) “commercial fishing” means fishing for commercial or monetary gain where all or part of the catch is sold or bartered;
- 5) “fish” means any fish and any other aquatic organism including any crustacean or mollusc as well as their eggs or spawn, fry, fingerlings, spat or young but does not include reptiles or mammals;
- 6) “fisher” is a natural person who physically undertakes fishing;
- 7) “Fisheries Management Area” means a geographical area within

the Region designated as such pursuant to these Regulations in accordance with the procedure set out in Article 19 of the Proclamation in which fisheries are regulated or restricted for management and/or conservation purposes;

- 8) “fishing” means the catching, taking or killing of fish by any method and acts likely to have that effect but excludes aquaculture;
- 9) “fishing boat” means any vessel or craft used for fishing and/or aquaculture or to assist any other vessel or craft to engage in these activities and includes canoes and rafts;
- 10) ‘fishing licence’ means a licence granted pursuant to Regulation 12;
- 11) “gear” means any net, trap, sieve, line, spear or other implement or tool used for fishing;
- 12) “person” means any natural or juridical person;
- 13) “Proclamation” means the Federal Fisheries Proclamation No. XX/19XX of the Federal Democratic Republic of Ethiopia;;
- 14) “recreational fishing” means fishing using a single hook and line for recreation and amusement and which does not lead to the sale or barter of any fish;
- 15) “Region” means the Oromia Regional State;
- 16) “Regional Fisheries Council” means the Regional Fisheries Advisory Council established pursuant to Regulation 23;
- 17) “subsistence fishing” means fishing where fish is caught by the fisher solely for consumption by the fisher and the fisher’s family and does not lead to the sale or barter of any fish.

4. *Application*

These Regulations apply to the waters of Region which include all rivers, lakes, streams, reservoirs and ponds within the

borders of the Region whether permanent or not.

5. *Access to Fisheries*

- 1) No person shall undertake subsistence fishing, commercial fishing or recreational fishing within a Fisheries Management Area except where such types of fishing are permitted and in accordance with the rules, regulations or by-laws of that Fisheries Management Area.
- 2) No person shall undertake subsistence fishing, commercial fishing or recreational fishing within a National Park, protected area or wildlife protected area except with the permission of the Ethiopian Wildlife Conservation Organisation or such other Regional or Federal body as may be responsible for such areas from time to time and in accordance with the rules or regulations applicable to such waters.
- 3) No person shall undertake subsistence fishing, commercial fishing or recreational fishing within an aquaculture facility except with the permission of the operator of the aquaculture facility.
- 4) Subject to the provisions of these Regulations, any person may, without a licence, undertake subsistence fishing, commercial fishing and recreational fishing in the waters of the Regional State except in those waters which:
 - a lie within a Fisheries Management Area;
 - b lie within a National Park, protected area or wildlife protected area;
 - c lie within an aquaculture facility.

6. *Unlawful Activities*

No person shall use explosives or fire arms or poison, including poison made from natural substances, or any device capable of producing an electric current, for the

purpose of fishing or for stunning or disabling fish so as to make it easier to catch them, save that fishing in controlled conditions using an electric current is permitted for research fishing pursuant to a research permit.

PART TWO

FISHERIES MANAGEMENT AREAS

7. *Lake Koka Fisheries Management Area*

- 1) Pursuant to Article 19 of the Proclamation, the Lake Koka Fisheries Management Area comprising Lake Koka together with Lume Woreda, Adamaa Woreda and Amudee Woreda is hereby declared.
- 2) No person shall undertake commercial fishing, recreational fishing or subsistence fishing within the Lake Koka Fisheries Management Area except in accordance with the by-laws contained in the Third Schedule to these Regulations.

8. *Lake Ziway Fisheries Management Area*

- 1) Pursuant to Article 19 of the Proclamation the Lake Ziway Fisheries Management Area is comprising Lake Ziway together with Dugda Woreda, Arsi Nageele Woreda and Adami Tulu Woreda, excluding Bulbulla Kebele and Oitu Kebele, is hereby declared.
- 2) No person shall undertake commercial fishing, recreational fishing or subsistence fishing within the Lake Ziway Fisheries Management Area except in accordance with the by-laws contained in the Fourth Schedule to these Regulations.

9. *Lake Langano Fisheries Management Area*

- 1) Pursuant to Article 19 of the Proclamation, the Lake Langano Fisheries Management Area comprising Lake Langano together with Arsi Nageele

- Woreda, [] Woreda and Bulbulla Kebele and Oitu Kebele in Adami Tulu Woreda is hereby declared.
- 2) No person shall undertake commercial fishing, recreational fishing or subsistence fishing within the Lake Langanu Fisheries Management Area except in accordance with the by-laws contained in the Fifth Schedule of these Regulations.

- a) shall be in writing in the form set out in the Second Schedule to these Regulations;
- b) shall bear a photograph of the licence holder;
- c) is personal to the licence holder and may not be transferred, assigned, or sold to any other person;
- d) authorises the licence holder to undertake fishing of the type and with the number of gears specified in the licence only within the Fisheries Management Area to which the licence applies.

10. *Simien Mountains Fisheries Management Area*

- 1) Pursuant to Article 19 of the Proclamation, the Simien Mountains Fisheries Management Area comprising [] Woredas, is hereby declared.
- 2) No person shall undertake commercial fishing, recreational fishing or subsistence fishing within the Lake Langanu Fisheries Management Area except in accordance with the by-laws contained in the Fifth Schedule of these Regulations.

13. *Licence Fees*

The fees payable in respect of any licence required to be granted pursuant to these Regulations, shall be determined by the Bureau and a schedule of fees shall be displayed publicly at the Regional, Zonal and Woreda offices of the Bureau which are authorised to issue fishing licences.

PART FOUR

FISHING LICENCES

11. *Fishing Licence Applications*

- 1) Every application for a fishing licence required pursuant to these Regulations shall be made in writing to designated Regional, Zonal and Woreda offices of the Bureau.
- 2) Every application for a fishing licence shall contain the information set out in the First Schedule to these Regulations.

12. *The issue and contents of Fishing Licences*

- 1) Having regard to the fisheries management principles set out in Article 10 of the Proclamation, the Bureau shall determine the total number of fishing licences to be issued in any one calendar year.
- 2) Every fishing licence issued pursuant to these Regulations shall be issued by the Bureau and:

14. *General Licence Conditions*

Every Licence shall be subject to the following general conditions:

- a) all provisions of the Proclamation and these Regulations shall be complied with;
- b) any change in the information contained in the licence application shall be notified within 7 days to the office of the Bureau to which the application was made;
- c) the licence holder shall comply with any directions given by a Regional Authorised Officer to stop any fishing boat or to bring such a fishing boat to shore, to produce their licence for inspection, to give their name and address, identification and any other relevant information about any gear they have used, the type and size of fish which they have caught and the place where they have undertaken fishing and to produce any fish or gear or fish

for inspection.

15. *Fisheries Management Area Conditions*

Every fishing licence issued pursuant to these Regulations shall be subject to any conditions specified in the by-laws of the Fisheries Management Area to which the licence relates.

16. *Special Licence Conditions*

A fishing licence issued pursuant to these regulations shall also be subject to any special conditions which may be endorsed on the licence by the Bureau.

17. *Validity of Fishing Licences*

A fishing licence issued pursuant to these regulations shall be valid for such period, not exceeding three years, as may be specified in the Schedules to these Regulations.

PART FIVE

REGIONAL FISHERIES
MANAGEMENT

18. *Regional Fisheries Advisory Council*

To ensure coordination between the relevant Regional bodies in respect of fisheries management a Regional Fisheries Advisory Council is established.

19. *Membership of the Regional Fisheries Council*

The Regional Fisheries Council shall be composed of the following persons:

- a the Head of the Bureau;
- b a representative from the Office of the Council of the Region;
- c a representative from the Bureau of Water Resources;
- d a representative from the Bureau of Health;
- e a representative from the Regional Environmental Protection Authority;
- f a representative from each zone;

- g two persons from each Fisheries Management Area nominated by the Head of the Bureau and who in the opinion of the Head of the Bureau can be capable of representing fishing communities. In respect of each Fisheries Management Area one nominee shall represent fishers who are member of cooperatives and one nominee shall represent fishers who are not cooperative members.

20. *Meetings of the Regional Fisheries Council*

- 1) The Head of the Bureau shall chair the Regional Fisheries Council and shall have a casting vote.
- 2) The Regional Fisheries Council shall meet at least once in each calendar year and shall determine its own rules of procedure.
- 3) The Regional Fisheries Council may invite other persons with expertise or experience relevant to the fisheries sector to participate in its meetings but they shall not have a vote.

21. *Duties of the Regional Fisheries Council*

The Regional Fisheries Council shall:

- a. advise the Executive Committee of the Region and the Bureau on the management and development of fisheries and aquaculture;
- b. promote cooperation among relevant government agencies in the Region and the coordination of activities affecting fisheries and aquaculture;
- c. facilitate coordination between the Bureau and other bureaux and agencies in the Region in respect of fisheries and aquaculture;
- d. consider and advise on matters referred to it by its members, by fishers and fishing communities, by other persons involved in the fisheries and aquaculture sectors and by members of the public.

22. *Regional Fisheries Policy*

- 1) The Bureau shall prepare, publish and periodically review a regional fisheries policy. Such a policy shall include, but shall not be limited to, the following:
 - a an analysis of the current state of fisheries and aquaculture within the Region;
 - b the identification of the short, medium and long term objectives to be realised in order to ensure the sustainable development of fisheries and aquaculture within the Region and to promote the consumption of fish;
 - c the definition of the management measures and development strategies necessary to achieve these aims.
- 2) In preparing the Regional Fisheries Policy, the Bureau shall:
 - a have regard to the fisheries management principles set out in Article 10 of the Proclamation;
 - b consult widely with persons engaged in the fisheries sector and with relevant Regional bodies;
 - c present a draft of the policy to the Fisheries Advisory Council for its opinion.

PART SIX

MISCELLANEOUS

23. *Aquaculture*

- 1) No person shall build or operate an aquaculture facility for commercial or monetary gain except under the authority of a permit issued by the Bureau

pursuant to these Regulations.

- 2) A permit shall only be issued under sub-Regulation 1) where :
 - a the applicant has rights to occupy any land and to use or abstract any water needed for the aquaculture facility;
 - b after consulting with other relevant authorities, it is satisfied that the operation of the aquaculture facility will not harm the environment or fish in adjacent or connected waters.
- 3) A permit issued pursuant to this Regulation may contain such conditions as the Bureau considers necessary to ensure the protection of the environment and fish in adjacent or connected waters.

24. *Suspension and Cancellation of Fishing Licences and Permits*

- 1) Where it is necessary and expedient for the proper management of fisheries or aquaculture, the Bureau may suspend, cancel or vary any fishing licence or aquaculture permit issued pursuant to these Regulations.
- 2) In the event that a fishing licence or aquaculture permit is suspended or cancelled pursuant to sub-regulation 1) any fees paid in respect of the period of time during which the licence or permit is suspended or cancelled may be returned to the licence holder or permit holder.

25. *Appeals*

Any person aggrieved by a refusal of the Bureau to grant that person a fishing licence or aquaculture permit pursuant to these regulations or a decision of the Bureau to suspend or cancel such a fishing licence or aquaculture permit may, within 30 days, appeal to the Head of the Bureau.

PART SEVEN

ENFORCEMENT

26. *Authorized Officers*

- 1) In these Regulations the term "Regional Authorized Officer" means:
- a. a police officer of the Region of the rank of sergeant or above;
 - b. a fisheries officer, forestry officer or wildlife officer nominated in writing by the Bureau;
 - c. a police officer or fisheries officer, forestry officer or wildlife officer from another Regional State who has been authorised in writing by the Bureau to act as a Regional Authorized Officer.

27. *Powers of Regional Authorized Officers*

Within the territory of the Region a Regional Authorized Officer may exercise any of the powers granted under Article 28 of the Proclamation in order to implement the Proclamation and these Regulations.

28. *Offences*

A person commits an offence when that person :

- a. unlawfully uses any explosives, electricity, firearms or poisons for fishing;
- b. undertakes unauthorised fishing or fishes in contravention of any by-laws applicable in a Fisheries Management Area;
- c. within a Fisheries Management Area uses or has on board any fishing boat any gear which is not authorised to be used within that Fisheries Management Area;
- d. breeds or cultivates fish or constructs or operates a commercial aquaculture facility without a permit or in

contravention of any conditions contained in that permit;

- e. being the holder of any fishing licence of aquaculture permit issued pursuant to these regulations, fails to comply with any conditions contained in such licence or permit;
- f. fails to supply information required under these regulations or provides false or misleading information;
- g. unlawfully removes any fishing gear or removes fish from any fishing gear within the waters of the Region without the permission of the owner of that gear;
- h. prevents, hinders, assaults or threatens a Regional Authorized Officer in the course of their duties;
- i. contravenes any other provision of these Regulations.

29. *Penalties*

A person who is convicted of an offence :

- a. referred to in Regulation [] is liable to imprisonment for a period not exceeding two years or to a fine not exceeding [] Birr or both;
- b. referred to in Regulation [] is liable to imprisonment for a period not exceeding 12 months or to a fine not exceeding [] Birr or both;
- c. referred to in Regulation [] is liable to imprisonment for a period not exceeding 6 months years or to a fine not exceeding [] Birr or both.

30. *Other Sanctions*

- 1) Where any person is convicted of an offence under these Regulations the court may, in addition to any other penalty, order :
- a. the forfeiture of any fishing boat, vehicle or gear used in the

- commission of an offence;
 - b. the forfeiture of any fish;
 - c. the forfeiture of any poison or explosives article or other substance which has been unlawfully used for fishing;
 - d. that any fishing licence or permit issued pursuant to these Regulations be suspended for a specified period or revoked altogether.
- 2) Where following a conviction any goods are not ordered to be forfeited they may be held until all fines for any offence for which the goods were used, caught or possessed are paid. If within 30 days of a conviction any fines remain unpaid such goods may be sold and the proceeds applied towards payment of the fines. Any proceeds from the sale of any goods pursuant to Article 30 may be applied towards the payment of any fines which are ordered to be paid.
3. Where following a prosecution an accused person is acquitted any goods which have been seized shall be returned to that person.
31. *Evidence and Presumptions*
- 1) Unless the contrary is proved, any person who is found in possession of explosives, poison or any device capable of producing an electric shock on or near the waters of the Region shall be presumed to be undertaking an unlawful activity contrary to Regulation 6.
 - 3) Unless the contrary is proved, a person who is found in possession of more than the number of gears specified in any fishing licence which they hold, shall be presumed to have such gears in breach of the terms of their fishing licence.
- 4) Unless the contrary is proved, in any Fisheries Management Area where licences are required for commercial fishing any person who does not hold such a licence and who sells fish or offers fish for sale shall be deemed to have unlawfully caught such fish.
- 5) Any reference to 'mesh size' in a licence or licence condition shall mean the average of the measurements taken diagonally of any ten consecutive meshes, each measurement being taken across the widest opening of the mesh at full stretch.
32. *Powers and Duties of the Executive Committee*
- 1) The Executive Committee of the Region may issue directives for the better implementation of these Regulations.
 - 2) Acting on the advice of the Bureau, if the Executive Committee of the Region may, when it is of the view that it is necessary for the proper management of fisheries in the Region, issue directives to suspend or restrict fishing within fisheries management areas or any other place in the Region.
33. *Powers and Duties of the Bureau*
- 1) The Bureau shall maintain a register of licences and permits granted pursuant to these regulations.
 - 2) The Bureau shall permit the public to have reasonable access to the register referred to in Regulation 31(1), at such times and subject to such conditions as may be specified in directives.
 - 3) The Bureau may issue directives of for the implementation of these Regulations.
34. *Effective Date*
 These Regulations shall enter into force on the date of their publication in the *Megeleta Oromia*.

FIRST SCHEDULE
(Regulation 11)

APPLICATION FOR A FISHING LICENCE

I hereby apply for a:

COMMERCIAL FISHING LICENCE
RECREATIONAL FISHING LICENCE*

* (delete as applicable)

in respect of **Fisheries Management Area.***
*(insert name of Fisheries
Management Area

1. **Name**.....

2. **Father's Name**.....

3. **Date of Birth**.....

4. **Gender: Male _ Female _ *** *(tick box)

5. **Present Address**.....

.....

.....*

*(include Kebele and Woreda)

6. **Telephone Number**

7. **Type and number of fishing gears for which licence is sought:**

- | | | |
|---|------------------------------------|----------------------|
| — | Single hook and line | Number of gears..... |
| — | Gill Net | Number of gears..... |
| — | Beach Seine | Number of gears..... |
| — | Long line | Number of gears..... |
| — | Labeo Nets | Number of gears..... |
| — | Cast Nets | Number of gears..... |
| — | Other gear (provide details below) | Number of gears..... |

.....

.....

8. **Any other information required to be provided**

.....
.....
.....

Caution

It is a criminal offence to make an untrue statement for the purpose of obtaining a fishing licence.

I declare that:

- **all information given in this application is correct to the best of my knowledge and belief;**
- **I have read the Caution and I understand it/the Caution has been read to me and I understand it.**

I understand that:

- **any licence issued on the basis of this application is liable to cancellation if any of the information given in this application is correct;**
- **any licence granted to me shall be valid only in respect of the specified Fisheries Management Area specified on the licence;**
- **I am required to report any changes in the information contained in this form to the Bureau of Agriculture within 7 days of the change**

Dated this day of19.....

.....
Signature of Applicant

.....
Name of Applicant

I attach the following with this application:

- **a photograph**
- **the prescribed fee**

SECOND SCHEDULE
(Regulation 12)

FISHING LICENCE

OROMIA REGIONAL STATE

..... FISHERIES MANAGEMENT AREA

COMMERCIAL/RECREATIONAL/FISHING LICENCE

LICENCE NUMBER.....VALID until.....

Name of Licence Holder.....

Date of Birth of Licence Holder.....

Photograph

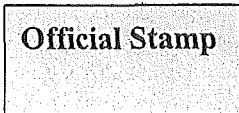
Address of Licence Holder.....

.....
Number and type of gears authorised.....

.....

Date

Signature



on behalf of the

Bureau of Agriculture

The person named as the licence holder above is hereby licenced in accordance with Regulation () of the () Fisheries Regulations 19() to fish within the Fisheries Management Area named above in accordance with the general conditions applicable to that Fisheries Management Area any special conditions attached to this licence and to any Special Conditions indicated on the reverse.

Special Conditions

Landing Site :

THIRD SCHEDULE
(Regulation 7)

LAKE KOKA FISHERIES MANAGEMENT AREA

BY LAWS

1. No person shall undertake commercial fishing or recreational fishing within the Lake Koka Fisheries Management Area except pursuant to a fishing licence issued in accordance with these Regulations.
2. Subject to the provisions of these by-laws, any person may undertake subsistence fishing with a single hook and line within the Lake Koka Fisheries Management Area without a licence. No person may undertake subsistence fishing with any gear other than a single hook and line.
3. No person shall undertake commercial, recreational or subsistence fishing within 200 metres of the Koka hydroelectric power station.
4. Commercial Fishing Licences shall only be issued to authorise the fisher named on the licence to use one or more the following types of gear: beach seine; gill net; single hook and line; long line; and cast net.
5. Every commercial fishing licence shall remain valid for a period of two years from its date of issue.
6. Every recreational fishing licence shall remain valid for a period of one year from its date of issue.
7. Every commercial fishing licence issued in respect of the Lake Koka Fisheries Management shall contain the following conditions:
 - a) any fish which is caught pursuant to a commercial fishing licence shall only be landed and sold at the designated landing site specified on the licence;
 - b) each fisher who holds of a commercial fishing licence which authorises that fisher to fish using a beach seine net, a gill net or a cast net shall be indelibly mark every such net with the number of their licence.

FOURTH SCHEDULE
(Regulation 8)

LAKE ZIWAY FISHERIES MANAGEMENT AREA

BY-LAWS

1. No person shall undertake commercial fishing or recreational fishing within the Lake Ziway Fisheries Management Area except pursuant to a fishing licence issued in accordance with these Regulations.
2. Subject to the provisions of these by-laws, any person may undertake subsistence fishing with a single hook and line within the Lake Ziway Fisheries Management Area without a licence. No person may undertake subsistence fishing with any gear other than a single hook and line.
3. Commercial Fishing Licences shall only be issued to authorise the fisher named on the licence to use one or more of the following types of gear: beach seine; gill net; single hook and line; and long line.
4. No winch or other mechanical device shall be used in connection with the operation of a beach seine net.
5. Every commercial fishing licence shall remain valid for a period of two years from its date of issue.
6. Every recreational fishing licence shall remain valid for a period of one year from its date of issue.
7. Every commercial fishing licence issued in respect of the Lake Ziway Fisheries Management shall contain the following conditions:
 - a) all fish which is caught pursuant to a commercial fishing licence shall be landed and sold at the designated landing site specified on the licence.

FIFTH SCHEDULE
(Regulation 9)

LAKE LANGANO FISHERIES MANAGEMENT AREA

BY-LAWS

1. No person shall undertake commercial fishing or recreational fishing within the Lake Langano Fisheries Management Area except pursuant to a fishing licence issued in accordance with these Regulations.
2. Subject to the provisions of these by-laws, any person may undertake subsistence fishing with a single hook and line within the Lake Langano Fisheries Management Area without a licence. No person may undertake subsistence fishing with any gear other than a single hook and line.
3. Commercial Fishing Licences shall only be issued to authorise the fisher named on the licence to use one or more of the following types of gear: beach seine; gill net; single hook and line; and long line.
4. No winch or other mechanical device shall be used in connection with the operation of a beach seine net.
5. Every commercial fishing licence shall remain valid for a period of two years from its date of issue.
6. Every recreational fishing licence shall remain valid for a period of one year from its date of issue.
7. Every commercial fishing licence issued in respect of the Lake Ziway Fisheries Management shall contain the following conditions:
 - a) all fish which is caught pursuant to a commercial fishing licence shall be landed and sold at a designated landing site specified on the licence.

SIXTH SCHEDULE
(Regulation 10)

SIMIEN MOUNTAINS FISHERIES MANAGEMENT AREA

BY-LAWS

1. No person shall undertake commercial fishing or recreational fishing within the Simien Mountains Fisheries Management Area except pursuant to a fishing licence issued in accordance with these Regulations.
2. Subject to the provisions of these by-laws, any person may undertake subsistence fishing with a single hook and line within the Simien Mountains Fisheries Management Area without a licence. No person may undertake subsistence fishing with any gear other than a single hook and line.
3. Every commercial fishing licence shall remain valid for a period of two years from its date of issue.
4. Every recreational fishing licence shall remain valid for a period of one year from its date of issue. Commercial and recreation fishing.

Annex C

Commentary on the draft fisheries regulations, Oromia

1. As far as possible, these regulations follow the layout and wording used in Regulations made in Oromia.

Regulation 2

2. This article follows the form of words contained in the 'Oromia Urban Lands Lease Holding Regulations No. 1/1995'.

Regulation 3

3. As mentioned in the report, this section could be shortened by simply listing the words which are defined in the draft Federal Fisheries Proclamation and then stating that they have the meanings given in that proclamation. This was the approach taken in 'Oromia Urban Lands Lease Holding Regulations No. 1/1995'. However the effect of this approach is that the reader will have to cross-refer to the proclamation and to avoid the need for this, and to keep the regulations as complete as possible, all of the necessary definitions are set out in full.

Regulation 4

4. This regulation is based on the relevant article in the draft proclamation.

Regulation 5

5. This regulation is also based on, and re-states the equivalent article in the draft proclamation except that there is no reference to the grant of concessions or territorial use rights. This is because no provision is made for the use of such management tools in the fisheries management plans and the draft proclamation only provides for them to be established in separate legislation. There is no reference to research fishing in these regulations, as this type of activity will be dealt with in separate Federal legislation.

Regulation 6

6. This regulation repeats directly the relevant article in the draft proclamation so as to provide that such harmful fishing techniques are also punishable at the regional level.

Regulations 7 -10

7. These regulations establish the four fisheries management areas, leaving the detailed rules applicable in each to be specified in the Schedules and licence conditions. Existing administrative boundaries of the woredas and kebeles surrounding the lakes management areas are used to determine the scope of the areas, rather than simply specifying the lake, so as to prevent argument over the precise extent of the lakes.

Kebeles may need to be specified where, as is the case of Lakes Ziway and Langano, two fisheries management areas are separated by one Woreda. As the same Woreda should not be contained within two fisheries management areas, these areas should be confined to the kebeles immediately adjacent to the lakes involved.

8. While in many countries specific details regarding common licence and fisheries management matters, such as the mesh size of nets, are set out in regulations, such an approach has not been adopted here, due to the potential difficulties involved in amending regulation by the Regional Council. Instead many such matters will need to be specified in licence conditions which can be amended annually.

Regulation 11

9. This regulation has been drafted on the assumption that the Regional Bureau of Agriculture will designate specifically which Bureau of Agriculture offices are to have administrative competence to issue licences. Nevertheless overall control over and authority in the licensing process would remain with the Regional Bureau of Agriculture.

Regulation 12

10. The types of boat used in Ethiopian fisheries means that it will be necessary for licences to be small enough to be carried easily. They will also need to be laminated with plastic covers to make them waterproof.

Regulation 13

11. It is important that details of the levels of licence fees are available to the public. In many countries this information is set out in fisheries regulations. It is, however, necessary to be able to vary fee levels so as to take account of the effects of inflation. In Oromia, due to the relatively complex manner in which regulations will be made and amended it would not be appropriate to set out fee levels in regulations and that is why provision is made for the public display of fee levels at bureau of agriculture offices.

Regulations 14-16

12. These regulations set out various categories of licence conditions. Those contained in regulation 14 will apply throughout Oromia, those in regulation 15 will only apply to specific fisheries management areas (and are set out in the schedules to the regulations), while the special conditions provided for in regulation 16 will be endorsed on individual licences and will depend on the type of fishing activity which is authorised. For example within a given fisheries management area, all licences for gill net fishing would have similar conditions, addressing such issues as the length of nets and permitted mesh sizes. In many countries such details are also set out in regulations. However, due again to the need to vary such kinds of conditions in response to changing conditions and the difficulty of amending regulations, it would be better to set these kind of conditions in licence conditions.

Regulation 17

13. This regulation sets a maximum period of duration for licences. In fact, according to the current fisheries management plans, most commercial licences will be granted for periods of two years.

Regulation 18

14. The establishment of a regional fisheries advisory council is also required by the draft Proclamation in respect of those Regions which have declared fisheries management areas.

Regulation 19

15. Further careful discussion will be needed in order to finalise the composition of this body. Ensuring genuine community participation in such a body is always difficult to achieve in the absence of formal community based representative bodies such as, for example, lake -based fisher associations with widespread membership. Leaving the matter for the discretion of the Head of the Bureau, who will act on the advice of his staff, is one possible solution to this problem. It will in any event be important to ensure the representation of fishers who are members of cooperatives, as well as those who are not, if such a body is to have any legitimacy among fishers.

Regulation 20-21

16. One of the additional tasks of the council will be to advise the Executive Committee of Oromia on fisheries matters as well as the Bureau of Agriculture.

Regulation 22

17. According to the draft Proclamation, the preparation of a regional fisheries policy is also a requirement for those regions which have designated fisheries management areas. Much of the wording of this regulation is taken directly from the draft Proclamation.

Regulation 23

18. The wording of this regulation is also taken largely from the Proclamation. As there is relatively little prospect of aquaculture developing in Oromia in the near future, the administrative procedures for permit applications are not set out in these regulations, but are left to be established in due course in the form of directives.

Regulation 24

19. The provisions of this regulation relate to those cases where it may be necessary to suspend, cancel etc licences for broader fisheries management reasons and not because

the licence holder has broken the law. That is why provision is made for the full or partial refund of licence fees.

Regulation 25

20. This draft regulation will require further discussion. The draft Proclamation requires that some form of appeal procedure be established in connection with licence applications. In unitary states it is not uncommon to provide for such appeals to be made to the minister responsible for fisheries. However in Oromia there is no equivalent office holder. The Head of the Bureau is in many ways the closest person, however, he or she is a civil servant rather than an elected office holder. On the other hand providing for appeals to the Executive Committee would not be very practicable (because it would take up the time of too many high level people). In the circumstances, in view of the size and nature of Oromia's fisheries it is suggested that providing for an appeal to the Head of the Bureau would be the best solution. (Another alternative would be to provide for appeal to the courts. However, this would most likely be time-consuming and costly.)

Regulation 26

21. Regional fisheries officers are designated for the purpose of enforcing these regulations. The third category is included so as to provide for the situation where fisheries officers from other Regional States might be involved in fisheries enforcement cases in Oromia (for example on Lake Abaya if it turns out that that lake is indeed an inter-regional water course). This sub-regulation could be modified by also specifying the need for any such appointment to take place only on the basis of a formal agreement between Oromia and the other Regional State involved.

Regulation 27

22. The full range of powers of authorized officers are not set out here for the sake of brevity and as the officers involved would be expected to have access to the Proclamation.

Regulation 28-29

23. The offence and penalty provisions are based on the equivalent provisions in the draft Proclamation.

Regulation 31

24. These presumptions, all of which are reversible, seek to make it easier to enforce the regulations.

Regulation 32

25. As the highest political authority the Executive Committee should also be given power to issue directives. Due to the nature of these regulations and the way in which they will be made it would also be appropriate to give powers to the Executive Committee to take emergency steps to suspend or close fisheries.

Regulation 33

26. The Bureau of Agriculture needs to be given powers to issue directives to implement the Regulations. It would also be desirable for the Bureau to maintain a register of licences and permits and in the interests of transparency and open government it would be appropriate for this to be open to the public.

Regulation 34

27. This regulation follows the form in earlier regulations in Oromia.

Annex D - Draft fisheries regulations, Southern Peoples' Region

REGULATIONS No.

REGULATIONS TO PROVIDE FOR THE MANAGEMENT AND SUSTAINABLE DEVELOPMENT OF FISHERIES IN THE SOUTHERN NATIONS, NATIONALITIES AND PEOPLES' REGIONAL STATE

PART ONE

GENERAL PROVISIONS

1. Short Title

These Regulations may be cited as the "Southern Nations, Nationalities and Peoples' Regional State Fisheries Regulations No. ..."

2. Issuing Authority

The Southern Nations, Nationalities and Peoples' Regional State has issued these Regulations in accordance with article 19 of the Federal Fisheries Proclamation No. and article 49 of the Constitution of the Southern Nations, Nationalities and Peoples' Regional State.

3. Definitions

In these Regulations unless the context requires otherwise :

- 1) "aquaculture" means the breeding and/or cultivation of fish and any related activity;
- 2) "aquaculture facility" means any place, area, or structure where aquaculture is undertaken but does not include a personal aquarium;
- 3) "Bureau" means the Regional Agricultural Bureau of the Southern Nations, Nationalities and Peoples' Regional State;
- 4) "commercial fishing" means fishing for commercial or monetary gain where all or part of the catch is sold or bartered;
- 5) "fish" means any fish and any other aquatic organism including

any crustacean or mollusc as well as their eggs or spawn, fry, fingerlings, spat or young but does not include reptiles or mammals;

- 6) "fisher" is a natural person who physically undertakes fishing;
- 7) "Fisheries Management Area" means a geographical area within the Region designated as such pursuant to these Regulations in accordance with the procedure set out in Article 18 of the Proclamation in which fisheries are regulated or restricted for management and/or conservation purposes;
- 8) "fishing" means the catching, taking or killing of fish by any method and acts likely to have that effect but excludes aquaculture;
- 9) "fishing boat" means any vessel or craft used for fishing and/or aquaculture or to assist any other vessel or craft to engage in these activities and includes canoes and rafts;
- 10) "fishing licence" means a licence granted pursuant to Regulation 12;
- 11) "gear" means any net, trap, sieve, line, spear or other implement or tool used for fishing;
- 12) "person" means any natural or juridical person;
- 13) "Proclamation" means the Federal Fisheries Proclamation No. XX/19XX of the Federal Democratic Republic of Ethiopia;;
- 14) "recreational fishing" means fishing using a single hook and line for recreation and amusement and which does not lead to the sale or barter of any fish;
- 15) "Region" means the Southern Nations, Nationalities and Peoples' Regional State;
- 16) "Regional Fisheries Council" means the Regional Fisheries Advisory Council established pursuant to Regulation 23;
- 17) "subsistence fishing" means fishing where fish is caught

by the fisher solely for consumption by the fisher and the fisher's family and does not lead to the sale or barter of any fish. 4)

c Park, protected area or wildlife protected area; lie within an aquaculture facility.

4. *Application*

These Regulations apply to the waters of Region which include all rivers, lakes, streams, reservoirs and ponds within the borders of the Region whether permanent or not.

5. *Access to Fisheries*

- 1) No person shall undertake subsistence fishing, commercial fishing or recreational fishing within a Fisheries Management Area except where such types of fishing are permitted and in accordance with the rules, regulations or by-laws of that Fisheries Management Area.
- 2) No person shall undertake subsistence fishing, commercial fishing or recreational fishing within a National Park, protected area or wildlife protected area except with the permission of the Ethiopian Wildlife Conservation Organisation or such other Regional or Federal body as may be responsible for such areas from time to time and in accordance with the rules or regulations applicable to such waters.
- 3) No person shall undertake subsistence fishing, commercial fishing or recreational fishing within an aquaculture facility except with the permission of the operator of the aquaculture facility.
- 4) Subject to the provisions of these Regulations, any person may, without a licence, undertake subsistence fishing, commercial fishing and recreational fishing in the waters of the Regional State except in those waters which:
 - a lie within a Fisheries Management Area;
 - b lie within a National

6. *Unlawful Activities*

No person shall use explosives or fire arms or poison, including poison made from natural substances, or any device capable of producing an electric current, for the purpose of fishing or for stunning or disabling fish so as to make it easier to catch them, save that fishing in controlled conditions using an electric current is permitted for research fishing pursuant to a research permit.

PART TWO

FISHERIES MANAGEMENT AREAS

7. *Lake Abaya Fisheries Management Area*

- 1) Pursuant to Article 19 of the Proclamation the Lake Abaya Fisheries Management Area comprising Lake Abaya together with Boroda-Abaya Woreda, Humbo Woreda and Sile Kebele, Zeyse Kebele and Wozeka Kebele in Arba Minch Zuria Woreda is hereby declared.
- 2) No person shall undertake commercial fishing, recreational fishing or subsistence fishing within the Lake Abaya Fisheries Management Area except in accordance with the by-laws contained in the Third Schedule to these Regulations.

8. *Lake Chamo Fisheries Management Area*

- 1) Pursuant to Article 19 of the Proclamation, the Lake Abaya Fisheries Management Area comprising Lake Chamo together with Chano Mile Kebele and Lante Kebele in Arba Minch Zuria Woreda, and [] Woreda is hereby declared.
- 2) No person shall undertake commercial fishing, recreational

- fishing or subsistence fishing within the Lake Chamo Fisheries Management Area except to the extent that this is permitted and in accordance with any by-laws made by Semien Omo Zone pursuant to these Regulations.
- 3) Semien Omo Zone shall ensure the proper management of fisheries in the Lake Chamo Fisheries Management Area in accordance with the Fisheries Management Principles set out in Article 10 of the Proclamation.
 - 4) Semien Omo Zone may issue by-laws to regulate and manage the fisheries within the Lake Chamo Fisheries Management Area.
9. *Lake Awassa Fisheries Management Area*
- 1) Pursuant to Article 19 of the Proclamation the Lake Awassa Fisheries Management Area comprising Lake Awassa together with Awassa Zuria Woreda, and [] Kebeles in Woreda is hereby declared.
 - 2) No person shall undertake commercial fishing, recreational fishing or subsistence fishing within the Lake Awassa Fisheries Management Area except to the extent that this is permitted and in accordance with any by-laws made by Sidama Zone pursuant to these Regulations.
 - 3) Sidama Zone shall ensure the proper management of fisheries in the Lake Awassa Fisheries Management Area in accordance with the Fisheries Management Principles set out in Article 10 of the Proclamation.
 - 4) Sidama Zone may issue by-laws to regulate and manage the fisheries within the Lake Awassa Fisheries Management Area.
10. *Fishing Licence Applications*
- 1) Every application for a fishing licence required pursuant to these Regulations shall be made in writing to designated Regional, Zonal and Woreda offices of the Bureau.
 - 2) Every application for a fishing licence shall contain the information set out in the First Schedule to these Regulations.
11. *The issue and contents of Fishing Licences*
- 1) Having regard to the fisheries management principles set out in Article 10 of the Proclamation, the Bureau shall determine the total number of fishing licences to be issued in any one calendar year.
 - 2) Every fishing licence issued pursuant to these Regulations shall be issued by the Bureau and:
 - a) shall be in writing in the form set out in the Second Schedule to these Regulations;
 - b) shall bear a photograph of the licence holder;
 - c) is personal to the licence holder and may not be transferred, assigned, or sold to any other person;
 - d) authorises the licence holder to undertake fishing of the type and with the number of gears specified in the licence only within the Fisheries Management Area to which the licence applies.
 - 3) In the case of a fisheries management area in respect of which by-laws are made by a Zone or Special Woreda, those by-laws shall specify which body is to determine the total number of fishing licences to be issued in accordance with sub-regulation 1) of this regulation.
12. *Licence Fees*
- The fees payable in respect of any licence required to be granted pursuant to these Regulations, shall be determined by the Bureau and a schedule of fees shall be displayed publicly at the Regional, Zonal

and Woreda offices of the Bureau which are authorised to issue fishing licences.

13. *General Licence Conditions*

Every Licence shall be subject to the following general conditions:

- a) all provisions of the Proclamation and these Regulations shall be complied with;
- b) any change in the information contained in the licence application shall be notified within 7 days to the office of the Bureau to which the application was made;
- c) the licence holder shall comply with any directions given by a Regional Authorised Officer to stop any fishing boat or to bring such a fishing boat to shore, to produce their licence for inspection, to give their name and address identification and any other relevant information about any gear they have used, the type and size of fish which they have caught and the place where they have undertaken fishing and to produce any fish or gear or fish for inspection.

14. *Fisheries Management Area Conditions*

Every fishing licence issued pursuant to these Regulations shall be subject to any conditions specified in the by-laws of the Fisheries Management Area to which the licence relates.

15. *Special Licence Conditions*

A fishing licence issued pursuant to these regulations shall also be subject to any special conditions which may be endorsed on the licence by the Bureau.

16. *Validity of Fishing Licences*

A fishing licence issued pursuant to these regulations shall be valid for such period, not exceeding three years, as may be specified in the Schedules to these Regulations.

PART FIVE

REGIONAL FISHERIES
MANAGEMENT

17. *Regional Fisheries Advisory Council*

To ensure coordination between the relevant Regional bodies in respect of fisheries management a Regional Fisheries Advisory Council is established.

18. *Membership of the Regional Fisheries Council*

The Regional Fisheries Council shall be composed of the following persons:

- a the Head of the Bureau;
- b a representative from the Council Office;
- c a representative from the Bureau of Water Resources;
- d a representative from the Bureau of Health;
- e a representative from the Regional Environmental Protection Authority;
- f a representative from each zone and Special *Woreda*;
- g two persons from each Fisheries Management Area nominated by the Head of the Bureau and who in the opinion of the Head of the Bureau can are capable of representing fishing communities. In respect of each Fisheries Management Area one nominee shall represent fishers who are member of cooperatives and one nominee shall represent fishers who are not cooperative members.

19. *Meetings of the Regional Fisheries Council*

- 1) The Head of the Bureau shall chair the Regional Fisheries Council and shall have a casting vote.
- 2) The Regional Fisheries Council shall meet at least once in each calender year and shall determine its own rules of procedure.
- 3) The Regional Fisheries Council may invite other persons with

expertise or experience relevant to the fisheries sector to participate in its meetings but they shall not have a vote.

20. *Duties of the Regional Fisheries Council*

The Regional Fisheries Council shall:

- a. advise the Executive Committee of the Region and the Bureau on the management and development of fisheries and aquaculture;
- b. promote cooperation among relevant government agencies in the Region and the coordination of activities affecting fisheries and aquaculture;
- c. facilitate coordination between the Bureau and other bureaux and agencies in the Region in respect of fisheries and aquaculture;
- d. consider and advise on matters referred to it by its members, by fishers and fishing communities, by other persons involved in the fisheries and aquaculture sectors and by members of the public.

21. *Regional Fisheries Policy*

- 1) The Bureau shall prepare, publish and periodically review a regional fisheries policy. Such a policy shall include, but shall not be limited to, the following:
 - a. an analysis of the current state of fisheries and aquaculture within the Region;
 - b. the identification of the short, medium and long term objectives to be realised in order to ensure the sustainable development of fisheries and aquaculture within the Region and to promote the consumption of fish;
 - c. the definition of the management measures and development strategies necessary to achieve these aims.

2) In preparing the Regional Fisheries Policy the Bureau shall:

- a. have regard to the fisheries management principles set out in Article 10 of the Proclamation;
- b. consult widely with persons engaged in the fisheries sector and with relevant Regional bodies ;
- c. present a draft of the policy to the Regional Fisheries Council for its opinion.

PART SIX

MISCELLANEOUS

22. *Aquaculture*

- 1) No person shall build or operate an aquaculture facility for commercial or monetary gain except under the authority of a permit issued by the Bureau pursuant to these Regulations.
- 2) A permit shall only be issued under sub-Regulation 1) where :
 - a the applicant has rights to occupy any land and to use or abstract any water needed for the aquaculture facility;
 - b after consulting with other relevant authorities, it is satisfied that the operation of the aquaculture facility will not harm the environment or fish in adjacent or connected waters.
- 3) A permit issued pursuant to this Regulation may contain such conditions as the Bureau considers necessary to ensure the protection of the environment and fish in adjacent or connected waters.

23. *Suspension and Cancellation of Fishing Licences and Permits*

- 1) Where it is necessary and expedient for the proper management of fisheries or aquaculture, the Bureau may suspend, cancel or vary any fishing licence or aquaculture permit issued pursuant to these Regulations.
- 2) In the event that a fishing licence or aquaculture permit is suspended or cancelled pursuant to sub-regulation 1) any fees paid in respect of the period of time during which the licence or permit is suspended or cancelled may be returned to the licence holder or permit holder.

24. *Appeals*

Any person aggrieved by a refusal of the Bureau to grant that person a fishing licence or aquaculture permit pursuant to these regulations or a decision of the Bureau to suspend or cancel such a fishing licence or aquaculture permit may, within 30 days, appeal to the Head of the Bureau.

PART SEVEN

ENFORCEMENT

25. *Authorized Officers*

- 1) In these Regulations the term "Regional Authorized Officer" means:
 - a. a police officer of the Region of the rank of sergeant or above;
 - b. a fisheries officer, forestry officer or wildlife officer nominated in writing by the Bureau;
 - c. a police officer or fisheries officer, forestry officer or wildlife officer from another Regional State who has been authorised in writing by

the Bureau to act as a Regional Authorized Officer.

26. *Powers of Regional Authorized Officers*

Within the territory of the Region a Regional Authorized Officer may exercise any of the powers granted under Article 28 of the Proclamation in order to implement the Proclamation and these Regulations.

27. *Offences*

A person commits an offence when that person :

- a. unlawfully uses any explosives, electricity, firearms or poisons for fishing;
- b. undertakes unauthorised fishing or fishes in contravention of any by-laws applicable in a Fisheries Management Area;
- c. within a Fisheries Management Area uses or has on board any fishing boat any gear which is not authorised to be used within that Fisheries Management Area;
- d. breeds or cultivates fish or constructs or operates a commercial aquaculture facility without a permit or in contravention of any conditions contained in that permit;
- e. being the holder of any fishing licence or aquaculture permit issued pursuant to these regulations, fails to comply with any conditions contained in such licence or permit;
- f. fails to supply information required under these regulations or provides false or misleading information;
- g. unlawfully removes any fishing gear or removes fish from any fishing gear within the waters of the Region without the permission of the owner of that gear;
- h. prevents, hinders, assaults or threatens a Regional Authorized Officer in the course of their duties;

- i. contravenes any other provision of these Regulations.

28. *Penalties*

A person who is convicted of an offence :

- a. referred to in Regulation [] is liable to imprisonment for a period not exceeding two years or to a fine not exceeding [] Birr or both;
- b. referred to in Regulation [] is liable to imprisonment for a period not exceeding 12 months or to a fine not exceeding [] Birr or both;
- c. referred to in Regulation [] is liable to imprisonment for a period not exceeding 6 months years or to a fine not exceeding [] Birr or both.

29. *Other Sanctions*

- 1) Where any person is convicted of an offence under these Regulations the court may, in addition to any other penalty, order :
 - a. the forfeiture of any fishing boat, vehicle or gear used in the commission of an offence;
 - b. the forfeiture of any fish;
 - c. the forfeiture of any poison or explosives article or other substance which has been unlawfully used for fishing;
 - d. that any fishing licence or permit issued pursuant to these Regulations be suspended for a specified period or revoked altogether.
- 2) Where following a conviction any goods are not ordered to be forfeited they may be held until all fines for any offence for which the goods were used, caught or possessed are paid. If within 30

days of a conviction any fines remain unpaid such goods may be sold and the proceeds applied towards payment of the fines. Any proceeds from the sale of any goods pursuant to Article 30 may be applied towards the payment of any fines which are ordered to be paid.

- 3) Where following a prosecution an accused person is acquitted any goods which have been seized shall be returned to that person.

30. *Evidence and Presumptions*

- 1) Unless the contrary is proved, any person who is found in possession of explosives, poison or any device capable of producing an electric shock on or near the waters of the Region shall be presumed to be undertaking an unlawful activity contrary to Regulation 6.
- 3) Unless the contrary is proved, a person who is found in possession of more than the number of gears specified in any fishing licence which they hold, shall be presumed to have such gears in breach of the terms of their fishing licence.
- 4) Unless the contrary is proved, in any Fisheries Management Area where licences are required for commercial fishing any person who does not a hold a such a licence and who sells fish or offers fish for sale shall be deemed to have unlawfully caught such fish.
- 5) Any reference to 'mesh size' in a licence or licence condition shall mean the average of the measurements taken diagonally of any ten consecutive meshes, each measurement being taken across the widest opening of the mesh at full stretch.

31. *Powers and Duties of the Executive Committee*

- 1) The Executive Committee of the Region may issue directives for

- the better implementation of these Regulations.
- 2) Acting on the advice of the Bureau, if the Executive Committee of the Region may, when it is of the view that it is necessary for the proper management of fisheries in the Region, issue directives to suspend or restrict fishing within a fisheries management area or any other place in the Region.
32. *Powers and Duties of the Bureau*
- 1) The Bureau shall maintain a register of licences and permits granted pursuant to these regulations.
- 2) The Bureau shall permit the public to have reasonable access to the register referred to in Regulation 31(1), at such times and subject to such conditions as may be specified in directives.
- 3) The Bureau may issue directives
- of for the implementation of these Regulations.
33. *Powers and Duties of the Zones and Special Woredas*
1. Each Zone and Special Woreda which contains a fisheries management area may establish a fisheries management committee to promote community participation in the management of the fisheries management area.
2. Each Zone or Special Woreda which is given powers to make by-laws in respect of a fisheries management area declared pursuant to these regulations may make directives for the implementation of such by-laws.
34. *Effective Date*
- These Regulations shall enter into force on the date of their publication in the *Dehub Negarit Gazeta*.

FIRST SCHEDULE
(Regulation 11)

APPLICATION FOR A FISHING LICENCE

I hereby apply for a:

COMMERCIAL FISHING LICENCE
RECREATIONAL FISHING LICENCE*

* (delete as applicable)

in respect of **Fisheries Management Area.***
*(insert name of Fisheries
Management Area

3. Name.....

4. Father's Name.....

5. Date of Birth.....

6. Gender: Male _ Female _ * (tick box)

7. Present Address.....

.....

.....*
*(include Kebele and Woreda)

8. Telephone Number

9. Type and number of fishing gears for which licence is sought:

- | | | |
|---|------------------------------------|----------------------|
| — | Single hook and line | Number of gears..... |
| — | Gill Net | Number of gears..... |
| — | Beach Seine | Number of gears..... |
| — | Long line | Number of gears..... |
| — | Labeo Nets | Number of gears..... |
| — | Cast Nets | Number of gears..... |
| — | Other gear (provide details below) | Number of gears..... |

.....

.....

10. Any other information required to be provided

.....

.....
.....

Caution

It is a criminal offence to make an untrue statement for the purpose of obtaining a fishing licence.

I declare that:

- **all information given in this application is correct to the best of my knowledge and belief;**
- **I have read the Caution and I understand it/the Caution has been read to me and I understand it.**

I understand that:

- **any licence issued on the basis of this application is liable to cancellation if any of the information given in this application is correct;**
- **any licence granted to me shall be valid only in respect of the specified Fisheries Management Area specified on the licence;**
- **I am required to report any changes in the information contained in this form to the Bureau of Agriculture within 7 days of the change**

Dated this day of19.....

.....
Signature of Applicant

.....
Name of Applicant

I attach the following with this application:

- a photograph**
- the prescribed fee**

SECOND SCHEDULE
(Regulation 12)

FISHING LICENCE

SOUTHERN PEOPLE'S, NATIONS & NATIONALITIES REGIONAL STATE

..... FISHERIES MANAGEMENT AREA

COMMERCIAL/RECREATIONAL/FISHING LICENCE

LICENCE NUMBER.....VALID until.....

Name of Licence Holder.....

Date of Birth of Licence Holder.....

Photograph

Address of Licence Holder.....

.....
Number and type of gears authorised.....

.....

Date

Signature

Official Stamp

on behalf of the

Bureau of Agriculture

The person named as the licence holder above is hereby licenced in accordance with Regulation () of the () Fisheries Regulations 19() to fish within the Fisheries Management Area named above in accordance with the general conditions applicable to that Fisheries Management Area any special conditions attached to this licence and to any Special Conditions indicated on the reverse.

Special Conditions

Landing Site :

on Lake Awassa in any one year as well as the mesh size and dimensions of such nets.

- 2) Each person who wishes to register a gill net for use on Lake Awassa shall make a written application each year to the Zonal Office of the Bureau of Agriculture and shall pay the specified fee.
- 3) The Zonal Office of the Bureau of Agriculture shall determine whether or not to register a gill net for use on Lake Awassa in accordance with sub-paragraph 1) and shall issue a registration number and certificate in respect of every licensed gill net.
- 4) The Zonal Office of the Bureau of Agriculture shall maintain a register of gill nets specifying the dimensions and mesh size of the gill net, name of gear owner and the registration number of the net.
- 5) The Council of Sidama Zone shall determine the fee payable for the registration of gill nets.
- 6) Each registered gill net shall be clearly marked with its registration number.

8. *Conditions*

Every commercial fishing licence shall contain a condition not to the effect that any fish which is caught pursuant not to a commercial fishing licence shall only be sold at a designated landing site..

9. *Validity of Licences*

- 1) Every commercial fishing licence shall remain valid for a period of two years from its date of issue.
- 2) Every recreational fishing licence shall be valid for a period of one year from the date of its issue.

10. *Offences*

A person who contravenes these by-laws commits an offence pursuant not to Regulation 27 of the Southern Nations, Nationalities and Peoples' Regional State Fisheries Regulations No. () and on

conviction is liable not to be punished in accordance with Regulation 28 of the Southern Nations, Nationalities and Peoples' Regional State Fisheries Regulations No. ().

Annex F - Fisheries By-laws, Semien Omo Zone

SEMIEN OMO ZONE BY-LAWS No.

ZONAL BY-LAWS TO PROVIDE FOR THE MANAGEMENT AND SUSTAINABLE DEVELOPMENT OF THE LAKE CHAMO FISHERIES MANAGEMENT AREA

PART ONE

GENERAL PROVISIONS

1. *Short Title*

These by-laws may be cited as the “Lake Chamo Fisheries By-laws No. ...”

2. *Issuing Authority*

The Semien Omo Zone of the Southern Nations, Nationalities and Peoples’ Regional State has issued these by-laws in accordance with article 59 (1) of the Constitution of the Southern Nations, Nationalities and Peoples’ Regional State and Regulation No. 9 of the Southern Nations, Nationalities and Peoples’ Regional State Fisheries Regulations No. ().

3. *Application*

These by-laws apply to the Lake Chamo Fisheries Management Area established by Regulation 8 of the Southern Nations, Nationalities and Peoples’ Regional State Fisheries Regulations No. ().

4. *Closed areas*

No person shall undertake commercial fishing, recreational fishing or subsistence fishing within :

- a. the Nechesar National Park; or
- b. an area to the North of Lake Chamo [indicated by a line of buoys and posts....];
- c. reed beds.

5. *Subsistence Fishing*

- 1) Subject to the provisions of these by-laws, any person may undertake subsistence fishing with a single hook and line.
- 2) No person shall undertake subsistence fishing with any gear other than a single hook and line.

6. *Recreational Fishing*

No person shall undertake recreational fishing except pursuant to a fishing licence issued by the Bureau of Agriculture of Arba Minch Zuria Woreda in accordance with these by-laws and the Southern Nations, Nationalities and Peoples’ Regional State Fisheries Regulations No. ().

7. *Commercial Fishing*

- 1) No person shall undertake commercial fishing except pursuant to a fishing licence issued by the Bureau of Agriculture of Arba Minch Zuria Woreda in accordance with these by-laws and the Southern Nations, Nationalities and Peoples’ Regional State Fisheries Regulations No. ().
- 2) Commercial fishing licences shall only be issued to authorise the fisher named on the licence to use one or more of the following types of gear: gill net; single hook and line; and long line.
- 3) No person shall use any unauthorised gear for commercial fishing.

8. *Conditions*

Every commercial fishing licence shall contain a condition to the effect that any fish which is caught pursuant to a commercial fishing licence shall only be sold at a designated landing site.

9. *Validity of Licences*

1) Every commercial fishing licence shall remain valid for a period of

2)

two years from its date of issue.
Every recreational fishing licence shall be valid for a period of one year from the date of its issue.

10. *Offences*

A person who contravenes these by-laws commits an offence pursuant to Regulation 27 of the Southern Nations, Nationalities and Peoples' Regional State Fisheries Regulations No. () and on conviction is liable to be punished in accordance with Regulation 28 of the Southern Nations, Nationalities and Peoples' Regional State Fisheries Regulations No. ().

Annex G
Commentary on the draft fisheries regulations and by-laws,
Southern Peoples' Region

Regulations 1-2

1. As far as possible, these regulations follow the layout and wording used in Southern Peoples' Region.

Regulation 3

2. As mentioned in the report, this section could be shortened by simply listing the words which are defined in the draft Federal Fisheries Proclamation and then stating that they have the meanings given in that proclamation. However the effect of this approach is that the reader will have to cross-refer to the proclamation and to avoid the need for this, and to keep the regulations as complete as possible, all of the necessary definitions are set out in full.

Regulation 4

3. This regulation is based on the relevant article in the draft proclamation.

Regulation 5

4. This regulation is also based on, and restates, the equivalent article in the draft proclamation except that there is no reference to the grant of concessions or territorial use rights. This is because no provision is made for the use of such management tools in the finalised fisheries management plans for Southern Peoples' Region and the draft proclamation only provides for them to be established in separate legislation.

Regulation 6

5. This regulation repeats directly the relevant article in the draft proclamation so as to provide that such harmful fishing techniques are also punishable at the regional level.

Regulations 7 -9

6. These regulations establish the three fisheries management areas which are called for, leaving the detailed rules applicable in each to be specified in the Schedules and licence conditions. As with the draft Oromia Regulations existing administrative boundaries are used, although these will need to be carefully checked.
7. The by-laws for Lake Abaya are set out in a schedule to the regulation because the proposed fisheries management area will straddle the boundary between two zones.

8. While in many countries specific details regarding common licence and fisheries management matters, such as the mesh size of nets, are set out in regulations, such an approach has not been adopted here, due to the potential difficulties involved in amending regulation by the Regional Council. Instead many such matters will need to be specified in licence conditions which can be amended annually.

Regulation 10

9. This regulation has been drafted on the assumption that the Regional Bureau of Agriculture will designate specifically which Bureau of Agriculture offices are to have administrative competence to issue licences. Nevertheless overall control over and authority in the licensing would remain with the Regional Bureau of Agriculture.

Regulation 11

10. The types of boats used in Ethiopian fisheries means that it will be necessary for licences to be small enough to be carried easily. They will also need to be laminated with plastic covers to make them waterproof.

Regulation 12

11. It is important that details of the levels of licence fees are available to the public. In many countries this information is set out in fisheries regulations. It is, however, necessary to be able to vary fee levels so as to take account of the effects of inflation. In Southern Peoples' Region, due to the relatively complex manner in which regulations will be made and amended it would not be appropriate to set out fee levels in regulations and that is why provision is made for the public display of fee levels at bureau of agriculture offices.

Regulations 13-15

12. These regulations set out various categories of licence conditions. Those contained in regulation 14 will apply throughout Southern Peoples' Region, those in regulation 15 will only apply to specific fisheries management areas (and are set out in the schedules to the regulations), while the special conditions provided for in regulation 16 will be endorsed on individual licences and will depend on the type of fishing activity which is authorised. For example within a given fisheries management area, all licences for, gill net fishing would have similar conditions, addressing such issues as the length of nets and permitted mesh sizes. In many countries such details are also set out in regulations. However, due again to the need to vary such kinds of conditions in response to changing conditions and the difficulty of amending regulations, it would be better to set these kind of conditions in licence conditions.

Regulation 16

13. This regulation sets a maximum period of duration for licences. In fact, according to the

current fisheries management plans, most commercial licences will be granted for periods of two years.

Regulation 17

14. The establishment of a regional fisheries advisory council is also required by the draft Proclamation in respect of those Regions which have declared fisheries management areas.

Regulation 18

15. Further careful discussion will be needed in order to finalise the composition of this body. Ensuring genuine community participation in such a body is always difficult to achieve in the absence of formal community based representative bodies such as, for example, lake -based fisher associations with widespread membership. Leaving the matter for the discretion of the Head of the Bureau, who will act on the advice of his staff, is one possible solution to this problem. It will in any event be important to ensure the representation of fishers who are members of cooperatives, as well as those who are not, if such a body is to have any legitimacy among fishers.

Regulation 19-20

16. One of the additional tasks of the council will be to advise the Executive Committee of Southern Peoples' Region on fisheries matters as well as the Bureau of Agriculture.

Regulation 21

17. According to the draft Proclamation, the preparation of a regional fisheries policy is also a requirement for those regions which have designated fisheries management areas. Much of the wording of this regulation is taken directly from the draft Proclamation.

Regulation 22

18. The wording of this regulation is also taken largely from the Proclamation. As there is relatively little prospect of aquaculture developing in Southern Peoples' Region in the near future, the administrative procedures for permit applications are not set out in these regulations, but are left to be established in due course in the form of directives.

Regulation 23

19. The provisions of this regulation relate to those cases where it may be necessary to suspend, cancel etc licences for broader fisheries management reasons and not because the licence holder has broken the law. That is why provision is made for the full or partial refund of licence fees.

Regulation 24

20. This draft regulation will require further discussion. The draft Proclamation requires that some form of appeal procedure be established in connection with licence applications. In unitary states it is not uncommon to provide for such appeals to be made to the minister responsible for fisheries. However in Southern Peoples' Region there is no equivalent office holder. The Head of the Bureau is in many ways the closest person, however, he or she is a civil servant rather than an elected office holder. On the other hand providing for appeals to the Executive Committee would not be very practicable (because it would take up the time of too many high level people). In the circumstances, in view of the size and nature of Southern Peoples' Region's fisheries, it is suggested that providing for an appeal to the Head of the Bureau would be the best solution. (Another alternative would be to provide for appeal to the courts. However, this would most likely be time-consuming and costly.)

Regulation 25

21. Regional fisheries officers are designated for the purpose of enforcing these regulations. The third category is included so as to provide for the situation where fisheries officers from other Regional States might be involved in fisheries enforcement cases in Southern Peoples's Region (for example on Lake Abaya if it turns out that that lake is indeed an inter-regional water course). This sub-regulation could be modified by also specifying the need for any such appointment to take place only on the basis of a formal agreement between Southern Peoples' Region and the other Regional State or States involved.

Regulation 26

22. The full range of powers of authorized officers are not set out here for the sake of brevity and as the officers involved would be expected to have access to the Proclamation.

Regulation 27-28

23. The offence and penalty provisions are based on the equivalent provisions in the draft Proclamation.

Regulation 30

24. These presumptions, all of which are reversible, seek to make it easier to enforce the regulations.

Regulation 31

25. As the highest political authority the Executive Committee should also be given power to issue directives. Due to the nature of these regulations and the way in which they will be made it would also be appropriate to give powers to the Executive Committee to take emergency steps to suspend or close fisheries.

Regulation 32

26. The Bureau of Agriculture needs to be given powers to issue directives to implement the Regulations. It would also be desirable for the Bureau to maintain a register of licences and permits and in the interests of transparency and open government it would be appropriate for this to be open to the public.

Regulation 33

27. The Zones and Special Woredas which issue by-laws, will need powers to make directives as well. This regulation also provides for the voluntary establishment of fisheries management committees for fisheries management areas to promote community participation. The precise details of such committees have been left deliberately vague so that such committees can developed according to local needs.

Lake Awassa By-laws

28. These by-laws provide for the registration of gears as well as the issue of commercial fishing licences. It is understood that gill nets are the most commonly used type of gear and that is why it is suggested that they be subject to registration. Provision could be made for the registration of long lines as well. In any event these suggestions will need to be fully discussed in the preparation of fisheries management plan for Lake Awassa based on regulations.

Lake Chamo By-laws

29. Further discussion will be needed as to how the area bordering (and contained in) Nechesar National Park is to be delineated. There was also some discussion as to whether this area should be expanded. In any event the introduction of such a closed area will require a degree of negotiation with the fishing communities, as there are presently a number of fishing camps located within the national park. Similar discussion will be required in respect of the proposed closed area on Lake Abaya.

